

At a Term of Supreme Court of the State of New York held in and for the County of Erie at the Erie County Courthouse, Buffalo, New York, on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

PRESENT: Hon. \_\_\_\_\_  
Justice of Supreme Court

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ERIE

Citizens Bank, N.A. f/k/a RBS Citizens, N.A.

Plaintiff,

v.

Edwin H. Gozdziaak, individually and as Administrator of the Estate of George Gozdziaak  
Nancy A. Swift  
Linda A. Phillips  
New York State Department of Taxation and Finance  
United States of America/Internal Revenue Service  
and "John Doe", said name being fictitious  
and intended to include any and all parties  
having an interest in the mortgaged premises  
and not otherwise identified above,

Defendants.

**ORDER OF REFERENCE**

Index No.: 800696/2019

RJI No.: \_\_\_\_\_

**Mortgaged Premises:**  
1800 William Street  
Buffalo, NY 14206  
Tax Parcel: 112.58-4-30  
City of Buffalo  
County of Erie

Upon the Summons and Complaint herein, and due proof that all the Defendants have been duly served with said process or have voluntarily appeared in this action,

AND, upon the affirmation of Kelly C. Griffith, Esq., of Harris Beach PLLC, attorneys for the Plaintiff, setting forth the prior proceedings and the various facts which entitled the Plaintiff to the relief prayed for, and upon all the prior proceedings,

NOW, on motion of HARRIS BEACH PLLC, attorneys for Plaintiff, it is

ORDERED, that \_\_\_\_\_, Esq. of

\_\_\_\_\_, New York, is hereby appointed referee to ascertain and compute the amount due upon the note and mortgage being foreclosed in this action and to examine and report whether the mortgaged premises can be sold in parcels; and it is further

ORDERED, that by accepting this appointment the referee certifies that he/she is in compliance with Part 36 of the Rules of the Chief Judge (22 NYCRR Part 36), including but not limited to Section 36.2(c) ("Disqualifications from appointment"), and Section 36.2(d) ("Limitations on appointments based upon compensation); and it is further

ORDERED that the caption of this action be amended to substitute the names of Asia Davis and Melvin Oliver for the name of "John Doe", as the tenants and occupants of said mortgaged premises have been identified; and it is further

ORDERED, that pursuant to this application that the caption of this action shall be amended as follows:

STATE OF NEW YORK  
SUPREME COURT                      COUNTY OF ERIE

Citizens Bank, N.A. f/k/a RBS Citizens, N.A.

Index No. 800696/2019

Plaintiff

v.

Edwin H. Gozdziaik, individually and as Administrator of the  
Estate of George Gozdziaik

Nancy A. Swift

Linda A. Phillips

New York State Department of Taxation and Finance

United States of America/Internal Revenue Service

Asia Davis

Melvin Oliver

Defendants.

and it is further;

ORDERED, that, if required, the referee take testimony pursuant to RPAPL, Section 1321.

Dated: \_\_\_\_\_, 2019  
Buffalo, New York

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Hon.  
Justice of Supreme Court

GRANTED: