

At Part FRP2 of the Supreme Court of the State of New York in and for the County of Kings, at the Courthouse located at 360 Adams Street, Brooklyn, NY, 11201 on _____, 2018

Present: **Hon. Mark I. Partnow, J.S.C.**

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NYCTL 2016-A TRUST and The Bank of New York Mellon as Collateral Agent and Custodian,

Index No. 505219/17

**ORDER TO VACATE
AND RE-ISSUE
REFERENCE**

Plaintiffs,

- against -

Tax Lien Foreclosure of:
518 Bristol Street, Brooklyn,
NY 11212
(Block: 03612, Lot: 0045)

Gilbert Neal; New York City Department of Housing Preservation and Development; New York City Environmental Control Board; People of the State of New York; Joyce "Doe",

Defendants.

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UPON review the Summons, Complaint and Notice of Pendency of this action filed in the Office of the Clerk of the County of Kings on March 16, 2017; and on the Order of Reference entered in the Office of the Clerk of the County of Kings on July 24, 2017; and on the affidavit of Matthew Nims, Senior Asset Manager with MTAG Services, LLC, the servicer for Plaintiffs dated November 15, 2018 and on the affirmation of John D. Dello-Iacono, Esq. dated November 27, 2018, from which it appears that this action was brought to foreclose a tax lien on real property known as 518 Bristol Street, Brooklyn, NY 11212, (Block: 03612, Lot: 0045) by reason of certain defaults as alleged in the Complaint, that all of the Defendants have been duly served with the Summons and Complaint or have appeared herein, copies of such affidavits of service being

annexed to the motion as **Exhibit "C"** except the Defendants "JOHN DOE #2" through "JOHN DOE #100" who were not served copies of the Summons and Complaint and are not necessary parties to this action, and that the Defendants have defaulted in pleading, and no answer or motion directed to the sufficiency of the Complaint has been interposed by the Defendants and their time so to do has expired; and it appearing that none of the Defendants is an infant, incompetent or absentee, or in the military, and that since the filing of the notice of pendency of this action on March 16, 2017, the Complaint has not been amended, aside from that provided in the prior Order of Reference referenced hereinabove; and on all the pleadings and papers heretofore filed herein, and the proceedings heretofore had herein;

NOW, on motion of The Dello-Iacono Law Group, P.C., the attorneys for the plaintiffs, and no one appearing in opposition thereto, it is

ORDERED, that the motion is granted in its entirety; and it is further,

ORDERED, that the Order of Reference granted June 28, 2018 and entered with the Clerk of the within named Court on July 24, 2017 is hereby vacated in its entirety, and the Clerk is directed to mark his records accordingly; and it is further,

ORDERED, this action be, and the same is hereby referred to _____ having an office at _____, telephone number _____ as Referee to ascertain and compute the amount due to the plaintiff for principal, interest and other disbursements advanced as provided for in the Tax Lien Certificate upon which this action was brought, to examine and report whether or not the premises can be sold in parcels, and the referee make his/her report no later than sixty (60) days of the date of this Order and that, except for good cause shown, the

plaintiff shall move for judgment no later than sixty (60) days of the date of the Referee's report and it is further,

ORDERED, that upon submission of the Referee's Report, Plaintiff shall pay \$250.00 to the Referee as compensation for his/her services, which sum may be recouped as a cost of litigation,

ORDERED, that the referee appointed herein is subject to the requirements of Rule 36.2(c) of the Chief Judge, and if the referee is disqualified from receiving an appointment pursuant to the provisions of that Rule, the referee shall notify the Appointing Judge forthwith, 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 NYCCR Part 36), including but not limited to, section 36.2(e) ("Disqualifications from appointment"), and section 36.2(d) ("Limitations on appointments based upon compensation"), and it is further,

ORDERED, that a default judgment in favor of the Plaintiff be granted as to the claim described in the Plaintiff's Complaint herein, and it is further,

ORDERED, that the caption be amended by substituting Joyce "Doe" as and for "John Doe #1," and striking therefrom the Defendants sued therein as "John Doe #2" to "John Doe #100", all without prejudice to the proceedings heretofore had herein; and it is further,

ORDERED that the caption of this action as amended, shall read as follows:

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS**

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NYCTL 2016-A TRUST and The Bank of New York
Mellon as Collateral Agent and Custodian,

Index No. 505219/17

Plaintiffs,

- against -

Gilbert Neal; New York City Department of Housing Preservation and Development; New York City Environmental Control Board; People of the State of New York; Joyce "Doe",

Defendants.

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and it is further

ORDERED, that a copy of this Judgment with Notice of Entry shall be served upon the designated Referee, owner of the equity of redemption, any tenants named in this action and any other party entitled to notice within 20 days of entry and no less than 30 days prior to any hearing before the Referee. The Referee shall not proceed to take evidence as provided herein without proof of such service, which proof must accompany any application for Final Judgment of Foreclosure and Sale.

Dated:

ENTER,

Hon. Mark I. Partnow, J.S.C.

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS**

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York; Joyce "Doe",

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**ORDER TO VACATE
AND RE-ISSUE ORDER OF REFERENCE**

The Dello-Iacono Law Group, P.C.
f/k/a The Law Office of John D. Dello-Iacono
Attorneys for Plaintiffs
105 Maxess Road, Suite 205
Melville, NY 11747
(631) 861-3001