

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF ERIE

CASE/INDEX _____

MARK PELLEGRINO©

Mark Pellegrino Secured Party, Executor, Beneficiary.

Plaintiff(s), vs.

BUFFALO POLICE DEPARTMENT**D DISTRICT POLICE OFFICERS 3854,521,3876,3880,3851,3717,3685,2736,529,3744****PARKING VIOLATIONS BUREAU****KEVIN HELFER, DAVID HAUFF, COMMISSIONER OF PARKING AN ASSISTANT****BUFFALO IMPOUND LOT EMPLOYEE NICHOLE**

Defendant(s).

PLEASE TAKE NOTICE YOU ARE HEREBY SUMMONED to answer the complaint of the Plaintiff herein and to serve a copy of your answers on the Plaintiff at the address indicated below within 20 days after the service of this summons (not counting the service of days itself) or within 30 days after service is complete if the summons is not delivered personally to you within the State Of New York.

YOU ARE HEREBY NOTIFIED THAT should you fail to answer, a judgement will be entered against you by default for the relief demanded in the complaint.

DATED: June 28, 2021

Mark Pellegrino©
c/o 859 Richmond Avenue
Buffalo, New York Republic
Telephone: 716-935-0055
Plaintiff

BUFFALO POLICE DEPARTMENT**D DISTRICT POLICE OFFICERS 3854,521,3876,3880,3851,3717,3685,2736,529,3744****PARKING VIOLATIONS BUREAU/ AKA BUFFALO IMPOUND. EMPLOYEE NICHOLE****KEVIN HELFER, DAVID HAUFF, COMMISSIONER OF PARKING AND ASSISTANT****Defendants**

Venue: Plaintiff designates Erie County as place of trial. The basis of designation is

Plaintiff residence is in Erie County

Defendant's place of business is in Erie County.

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Defendant(s).

**TO THE SUPREME COURT OF THE STATE OF NEW YORK
STATEMENT OF CLAIM IN REPLEVIN:**Plaintiff MARK PELLEGRINO suesDefendant(s) **BUFFALO POLICE DEPARTMENT & PARKING VIOLATIONS
BUREAU****KEVIN HELFER, DAVID HAUFF,****BUFFALO IMPOUND EMPLOYEE NICHOLE****D DISTRICT POLICE OFFICERS****3854,521,3876,3880,3851,3717,3685,2736,529,3744**

and alleges:

1. This is an action to recover possession of personal private property.
2. The description of the property is 2004, Buick Regal, with manufacturer's serial no. 2G4WB52K341310701, Gray in color and has 4 doors with tints. Copy of title and bill of sale enclosed.
3. To Plaintiff's best knowledge, information, and belief the value of the property is \$ \$1,500 and its location is Located in the impound lot at 166 Dart St. Buffalo, NY 14213.
4. Plaintiff is the owner of the claimed property or is entitled to possession of it by virtue of the following source of title, or right of possession: A trust was created on 08/30/2019 in the name of MARK PELLEGRINO. On September 18, 2020 UCC# 201908300403749 the automobile was purchased from the SAMUEL YANNELLO ESTATE. A bill of sale was notarized and the title was signed over. Title is still open due to delays with paperwork filing, which is still in the process. The registration from the DMV expired around that time and is no longer in effect. On

December 22,2020 after several attempts to get filed it was finally entered into the collateral section of the trust and is now a security interest to the Beneficiary . See enclosed documents.UCC#. The automobile is not used for commercial purposes as defined in 49 USC 31303 but used for private transportation and is a consumer good as defined in UCC 9-109. It is exempt from levy and exempt from DMV codes and statutes.(If interest is based on a written instrument a copy is attached)

5. The property is wrongfully detained by the defendant's and all conspirators who obtained possession by: carjacking, theft and extortion.

6. To Plaintiff's best knowledge, information, and belief, defendant detains property because: They claim it is a motor vehicle used to conduct commerce on a public roadway as defined by 49 USC 31301 and must be registered and insured, and that Plaintiff is a Driver. In fact Plaintiff is not a driver, not for hire and is traveling on a public roadway in a private automobile. Plaintiff has tried showing a bond for insurance which is not required and that registration on an automobile is also not required. When presented with the documents containing law and right they are refused.[Please see all attachments included.]

7. The property has not been taken for any tax, assessment, or fine pursuant to law, nor has it been taken under an execution or attachment against plaintiff's property, or if so taken, it is by law exempt from such taking by the following reference to the exemption law relied upon: _please see enclosed attachments and affidavits..

8. Written demand for return of the property was provided to Defendant [please see proof of service and affidavits enclosed. A copy of the demand is attached hereto.

9. The property is not contraband, was not the fruit of criminal activity, and is not being held for some evidentiary purposes.

10. The property came into possession of Defendant on or about March 11,2021, June 11,2021 and June 20,2021. Several attempts were made by the Plaintiff to rebut his facts and points of law. The first unlawful impoundment resulted in a credit card dispute whereas the defendant PARKING VIOLATIONS BUREAU failed to answer the dispute for extortion. See credit card dispute exhibit.

11. The Plaintiff has the legal right to possess the property and is not subject to any legal prohibition against such possession. Pursuant to NYCVP ARTICLE 30 3020 verification and that the goods above are described as the Plaintiff and that the Plaintiff claim the return of goods under a order with the release from the bond for temporary possession and permanent possession on final adjudication or the value and claims damages for the detention and its cost of suit against the Defendants.

Wherefore the Plaintiff demands this court order the property back immediately and penalize for damages caused from taking property without warrant or consent together with such and further relief, the court finds just and proper.

June 28,2021

s//_by:

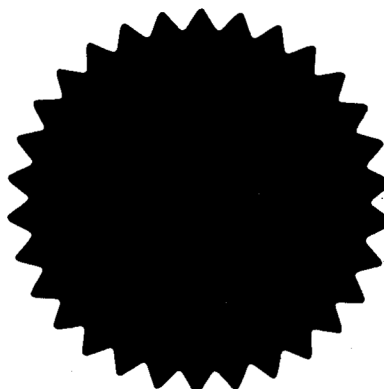


Mark Pellegrino©

c/o 859 Richmond Avenue
Buffalo, New York Republic

Telephone: 716-935-0055
New York State Citizen 1101 (a) (21)

Authorized rep/Beneficiary/Executor for
MARK PELLEGRINO TRUST



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Authorized rep/Beneficiary/Executor for
 MARK PELLEGRINO TRUST
 Plaintiff

D.B.A. COMMISSIONER OF PARKING

ATT: Kevin Helfer & David Hauff

65 Niagara st.
 Buffalo, NY 14202

&

PARKING IMPOUND aka City Of Buffalo Impound aka PARKING VIOLATIONS

166 Dart st.

Buffalo NY 14213 Att: Employee NICHOLE

&

INTERNAL AFFAIRS BUFFALO POLICE DEPARTMENT
 68 Court Street
 Buffalo, NY 14202

D DISTRICT POLICE OFFICERS

669 HERTEL AVE. BUFFALO, NY 14207

3854,521,3876,3880,3851,3717,3685,2736,529,3744

STATE OF NEW YORK)

) SS/

COUNTY OF ERIE)

I MARK PELLEGRINO, being duly sworn, deposes and says: I am the Plaintiff in this matter. I have read the foregoing affidavits, complaint and know the contents thereof. The same are true to my knowledge, except to matters therein stated to be alleged on information and belief and as to those matters I believe them to be true.

by: Mark Pellegrino
Mark Pellegrino
 MARK PELLEGRINO

Sworn before me on this day June 28, 2021

NOTARY

expires on: _____

MELINDA TESI
 Notary Public, State of New York
 Qualified in Erie County
 My Commission Expires 1/27/24

EXHIBIT 1
EXHIBIT 2
EXHIBIT 3
EXHIBIT 4
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INSERT NAMES OF PAPERS SUBMITTED:

1. __NOTICE OF INTENT__
2. __COL WARNING & PERFORMANCE CONTRACT
3. __NOTICE OF CLAIM AND EXHIBITS
4. __AFFIDAVIT OF NOTICE AND DEMAND
5. __UCC STATEMENT WITH BOND,
7. __OTHER SUPPORTING DOCUMENTS AND AFFIDAVITS

s//_by: _____

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