

# MICHAEL AIZIN

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Admitted to practice in New York, New Jersey and Florida

## CEASE AND DESIST DEMAND NOTICE OF DEFAULT, AND FIVE (5) DAYS NOTICE TO CURE

VIA UPS NEXT DAY and  
CERTIFIED MAIL – R.R.R

June 29, 2023

Michael Novakhov  
2900 Ocean Avenue, Apt. 5E  
Brooklyn, NY 11235

### Re: Breach of 2900 Ocean Condominium Documents Misrepresentation of Authority and Illegal Attempt to Replace or Remove Current Board Members

Dear Mr. Novakhov:

The undersigned attorney represents 2900 Ocean Condominium (the “Condominium”) whose Board of Managers retained my office to represent them against your unlawful conduct to replace or remove the current Board of Managers of the Condominium in violation of the Condominium Documents, including the Condominium By-Laws.

**PLEASE BE ADVISED THAT YOU** are engaging in conduct not authorized by the Condominium Documents. Your alleged challenges that the current Board is either illegitimate or not fit to serve for any reason may be your opinion, but they are neither supported by the Condominium Documents, which you are required to follow, nor permit you to engage in “self-help” in effectuating the desired Board change.

Article 2, Section 2.4 of the Condominium By-Laws provide that Board Members shall serve until his or her successor shall be elected and qualified. The last annual Unit Owners meeting and election took place on May 22, 2023, and no successors were elected. Therefore, all current Board Members have remained on the Board in accordance with the Condominium By-Laws.

Article 2, Section 2.9 of the Condominium By-Laws provides for the removal of any Board Member, which can be accomplished by a majority vote of the Unit Owner at a meeting

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duly called for such purpose. No meetings to remove any Board Members were ever called and no Board Member was ever removed to permit you to claim that new Board is being formed.

**PLEASE BE FURTHER ADVISED THAT YOU** are unlawfully interfering with the Condominium's business and affairs and the Board's ability to govern the Condominium by falsely claiming its illegitimacy or that a new Board is in power. Neither is true and you know it to be untrue.

Your website 2900oceancondo.com which you are using to defame the Condominium, its current Board Members, the Condominium Managing Agent is filled with lies, innuendo and defamation, which are injurious to the Condominium, its Board Members and the Condominium Managing Agent. All references to "new Board", "new managing agent", "new board members" or any other untruthful or disparaging information contained on said website must be deleted forthwith.

**YOU ARE HEREBY DIRECTED TO CEASE AND DESIST** your unlawful activities of disseminating and/or publishing untruthful and defamatory information, whether in print or online, about the Condominium, its Board Members and the Condominium Managing Agent forthwith.

**NOTICE OF DEFAULT - PLEASE BE ADVISED THAT** your activities to subvert the Condominium Board or replace it in violation of the Condominium Documents is a breach of the Condominium Documents which empowers the Condominium Board to abate and enjoin such breach, which the Condominium Board retained my firm for, and is ready to file a lawsuit against you for injunctive relief should you fail to cure your breach within five (5) days from the date hereof. **YOU HAVE FIVE (5) TO CURE THIS DEFAULT.**

**PLEASE BE FURTHER ADVISED THAT** all legal costs and fees associated with your breach of Condominium Documents and other unlawful conduct will be borne by you and added as common charges to your Statement of Account, as authorized by the Condominium By-Laws. To minimize the legal expense, you are advised to confirm in writing that you agree to cease and desist your unauthorized conduct.

Be guided accordingly.

Very truly yours,

  
Michael Aizin

MA:ed  
cc: 2900 Ocean Condominium