

**AFFIDAVIT IN SUPPORT OF PROPERTY OWNER’S REQUEST FOR ORDER
VACATING IMMEDIATE ORDER OF CLOSURE**

(print first and last name)

swears under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the following is true:

1. I submit this affidavit pursuant to Cannabis Law § 138-b(11), in support of my request for an Order vacating the immediate Order of Closure issued against the premises located at:

(print street address and borough)

Block # _____, Lot # _____,

(hereafter the “subject premises”).

A. PROOF OF OWNERSHIP

2. My relationship to the property that is the site of the subject premises is as follows (check the applicable box):

I am the sole owner of the subject property. My business address or home address is as follows: _____

_____.

I am a co-owner of the subject property. My business address or home address is as follows: _____.

The name(s) and business address(es) or home address(es) of the other co-owner(s) of the property are as follows:

The sole owner of the subject property is a corporation, limited liability company, or other business entity. The name of the business entity owner is _____ and the TIN, if applicable, is _____. The business address of the business entity owner is _____. I am an officer of the business entity owner, and I am authorized to seek vacatur of a above-described sealing order on behalf of the above-named business entity owner, as illustrated by the attached documents. My business address or home address is as follows:_____.

A co-owner of the subject property is a corporation, limited liability company, or other business entity. The name of the business entity co-owner is _____ and the TIN, if applicable, is _____. The business address of the business entity co-owner is _____. I am an officer of the business entity co-owner, and I am authorized to seek vacatur of a sealing order on behalf of the above-named business entity

co-owner, as illustrated by the attached documents. My business address or home address is as follows:

_____.

The nam(es) and business address(es) or home address(es) of the other co-owner(s) of the property are as follows:

_____.

3. I attach hereto copies of the following documents, which establish that I am the property owner, one of the property owners, or an officer of a business entity that is an owner or co-owner of the subject premises:

_____.

B. AN AFFIDAVIT IS REQUIRED FROM EACH CO-OWNER

4. I understand that if the property is owned by more than one owner, each co-owner must submit an affidavit, or cause an officer to submit an affidavit, for purposes of seeking an Order vacating the Immediate Order of Closure.

C. RESPONDENT(S) HAS VACATED THE PREMISES

5. Set forth below is the identity and address of the occupant(s) of the subject premises on the date of issuance of the Order of Closure:

_____.

6. The above-named occupant(s) vacated the subject premises on the following date: _____.

7. I, as owner or officer of a business entity owner of the subject premises, will not lease the subject premises to the above-named occupant or any person associated with this occupant.

C. THE PREMISES WILL NOT BE USED FOR THE UNLICENSED SALE OF CANNABIS OR ANY OTHER ACTIVITY IN VIOLATION OF THE LICENSING REQUIREMENTS OF THE CANNABIS LAW

8. I, as owner or officer of a business entity owner of the subject premises, will not knowingly lease the subject premises to an occupant intending to use the subject premises for unlicensed or other unlawful cannabis activity.

9. I acknowledge that the owner of the subject premises may be subject to penalty and other legal action under Real Property Actions and Proceedings Law §§ 715 and 715-a, Administrative Code §§ 7-703 and 10-186, and Real Property Law § 231(2) and other provisions of law for further conduct in which the premises are used for the sale of cannabis.

D. PROOF SUPPORTING THAT UNLICENSED OR OTHER UNLAWFUL CANNABIS ACTIVITY AT THE SUBJECT PREMISES HAS CEASED

10. I attach hereto the following documents as proof that the unlicensed cannabis activity at the subject premises has been ceased (*check all the apply*):

- photo(s) accurately depicting the storefront of the subject premises, on ____/____/2024.
- _____ photos accurately depicting the inside of the subject premises, on ____/____/2024.
(number)
- copy of a lease with new occupant.
- other document(s) annexed hereto as proof of cessation of unlicensed or other unlawful

cannabis activity at the subject premises:

11. Statement regarding representation (Check only one box)

By checking this box, I am stating that I have been represented by counsel in connection with this affidavit.

By checking the box, I state that I am not represented by counsel. I acknowledge and understand that counsel for the City does not represent me in this matter and that I have been advised of my right to consult with or obtain representation from an attorney in connection with the signing of this document.

Signature

DATE: ____ / ____ /2024

State of New York)

) SS:

County of _____)

Subscribed to and sworn before me this _____ day of _____ (month),
_____ (year),

by _____ (name of signer)

_____ (signature of notary)