

Much Too Scary

Tales of Condo and Co-op Horrors

BY MIKE ODENTHAL 26 OCTOBER 2017

COMMUNITY LIVING



(iStock.com)

Halloween may be over, but that doesn't mean that living in a co-op or condo community can't be scary sometimes. And while multifamily real estate is rarely haunted in a truly spectral sense, eerie goings-on still take place, sending chills down the spines of owners and shareholders.

The Cooperator reached out to a handful of real estate professionals to plumb the darker depths of communal living; these are their stories. ✕

Your E-Mail

Campfire Tales

SUBSCRIBE TO NEWSLETTER

Sometimes, an owner's behavior is a horror simply because it causes so much more work for their community's property manager.

"A complex in Queens allowed some Halloween displays in front of its garden unit, and one owner took it to the extreme; ghosts, goblins, tombstones, witches, you name it," recalls Steve Elbaz, founder and president of Esquire Management Corp. in Brooklyn. "To be honest, it scared the hell out of me. And other residents found it offensive. So we got into a debate about what's permitted and what is not, which is a slippery slope to go down. After a lengthy negotiation, we toned it down."

Other times, it's the appearance of some unexpected and unwelcome critters that can give someone the jitters.

"A client from out of town was purchasing an Upper East Side condo unit for his daughter on a higher floor of a fairly new building," says Margery N. Weinstein, a partner with New York law firm Ganfer & Shore, LLP. "The day prior to closing, he went to inspect only to find mice *everywhere*... which, of course, gave him the creepy crawlies. Needless to say, we adjourned the closing until the apartment was thoroughly exterminated and fumigated and countless holes were plugged. He received a decent price credit toward the expense of future extermination, and his worries of mice trampling over his daughter while she slept were alleviated."

Kids aren't the only ones who embrace alternate identities on Halloween; adults can also get into the swing of things – to deleterious effect.

"It was Halloween week at [a Manhattan co-op] where the neighbors had more of a more rarefied air, and the lobby had been decorated accordingly by kids and tenants," recalls a staffer with Gallet Dreyer & Berkey LLP, a law office in Manhattan. "I came home to find the building concierge grinning ear-to-ear. He motioned me over, and told me that one of the tenants had just been rescued by the police. Apparently, the man had a lady of the evening visit, and they got into role-playing. She left him handcuffed to his bed and

SUBSCRIBE TO NEWSLETTER

looted the apartment for anything of value. The guy somehow managed to knock the receiver off the nightstand and draw the attention of the staff, who called the police."

Occasionally, the scariest thing of all can be our own minds.

"We represented a condominium board of managers in a case where a unit owner believed that the staff was going into her apartment and deliberately toying with her personal belongings," says Michelle P. Quinn, a senior associate with Gallet Dreyer & Berkey. "Opening curtains and closet doors that she knew she'd closed, un-stitching then re-stitching sofa cushions in a lopsided manner, eating food from the refrigerator, pointing laser beams around the room to spy on her... the list goes on. We took her to court on a basic breach of contract claim for damages for repairs to her front door after the fire department had to break it down because she had left the gas on the stove while she was not home. She not only refused to pay for the repairs to the door, but she stopped paying her common charges entirely.

"We ultimately got a money judgment against her for all of the unpaid common charges," Quinn continues, "as well as the attorneys' fees, and sold the apartment to enforce the judgments, as it was not her primary place of residence. The new owner had to then bring a holdover proceeding against her to remove her and her personal property from the apartment, and a marshal had to physically remove her, with paramedics on standby. I believe that she was taken to Bellevue. And it's worth noting that, the whole time, the building never even had a key to the apartment."

Of course, it's not Halloween without a pure old-fashioned gross-out.

Dov Treiman, a partner with Manhattan law firm Adam Leitman Bailey, P.C., worked on the case of *Cabrini Terrace Joint Venture v. O'Brien*, wherein a rent-stabilized tenant who'd resided in a co-op for 40 years was accused of breach of substantial obligation of lease, as well as nuisance. The charges were levied because, in layman's terms, his apartment was revolting. Court papers described the unit as "deplorable," while witnesses in the case referred to it as, "pretty ugly," "very dirty," and the "worst apartment" in the building. They

SUBSCRIBE TO NEWSLETTER

also testified about vermin and arachnid infestations; one witness examined the defendant's guitar amplifier in the garbage, only to find hundreds of cockroaches in it; others still claimed the floor was covered with dirty dishes and food elements. The place was apparently vile. Eventually the court rejected the tenant's claim that he had satisfactorily cleaned the unit, and declared the apartment "unfit for human habitation" and "a health-and-safety risk to other tenants."

Paranormal Activity

Then there are those chronicles that kick things up a notch, and read like the premises of B-movies. For example, there's the story of a neighbor who may or may not be in tune with the dark arts.

"During the '80s in Washington Heights, my neighbor was a secretive woman who practiced Santeria and hosted worshipers in her apartment from time to time," recalls the Gallet Dreyer & Berkey staffer. "She also owned a local botanica. None of this bothered me, since they were discrete and quiet. What *did* bother me was how she repeatedly kicked any menus or fliers left in front of her door into my area; everyone else in the building picked up tidily except for her, but they were too afraid of her bad juju to confront her. After one year of picking up her garbage, I put a very polite note under her door saying that I would appreciate her cooperation, and left the latest Chinese menu which she had discarded.

"Cut to the next day, when I come home to find a bouquet of dead flowers on my doorstep. This continued for several days. I actually found it quite amusing. Later, she left some sort of grim amulet. So I found out where her botanica was and dropped by one evening. I told her that I was having boyfriend problems, and asked what she would advise. She sold me a candle with very specific instructions as to when I should burn it, along with love offerings. After my little visit, I received no further dead flowers or miscellaneous charms. I kind of missed them!"

Your E-Mail

SUBSCRIBE TO NEWSLETTER

And then there are the those situations that remind you of the classic '80s horror movie *Scanners* .

"We represented a building that had a person who insisted that the neighbor upstairs was using ultrasound and other dangerous sound waves to drive him crazy," says Andrew P. Brucker, a partner with Montgomery McCracken Walker & Rhoads LLP, a law firm with offices in New York, New Jersey, Pennsylvania, and Delaware. "He had all sorts of paranoid complaints, and we quickly dismissed them, although we were tempted to ask if he wore a protective tin foil helmet."

Finally, speaking of tin foil, Elbaz relates: "We had a shareholder who was paranoid about aliens. She proceeded to cover all of her windows with aluminum. She even covered parts of her door, and would not provide access to anyone. If you were coming by for maintenance or repairs, you were an alien. Eventually, we got Adult Protective Services involved, and they were able to calm her down. I believe that the tin foil stayed, but at least she started providing people access to the apartment."

Mike Odenthal is a staff writer at The Cooperator.



Your E-Mail

SUBSCRIBE TO NEWSLETTER