

At Part _____ of the Supreme Court held in the County of FRANKLIN at Courthouse 355 WEST MAIN STREET, MALONE NY on ____ day of _____, 20 ____

PRESENT: HON:

JUSTICE OF THE SUPREME COURT

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CITIBANK, N.A., NOT IN ITS INDIVIDUAL
CAPACITY, BUT SOLELY AS TRUSTEE OF NRZ
PASS-THROUGH TRUST VI

Plaintiff(s),

-against-

FRANCES L. PERRY, FRANKLIN COUNTY
TREASURER, AS ADMINISTRATOR OF THE
ESTATE OF BARBARA SIMONSON A/K/A
BARBARA A. SIMONSON
LISA A. SIMONSON A/K/A LISA SIMONSON, AS
HEIR OF THE ESTATE OF BARBARA SIMONSON
A/K/A BARBARA A. SIMONSON
ALLISON M. SIMONSON, AS HEIR OF THE
ESTATE OF BARBARA SIMONSON A/K/A
BARBARA A. SIMONSON
ROBERT A. SIMONSON, JR., AS HEIR OF THE
ESTATE OF BARBARA SIMONSON A/K/A
BARBARA A. SIMONSON
MARGARET ELLEN SIMONSON, AS HEIR OF THE
ESTATE OF BARBARA SIMONSON A/K/A
BARBARA A. SIMONSON
KEITH R. SIMONSON, AS HEIR OF THE ESTATE
OF BARBARA SIMONSON A/K/A BARBARA A.
SIMONSON
ERIN T. DANZIGER, AS HEIR OF THE ESTATE OF
BARBARA SIMONSON A/K/A BARBARA A.
SIMONSON
WILLIAM GEORGE SIMONSON, AS HEIR OF THE
ESTATE OF BARBARA SIMONSON A/K/A
BARBARA A. SIMONSON
JERRY HATCH, AS HEIR OF THE ESTATE OF
BARBARA SIMONSON A/K/A BARBARA A.
SIMONSON

Index No.: E2019-941

**ORDER FOR REFERENCE AND
DEFAULT JUDGMENT**

MORTGAGE PROPERTY:
1729 STATE ROUTE 86
SARANAC LAKE, NY 12983
COUNTY: FRANKLIN
SBL #: 424, 1, 11

any and all persons unknown to plaintiff, claiming, or who may claim to have an interest in, or generally or specific lien upon the real property described in this action; such unknown persons being herein generally described and intended to be included in the following designation, namely: the wife, widow, husband, widower, heirs-at law, next of kin, descendants, executors, administrators, devisees, legatees, creditors, trustees, committees, lienors, and assignees of Barbara Simonson A/K/A Barbara A. Simonson, deceased, any and all persons deriving interest in or lien upon, or title to said real property by, through or under them and their respective wives, widows, husbands, widowers, heirs-at law, next of kin, descendants, executors, administrators, devisees, legatees, creditors, trustees, committees, lienors, and assignees, all of whom and whose names, except as stated, are unknown to plaintiff

UNITED STATES OF AMERICA O/B/O INTERNAL
REVENUE SERVICE
NEW YORK STATE DEPARTMENT OF TAXATION
AND FINANCE
FRANKLIN COUNTY DEPARTMENT OF SOCIAL
SERVICES
BIG D BUILDING SUPPLY CORP. DBA BIG D FUEL
PEOPLE OF THE STATE OF NEW YORK

“JOHN DOE #1” through “JOHN DOE #12,” the last twelve names being fictitious and unknown to plaintiff, the persons or parties intended being the tenants, occupants, persons or corporations, if any, having or claiming an interest in or lien upon the premises, described in the complaint,

Defendant(s).

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UPON the Summons, Complaint, and Notice of Pendency filed in this action November 26, 2019, the Re-filed Notice of Pendency filed in this action on March 13, 2020, the Notice of Motion dated March 13, 2020, the Affirmation of Jennifer R. Brennan, filed March 13, 2020 and the exhibits annexed thereto, the affidavit of merit and amount due by Melissa Woods who is Foreclosure Specialist of NEW REZ LLC, F/K/A NEW PENN FINANCIAL, LLC, D/B/A SHELLPOINT MORTGAGE SERVICING, AS ATTORNEY IN FACT FOR CITIBANK, N.A., NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE FOR NRZ PASS-THROUGH

TRUST VI, duly sworn to on December 11, 2019, together with the exhibits attached thereto, and all prior papers filed in this action and prior proceedings had herein; and

UPON proof that each of the defendants herein has been duly served with the Summons and Complaint in this action and required notices;

AND it appearing that the Mortgagor is not a resident of the property subject to foreclosure, because she is deceased;

AND it appearing that FRANCES L. PERRY, FRANKLIN COUNTY TREASURER, AS ADMINISTRATOR OF THE ESTATE OF BARBARA SIMONSON A/K/A BARBARA A. SIMONSON, LISA A. SIMONSON A/K/A LISA SIMONSON, AS HEIR OF THE ESTATE OF BARBARA SIMONSON A/K/A BARBARA A. SIMONSON, ALLISON M. SIMONSON, AS HEIR OF THE ESTATE OF BARBARA SIMONSON A/K/A BARBARA A. SIMONSON, ROBERT A. SIMONSON, JR., AS HEIR OF THE ESTATE OF BARBARA SIMONSON A/K/A BARBARA A. SIMONSON, MARGARET ELLEN SIMONSON, AS HEIR OF THE ESTATE OF BARBARA SIMONSON A/K/A BARBARA A. SIMONSON, KEITH R. SIMONSON, AS HEIR OF THE ESTATE OF BARBARA SIMONSON A/K/A BARBARA A. SIMONSON, ERIN T. DANZIGER, AS HEIR OF THE ESTATE OF BARBARA SIMONSON A/K/A BARBARA A. SIMONSON, WILLIAM GEORGE SIMONSON, AS HEIR OF THE ESTATE OF BARBARA SIMONSON A/K/A BARBARA A. SIMONSON, JERRY HATCH, AS HEIR OF THE ESTATE OF BARBARA SIMONSON A/K/A BARBARA A. SIMONSON, UNITED STATES OF AMERICA O/B/O INTERNAL REVENUE SERVICE, NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE, FRANKLIN COUNTY DEPARTMENT OF SOCIAL SERVICES, BIG D BUILDING SUPPLY CORP. DBA BIG D FUEL, PEOPLE OF THE STATE OF NEW YORK, JAMES PECK A/K/A JOHN DOE #1, time to answer the complaint has expired; and

AND Upon the Notice of Appearance of UNITED STATES OF AMERICA O/B/O INTERNAL REVENUE SERVICE;

AND it appearing to the satisfaction of this court that this action was brought to foreclose a Mortgage on real property located at 1729 STATE ROUTE 86, SARANAC LAKE, NY 12983, in the County of FRANKLIN, State of New York Section 424, Block 1, Lot 11

NOW, on motion by Roach & Lin, P.C., attorney for the Plaintiff, it is hereby

ORDERED that FRANCES L. PERRY, FRANKLIN COUNTY TREASURER, AS ADMINISTRATOR OF THE ESTATE OF BARBARA SIMONSON A/K/A BARBARA A. SIMONSON, LISA A. SIMONSON A/K/A LISA SIMONSON, AS HEIR OF THE ESTATE OF BARBARA SIMONSON A/K/A BARBARA A. SIMONSON, ALLISON M. SIMONSON, AS HEIR OF THE ESTATE OF BARBARA SIMONSON A/K/A BARBARA A. SIMONSON, ROBERT A. SIMONSON, JR., AS HEIR OF THE ESTATE OF BARBARA SIMONSON A/K/A BARBARA A. SIMONSON, MARGARET ELLEN SIMONSON, AS HEIR OF THE ESTATE OF BARBARA SIMONSON A/K/A BARBARA A. SIMONSON, KEITH R. SIMONSON, AS HEIR OF THE ESTATE OF BARBARA SIMONSON A/K/A BARBARA A. SIMONSON, ERIN T. DANZIGER, AS HEIR OF THE ESTATE OF BARBARA SIMONSON A/K/A BARBARA A. SIMONSON, WILLIAM GEORGE SIMONSON, AS HEIR OF THE ESTATE OF BARBARA SIMONSON A/K/A BARBARA A. SIMONSON, JERRY HATCH, AS HEIR OF THE ESTATE OF BARBARA SIMONSON A/K/A BARBARA A. SIMONSON, NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE, FRANKLIN COUNTY DEPARTMENT OF SOCIAL SERVICES, BIG D BUILDING SUPPLY CORP. DBA BIG D FUEL, PEOPLE OF THE STATE OF NEW YORK, JAMES PECK A/K/A JOHN DOE #1, are deemed to be in default; and it is further

ORDERED that _____ with an address of _____, is hereby appointed Referee, in accordance with RPAPL §1321, to compute the amount due to Plaintiff and to examine whether the mortgaged property may be sold in parcels; and it is further

ORDERED that the Referee make his/her computation and report with all convenient speed; and it is further

ORDERED that, if necessary, the Referee may take testimony pursuant to RPAPL §1321; and it is further

ORDERED that by accepting this appointment the Referee certifies that the he/she is in compliance with Part 36 of the Rules of the Chief Judge (*22 NYCRR Part 36*), including, but not limited to §36.2(c) (*"Disqualifications from appointment"*), and §36.2(d) (*"Limitations on appointments based upon compensation"*), and, if the Referee is disqualified from receiving an appointment pursuant to the provisions of that Rule, the Referee shall immediately notify the Appointing Judge; and it is further

ORDERED that, pursuant to CPLR 8003(a), the statutory fee of \$350.00, and in the discretion of the court, a fee of \$_____, shall be paid to the Referee for the computation of the amount due and upon the filing of his/her report and the Referee shall not request or accept additional compensation for the computation unless it has been fixed by the court in accordance with CPLR 8003(a); and it is further

ORDERED that the Referee is prohibited from accepting or retaining any funds for him/herself or paying funds to him/herself without compliance with Part 36 of the Rules of the Chief Administrative Judge; and it is further;

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