

COLUMNIST

# Dan Haar: A property owner returns to CT, finds a new \$1.5M house on his land. Now police are involved



Dan Haar, Hearst CTinsider Columnist

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A house under construction at 51 Sky Top Terrace in Fairfield is the subject of a lawsuit that alleges the land was wrongly transferred in an elaborate scheme.

Dan Haar/Hearst CT Media

For the last two years, the online land records page in the town of Fairfield has offered a "fraud alert" service. Anyone can sign up to see legal filings on their property. It's part of the careful new world – but no one could anticipate the situation that's unfolding on Sky Top Terrace, near Sacred Heart University.

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Dr. Daniel Kenigsberg grew up in a house his parents bought on the semicircular street in 1953, when he was a 1-year-old. After medical school in New York and residency in Maryland, he and his wife raised their two children on Long Island, across the Sound from Fairfield.

Kenigsberg never lost his fondness for the town. For decades, he held on to a vacant parcel of just under a half-acre next door to his childhood home. His father had bought that land, also in 1953, directly from Eleazar Parmly Jr. -- the family that settled the area in 1716.

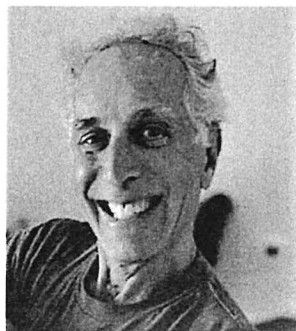
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He hoped to pass it on to a future generation of Kenigsbergs. "Certainly if one of my children wanted to live in Fairfield, Connecticut, I'd be very happy about that," Kenigsberg told me this week from Long Island.



Dr. Daniel Kenigsberg, a Long Island resident who grew up in Fairfield owns a parcel in Fairfield that was sold in 2022 and developed with a new house without his knowledge, he says in a federal lawsuit filed in July, 2023.  
Courtesy of Daniel Kenigsberg

On May 31 of this year, Kenigsberg received a call with bad news from a childhood friend still in Fairfield. His closest pal growing up was in a hospice in the town. And by the way, the friend mentioned, they're building a house on the lot next to his old home.

They're doing what? "I said, 'I own that and I never sold it,'" Kenigsberg recounted this week. "I was shocked."

He took the ferry across the Sound on that same Wednesday afternoon to see his dying friend. Afterward, Kenigsberg stopped by Sky Top Terrace, where the family home on the corner of Sky Top Drive was long since sold but the parcel next door remained in his possession, or so he thought. Over the decades he had watched it morph from a scrubby plot to a thickly wooded mini-forest.

Now he stood eye-to-eye with a cleared, dirt building lot containing a 4-bedroom house, nearly completed but with no siding yet on his parcel at 51 Sky Top Terrace. It had popped up without his knowledge after a land transaction that appears to be an elaborate scam, according to a lawsuit Kenigsberg filed this month in U.S. District Court in Connecticut.

Town records point the way toward the story. On Oct. 18, 2022, Daniel Kenigsberg of Johannesburg, South Africa granted the power of attorney – the right to sign legal documents on his behalf -- to Anthony Monelli, a Trumbull lawyer. That same day

nine months ago, a firm known as 51 Sky Top Partners LLC purchased the lot from Kenigsberg, or so the land records show, for \$350,000.

By January 24 of this year, a local construction firm affiliated with 51 Sky Top Partners had a building permit in hand. The development was off to the races. And a real estate nightmare, exactly what land use law is designed to prevent, was about to unfold.



Daniel Kenigsberg, a doctor on Long Island, grew up in the house at left on the corner of Sky Top Terrace and Sky Top Drive in Fairfield. The house on the right appeared on what was a wooded parcel that Kenigsberg owns.

Dan Haar/Hearst CT Media

## A dream becomes a nightmare

The lawsuit, citing Connecticut trade laws, names as defendants Sky Top Partners, which it says is owned by Gina Leto and Greg Bugaj; and Monelli. It claims Kenigsberg “is suffering irreparable damage” and that he “never authorized the sale of his property to anyone.”

It seeks a voiding of the 2022 sale and a jury trial with damages and compensation to Kenigsberg that could reach \$2 million, court documents show.

Today the house, 4,000 square feet with five bathrooms and spectacular amenities, is shown in a “contingent” offer for \$1,475,000 as “Lot 2, Sky Top Terrace,” according to at least two websites, complete with a computer-generated [interior tour](#) of

the open-floor layout.

“Stunning new construction built on quiet side street by respected local builder,” the website chirps. “Great location...Great back yard. Room for playset, kick a soccer ball or a swimming pool!”

It could be some family’s dream. But those pristine hardwood floors, that painted outdoor patio, might never hold the soft footsteps of children or anyone else.

The lawsuit seeks an order for the defendants “to remove any structures and/or materials from the Property and restore the Property to the condition that it was in prior to Defendants’ trespass upon it.”

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Fairfield Police Lt. Michael Paris confirmed that a criminal probe is underway, in which detectives are attempting to find out who received money from the buyers. “It’s still under investigation as of this point,” said Paris, the department spokesman. “It’s a bank account transfer.”

The lawsuit doesn't accuse the defendants of masterminding the alleged fraud and there is no indication that they are targets of the criminal investigation. "It looks like somebody from South Africa reached out to maybe the broker and maybe Attorney Monelli," said Peter M. Nolin of Carmody Torrance Sandak & Hennessey LLP in Stamford, who brought the lawsuit for Kenigsberg.

Still, the civil action in federal court lays blame on the defendants, who, the lawsuit says, "knew or should have known" that a fraud was taking place and that the person purporting to be Kenigsberg was not him. "The Defendants committed their improper acts and/or practices intentionally, with a specific intent to injure the Plaintiff and/or with a reckless disregard for the Plaintiff's rights," the lawsuit alleges.

Monelli declined to comment, citing the litigation. A lawyer for Sky Top Partners did not return calls seeking comment. Neither has filed a response in the case.

### **'A bunch of red flags'**

Frauds of the sort alleged here are extremely rare, lawyers and public officials say. We've seen examples of contested land transfers filed by parties claiming a competing ownership interest, as [happened earlier this year](#) at the Cobb's Mill Inn in Weston.

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But impersonation leading to the improper development of vacant land, as alleged in this case? Layers of checks and balances are in place in real estate law and practice.

It's possible we will see it happen more often. Artificial intelligence can make false identities all the easier as the lines blur between real and fake. That's why we're seeing the rise of fraud alerts in land transactions. Traditional title insurance doesn't protect against identity fraud.

"Apparently there are scammers around the country doing this kind of thing," Nolin, the lawyer for Kenigsberg, said this week.

It is possible the alleged scam in this case was highly sophisticated. Nolin and Kenigsberg, in comments to me and in the lawsuit -- which calls it "an obviously forged power-of-attorney to steal real property" -- insist the transaction should never have happened.

"There are a bunch of red flags that should have put him on notice," Nolin said of Monelli, including, Nolin said, that the power of attorney was signed before a notary in the U.S. Consulate in South Africa, "which doesn't make sense."

The 0.45-acre property was listed for sale by Keller Williams Realty for \$270,000 in August, 2022, online records show. It sold two months later for \$350,000.

The lawsuit does not name Keller Williams or the agent who listed the property, nor the agent for Coldwell Banker, which is listed as the selling agent for Sky Top Partners on that company's website and many others. The agent for Coldwell Banker declined comment pending consent from his client and the agent for Keller Williams did not return a call seeking comment.

## 300 years, two families

One thing seems clear: Daniel Kenigsberg, who has owned the parcel outright since 2011, after his brother died, and jointly since 1991, values the property beyond its financial worth. He paid town taxes on it as a buildable lot for decades, including \$37,000 over the last eight years alone, never moving to sell or develop it.



He talks about his father paying \$5,000 for the land in 1953 (\$5,168.01 to be exact) and about how it has been in just two families for 300 years, a record he intends to extend. In fact, A broker offered Kenigsberg \$400,000 for the property, later lowered to \$350,000, in the spring of 2022, he told me. He turned it down.

“You know when you go back to your old neighborhood...it still more or less looks the same,” he told me. “That was this family’s house and that was that family’s house.”

The new one seemed out of place to him, all the more because in his view it doesn’t fit in with the classic postwar, split-level architecture of the neighborhood. “It just struck me as very weird. You have a picture in your mind and then...”

He stops that sentence. “I’m angry that so many people were so negligent that this could have happened....It wasn’t for sale...It’s more than obnoxious, it’s offensive and wrong.”

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Dan Haar is columnist and associate editor at Hearst Connecticut Media Group, writing about the intersection of business, public policy and politics and how the issues affect the people of Connecticut.

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