

At Part of the Supreme Court of the State of New York held in and for the County of Kings at the Courthouse at, 360 Adams Street, Brooklyn, NY 11201, on the 9 day of Jan 2019
~~2018~~

Present: Hon. Lawrence Knipel, J.S.C
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

Wells Fargo Bank, N.A.,

Plaintiff,

-against-

✓
Hopeton Henry, Individually and as Administrator of the Estate of Leslie Henry; Deanne Henry; Colette Henry; Nicole Henry; Diamond Finance Co Inc; Municipal Credit Union; The United States of America acting through The Secretary of Housing and Urban Development; State of New York; City of New York Environmental Control Board; City of New York Parking Violations Bureau; City of New York Transit Adjudication Bureau, and "JOHN DOE", said name being fictitious, it being the intention of Plaintiff to designate any and all occupants of premises being foreclosed herein, and any parties, corporations or entities, if any, having or claiming an interest or lien upon the mortgaged premises,
Defendants.

ORDER OF REFERENCE

Index No. 508496/2015
Our File No.: 15-043727

Foreclosure of:
1166 East 57th Street
Brooklyn, NY 11234

Block 7836 Lot 69

KINGS COUNTY CLERK
FILED
2019 JAN - 8 AM 9: 30

UPON the Notice of Motion dated April 21, 2016, the Summons, Complaint and Notice of Pendency filed in this action on July 9, 2015, annexed thereto, and upon the Affirmation of Bridget M. Dehmler, Esq. of Shapiro, DiCaro & Barak, LLC, counsel for plaintiff, dated April 21, 2016, from which it appears that this action was brought to foreclose a certain Home Equity Conversion Mortgage on real property situated in the County of Kings, State of New York, at 1166 East 57th Street, Brooklyn, NY 11234, (Block 7836 Lot 69) by reason of certain defaults as alleged in the Complaint, and upon the Affidavit of Sherri W McManus, Vice President Loan Documentation, sworn to on April 8, 2016, and it

furthering appearing that all of the Defendants have been duly served with a copy of the Summons and Complaint or have appeared herein, copies of such Affidavits of Service being annexed to the motion as Exhibit "J", and it appearing that no answer has been interposed by the Defendants though the time to answer or appear 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 July 9, 2015, the complaint has not been amended in any manner whatsoever; on the pleadings and papers heretofore filed herein, and no one appearing in opposition hereto,

NOW, on motion of Shapiro, DiCaro & Barak, LLC, the attorneys for the Plaintiff, it is

ORDERED, that the motion is granted; and it is further

ORDERED, that this action be, and the same is hereby referred to

Michael Benjamin

_____ having an office at 2429 E 71st St. BKlyn NY 11236

_____, telephone number 7188102929 as Referee to

ascertain and compute the amount due to the Plaintiff herein for principal, interest, and other disbursements advanced as provided for by statute and in the Note and Mortgage upon which this action was brought, to examine and report whether or not the mortgaged premises, should be sold in parcels, and that the Referee make his/her report no later than 60 days of entry of this order and that, except for good cause shown, the Plaintiff shall move for judgment no later than 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 to the Referee as compensation for his/her services, which sum may be recouped as a cost of litigation; and it is further

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 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 it is further

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

ORDERED, that the caption of this action be amended by substituting Nicole Stewart, Denico Stewart and Andre Gordon in place of "JOHN DOE", 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

Wells Fargo Bank, N.A.,

Plaintiff,

Index No. 508496/2015

-against-

Hopeton Henry, Individually and as Administrator of the Estate of Leslie Henry; Deanne Henry; Colette Henry; Nicole Henry; Diamond Finance Co Inc; Municipal Credit Union; The United States of America acting through The Secretary of Housing and Urban Development; State of New York; City of New York Environmental Control Board; City of New York Parking Violations Bureau; City of New York Transit Adjudication Bureau; Nicole Stewart; Denico Stewart; Andre Gordon,

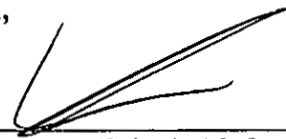
Defendants.

and it is further;

ORDERED, that a copy of this Order 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.

Date: 1/4/19

ENTER,



Hon. Lawrence Knipel, J.S.C.

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