

**STATE OF NEW YORK
SUPREME COURT COUNTY OF SARATOGA**

SANDRA COULTER AND STEPHEN COULTER,

Plaintiffs,

-against-

TOWN OF MOREAU, THE MICHAELS GROUP,
L.L.C., AND WOODSCAPE NORTH HOMEOWNERS'
ASSOCIATION II, INC.,

2017212088083

Defendants.

SUMMONS

Index No.:

20178 FILED
01/04/2017 10:34:50 AM

INDEX NUMBERS
Saratoga County Clerk

To the above-named Defendants:

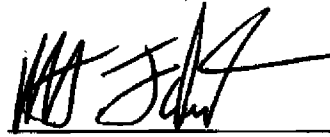
You are summoned and required to serve upon Plaintiffs' attorneys, at the address stated below, a Verified Answer to the attached Verified Complaint.

If this Summons was personally served upon you in the State of New York, the Verified Answer must be served within twenty (20) days after such service of the Summons, excluding the date of service. If the Summons was not personally delivered to you within the State of New York, the Verified Answer must be served within thirty (30) days after the service of the Summons is complete as provided by law.

If you do not serve a Verified Answer to the attached Verified Complaint within the applicable time limitation stated above, a judgment may be entered against you, by default, for the relief demanded in the Verified Complaint, without further notice to you.

The action will be heard in the Supreme Court of the State of New York, in and for the County of SARATOGA. This action is brought in the County of SARATOGA because the incident occurred in the County of SARATOGA, State of New York.

Dated: December 15, 2016



Matthew T. Fahrenkopf, Esq.
LaFave, Wein & Frament, PLLC
Attorneys for Plaintiffs
2400 Western Avenue
Guilderland, New York 12084
518-869-9094

**STATE OF NEW YORK
SUPREME COURT****COUNTY OF SARATOGA**

**SANDRA COULTER AND STEPHEN
COULTER,****VERIFIED COMPLAINT**

2017212089063

20178

FILED

01/04/2017 10:34:50 AM

Plaintiffs,

INDEX NUMBERS
Saratoga County Clerk

-against-

**TOWN OF MOREAU, THE MICHAELS
GROUP, L.L.C., AND WOODSCAPE
NORTH HOMEOWNERS' ASSOCIATION
II, INC.,**

Defendants.

Plaintiff Sandra Coulter and Plaintiff Stephen Coulter, as and for their Verified Complaint, by and through their attorneys, LaFave, Wein & Frament, PLLC, complain against Defendant Town of Moreau, Defendant The Michaels Group, L.L.C., and Defendant Woodscape North Homeowners Association II, Inc. as follows:

1. At all times mentioned herein, Plaintiff Sandra Coulter and Plaintiff Stephen Coulter were and still are residents of the County of Saratoga, State of New York.
2. At all times mentioned herein, Defendant Town of Moreau was and is a municipal corporation duly organized and existing under the laws of the state of New York.
3. At all times mentioned herein, upon information and belief, Defendant The Michaels Group, L.L.C. was and still is a domestic limited liability company authorized to do

business in the State of New York with a principal place of business located at 10 Blacksmith Drive, Suite 1, Malta, New York 12020 in the Town of Malta, County of Saratoga, State of New York.

4. At all times mentioned herein, upon information and belief, Defendant Woodscape North Homeowners' Association II, Inc. was and still is a domestic not-for-profit corporation authorized to do business in the State of New York with a principal place of business located at 790 Watervliet Shaker Road, Latham, New York 12110-2207 in the Town of Colonie, County of Albany, State of New York.

5. In accordance with New York State General Municipal Law §50-e, Defendant Town of Moreau was timely served with a Notice of Claim containing the allegations of this lawsuit. Attached hereto as Exhibit "A" is a copy of the Notice of Claim served on Defendant.

6. At least thirty days have elapsed since the service of the aforementioned Notice of Claim upon Defendant Town of Moreau, and that the adjustment and/or payment thereof has been neglected and/or refused.

7. Plaintiffs have complied with all conditions precedent, making a final demand for payment, and that the time to pay has expired where the defendants have not made a payment.

8. Upon information and belief, the limitations set forth in Article 16 of the Civil Practice Law and Rules do not apply because one or more exceptions listed in Civil Practice Law and Rules §§ 1601 and/or 1602 apply.

9. At all times mentioned herein there existed a certain premises, including a public road with a curb located at 35 Woodscape Drive, Moreau, New York 12828 in the Town of Moreau, County of Saratoga, State of New York.

10. At all times mentioned herein, upon information and belief, Defendant Town of Moreau owned the public road and curb located at 35 Woodscape Drive, Moreau, New York 12828 in the Town of Moreau, County of Saratoga, State of New York.

11. At all times mentioned herein, upon information and belief, Defendant Town of Moreau maintained the public road and curb located at 35 Woodscape Drive, Moreau, New York 12828 in the Town of Moreau, County of Saratoga, State of New York.

12. At all times mentioned herein, upon information and belief, Defendant Town of Moreau controlled the public road and curb located at 35 Woodscape Drive, Moreau, New York 12828 in the Town of Moreau, County of Saratoga, State of New York.

13. At all times mentioned herein, upon information and belief, Defendant Town of Moreau operated the public road and curb located at 35 Woodscape Drive, Moreau, New York 12828 in the Town of Moreau, County of Saratoga, State of New York.

14. At all times mentioned herein, upon information and belief, Defendant Town of Moreau managed the public road and curb located at 35 Woodscape Drive, Moreau, New York 12828 in the Town of Moreau, County of Saratoga, State of New York.

15. At all times mentioned herein, upon information and belief, Defendant Town of Moreau possessed the public road and curb located at 35 Woodscape Drive, Moreau, New York 12828 in the Town of Moreau, County of Saratoga, State of New York.

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