

At An I.A.S. Part 76 LSO of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse located at 360 Adams Street, Brooklyn, New York on the 17<sup>th</sup> day of February 2022

**P R E S E N T: HON. LISA S. OTTLEY, J.S.C.**

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS**

-----X  
**In the Matter of**

**Index No.:100442/15**

**NATHANIEL REID LAMAR,**

**ORDER & JUDGMENT  
APPROVING THE  
FEES OF THE COURT  
APPOINTED COUNSEL  
TO THE GUARDIAN AND  
BROKER**

2022 FEB 23 AM 10:09  
KINGS COUNTY CLERK  
FILED  
4A

**A Person in Need of a GUARDIAN.**  
-----X

By Order and Judgment signed by the HONORABLE LISA S. OTTLEY on June 6, 2016, appointing RENEE OPPENHEIMER (hereinafter referred to as "GUARDIAN") as GUARDIAN of the person and property of NATHANIEL REID LAMAR, a person in need of a GUARDIAN; and

Upon the Order of this Court, dated April 22, 2021, appointing ROBERTO DIEGO VELAZQUEZ, ESQ. as counsel to the GUARDIAN and MICHAEL DENNIS BENJAMIN, ESQ. as the real estate broker in this proceeding; and

Upon the Order of this Court, dated November 17, 2021, approving the Sale of Real Property Owned by NATHANIEL REID LAMAR located at 138 Pacific Street, Brooklyn, NY (the "Premises") after a hearing having been held on November 17, 2021, at which time the Court-

appointed appraiser, BETSY MAK, placed the appraisals into the Court record; and

Upon the closing of the sale of the Premises having taken place on December 30, 2021, and the net proceeds of said sale having been paid to the GUARDIAN, who has deposited said proceeds into the guardianship account maintained for NATHANIEL REID LAMAR; it is

*J.S.C.*

**ORDERED AND ADJUDGED**, that the Court appointed counsel to the GUARDIAN, ROBERTO DIEGO VELAZQUEZ, ESQ., is awarded the amount of \$ 17,730<sup>00</sup> for ~~173~~ 39.4 hours at \$ ~~\_\_\_\_\_~~ per hour for his services rendered to be paid by the GUARDIAN from the Guardianship account maintained for NATHANIEL REID LAMAR; and it is further

*J.S.C.*

**ORDERED AND ADJUDGED**, that the Court appointed broker, MICHAEL DENNIS BENJAMIN, ESQ.'S commission is set at \$ 210,000<sup>00</sup> for 6 % of the purchase price of THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000.00) to be paid by the GUARDIAN from the Guardianship account maintained for NATHANIEL REID LAMAR.

ENTER

*[Signature]*  
\_\_\_\_\_  
J.S.C. **HON. LISA S. OTTLEY**

KINGS COUNTY CLERK  
FILED  
2022 FEB 23 AM 10:09

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

-----X  
**In the Matter of**

**Index No.:100442/15**

NATHANIEL REID LAMAR,

**AFFIRMAITON OF  
LEGAL SERVICES**

**A Person in Need of a GUARDIAN.**  
-----X

2022 FEB 23 AM 10:09  
KINGS COUNTY CLERK  
FILED

STATE OF NEW YORK    )  
COUNTY OF NEW YORK )

I, Roberto D. Velazquez, an attorney admitted to practice in the State of New York, states  
under penalty of perjury that:

1. I maintain a law office at 40 Wall Street, 12<sup>th</sup> Floor, New York, NY 10005.
2. By Order of this Court dated April 22, 2021, I was appointed as Counsel to the Guardian in the above captioned matter concerning the sale of property owned by NATHANIEL REID LAMAR (hereinafter also referred to as the "PING"), a Person in Need of a Guardia, and make this affirmation of attorney fees. This affirmation covers the period from April 22, 2021 through the present date. No prior request for attorney fees has been submitted with respect to this period of time.
3. I accepted my initial Notice of Appointment to be Counsel to the Guardian on or about May 4, 2021.
4. This affirmation is submitted by me for the purpose of setting forth services rendered as Counsel to the Guardian for the above-entitled proceeding, as required by the Court.
5. Part of my legal practice concentrates on matters involving the elderly and developmentally disabled, as well as matters dealing with estate planning and administration.

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6. I have accepted appointments to serve as guardian of the property, temporary guardian, Court Evaluator, attorney for the IP, and guardian ad litem. As a result thereof, I have acquired extensive experience in matters of this nature and am competent and am knowledgeable in pursuing my duties and responsibilities to assure and protect the interests of alleged incapacitated persons, as well as disabled, minor, and unknown distributees.
7. I have presented on issues affecting the Elderly and Developmentally Disabled.
8. My practice also includes real estate matters of which I have many years of experience.
9. The closing in this case was complex in nature being that it was a combination of a commercial closing and guardianship matter for a multifamily rental building at a purchase price of \$3,500,000.00. There were also open violations and title issues that I had to negotiate and clear for the sale to happen.
10. To date, I have expended approximately 39.4 hours in providing my above mentioned services as Counsel to the Guardian.
11. My usual standard rate of remuneration in estate proceedings and real estate matters is \$800.00 per hour for a complex matter such as this. However, I have lowered my rate for the purpose of this appointment and respectfully request that this Court set my fee at \$17,730.00 based on a rate of \$450.00 per hour and 39.4 hours expended. A detailed statement of services is attached hereto and incorporated into this Affirmation.

WHEREFORE, it is respectfully requested that this Court accept this Affirmation as part of the record and allow ROBERTO DIEGO VELAZQUEZ to receive reasonable compensation for legal services, as described herein, and for such other and further relief as the Court may deem just and proper.

Dated:           New York, NY  
                    February 10, 2022

Yours, etc.,

(5)



R. DIEGO VELAZQUEZ  
JAFEE & VELAZQUEZ, LLP  
Counsel to the IP  
40 Wall Street, 12<sup>th</sup> Floor  
New York, NY 10005  
(212) 809-7800



**Roberto Diego Velazquez, Esq.**  
 40 Wall Street-12th Floor New  
 York, New York 10005  
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 2/10/2022

**INVOICE**

No. 230244

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NYS Office of Court Administration

Caption: In the Matter of NATHANIEL REID LAMAR, A Person In Need of a Guardian.  
 Legal Ref: 21GAL000001

Item No.	Service Date(s)	Code	Type of Service Rendered	No. of Units	Rate	Amount
1	4/26/2021	GAL3001	RDV Initial receipt and review of Order of Appointment with OCA forms, completion of forms, and conflict check.	0.50	450.00	225.00
2	5/10/2021	GAL3410	RDV Communication with broker and client re: offer and tenants.	0.40	450.00	180.00
3	5/13/2021	GAL3410	RDV Communication with broker re: updates of offers.	0.10	450.00	45.00
4	5/14/2021	GAL3170	RDV Receipt and review of updates re: sale of property and open house.	0.10	450.00	45.00
5	5/19/2021	GAL3410	RDV Communication with client; review of update from broker.	0.30	450.00	135.00
6	6/4/2021	GAL3410	RDV Communication with broker re: terms of deal and purchaser counsel information.	0.30	450.00	135.00
7	6/7/2021	GAL3410	RDV Communication with broker re updates from recent showings.	0.20	450.00	90.00
8	6/14/2021	GAL3201	RDV Preparation of contract of sale; transmitted to seller counsel; communication with client and broker.	1.60	450.00	720.00
9	6/29/2021	GAL3201	RDV Preparation of contract of sale for Kooris purchasers; emailed to parties; communication with broker.	1.30	450.00	585.00
10	7/6/2021	GAL3201	RDV Preparation of contract of sale to Beirne	1.20	450.00	540.00

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**Roberto Diego Velazquez, Esq.**  
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				purchasers; communication with client and broker; communication with purchasers' counsel.				
11	7/13/2021	GAL3410	RDV	Communication with purchaser counsel re: leases and tenant rents.	0.30	450.00		135.00
12	7/21/2021	GAL3410	RDV	Communication with broker and client re: higher offer and terms for letting potential purchaser approach tenant about buyout.	0.30	450.00		135.00
13	7/26/2021	GAL3410	RDV	Communication with client and Kooris purchaser's counsel re: status of contract.	0.50	450.00		225.00
14	7/26/2021	GAL3410	RDV	Communication with client re: attorney letter from client.	0.30	450.00		135.00
15	7/30/2021	GAL3170	RDV	Receipt and review of title report; discussion with client; discussion with purchaser's counsel; research of ACRES, violations and lis pendens claimed.	2.80	450.00		1,260.00
16	8/3/2021	GAL3410	RDV	Communication with purchaser's counsel re: negotiation of contract.	0.90	450.00		405.00
17	8/4/2021	GAL3410	RDV	Communication with title company re: clearing schedule B items.	0.30	450.00		135.00
18	8/4/2021	GAL3410	RDV	Communication with Dept. of Buildings to remove 2014 Vacate action.	0.60	450.00		270.00
19	8/5/2021	GAL3410	RDV	Review of contract of sale with client.	1.10	450.00		495.00
20	8/11/2021	GAL3170	RDV	Receipt and review of signature pages from client; communication with purchaser's counsel re: signature pages and wire transfer; receipt of purchaser's signature pages; check IOLA for wire; communication with broker.	0.60	450.00		270.00
21	8/16/2021	GAL3170	RDV	Communication with client re: sidewalk violation.	0.20	450.00		90.00
22	8/16/2021	GAL3410	RDV	Communication with title company re: lis pendens.	0.30	450.00		135.00
23	8/18/2021	GAL3201	RDV	Preparation of draft of OSC and Affidavit in Support of application to authorize sale of 138 Pacific St.	2.40	450.00		1,080.00
24	8/23/2021	GAL3201	RDV	Preparation of OSC; Affidavit in Support, Affirmation in Support, proposed order, and exhibits	2.40	450.00		1,080.00
25	9/3/2021	GAL3170	RDV	Receipt and review of signed OSC; email with OSC to parties; preparation of mailing list service to parties.	1.20	450.00		540.00
26	9/23/2021	GAL3410	RDV	Communication with Purchaser's counsel re: tenant attorney; notice to vacate; and return date	0.20	450.00		90.00

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				for OSC.				
27	9/27/2021	GAL3410	RDV	Communication with client re: transaction and conference; communication with purchaser's counsel re: notice to vacate for tenant.	0.40	450.00		180.00
28	9/27/2021	GAL3480	RDV	Attendance at court for conference on OSC to approve contract of sale	0.70	450.00		315.00
29	10/12/2021	GAL3201	RDV	Preparation of O&J approving sale of real property.	1.00	450.00		450.00
30	10/28/2021	GAL3410	RDV	Communication with purchaser's counsel re: notice to vacate.	0.20	450.00		90.00
31	11/17/2021	GAL3425	RDV	Preparation for court to place appraisal report on the record.	0.40	450.00		180.00
32	11/17/2021	GAL3480	RDV	Attendance at court for hearing to place appraisal on the record.	0.50	450.00		225.00
33	11/18/2021	GAL3170	RDV	Receipt and review of order; forwarded to client and discussed next steps; forwarded to purchaser's counsel.	0.40	450.00		180.00
34	11/22/2021	GAL3410	RDV	Communication with client re: sidewalk violation and HPD Registration.	0.50	450.00		225.00
35	11/24/2021	GAL3410	RDV	Communication with title company re: exceptions.	0.20	450.00		90.00
36	11/29/2021	GAL3410	RDV	Correspondence with broker re: updates; correspondence with title company re: clearing exceptions.	0.30	450.00		135.00
37	12/1/2021	GAL3170	RDV	Receipt and review of updated title report; communication to purchaser's counsel with updated report.	0.40	450.00		180.00
38	12/1/2021	GAL3410	RDV	Communication with client re: clearing title and closing date; communication with title company re: cleared items and title report; communication with purchaser's counsel re: closing date.	0.60	450.00		270.00
39	12/8/2021	GAL3410	RDV	Communication with counsel re: UCC update and status of new closing date; communication with client re: closing date.	0.30	450.00		135.00
40	12/9/2021	GAL3410	RDV	Receipt and review of updated water invoice from client; updates to client; communication with title company re: sidewalk violation.	0.40	450.00		180.00
41	12/14/2021	GAL3410	RDV	Communication with counsel re: closing date.	0.20	450.00		90.00
42	12/15/2021	GAL3410	RDV	Communication with counsel, title company, and client re: sidewalk violation.	0.40	450.00		180.00
43	12/17/2021	GAL3410	RDV	Communication from title re: sidewalk violation.	1.00	450.00		450.00
44	12/21/2021	GAL3410	RDV	Telephone conference with client re: closing and	0.20	450.00		90.00

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				January rent.			
45	12/22/2021	GAL3201	RDV	Preparation of Deed; forwarded to counsel and title.	1.10	450.00	495.00
46	12/27/2021	GAL3201	RDV	Communication with counsel closing and conveyance documents; preparation of conveyance documents.	1.20	450.00	540.00
47	12/28/2021	GAL3410	RDV	Coordination with counsel and client for closing.	0.80	450.00	360.00
48	12/29/2021	GAL3410	RDV	Communication with counsel and client re: closing scheduling; review of comments; finalizing documents; resolving sidewalk violation; Mr. Lamar's hospitalization.	1.40	450.00	630.00
49	12/30/2021	GAL3201	RDV	Preparation and review of closing package for closing.	0.70	450.00	315.00
50	12/30/2021	GAL3480	RDV	Attendance at closing; post closing communications with parties and client re: wired funds and title bill.	4.20	450.00	1,890.00
51	1/6/2022	GAL3201	RDV	Preparation of finalized closing statement and closing package to client.	0.80	450.00	360.00
52	1/6/2022	GAL3410	RDV	Letter to tenant and attorney re: notice of sale of building.	0.30	450.00	135.00
53	1/17/2022	GAL3410	RDV	Communication from title re: signature to settlement statement; email to client for signature.	0.20	450.00	90.00
54	1/25/2022	GAL3410	RDV	Communication with client re: follow up for signature to settlement statement; receipt and review of signed settlement statement; email to title company with signed statement.	0.20	450.00	90.00
Current Charges:							17,730.00
Previous Balance Due:							0.00
Payments Received:							0.00
<b>Total Due:</b>							<b>17,730.00</b>

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**CERTIFICATION**

I, **R. DIEGO VELAZQUEZ**, pursuant to § 130-1.1-a of the Rules of the Chief Administrator, certify that, to the best of my knowledge, information and belief, formed after inquiry reasonable under the circumstances, the foregoing **Affirmation of Legal Services**, and the contentions therein are not frivolous within the meaning of § 130-1.1.

Dated: New York, New York  
February 10, 2022

  
By: R. DIEGO VELAZQUEZ, ESQ.

(11)

**AFFIRMATION OF SERVICE**

STATE OF NEW YORK    )  
COUNTY OF NEW YORK )

I, **R. Diego Velazquez**, affirm under penalty of perjury that I am a Partner with JAFFE & VELAZQUEZ, LLP. That on February 10, 2022 service of the **AFFIRMATION OF LEGAL SERVICES** was provided by depositing the same in a securely wrapped postpaid envelope by regular mail in a Post Office box regularly maintained by the United States Government, directed to as follows:

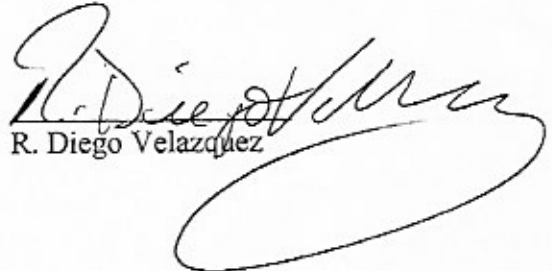
RENEE OPPENHEIMER  
362 Barnard Avenue  
Woodmere, NY 11598

NATHANIEL REID LAMAR  
60 Tompkins Pl  
Brooklyn, NY 11231

LOUIS REALE, ESQ.  
40 Wall St.  
28<sup>th</sup> Floor  
New York, NY 10005

such being the address within the State previously designated by them for that purpose, upon the preceding papers in this action, between which places there then was and is now a regular communication by mail.

Dated: New York, New York  
February 10, 2022

  
R. Diego Velazquez

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS  
Index No.: 100442/15**

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**In the matter of**

**NATHANIEL REID LAMAR,**

**Petitioner,**

**A Person In Need of a Guardian,**

**Respondent.**

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**AFFIRMATION OF LEGAL SERVICES**

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**ROBERTO DIEGO VELAZQUEZ, ESQ.  
40 Wall Street, 12<sup>th</sup> Floor  
New York, New York 10005  
(212) 809-7800**

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