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Kafkaesque Trials of Geo Geller Documentary

Setting: Opening scene, sitting shooting myself in front of mirror in a strait-jacket reading the Housing Court notice to appear in Kafkaesque Trial court for eviction proceedings and talking to myself as if I am telling a stranger about how I got to be a subject in a Kafkesque Trial

ABSTRACT/OVERVIEW/HISTORY

Abstract: I am a NYC Independent Documentary Filmmaker who at 73 years old find myself for the first time documenting myself! I am trapped in Kafkaesque eviction trial that after 15 years, 4 different New York courts is coming to an end that will leave me homeless of my home of 25 years, unless I find a Law School, Law Professor or the NY Attorneys Office of Fraud to help me! No non-profit housing organization will help me, they say its too complicated but its not, its about simple transfer of apartment and the bloated lies of money owed the landlord makes, nor can I afford a private lawyer. I was granted succession in 2003 by the city/state housing supervising agency, HPD (Housing Preservation and Development) the Landlord has done everything possible, based on a fraudulent "secret non-existent transfer of shares Bylaws", rather than simple transfer, to circumvent me from being a tenant of record and in the process, not only stole my money, equity, my inheritance and most of all, soon, making me homeless from my home of 25 years by avoiding a simple transfer of the apartment to me and making me a tenant of record.

I discovered their fraud, and their secret claims non-existent transfer of shares Bylaws as a result of 2011 Article 78 Supreme Court of New York appeal that caused the Landlord, to change its Bylaws and recently in 2017 newsletter they announced the closing of the holding corporation.

I also believe the NY Attorney General's Office should find the

"Landlord", Mutual Redevelopment Houses inc, aka Penn South, and "HPD", Housing Preservation and Development's complicity in a fraud worthy of investigate and prosecuting their convoluted scheme/scam that for some reason, nobody ever questioned! I assume I am not alone, that many others have fallen prey to their fraudulent claims against me, based on their bogus "secret non-existent Bylaws" that seemingly innocent scam that has been going on for decades and possibly since 1963 shortly after President JFK came to Penn South's ground breaking.

Sadly, as of this writing The Landlord, has finally won its battle to get me out and just waiting for Housing Court eviction trial date... without a lawyer I will be homeless!!

OVERVIEW

The core of my case: I am 73 year old senior citizen, for over 15 years I have been dragged in and out of 4 courts, Housing Court, Surrogate Court, Supreme Court of New York, Housing Preservation and Development (HPD) and fifth possible criminal court if the AG deems so... in addition to sanctions against the landlords lawyer for fraudulent claims based on non-existent Bylaws, false and frivolous filings and testimony in its convoluted path to deprive me of my HPD granted succession to my apartment of 25 years where I took care of my Aunt who was diagnosed with Alzheimer's for 13 years, the apartment has been in the family since 1963,

The Fraud and false claims by Mutual Redevelopment Houses inc, aka Penn South (supervised by HPD under the Mitchell-Lama Housing Program, a [non-subsidy governmental housing and](#) The New York State Division of Housing and Community Renewal (DHCR)) has possible complicity by Landlords with HPD, Surrogate Court appointed Public Administrator has been going for many decades and possibly since 1963. Unfortunately the Kafkaesque nature of the trail is coming to an end soon and so will my home of 25 years and resulting in me being homeless unless you can help!

Fifteen years ago, in 2002, I succeeded my aunt who was the original tenant since 1963 and who eventually died in 2005. I was granted succession by Housing Preservation and Development, HPD, in 2003, while she was still alive. I took sole responsibility for her life and death decisions and care for 13 years, when she was placed in a nursing home because of Alzheimer's Disease and broke her hip from a fall.

Briefly, the core issue, despite being granted succession by HPD in

2003, the Landlord has deceitfully avoided allowing allowed me to become the tenant of record which has taken me many times to Housing Court, HPD hearings, Surrogate Court and to Supreme Court of NY twice over 15 years

The Landlord through all sorts of Kafkaesque machinations, fraud, deceit and out right "big" lies that revolved around a bogus claim of a "non-existent bylaw", a convoluted seemingly innocent scheme that nobody questioned for 50 years, instead of a simple transfer of shares, they concocted a non-existent bylaw of sale and repurchase of shares! As was the result of an HPD eviction decision and a 2010 Article 78 the Landlord changed their bylaws in 2012.

The Landlord has consistently lied in its papers and in court and inflated figures and has taken me countless times to different court, in avoidance of allowing allowed me to become the tenant of record.

The "non-existent bylaws" has not only defrauded me out of my equity and my apartment of 25 years, but has probably defrauded many others for decades, possibly since 1963. As a result of the of the 2010 Article 78 the Landlord changed their bylaws in 2012. The Article 78 was the result of an HPD eviction decision. The Landlord has consistently lied in its papers and in court and inflated figures and has taken me countless times court appearances, in avoidance of allowing allowed me to become the tenant of record.

It has taken me to housing court three times since 2008, and lost twice, and to HPD twice, losing once and abandoning its case the second time before a decision could be made in my favor, to Surrogate Court after it waited for the Administrator of my aunt's estate to die so it could get its own administrator appointed. It first tried to have itself appointed as administrator.

Now the shares are gone, I'm out of legal options, and the stay for the current Housing Court case has been removed, so I will be evicted in the next few weeks. I've done everything I can myself.

I desperately need a lawyer to help me in housing court. I've prepared and filed lots of paperwork on my own, which have been written by a paralegal I know who has been working for free, but the judges won't listen to me.

The Landlord has begun presenting big lies about how I owe giant amounts, which I don't, and I don't have a lawyer.

I've tried to get a lawyer for years, but nobody will help me because my case has been going on for so long and it seems complicated because the Landlord made it that way. But it's not. It's just about transfer of shares and lies about how much is really owed,

which is very small.

HISTORY

In 1992 I gave up my home to take care of my aunt who had been diagnosed with Alzheimer's Disease so she would not be institutionalized.

She lived in an Article 5 cooperative, which was the predecessor to the Mitchell Lama and is very similar, and had shares for the apartment.

I took care of her, fed her, merged my funds with hers to pay rent and food, and was on all the income affidavits for the apartment. The Landlord knew I was there and didn't do anything. I wasn't on the lease.

In 2002 her health was so bad (profound dementia and years of severe osteoporosis which caused a broken hip) that she was moved to a nursing home by court order.

At this point I asked the Landlord how I could succeed my aunt and become tenant of record. The Landlord refused to talk to me and told me I had to leave because family members are ever allowed to succeed.

So I filed for succession with HPD and was granted succession in 2004. HPD forced the Landlord to change its succession policies which made the Landlord hate me even more.

At that point the family wanted me to have the shares for the apartment as a gift, then worth about \$20,000 as a thank-you for taking care of my aunt. That amount has now risen to over \$120,000 as I found out.

The Landlord refused to transfer the shares to me or record them in my name, saying I had to sell them, allow the Landlord to deduct all sorts of charges for cashing out, plus refurbishment fees for the apartment which would be refurbished by a company owned by the general manager, plus pay surrender fees, and then I would need to buy new shares for \$20,000 and pay new tenant fees.

I couldn't afford that, and it made no sense because the family was giving me the shares.

Every time I wrote the Landlord a letter it billed me for legal fees.

I continued to pay rent.

I had tried to get SCRIE/DRIE but couldn't because I wasn't tenant of

record. But HPD agreed to make the grant retroactive. HPD kept trying to get the Landlord to agree to transfer the shares and accept my rent. The SCRIE/DRIE would have fixed my rent at about \$300 per month which I could afford, instead of about \$800 including utilities.

The Landlord refused to cooperate. It insisted it could charge me all sorts of non-tenant fees and late fees which doubled the rent.

I didn't pay those or the legal fees for fighting my succession. I just paid the regular rent.

The Landlord took me to court in 2008 saying I was a squatter and owed it rent for all the phony charges. The case was dismissed, and the judge told the Landlord to go to HPD.

In 2009 my mother became administrator for my aunt's estate so she could transfer the shares to me. The Landlord still refused to do this transfer. She was very old and very sick, and neither of us had the money to get a lawyer to force the Landlord to do the transfer. In 2010 the Landlord then stopped accepting my rent payments. The Landlord then went to HPD in 2010, and convinced HPD that the secret sale-and-repurchase policy required me to sell the shares and lose all equity and then buy them again. HPD and I never saw that policy because it was "secret" and only tenants were allowed to see it. But HPD required me to follow the secret policy.

So I was able to find an attorney, which wasn't easy, and he filed an Article 78 for me. The Landlord and HPD settled, saying the decision was vacated and HPD would hold a new hearing and render a decision.

In 2010 a new HPD hearing was opened. I went and my non-lawyer advocate was able to convince HPD to force the Landlord to produce the secret sale-and-repurchase policy. The Landlord's attorney then admitted the policy didn't exist and wasn't in writing.

HPD then refused to enforce the non-existent policy and required the Landlord to abandon it for all tenants. This now prevented the Landlord from stealing money by confiscating shares every time they transferred to a spouse or child or some other family member. So the Landlord really hated me now.

I kept asking for a decision but it never happened. I couldn't afford an attorney to force HPD to honor the agreement.

But in 2011 I demanded that HPD hold that hearing that day, and presented a certified check for the back rent I actually owed, and a money order for the current month's rent and the next month's rent.

This did not include the phony surcharges or the late fees or the legal fees.

The Landlord's attorney then stood up and actually ran out of the hearing to prevent HPD from making a decision and adjourned the case by marking it off the calendar. The decision was never made, even though I kept asking HPD to do that because it was adjourned. I now know this was because the fake fees would have been dismissed and the legal fees would have been dismissed so the Landlord's attorney wouldn't have been paid. So this was all self-dealing.

The Landlord then filed again in housing court in 2011 seeking my eviction saying that I owed it back rent. It again lost. It refused to go to HPD to have the hearing and decision.

At the Housing Court hearing it found out that my mom had died so the estate no longer had an administrator. So in 2013 the Landlord filed in Surrogate Court for a Public Administrator.

The Landlord's schemed to have Public Administrator of my aunt's Estate transfer shares to avoid a lawsuit about back rent which was mostly phony charges and at inflated rate with SCRIE/DRIE in place.

My sister's husband was the executor for my mom's estate which would have been responsible for my aunt's estate, but he wouldn't come to hearing or have his lawyer attend because they couldn't afford it since there wasn't any money. So nobody represented my mom's estate which meant nobody represented my aunt's estate.

The Surrogate Court appointed a Public Administrator saying I couldn't be the administrator because I wasn't my aunt's child and I was the sole distributee so this was a conflict. The family didn't care, but the court did for some reason.

In 2015 the Public Administrator secretly transferred the shares to the Landlord but didn't tell me. This was all done in secret.

I don't know how much of the equity, then worth about \$108,000, it received and kept for itself, or how much the Landlord kept. I now know that the Landlord has paid its attorney out of the equity. There was about \$107,000 at the time, which is a lot of money.

In 2016 the Landlord sued me in Housing Court saying my succession was terminated because my license to occupy the apartment was terminated when it received the shares from the Public Administrator.

This isn't true, since succession was granted to me while my aunt was

still alive, so the Estate didn't have any license to grant me. I had my own license because HPD granted me succession and my aunt's license was terminated. It's called a vacateur.

Nobody understand this. Even judges. Its just how succession works. But they all tell me my right to stay is gone because it depended upon the estate which is wrong.

In Court the Landlord said I hadn't paid rent since 2003 which wasn't true, and I owed it over \$107,000. That wasn't true because, again, there were lots of surcharges which totaled \$60,000, and late fees which were about \$5,000, and legal fees which were about \$15,000.

The Landlord was billing me for rent at the full rate instead of what it would be with the SCRIE/DRIE. I maybe owed \$26,000 which it had refused to accept so it's barred from collecting.

The Housing Court judge was going to decide the case, but then it was reopened for oral argument. Then the Housing judges changed, and at the next hearing the new judge said I was going to be evicted and told me to find an attorney. Which I couldn't do because the case is too complicated. Legal Aid and all other non-profits refused to help.

So I filed an Order to Show Cause with the Supreme Court Judge who had originally approved the stipulation with the Landlord and HPD in 2010. That, again, stated that HPD would hold a hearing and make a decision. The OTSC stayed the Housing Court action.

On July 19 we went to a hearing at the Supreme Court and the Judge said he would issue a decision. That arrived on July 28th, and the Judge ruled that the settlement for the Article 78 was no longer applicable because it was seven years ago and the Landlord had abandoned that case. Even though the Landlord agreed to go back to HPD and HPD agreed to hear the case that stipulation is no longer valid.

The Court said that I hadn't paid rent since 2003, which isn't true even though the Landlord's accounting shows I paid until 2010. This is because the Landlord lies and I can't get anyone to listen or look at the Landlord's own accounting which shows my payments.

I had never seen the accounting until that morning of the hearing. It showed that I'd paid rent until 2010. So I don't understand this. The Landlord's records prove that I paid until 2010.

Since the Supreme Court found that the stipulation is no longer applicable and the Landlord has the shares, it said I gave up my succession, and that Housing Court can evict me. But I didn't surrender the shares or give up succession, the Landlord stole it

from me.

So the case is going back to Housing Court and I will be evicted, 100% for sure, unless I can get an attorney to help me. Once evicted I have no place to go. I cannot live with my family, which is my sister who I don't get along with and a few cousins who are strangers and won't help me. Everyone else is dead.

I've been living in that apartment since 1992 and I can't pay the fake back rent or buy the shares for about \$120,000. So the Landlord has essentially evicted me by preventing the shares from being transferred. It did this to punish me for succession, for making it allow people to succeed, and for ending its sale-and-repurchase policy so it can steal money when shares are transferred to family members.

I can't afford to pay rent ANYWHERE in NYC on SSI. I will end up in a shelter where I will be robbed and preyed on because I am old and can't defend myself.

This is why I need an attorney. I've done everything I can on my own for fifteen years, but I can't fight the Landlord any more.