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February 7, 2023

Board of Trustees
Building Service 32BJ Benefit Funds
25 West 18th Street
New York, New York 10011-4676

Re: Nikola and Milica U [REDACTED]

Dear Members of the Board:

Thank you for your consideration of Milica U [REDACTED]'s claim for survivor benefits from the Building Service 32BJ Pension Fund. For the reasons that follow, Mrs. U [REDACTED] is entitled to benefits under the 50% Joint and Survivor Pension as the lawful surviving spouse of Nikola U [REDACTED].

I. Statement of Facts

Nikola and Milica U [REDACTED] were married on October 1, 1960, in the former Yugoslavia. (Milica U [REDACTED] Aff. ¶ 2, Exh. A.) In 1969, the family moved to the United States. (Milica U [REDACTED] Aff. ¶ 3.) By 1987, Nikola and Milica were no longer living together, (Milica U [REDACTED] Aff. ¶ 4), but they never divorced, legally separated, or had the marriage annulled. (Milica U [REDACTED] Aff. ¶ 4, Exhs. C & D¹; Exhs. A – M attached hereto.) In 2008, Nikola applied for a pension, which he was receiving when he died on February 2, 2022. (Milica U [REDACTED] Aff. ¶ 7, Exh. F.) Milica's subsequent claim for survivor benefits was denied because Nikola was allegedly married to someone else when his benefits commenced. (Milica U [REDACTED] Aff. ¶¶ 6, 8, Exhs. E & I.)

¹ Certifications from the New York State Department of Health that searches for records for the periods January 1, 2011, to December 31, 2020, and January 1, 2020, to December 31, 2022, also failed to disclose any record of divorce were received after Milica U [REDACTED] signed her Affidavit, but are made part of Exhibit D to her Affidavit for ease of reference.

II. Argument

A. Milica and Nikola U [REDACTED] were legally married at the time Nikola's pension benefits commenced.

On his May 21, 2008, application for pension benefits, Nikola designated another individual (elsewhere identified as Nina S [REDACTED] U [REDACTED] (*see* Bronx County Clerk Case File Summary, attached hereto as Exh. A, at 4)), as his spouse and beneficiary under the joint and survivor payment option. (Milica U [REDACTED] Aff. ¶ 6, Exh. E.) An accompanying Certificate of Marriage Registration issued by the Marriage License Bureau of the City of New York stated that Nikola U [REDACTED] and Nina S [REDACTED] were married in Manhattan on November 27, 1996. (Milica U [REDACTED] Aff. Exh. E, at 3.) This alleged marriage, however, was void as bigamous.

"A marriage is absolutely void if contracted by a person whose husband or wife by a former marriage is living, unless . . . [s]uch former marriage has been annulled or has been dissolved" N.Y. Dom. Rel. L. §6(1). *See also*, Alan D. Scheinkman, *Practice Commentaries*, McKinney's Cons. Laws of N.Y., Dom. Rel. L. C6:1: Bigamy--One Spouse at a Time) (hereinafter "*Practice Commentaries*") [Note: online version]. Bigamy is a felony in the State of New York. N.Y. Penal § 255.15 ("A person is guilty of bigamy when he contracts or purports to contract a marriage with another person at a time when he has a living spouse, or the other person has a living spouse.")

Where two competing putative spouses come forward, it is presumed that the second marriage is valid and that the first marriage was dissolved by death, divorce or annulment. *See, e.g., Gomez v. Windows on the World*, 804 N.Y.S.2d 849, 851, 23 A.D.3d 967, 969 (3d Dep't 2005) (citing *Matter of Brown*, 40 N.Y.2d 938, 390 N.Y.S.2d 59, 358 N.E.2d 883 (1976); *Matter of Seidel v. Crown Indus.*, 517 N.Y.S.2d 310, 132 A.D.2d 729 (3d Dep't 1987); 45 N.Y. Jur.2d Domestic Relations § 73).

The presumption is rebutted when it is proved that the second marriage was void due to the continued existence of the first marriage. *Gomez*, 804 N.Y.S.2d at 851, 23 A.D.3d at 969 (citing *In re Meehan's Estate*, 135 N.Y.S. 723, 150 A.D. 681, (1st Dep't 1912); *Matter of Dugro*, 25 N.Y.S.2d 88, 261 A.D. 236 (1st Dep't 1941), *aff'd*, 287 N.Y. 595, 38 N.E.2d 706 (1941)). When the presumption is successfully rebutted, the second marriage is void *ab initio*, and it is not ratified or validated by a subsequent dissolution of the first marriage. *Mack v. Brown*, 919 N.Y.S.2d 166, 171, 82 A.D.3d 133, 140-141 (2d Dep't 2011) (citations omitted).

To overcome the presumption of the validity of the second marriage, it is necessary to produce clear and convincing evidence disproving every reasonable possibility that would validate the second marriage. *Practice Commentaries* (citing *Seidel v. Crown Industries*, 517 N.Y.S.2d 310, 132 A.D.2d 729 (3d Dept. 1987)). In other words, the proponent of the first marriage's continued validity must prove a negative: that the first marriage was not previously terminated. *Practice Commentaries*. The absence of a legal

separation, judgment of divorce, or an annulment may be established through declarations by the proponent and others, and by certification from the appropriate custodian of records that a diligent search found no record that the first marriage was ever dissolved by divorce, legal separation, or annulment. *Practice Commentaries*.

Although the search needs to encompass the jurisdictions in which a party might have obtained an order of dissolution, the courts have adopted a realistic and practical approach. *Practice Commentaries*. The decision in *Gomez v. Windows on World*, 804 N.Y.S.2d 849, 23 A.D.3d 967 (3d Dept. 2005), is an example that presented competing claims to benefits payable to the surviving spouse of a victim of the 9/11 attacks. There, the proponent of the first marriage rebutted the presumption through her testimony and proof that searches of court records in all relevant jurisdictions discovered no record of a divorce or annulment. *Gomez*, 804 N.Y.S.2d at 851-852, 23 A.D.3d at 970. See also *Matter of Brown*, 40 N.Y.2d 938, 390 N.Y.S.2d 59, 358 N.E.2d 883 (1976).

And in *Metropolitan Life Insurance Company v. Jackson*, 896 F. Supp. 318 (S.D.N.Y.1995), the district court was presented with a dispute between competing widows over life insurance proceeds on the life of the deceased husband. There, the district court held that the presumption of the validity of the second marriage was rebutted, and the continued validity of the first marriage established, after a search of the two counties where the parties to the first marriage had resided disclosed no judicial dissolution of the first marriage. *Metropolitan Life Ins. Co.*, 896 F. Supp. at 322-323.

When a marriage is dissolved in the State of New York, a certificate of dissolution is filed with the State Department of Health. N.Y. Pub. Health L. §4139. An index of these certificates is maintained and may be searched to see if a particular marriage was terminated. *Id.* A search of the records of each county in New York where either party resided, in tandem with a state-wide search of Health Department records, should therefore suffice to rebut the presumption of the second marriage's validity. *Practice Commentaries*. Similarly, if either party resided outside the State, searches should be conducted in each foreign jurisdiction where either party resided. *Id.* However, searches in states or countries where neither party ever lived are not necessary. *Id.*

Nicola and Milica U [REDACTED]'s marriage was never dissolved by legal separation, divorce, or annulment. (M. U [REDACTED] Aff. ¶ 4, Exhs. C & D; Danny U [REDACTED] Aff. ¶ 3; Exhs. A – M attached hereto.) Mrs. U [REDACTED] never commenced any action for the legal dissolution of their marriage. (Milica U [REDACTED] Aff. ¶ 4, Exhs. C & D; Exhs. A – M attached hereto.) Nor was she ever served with papers for any such action. (Milica U [REDACTED] Aff. ¶ 4.) Nothing to the contrary is in the Pension Fund's file.

The sworn statements by Milica U [REDACTED] and their son are corroborated by the results of an extensive search of official records. Milica U [REDACTED] has searched diligently for any records that her marriage to Nikola was ever dissolved in venues where such an action could have been brought: the State of New York, and Monroe County, Pennsylvania, where Nikola owned a house. The custodians of these records unanimously

responded that no evidence of the dissolution of the marriage between Milica and Nikola U [REDACTED] is on file. (Milica U [REDACTED] Aff. ¶ 5, Exhs. C & D.²)

The undersigned has also searched county clerk's records in the five boroughs, and the New York State Courts Electronic Filing system, for any legal action involving a party with the surname "U [REDACTED]" (See Exhibits A through G, attached hereto). The searches disclosed no record that the marriage between Nikola and Milica U [REDACTED] was ever dissolved in the City or State of New York. Nikola and Milica U [REDACTED] each appear as a party only once. In 2000, Milica sued Long Island College Hospital (Exh. B), and, in 2009 (not long after Nikola's retirement), Nina S [REDACTED] filed for divorce in the Bronx.³ (Exh. A.)

The Monroe County, Pennsylvania, Prothonotary's Office suggested that the search for records of divorce be expanded to neighboring counties because actions for divorce in Pennsylvania do not need to be filed in the county in which a party resides. (Milica U [REDACTED] Aff., Exh. C.) On November 21, 2022, I telephoned the Prothonotaries of four of the six Pennsylvania counties that abut Monroe County: Pike, Wayne, Luzerne and Carbon Counties. All of them searched for divorce records filed in their respective counties since 1971, and verbally informed me that no divorce by anyone named "Uskokovic" had been filed. The Prothonotaries of Carbon, Wayne, and Pike Counties confirmed the results of the searches in writing. (See Exhs. H, I, and J attached hereto.)

Lackawanna, Northampton, and Luzerne are the three remaining Pennsylvania counties adjacent to Monroe County. The Prothonotaries for these counties provide on-line searches for court filings. Searches in all three counties for filings disclosed no filings under the name "U [REDACTED]." (See Exhs. K, L, and M attached hereto.)

It is respectfully submitted that the evidence submitted constitutes clear and convincing evidence that Milica and Nikola U [REDACTED] were still lawfully married when Nikola purportedly married Nina S [REDACTED] in 1996, when his pension commenced in 2009, and when he died in February 2022.

B. As the surviving spouse of Nikola U [REDACTED], Milica U [REDACTED] is entitled to benefits under a 50% Qualified Joint and Survivor Annuity.

Subject only to a few exceptions not applicable here, the Retirement Equity Act of 1984 (REA), Pub.L. 98-397, 98 Stat. 1426 (98th Cong., 2nd Sess., Aug. 23, 1984), amended ERISA to require that benefits from a qualified defined benefit plan payable to a married retiree be paid in the form of a 50% Qualified Joint and Survivor Annuity ("50% QJSA") for the benefit of the spouse, unless the spouse signs a written waiver of those

² See note 1.

³ Because the putative marriage between Nina S [REDACTED] and Nikola U [REDACTED] was void, the Judgment of Divorce was moot. An action for a judgment declaring the nullity of a void marriage under Section 140 of the Domestic Relations Law is the proper cause of action.

benefits before a notary public or a plan representative.⁴ ERISA §205, 29 U.S.C. §1055. Accordingly, the Plan provides that the "50% Joint and Survivor Pension" is the default form of pension for married retirees, and that a participant's election of a form of pension that would provide the spouse with a smaller benefit (or no benefit at all) must be accompanied by the spouse's written consent. (See Building Service 32BJ Pension Fund "Program A" Summary Plan Description, at 24-27, 34, 42, 60,62 (eff. Jan. 1, 2018)). As discussed in subparagraph A, *supra*, Milica and Nikola U [REDACTED] were legally married at the time of his retirement. Milica, moreover, never waived her right to benefits under the 50% QJSA. (Milica U [REDACTED] Aff. ¶ 8.) She is, therefore, entitled to a survivor annuity under the REA and the terms of the Plan.

III. Conclusion.

Milica U [REDACTED] is the surviving spouse of retired participant Nikola U [REDACTED]. She has not waived her right to benefits under the Plan's Husband-and-Wife Pension. She is, therefore, entitled to a survivor annuity effective March 2022.

Should additional information be required, please do not hesitate to contact me.

Thank you for your consideration.

Sincerely,



Christopher Wm. Dagg

Encls.
cc: M.U [REDACTED] (w/encls.)

⁴ Exceptions to the requirement for a spouse's consent are limited. Consent is not required only if the parties are married less than one year at the time of the participant's annuity starting date, if the non-participant spouse cannot be located, or if "such other circumstances" as may be prescribed by regulation exist. ERISA 205(b)(4) & (c)(2)(B), 29 U.S.C. § 1055(b)(4) & (c)(2)(B). (Building Service 32BJ Pension Fund "Program A" Summary Plan Description, at 27 (eff. Jan. 1, 2018)).

<p>_____ _____ <u>Nikola U</u> <u>S</u> First Last Middle Name</p> <p>_____ Street Address Apartment #</p> <p>_____ City State</p> <p><u>110623-2808</u> Zip</p> <p><u>212</u> _____ Phone (Home)</p> <p>_____ Phone (Other)</p>		<p><u>11/11/1934</u> Date of Birth (MM/DD/YYYY)</p> <p>Please write below the month and year you began working in Building Services <u>11/1965</u> (MM/YYYY)</p> <p>Are you currently employed in the Building Service Industry? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If "Yes", please give the participant/member's planned last day of employment. _____ Date (MM/DD/YYYY)</p> <p>If "No", please fill in the date of your last day of employment. _____ Date (MM/DD/YYYY)</p>
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<p><u>J</u> <u>U</u> <u>N</u> First Last Middle Name</p>	<p>_____ Date of Birth (MM/DD/YYYY)</p>
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Pension Payment for Married Pension under the joint and survivor payment option

You will be paid your pension in the form of a joint and survivor pension. Your monthly pension payments will be slightly reduced, as they will cover payments over your lifetime and that your spouse. To reject the joint and survivor pension option both you and your spouse must complete and sign the following statements before a notary.

<p>I, _____, DO NOT wish my spouse to receive the pension payments to which he/she is entitled in the form of a 50% Joint and Survivor pension payment option. I understand that by rejecting this option, no benefits will be paid by the Funds to my spouse (or my designated beneficiary) after my death, unless there are payments remaining under the 36 month (3 years) guarantee, and my spouse's signature will be valid for up to 90 days.</p>	
<p><u>Max U</u> Signature of Participant</p>	<p><u>10/31/21/12/1909</u> Current Date (MM/DD/YYYY)</p>
<p>I, _____, DO NOT wish to receive the 50% Joint and Survivor pension payment option which I am entitled. I hereby consent to my spouse's rejection of the Joint and Survivor pension payment option, and understand that by signing this statement I am waiving my right to receive a life long pension. Your signature will be valid for up to 90 days.</p>	
<p>_____ Signature of Spouse</p>	<p>_____ Current Date (MM/DD/YYYY)</p>

As a married participant, your spouse is automatically the beneficiary of any remaining pension payments due you under the Life Annuity with 36 month guarantee pension. If your spouse does not wish to be named the beneficiary, he/she must formally reject the opportunity by signing the statement below and having it notarized. If your spouse is the beneficiary you may name an alternative beneficiary in case your spouse dies before you.

THE CITY OF NEW YORK
OFFICE OF THE CITY CLERK
MARRIAGE LICENSE BUREAU

License Number

Certificate of Marriage Registration

This Is To Certify That Nick S U [REDACTED]

residing at [REDACTED]

born on [REDACTED], 1934 at Orsevin Yugoslavia

and J [REDACTED] [REDACTED]

New surname: [REDACTED]

residing at [REDACTED]

born on [REDACTED], 1966 at Titova Mitrovica Yugoslavia

Were Married

on November 27, 1996

at MANHATTAN

1 CENTRE STREET, NEW YORK

as shown by the duly registered license and certificate of marriage of said persons on file in this office.

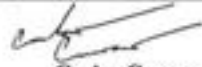
CERTIFIED THIS DATE AT THE CITY CLERK'S OFFICE

MANHATTAN, N.Y.

November 27, 1996

PLEASE NOTE: Facsimile Signature
and seal are printed pursuant
to Section 11-A, Domestic
Relations Law of New York.




Carlos Cuevas
City Clerk of the City of New York

CET-1

M 62607

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Select the party the attorney is representing, then enter all or part of the firm name...

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Exhibit A

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Case File Summary:

File Date:		Index Type:	NEW INDEX - MATRIMONIAL
Plaintiff:	NINA S U	Plaintiff Firm:	NOT FOUND
Defendant:	NICK U	Defendant Firm:	

Documents Filed

Filed Date	Document
/2009	NEW INDEX - MATRIMONIAL Matrimonial SUMMONS WITH NOTICE
/2009	NOTE OF ISSUE
/2009	JUDGMENT OF DIVORCE

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Year

Select the role for party, then enter all or part of the party name...

Party Role *

☐ Plaintiff ☐ Defendant ☒ Either

Party Name

Select the party the attorney is representing, then enter all or part of the firm name...

Attorney Represents *

☐ Plaintiff ☐ Defendant ☐ Either

Firm Name


Enter Dates in MM/DD/YYYY format (maximum 7 days)

File Date From *

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[REDACTED] (./caseResults?3-1.-formSearchResults-pnlCaseResults-caseList-1-indexNumberLink)	05/19/2000	U [REDACTED] MILICA	LONG ISLAND COLLEGE HOSPITAL ETANO

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Select the role for party, then enter all or part of the party name...

Party Role *

☐ Plaintiff ☐ Defendant ☒ Either

Party Name

Select the party the attorney is representing, then enter all or part of the firm name...

Attorney Represents *

☐ Plaintiff ☐ Defendant ☐ Either

Firm Name


Enter Dates in MM/DD/YYYY format (maximum 7 days)

File Date From *

File Date To *







I'm not a robot

reCAPTCHA
[Privacy](#) - [Terms](#)

Search

Queens County Clerk's Office Phone: (718) 298-0626

UCS Home (<http://www.nycourts.gov>) | eCourts Home (<https://iapps.courts.state.ny.us/webcivil/ecourtsMain>) |
NYSCEF (<https://iapps.courts.state.ny.us/nyscef/HomePage>) | QCCO Home ([./indexSearch?2-1.-basePageContainer-pnlFooter-homePageLink](#)) | Case Search ([./indexSearch?2-1.-basePageContainer-pnlFooter-indexSearchLink](#)) | | Business Search ([./indexSearch?2-1.-basePageContainer-pnlFooter-businessSearchLink](#))
Contact Us ([./indexSearch?2-1.-basePageContainer-pnlFooter-contactUsLink](#)) | Logout ([./indexSearch?2-1.-basePageContainer-pnlFooter-logoutLink](#)) | Create Attorney Account
(<https://iapps.courts.state.ny.us/aronline/EnrollmentSearch>) | Create an Account ([./indexSearch?2-1.-basePageContainer-pnlFooter-createAccountLink](#))

Queens County Clerk's Office (./home)

- Home (./caseResults?3-1.-basePageContainer-pnlNavigation-homePageLink)
- Search
- Case Search (./caseResults?3-1.-basePageContainer-pnlNavigation-indexSearchLink)
- Business Search (./caseResults?3-1.-basePageContainer-pnlNavigation-businessSearchLink)
- JDLS Search (./caseResults?3-1.-basePageContainer-pnlNavigation-jdlsSearchLink)
- Resources
- Contact Us (./caseResults?3-1.-basePageContainer-pnlNavigation-contactUsLink)
- Account
- Logout (./caseResults?3-1.-basePageContainer-pnlNavigation-logoutLink)
- Create Attorney Account (https://iapps.courts.state.ny.us/aronline/EnrollmentSearch)
- Create an Account (./caseResults?3-1.-basePageContainer-pnlNavigation-createAccountLink1)
- Search As Guest (./caseResults?3-1.-basePageContainer-pnlNavigation-guestSearchLink1)

Help (./caseResults?3-1.-formSearchRe-helpLink)

Case Search Results

Sort By:

File Date

Descending

To view a case, click the Index # link.

Index #	File Date	Plaintiff	Defendant
---------	-----------	-----------	-----------

Queens County Clerk's Office Phone: (718) 298-0626

Contact Us ([./caseResults?3-1.-basePageContainer-pnlFooter-contactUsLink](#)) | Logout ([./caseResults?3-1.-basePageContainer-pnlFooter-logoutLink](#)) | Create Attorney Account (<https://iapps.courts.state.ny.us/aronline/EnrollmentSearch>) | Create an Account ([./caseResults?3-1.-basePageContainer-pnlFooter-createAccountLink](#))

Exhibit D

New York State Unified Court System (<http://www.nycourts.gov>)Skip To: [Content \(skip to content\)](#) • [Navigation \(skip to navigation\)](#)

Richmond County Clerk's Office (./home)

Home (./indexSearch?2-

Information

1.-basePageContainer-

- Your password has expired. You are required to change it now.

pnINavigation-

homePageLink)

Search

Case Search

(./indexSearch?2-1.-

basePageContainer-

pnINavigation-

indexSearchLink)

Business Search

(./indexSearch?2-1.-

basePageContainer-

pnINavigation-

businessSearchLink)

JDLS Search

(./indexSearch?2-1.-

basePageContainer-

pnINavigation-

jdlSearchLink)

Resources

Contact Us

(./indexSearch?2-1.-

basePageContainer-

pnINavigation-

contactUsLink)

Account

Logout (./indexSearch?

2-1.-

basePageContainer-

pnINavigation-

logoutLink)

Create Attorney Account

(<https://iapps.courts.state.ny.us/aronline/EnrollmentSearch>)

Create an Account

(./indexSearch?2-1.-

basePageContainer-

pnINavigation-

createAccountLink1)

Search As Guest

(./indexSearch?2-1.-

basePageContainer-

pnINavigation-

guestSearchLink1)

Case SearchHelp
(./help)

Search for cases filed in the County Clerk's Office. You can search by Index Number, Party Name, Attorney Name, or File Date. For cases filed electronically, please visit the NYSCEF system.

* Required fields

Enter Index Number as nnnnnn (e.g. 123456) Enter Year as nnnn (optional)

Index Number ***Year**

Select the role for party, then enter all or part of the party name...


Party Role *
☐ Plaintiff
 ☐ Defendant
 ☒ Either
Party Name

Select the party the attorney is representing, then enter all or part of the firm name...

Attorney Represents *
☐ Plaintiff
 ☐ Defendant
 ☐ Either
Firm Name

Enter Dates in MM/DD/YYYY format (maximum 7 days)

File Date From ***File Date To ***



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Search

Richmond County Clerk's Office Phone: (718) 675-7700

UCS Home (<http://www.nycourts.gov>) | eCourts Home (<https://iapps.courts.state.ny.us/webcivil/ecourtsMain>) |
NYSCEF (<https://iapps.courts.state.ny.us/nyscef/HomePage>) | RCCO Home ([./indexSearch?2-1.-basePageContainer-pnlFooter-homePageLink](#)) | Case Search ([./indexSearch?2-1.-basePageContainer-pnlFooter-indexSearchLink](#)) | | Business Search ([./indexSearch?2-1.-basePageContainer-pnlFooter-businessSearchLink](#))
Contact Us ([./indexSearch?2-1.-basePageContainer-pnlFooter-contactUsLink](#)) | Logout ([./indexSearch?2-1.-basePageContainer-pnlFooter-logoutLink](#)) | Create Attorney Account
(<https://iapps.courts.state.ny.us/aronline/EnrollmentSearch>) | Create an Account ([./indexSearch?2-1.-basePageContainer-pnlFooter-createAccountLink](#))

Richmond County Clerk's Office ([./home](#))

[Home \(\[./caseResults?3-1.-basePageContainer-pnlNavigation-homePageLink\]\(#\)\)](#)
[Search](#)
[Case Search \(\[./caseResults?3-1.-basePageContainer-pnlNavigation-indexSearchLink\]\(#\)\)](#)
[Business Search \(\[./caseResults?3-1.-basePageContainer-pnlNavigation-businessSearchLink\]\(#\)\)](#)
[JDLS Search \(\[./caseResults?3-1.-basePageContainer-pnlNavigation-jdlsSearchLink\]\(#\)\)](#)
[Resources](#)
[Contact Us \(\[./caseResults?3-1.-basePageContainer-pnlNavigation-contactUsLink\]\(#\)\)](#)
[Account](#)
[Logout \(\[./caseResults?3-1.-basePageContainer-pnlNavigation-logoutLink\]\(#\)\)](#)
[Create Attorney Account \(<https://iapps.courts.state.ny.us/aronline/EnrollmentSearch>\)](#)
[Create an Account \(\[./caseResults?3-1.-basePageContainer-pnlNavigation-createAccountLink1\]\(#\)\)](#)
[Search As Guest \(\[./caseResults?3-1.-basePageContainer-pnlNavigation-guestSearchLink1\]\(#\)\)](#)

[Help \(\[./caseResults?3-1.-formSearchRe:helpLink\]\(#\)\)](#)

Case Search Results

Sort By:

File Date

Descending

To view a case, click the Index # link.

Index #	File Date	Plaintiff	Defendant
---------	-----------	-----------	-----------

Richmond County Clerk's Office Phone: (718) 675-7700

Contact Us ([./caseResults?3-1.-basePageContainer-pnlFooter-contactUsLink](#)) | Logout ([./caseResults?3-1.-basePageContainer-pnlFooter-logoutLink](#)) | Create Attorney Account (<https://iapps.courts.state.ny.us/aronline/EnrollmentSearch>) | Create an Account ([./caseResults?3-1.-basePageContainer-pnlFooter-createAccountLink](#))

Business/Organization name requires at least 2 characters. First and Last name require at least 1 character.

Name Type

☒ Party ☐ Attorney

Business/Organization

First **Middle** **Last**

m u

Narrow Your Results

When searching by Date, both the Start and End Date are required.

County

Please select... ▼

Case Type

▼

Filing Start Date (mm/dd/yyyy) **Filing End Date** (mm/dd/yyyy)

Case Search Results

Exhibit F

Party Name: m u

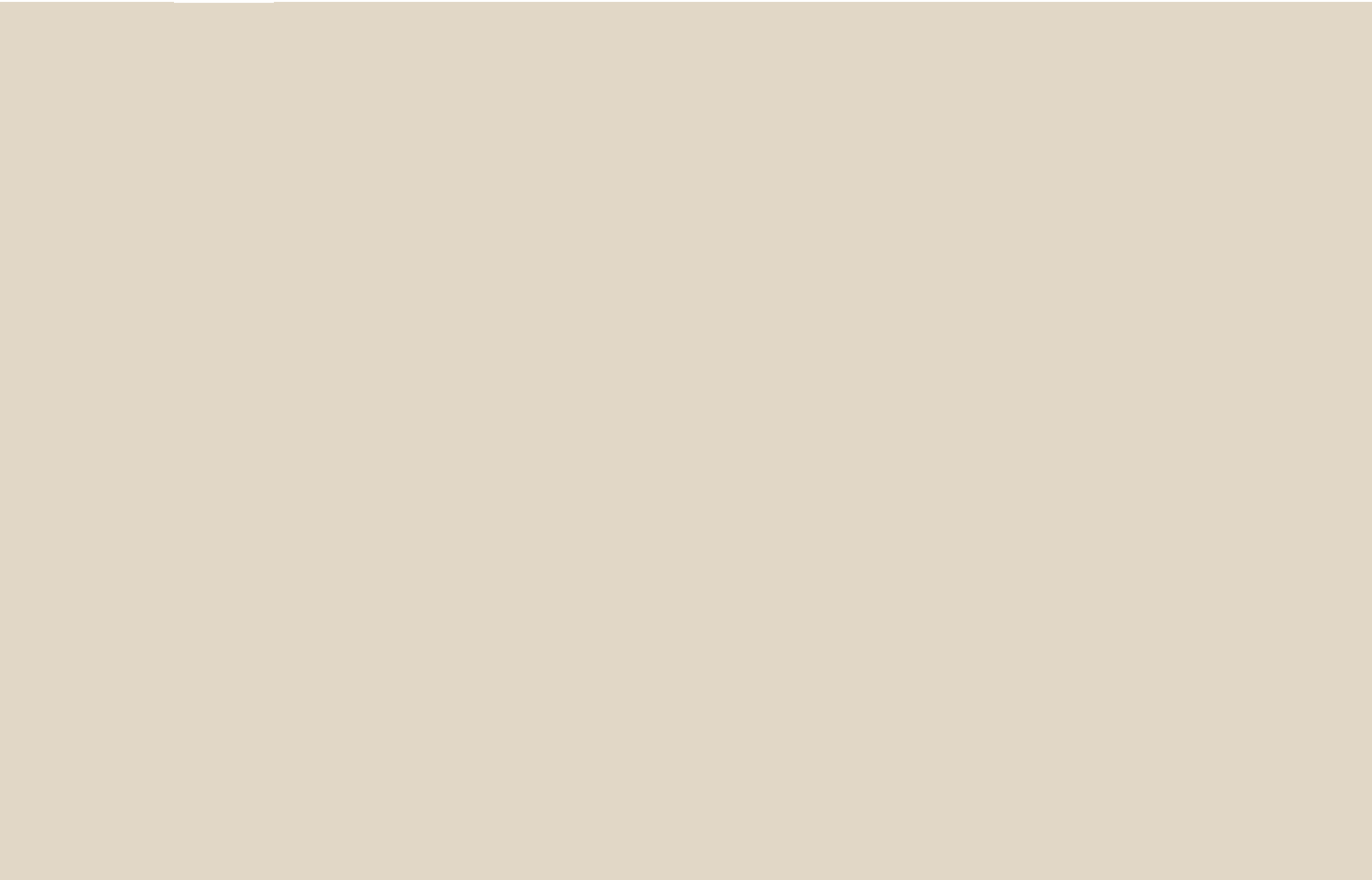


Exhibit G

Business/Organization name requires at least 2 characters. First and Last name require at least 1 character.

Name Type

☒ Party ☐ Attorney

Business/Organization

First **Middle** **Last**

n u

Narrow Your Results

When searching by Date, both the Start and End Date are required.

County

Please select... ▼

Case Type

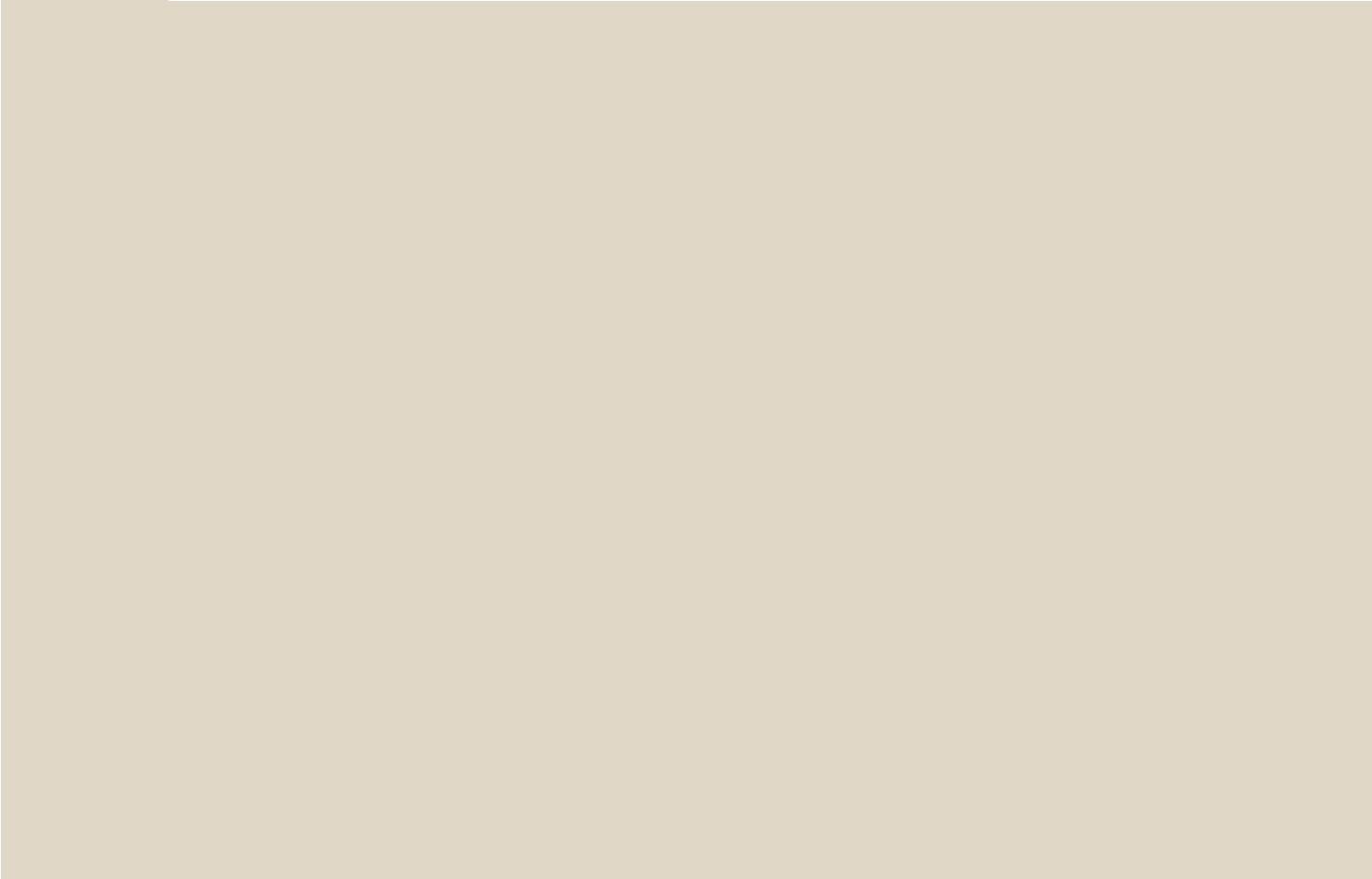
▼

Filing Start Date (mm/dd/yyyy) **Filing End Date** (mm/dd/yyyy)



Case Search Results

Party Name: n u



Windows Court System

PROTHONOTARY INDEX CARBON COUNTY COURT SYSTEM 11/23/22

SEARCHING FOR: U [REDACTED], MILICA ALL INDEX FROM: 01/01/84

A=ACTIVE I=INACTIVE P=PURGED C=COSTS

DEFENDANT	PLAINTIFF	CASE-ID	FILED	AMOUNT	TYPE	STAT
-----------	-----------	---------	-------	--------	------	------

There are no file entries with that name

1-JUDGMENT 2-MISCELLANEOUS 3-ALL ENTRIES _ [F5] EXIT

EDWARD G. SANDERCOCK
Prothonotary and
Clerk of Courts

LAURIE J. COLLINS
Chief Deputy



925 Court Street
Honesdale, Pennsylvania 18431-1996

570-253-5970
FAX 570-253-0687

November 28, 2022

Dear Christopher Wm. Dagg,

I hope you enjoyed your Thanksgiving. There is no record of a divorce between Milica and Nikola U [REDACTED] found in our files. If you have any further questions or concerns please do not hesitate to contact myself or Sue Gillow.

Sincerely,

A handwritten signature in black ink, appearing to read "Lydia Van Gorder".

Lydia Van Gorder
LVangorder@waynecountypa.gov
Deputy Prothonotary



Christopher Wm. Dagg
Senior Staff Attorney
Direct Line: (718) 237-5543
Fax: (718) 237-5543
E-mail: cdagg@lsnyc.org

November 21, 2022

Hon. Denise Fitzpatrick
Pike County Prothonotary
Pike County Courthouse
412 Broad Street
Milford, Pennsylvania

Re: Divorce Records Search

Dear Ms. Fitzpatrick:

It was a pleasure speaking with you this morning. As discussed, I represent Milica U [REDACTED] (D/O/B [REDACTED] 1940) in a pension matter as the widow of Nikola S. U [REDACTED] (D/O/B [REDACTED] 1934). Please advise if any record of a divorce is in your files for the period January 1, 1971, and February 2, 2022, between Milica and Nikola U [REDACTED].

Should additional information be required, please do not hesitate to contact me.

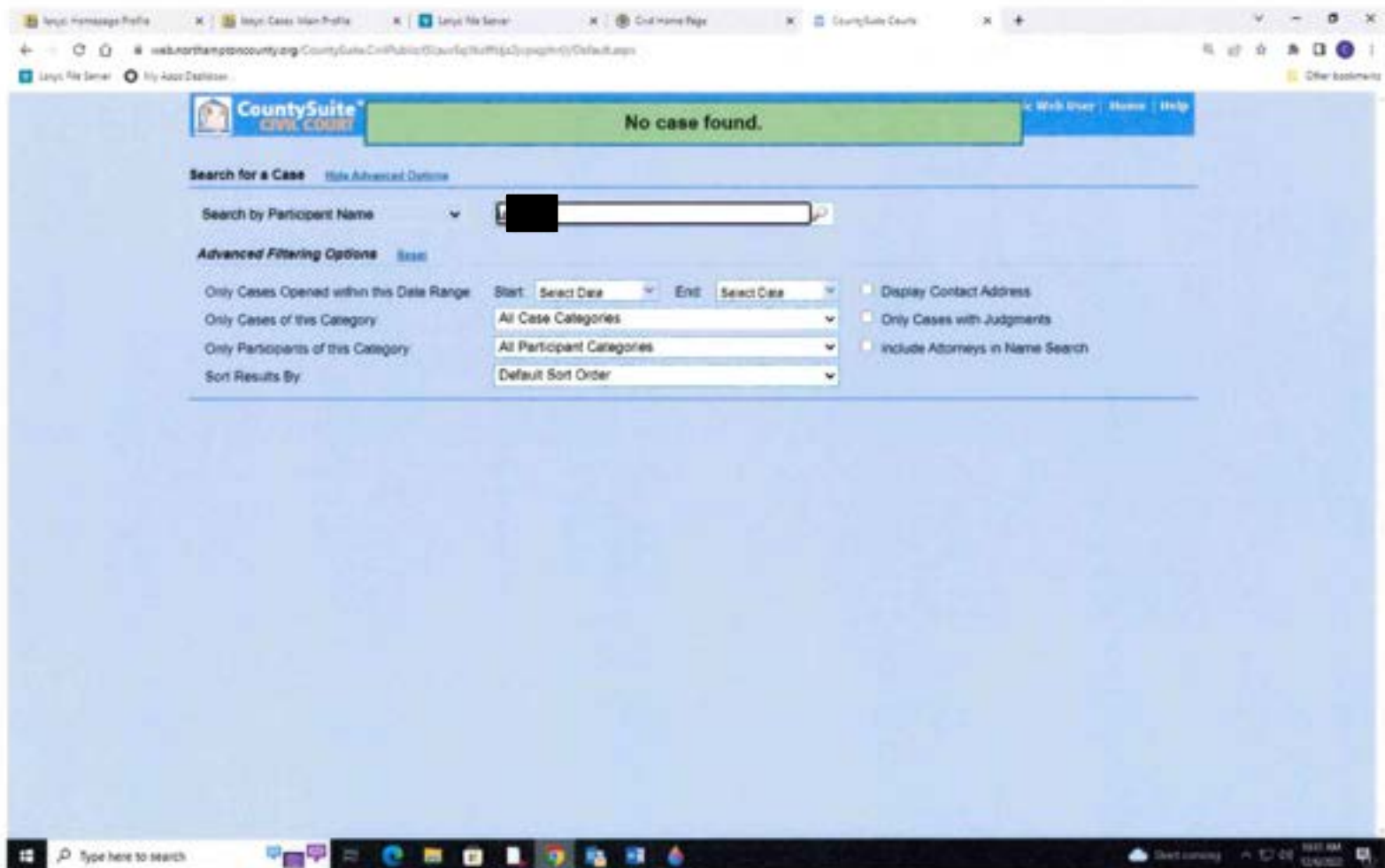
Thank you for your courtesies and happy holidays.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Dagg", is written over the typed name "Christopher Wm. Dagg".

Christopher Wm. Dagg

NO RECORD
FOUND FROM
1971 - Present
Denise Fitzpatrick





Lackawanna County, Pennsylvania

Lackawanna County, PA

ENTER
 PAGE UP
 PAGE DOWN
 EXIT
 CASE DETAILS
 FILTER/SELECT
 SUMMARY VIEW
 BACK
 TOP
 BOTTOM

Prothonotary - Search - General Index

Litigant:

or Case No:

-

No match found for: U

Sel	Case No.	Litigant Name	Case Type (Short)
<input type="checkbox"/>	2007-04639	USKOWSKAS DAWN	TORT/FR FRAUD
<input type="checkbox"/>	1999-30468	USLIN CHRISTINE L	NO LIEN STIP/WAIVER
<input type="checkbox"/>	1999-30468	USLIN CHRISTINE L	NO LIEN STIP/WAIVER
<input type="checkbox"/>	1999-30468	USLIN LOUIS J	NO LIEN STIP/WAIVER
<input type="checkbox"/>	1999-30468	USLIN LOUIS J	NO LIEN STIP/WAIVER
<input type="checkbox"/>	2005-01603	USLOSKI WALTER M	RP/MF MORTGAGE FORE
<input type="checkbox"/>	2003-03053	USLOSKI WALTER MICHAEL	JUDGMENT RESTITUTIO
<input type="checkbox"/>	2005-01603	USLOSKI WALTER MICHAEL	RP/MF MORTGAGE FORE
<input type="checkbox"/>	2009-08813	USM INC	NGL/PI PERSONAL INJU
<input type="checkbox"/>	2010-01629	USM TRANSFIELD SERVICES GROUP	NGL/PI PERSONAL INJU
<input type="checkbox"/>	2001-00353	USOWSKAS DEBORAH ANN SATISFIED 6/19/07	TAX CLAIM SALE- COUN
<input type="checkbox"/>	2015-06967	USPG PORTFOLIO FIVE LLC	CIVIL APPEALS - AGEN
<input type="checkbox"/>	2016-00420	USPG PORTFOLIO FIVE LLC	REAL PROPERTY - LAND
<input type="checkbox"/>	2016-07260	USPG PORTFOLIO FIVE LLC	REAL PROPERTY - LAND
<input type="checkbox"/>	2016-07263	USPG PORTFOLIO FIVE LLC	REAL PROPERTY - LAND
<input type="checkbox"/>	2017-04793	USPG PORTFOLIO FIVE LLC	REAL PROPERTY - LAND
<input type="checkbox"/>	2019-30127	USPG PORTFOLIO FIVE LLC	MECHANICS LIEN CLAIM
<input type="checkbox"/>	2019-06488	USPG PORTFOLIO FIVE LLC	CIVIL APPEALS - AGEN

More...



Lackawanna County, Pennsylvania

Lackawanna County, PA

ENTER

PAGE UP

PAGE DOWN

EXIT

SEARCH FILTER

SUMMARY VIEW

BACK

TOP

BOTTOM

Prothonotary - Search - Judgment Index

Litigant:

or Case No:

-

No match found for: U XXXXXXXXXX

Sel	Litigant Name	Case No.	Date / Time	Descript
<input type="checkbox"/>	USKOWSKAS DAWN	2007-04639	08/21/2007 3:32	LIS PEN
<input type="checkbox"/>	USKOWSKAS DAWN	2007-04639	02/19/2008 2:00	STRICKE
<input type="checkbox"/>	USLOSKI WALTER M	2005-01603	02/24/2006 10:31	JUDGME
<input type="checkbox"/>	USLOSKI WALTER M	2005-01603	03/03/2006 11:06	WRIT OF
<input type="checkbox"/>	USLOSKI WALTER MICHAEL	2003-03053	07/24/2030 1:34	JUDG/RE
<input type="checkbox"/>	USLOSKI WALTER MICHAEL	2005-01603	02/24/2006 10:31	JUDGME
<input type="checkbox"/>	USLOSKI WALTER MICHAEL	2005-01603	03/03/2006 11:06	WRIT OF
<input type="checkbox"/>	USPG PORTFOLIO FIVE LLC	2019-30127	08/09/2019 10:50	MECHAN
<input type="checkbox"/>	USRY JO ANN MURPHY	2010-05413	08/03/2010 2:10	FEDERAL

More...

Welcome: PUBLIC PUBLIC **Luzerne County, PA** Search 

[Search](#) [Results](#) [View](#) [Names](#) [My Documents](#) [LIEN INDEX](#) [LogOut](#)

Search Cover Date: 11/30/2022

Party 1: Last Name or Company Name: First Name:

☒ ignore party type when search for name

Party 2:

(mm/dd/yyyy) (mm/dd/yyyy)

From Date: Thru:

Document Group:

Document Description:

(mm/dd/yyyy) (mm/dd/yyyy)

Item From: Thru:

Item Description:

Case#: P#Nr:

AOPC#: PFA#:

 Help

Welcome: PUBLIC PUBLIC

Luzerne County, PA

Search 

Search Results View Names My Documents LIEN INDEX LogOut

Search Results

No documents were found to satisfy the given selection criteria

Viewing List: Search Results

Print Selected To My Docs

Search Executed: 12/10/2022 07:42:00 AM

Search Results: 0 documents found

Selection Criteria:

Field	Comparison	Value
OR Party or EE Party	LIKE	U [REDACTED]
Recording Date	Greater Than or Equal To	01/01/1971
Recording Date	Less Than or Equal To	12/12/2022

 Help



KATHY HOCHUL
Governor

Department of Health

MARY T. BASSETT, M.D., M.P.H.
Commissioner

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

Receipt No.: [REDACTED]

MILICA U [REDACTED]
[REDACTED]

- ☒ No Refund Due
☐ Refund Due Will Be
Mailed at a Later Date

NO RECORD CERTIFICATION

This is to certify that a diligent search of dissolution of marriage records on file with the New York State Department of Health has been made for the dissolution of marriage record of
MILICA U [REDACTED] AND NIKOLA U [REDACTED]

which is said to have occurred JANUARY 1, 2011 THRU DECEMBER 31, 2020

at* NEW YORK STATE, N.Y. Search has been made for the period of years from
JANUARY 2011 to DECEMBER 31, 2020

and the record has not been found. It is hereby certified, pursuant to the requirements of Rule 4521 of the Civil Practice Law and Rules, legal custody of the above specified official records belongs to the New York State Department of Health.

Stephanie E. Ostrowski
New York State Registrar
(855) 322-1022

Dated at Albany, N.Y. December 14, 2022

*Further inquiries may be made at the county clerk office where the divorce is believed to have been granted.

DAM

Empire State Plaza, Corning Tower, Albany, NY 12237 | health.ny.gov

DOH-2033 (2/2002)



Department of Health

KATHY HOCHUL
Governor

MARY T. BASSETT, M.D., M.P.H.
Commissioner

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

Receipt No.: 150894027

MILICA U [REDACTED]
[REDACTED]

- ☒ No Refund Due
☐ Refund Due Will Be
Mailed at a Later Date

NO RECORD CERTIFICATION

This is to certify that a diligent search of dissolution of marriage records on file with the New York State Department of Health has been made for the dissolution of marriage record of MILICA V [REDACTED] AND NIKOLA U [REDACTED]

which is said to have occurred JANUARY 1, 2001 THRU DECEMBER 31, 2010

at* NEW YORK STATE, N.Y. Search has been made for the period of years from
JANUARY 1, 2001 to DECEMBER 31, 2010

and the record has not been found. It is hereby certified, pursuant to the requirements of Rule 4521 of the Civil Practice Law and Rules, legal custody of the above specified official records belongs to the New York State Department of Health.

Stephanie E. Ostrowski

Stephanie E. Ostrowski
New York State Registrar
(855) 322-1022

Dated at Albany, N.Y. October 13, 2022

*Further inquiries may be made at the county clerk office where the divorce is believed to have been granted.

DAM

Empire State Plaza, Corning Tower, Albany, NY 12237 | health.ny.gov



Department of Health

KATHY HOCHUL
Governor

MARY T. BASSETT, M.D., M.P.H.
Commissioner

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

MILICA U [REDACTED]

Receipt No.: [REDACTED]

- ☒ No Refund Due
☐ Refund Due Will Be
Mailed at a Later Date

NO RECORD CERTIFICATION

This is to certify that a diligent search of dissolution of marriage records on file with the New York State Department of Health has been made for the dissolution of marriage record of
MILICA V [REDACTED] AND NIKOLA U [REDACTED]

which is said to have occurred JANUARY 1, 1971 THRU DECEMBER 31, 1980

at* NEW YORK STATE, N.Y. Search has been made for the period of years from
JANUARY 1, 1971 to DECEMBER 31, 1980

and the record has not been found. It is hereby certified, pursuant to the requirements of Rule 4521 of the Civil Practice Law and Rules, legal custody of the above specified official records belongs to the New York State Department of Health.

Stephanie E. Ostrowski

Stephanie E. Ostrowski
New York State Registrar
(855) 322-1022

Dated at Albany, N.Y. October 13, 2022

*Further inquiries may be made at the county clerk office where the divorce is believed to have been granted.

DAM

Empire State Plaza, Corning Tower, Albany, NY 12237 | health.ny.gov



KATHY HOCHUL
Governor

Department of Health

MARY T. BASSETT, M.D., M.P.H.
Commissioner

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

Receipt No.:

MILICA U

- ☒ No Refund Due
☐ Refund Due Will Be
Mailed at a Later Date

NO RECORD CERTIFICATION

This is to certify that a diligent search of dissolution of marriage records on file with the New York State Department of Health has been made for the dissolution of marriage record of
MILICA V AND NIKOLA U

which is said to have occurred JANUARY 1, 1981 THRU DECEMBER 31, 1990

at* NEW YORK STATE, N.Y. Search has been made for the period of years from
JANUARY 1, 1981 to DECEMBER 31, 1990

and the record has not been found. It is hereby certified, pursuant to the requirements of Rule 4521 of the Civil Practice Law and Rules, legal custody of the above specified official records belongs to the New York State Department of Health.

Stephanie E. Ostrowski
New York State Registrar
(855) 322-1022

Dated at Albany, N.Y. October 13, 2022

*Further inquiries may be made at the county clerk office where the divorce is believed to have been granted.

DAM

Empire State Plaza, Corning Tower, Albany, NY 12237 | health.ny.gov



Department of Health

KATHY HOCHUL
Governor

MARY T. BASSETT, M.D., M.P.H.
Commissioner

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

Receipt No.:

MILICA U

- ☒ No Refund Due
☐ Refund Due Will Be Mailed at a Later Date

NO RECORD CERTIFICATION

This is to certify that a diligent search of dissolution of marriage records on file with the New York State Department of Health has been made for the dissolution of marriage record of MILICA V AND NIKOLA U

which is said to have occurred JANUARY 1, 1991 THRU DECEMBER 31, 2000

at* NEW YORK STATE, N.Y. Search has been made for the period of years from JANUARY 1, 1991 to DECEMBER 31, 2000

and the record has not been found. It is hereby certified, pursuant to the requirements of Rule 4521 of the Civil Practice Law and Rules, legal custody of the above specified official records belongs to the New York State Department of Health.

Stephanie E. Ostrowski

Stephanie E. Ostrowski
New York State Registrar
(855) 322-1022

Dated at Albany, N.Y. October 13, 2022

*Further inquiries may be made at the county clerk office where the divorce is believed to have been granted.



32BJ Benefit Funds
25 West 18th Street
New York, NY 10011-4676

www.32bjfunds.org
800-551-3225 Member Services

March 21, 2023

Milica U [REDACTED]

[REDACTED] 9K

RE: Appeal # [REDACTED]

Dear Milica U [REDACTED]

On March 15, 2023 the Trustees' Appeals Committee heard your appeal regarding the denial of a surviving spouse benefit from the Building Service 32BJ Pension Fund.

The Trustees have approved your appeal. The Retirement Services Department will process your application and you will receive payment effective March 1, 2022, the first of the month following Nickola's passing. Under separate cover, the Retirement Services Department will advise you of the amount of your monthly benefit and the retroactive payment due to you.

Sincerely,

A handwritten signature in cursive script that reads "Peter Goldberger".

Peter Goldberger
Executive Director

cc: Regine Breton, Director Retirement Services
Christopher Dagg, Esq.