

SUPREME COURT OF THE STATE OF NEW YORK
QUEENS COUNTY

90 STREET REALTY LLC,

Plaintiff,

vs.

90 QUEENS, INC., et al,

Defendants.

AFFIRMATION

Index No.
704823/2022Hon. Marguerite A.
Grays, J.S.C.

JOEL J. TERRAGNOLI, an attorney licensed to practice law in the courts of the State of New York, affirms under penalty of perjury:

1. I am an Assistant Attorney General in the Office of Attorney General of the State of New York, counsel for the People of the State of New York, by Letitia James, Attorney General of the State of New York (the “Attorney General”).

2. I make this affirmation in support of the People of New York’s motion to intervene under CPLR 1012 and 1013, and for relief under Sections 231 (1), (4) and 1351 of the Real Property Actions and Proceedings Law (“RPAPL”), because the property that is the subject of this foreclosure action (47-11 90th Street, Elmhurst, Queens County, New York, Block 1586, Lot 10, the “Property”), contains human remains and/or was a historic African American burial ground (the “Human Remains”) entitled to protection under the Unmarked Burial Site Protection Act (L 2023, ch 55, § 33 [Part OO], the “Act”), effective August 1, 2023, as codified in N.Y. Executive Law § 171 (“Section 171,” **exhibit A**).

3. The People of the State of New York have an interest in, and statutory authority under Section 171 to oversee, the proper disposition of the Human

Remains, and seek to ensure that any prospective purchaser of the Property during a foreclosure sale ordered in this case takes title to, and/or enters an agreement to take title to, the same only upon notice of the presence of those remains and their obligations under the Act.

4. Section 171 prohibits any person who discovers a burial site from removing, relocating, handling, or otherwise intentionally disturbing, in any manner, human remains and funerary objects found at a property, until the completion of the processes set forth in that statute.

5. Section 171 sets forth specific reporting, notification, and follow-up procedures by which the direct lineal descendants of the remains and/or culturally-affiliated groups can be identified, and granted possession and stewardship of the disposition of those remains, to see that they are properly handled.

6. Noncompliance with Section 171 carries the risk of criminal penalties.

7. Section 171 (9) also gives the Attorney General express authority to commence an action to enjoin “violations and threatened violations” of the Act.

8. If intervention is granted, the Attorney General asks the Court to order, under RPAPL §§ 231 (1), (4) and 1351 (1), that a copy of this motion, which includes a copy of Section 171, titled “Discovery and disposition of human remains and funerary objects” be included with the auction materials (or other notice) provided in connection with any foreclosure sale for the Property that is ordered in this action, to ensure that the Human Remains are protected and properly handled in accordance with Section 171.

9. The summons and complaint in this case were filed on March 4, 2022 (NY St Cts Elec Filing [NYSCEF] Doc No. [hereafter “Doc No.”] 1).

10. After answering the complaint (Doc No. 17), defendant and junior lien holder Chrysalis Archaeological Services, Inc. (“Chrysalis”) opposed the plaintiff’s motion for default concerning the non-answering defendants (*see* Doc Nos. 20-42).

11. On June 27, 2022, Chrysalis opposed that motion, noting the Property contained human remains it had both identified and recovered from an “historical African burial ground” (Doc No. 43, ¶ 5). Chrysalis argued the law of sepulcher required the parties to address the Human Remains before any orders could be issued for summary judgment or foreclosure and sale (*id.* ¶ 6).

12. On July 28, 2023, the court denied this request, noting Chrysalis “had no direct ancestral relationship to the purported remains,” and thus had no standing to assert the common law right of sepulcher (Doc No. 60, at 3).

13. On August 1, 2023, several days later, the State Legislature passed the Unmarked Burial Site Protection Act, which created Section 171.

14. Even though restrictive covenants on the Property aimed at preventing the improper handling of the Human Remains have been in place since 2006 (*see* Doc No. 46 [Restrictive Declaration and Three Memorandums of Understanding]), development and other activity at the Property has still occurred without due regard for the dignity or preservation of the Human Remains.¹

¹ (*see exhibit B* [list of NYC Department of Buildings OATH/ECB violations for the Property]; *see also* Greg B. Smith, *Historic Black burial ground paved, now holds cars*, Queens Chronicle [Aug. 27, 2026], https://www.qchron.com/editions/central/historic-black-burial-ground-paved-now-holds-cars/article_32479cc6-11b9-5e18-9cdc-9a5a91cf9792.html [last accessed September 4, 2026]; *A Queens Tale: Woman in an Iron Coffin*,

15. To prevent this from recurring, to the extent the court orders a judgment of foreclosure and sale of the Property, it should also order the referee to include, in the notice of public auction and/or the auction materials, a copy of this motion, which includes a copy of Section 171.

16. Granting the People of the State of New York's motion to intervene would not cause any delay in the resolution of this action. The Attorney General seeks only to ensure that notice of the Human Remains at the Property is provided to the prospective purchaser(s) so those remains are preserved and subject to disposition in accordance with Section 171.

17. Plaintiff's recent motion to confirm the August 4, 2026, report of the referee of Everett Hopkins, and for a final judgment of foreclosure and sale, would not be adversely affected by this application (*see* Doc Nos.106-117) .

18. The parties would not be prejudiced by intervention, as they would be required only to notify prospective purchasers of their legal obligations under Section 171 and to protect the Human Remains from further damage and irreparable harm.

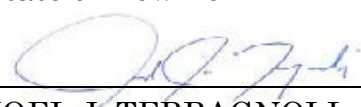
19. A copy of the proposed answer with counterclaim for the proposed intervenor-defendant the People of the State of New York is attached as **exhibit C**.

Thirteen PBS [July 7, 2022], <https://www.thirteen.org/blog-post/woman-in-an-iron-coffin-queens-ny/> [last accessed September 4, 2026]).

I affirm this 18th day of September, 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, except as to matters alleged on information and belief and as to those matters I believe it to be true, and I understand that this document may be filed in an action or proceeding in a court of law.

Dated: September 18, 2026
Albany, New York

LETITIA JAMES
Attorney General of the
State of New York

By: 

JOEL J. TERRAGNOLI
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PRINTING SPECIFICATIONS STATEMENT

Pursuant to Uniform Rules for Trial Courts (22 NYCRR) § 202.8-b, I certify that the total number of words in this affirmation, inclusive of point headings and footnotes and exclusive of the caption, table of contents, table of authorities, and signature block, is: 972.

LETITIA JAMES
Attorney General of the
State of New York

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SUPREME COURT OF THE STATE OF NEW YORK
QUEENS COUNTY

90 STREET REALTY LLC,

Plaintiff,

vs.

90 QUEENS, INC., et al,

Defendants.

**NOTICE OF MOTION
TO INTERVENE AND
FOR OTHER RELIEF**Index No.
704823/2022Hon. Marguerite A.
Grays, J.S.C.

TO THE ABOVE-NAMED PARTIES:

PLEASE TAKE NOTICE that upon the Affirmation of Assistant Attorney General Joel J. Terragnoli, dated September 18, 2026, and all the prior pleadings and proceedings in this matter, the People of the State of New York by Letitia James, as Attorney General of the State of New York, will move this Court, pursuant to CPLR 1012 and 1013, and Sections 231 (1), (4) and 1351 (1) of the Real Property Actions and Proceedings Law (“RPAPL”), before the Honorable Marguerite A. Grays, Justice of the Supreme Court for the State of New York, Queens County, at 88-11 Sutphin Boulevard, Jamaica, NY 11435 on October 27, 2026, at 10:00 a.m., or as soon thereafter as counsel can be heard, for an order:

- (A) Permitting the People of the State of New York to intervene in this action, on the grounds that (1) the property to be foreclosed on contains human remains and/or a historic African American burial ground (the “Human Remains”); (2) under the Unmarked Burial Site Protection Act (L 2023, ch 55, § 33 [Part OO], the “Act”), effective August 1, 2023, as codified in

Executive Law § 171(9), the People of the State of New York have an interest in, and statutory authority to oversee, the proper and respectful disposition of those remains; and (3) the People of the State of New York would like to ensure that any prospective purchaser of the property during any foreclosure sale and auction ordered in this case concerning the property at 47-11 90th Street, Elmhurst, Queens County, New York, Block 1586, Lot 10 (the “Property”) is provided with notice of the presence of the Human Remains and a purchaser’s obligations under the Act prior to taking title to the Property or entering into any agreement to take title to the Property;

- (B) Permitting the People of the State of New York to file the answer with counterclaim attached as **exhibit C** to the affirmation of Joel J. Terragnoli dated September 18, 2026, submitted herewith; and
- (C) Directing that, in any foreclosure sale of the Property and related public auction so ordered by the Court, a copy of this motion (including Executive Law § 171) be included in the auction materials (or other notice) provided to prospective purchases specifying the terms of the sale.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR 2214(b), answering papers, if any, must be served on the undersigned at least seven days before the return date of this motion.

Dated: September 18, 2026
Albany, New York

LETITIA JAMES
Attorney General of the
State of New York

By: _____


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