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## **Dying of Cancer, Woman Battles Bank on Eviction**

By **JEFF LEIBOWITZ**

Earlier this month, the world came crashing down on Doris Sanders. Within a few hours, she received a notice of eviction from her home of 19 years and she learned she was dying of cancer.

Mrs. Sanders, 48, is fighting back on both fronts. But if her course of therapy should fail, she has one final wish: to live out her remaining days in the home she and her husband, Robert E. Payne, bought in 1976.

Citibank, which held the mortgage on the house at 1101 Broadway, foreclosed in 1993 and has been moving aggressively in the courts to get her out, even though it had agreed in a letter to let a designee for Mrs. Sanders, a brother-in-law in this case, buy back the house by paying off the mortgage and related expenses.

The courts have blocked eviction proceedings twice, finding that the repurchase agreement is binding, but Citibank persists.

Mrs. Sanders's lawyer, Neil H. Greenberg, summarizes the situation this way: "They made a deal. They're not honoring the deal, and they are using their superior resources to insure that she is thrown out of her home. And now she is terminally ill. How can she go on fighting and making these court appearances when she requires immediate hospitalization?"

To compound her problems, one of Mrs. Sanders's three sons, Nathan Payne, 29, lives with her and has AIDS.

Mrs. Sanders said her housing troubles began in 1991 when her second husband, David Sanders, died in a car accident.

Mr. Sanders, a sheet-metal worker, had no life insurance, and Mrs. Sanders was earning less than \$17,000 a year as an administrative assistant at the New York Institute of Technology's computer science department. She quickly fell behind in her mortgage payments.

In June 1993, when Mrs. Sanders owed the bank \$82,176, Citibank foreclosed. Mrs. Sanders said she negotiated a repayment schedule, but on the day she received the necessary forms, she also received an eviction notice.

Mrs. Sanders said she then sought a lawyer: "The attorneys told me they could stop the foreclosure, but that I would have to come up with more money for them than for what I owed the bank." She said her pastor recommended another lawyer, Mr. Greenberg, who she said took the case at no charge.

Mr. Greenberg said he worked out a deal with a lawyer for Citibank, Jules I. Palmer, in which Mrs. Sanders's brother-in-law, Lonnie Harris, would pay Citibank the entire amount owed, \$84,000, and be given title to the house. Mrs. Sanders then would have rented the house from Mr. Harris.

"I felt great," Mrs. Sanders said. "I was getting my house back. I thought everything was going to be all right."

Mr. Palmer formalized the agreement in a letter to Mr. Greenberg dated June 30, 1993, saying the bank was prepared to let Mrs. Sanders, or her appointee, in effect buy back the house. Since then, her former husband, Mr. Payne, has also offered to buy the house for her.

But the bank did not go through with the deal, and in August 1993 it moved again to evict Mrs. Sanders. Mr. Palmer did not return repeated phone calls for comment. Ida Wieland, his legal assistant, said: "It's just an eviction. Evictions are done every day."

Susan Weeks, Citibank's vice president of public affairs, said the letter from Mr. Palmer was not a binding contract, adding that it is now two years old and should not be an issue in the current dispute. More important, she asserted: "They have never had a buyer. We have nothing to indicate they have a buyer."

She said the bank had dealt fairly with Mrs. Sanders.

"We have tried to work with her and we just don't see anything on the horizon," Ms. Weeks said. "The situation can't go on indefinitely." She also said the bank was unaware of Mrs. Sanders's health problems.

Mr. Greenberg insisted that the bank had letters detailing the purchase offer

and said he thought the bank had reneged because it would make more money by selling the house, which he said was now worth \$135,000.

He appealed the eviction in State Supreme Court and won a preliminary injunction blocking it. Citibank then filed another motion asking the same judge, Edward W. McCarty 3d, to evict Mrs. Sanders. He deferred to Judge Thomas P. Phelen of First District Court in Hempstead, who heard the trial in April. He, too, barred the bank from evicting Mrs. Sanders.

"I felt great," Mrs. Sanders said. "I went to church and gave testimony. I said, 'Thank God,' and I told 200 people, 'I went to court and I won. Thank God they are off my back.' I thought that this was over. We were so happy."

Mrs. Sanders said she was thus shocked to receive another notice of eviction earlier this month. The papers allow her until Wednesday to vacate the home or be evicted. She said she received the papers after visiting her doctor and learning she was terminally ill with cancer.

Her doctors said that the cancer, which began in her stomach, had spread to her liver, lymph nodes and chest, and that she might not survive the year.

If Citibank succeeds in evicting Mrs. Sanders, Mr. Greenberg said, "instead of owning the home she strove to support, she's going to wind up homeless and dead." The TimesMachine archive viewer is a subscriber-only feature.

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