

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

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80 MONROE FUNDING LLC,

Plaintiff,

Index No. 513914/2019

-against-

KORNBERG 510 LLC, RACHELLE ALICIA THOMPSON, AS ADMINISTRATOR OF THE ESTATE OF SYLVIA THOMPSON A/K/A SYLVIA P. THOMPSON, NEW YORK CITY ENVIRONMENTAL CONTROL BOARD, PARKING VIOLATION BUREAU OF THE CITY OF NEW YORK and "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 upon the premises described in the Complaint,

Defendants.


NOTICE OF SETTLEMENT

DBV-049

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PLEASE TAKE NOTICE, that in accordance with the Oral Decision of the Honorable David B. Vaughan, J.S.C., rendered on October 23, 2019, Plaintiff's Motion Seq. No. 001 was granted. Accordingly, the Proposed Order Appointing a Temporary Receiver in a Foreclosure Action annexed hereto as **Exhibit "A"**, will be presented for settlement and signature to the Honorable David B. Vaughan, J.S.C., at the Kings County Supreme Court, 360 Adams Street, Comm. Part 9, Courtroom 969, Brooklyn, New York, 11201 on **Wednesday, November 13, 2019 at 2:15 p.m.**

Dated: New York, New York
October 24, 2019

KRISS & FEUERSTEIN LLP
Attorneys for Plaintiff

By: 
Michael J. Bonneville, Esq.
360 Lexington Avenue, Suite 1200
New York, New York 10017
(212) 661-2900

To:

SHAROVA LAW FIRM
Yelena Sharova, Esq.
Bruce Provda, Esq.
Attorneys for Defendants, KORNBERG 510 LLC and RACHELLE ALICIA THOMPSON, AS ADMINISTRATOR OF THE ESTATE OF SYLVIA THOMPSON A/K/A SYLVIA P. THOMPSON
147 Prince Street, 4th Floor
Brooklyn, New York 11201

Exhibit A

(Immediately Follows This Page)

At **Comm. Part 9** of the Supreme Court of the State of New York held in and for Kings County, 360 Adams Street, Brooklyn, New York 11201 on the 5th day of December, 2019.

P R E S E N T: **HON. DAVID B. VAUGHAN, J.S.C.**

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80 MONROE FUNDING LLC,

Plaintiff,

-against-

Index No. 513914/2019

KORNBERG 510 LLC, RACHELLE ALICIA THOMPSON, AS ADMINISTRATOR OF THE ESTATE OF SYLVIA THOMPSON A/K/A SYLVIA P. THOMPSON, NEW YORK CITY ENVIRONMENTAL CONTROL BOARD, PARKING VIOLATION BUREAU OF THE CITY OF NEW YORK and "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 upon the premises described in the Complaint,


Defendants.
-----X

**ORDER APPOINTING A
TEMPORARY RECEIVER IN
A FORECLOSURE ACTION**

KINGS COUNTY CLERK
FILED
2019 DEC 11 AM 9:27

Upon the Summons (the "**Summons**") and Verified Complaint in a Foreclosure Action (the "**Complaint**") herein, filed in the Office of the Kings County Clerk on June 24, 2019, and upon reading and filing the annexed affirmation of Michael J. Bonneville, Esq. dated August 21, 2019, the Affidavit of Doris Shen sworn to on August 15, 2019, and it appearing to the satisfaction of the Court that this action is brought to foreclose a mortgage lien upon certain premises situated in Kings County, that in and by said mortgage lien it was covenanted that if Defendant failed to comply with the covenants and conditions set forth in the Loan Documents, the entire balance of the principal secured, together with all interest thereon shall immediately become due and payable and upon default, the rents and profits of the said mortgaged premises were thereby assigned to the mortgagee; and it was further covenanted that the mortgagee should

be at liberty immediately after any such default, upon commencement of proceedings for the foreclosure of said Mortgage to apply for the appointment of a Temporary Receiver without notice, and that the mortgagee should be entitled to the appointment of such Temporary Receiver as a matter of right, without consideration of the value of the mortgaged premises or the solvency of any person or persons liable for the payment of such amounts; that said Mortgage is a mortgage lien, and the Defendant has failed to comply with the terms and provisions of the Loan Documents by, among other things, failing to make the monthly payments on the Loan, which became due beginning on April 1, 2018, and all subsequent months thereafter, and said amounts remain unpaid and in default (the “**Event of Default**”). All grace periods allowed in the Loan Documents have passed, the default has not been cured, and the Loan is now immediately due and payable in full. The present unpaid principal balance due under the Loan Documents is \$1,550,000.00, with interest accruing at the default rate of 18.00% (the “**Default Rate**”) per annum from April 1, 2018, and thereafter. The present amounts due under the Loan Documents, as set forth in the Summons and Complaint, in connection therewith and that the mortgaged premises situated in Kings County, as more fully set forth in the property description contained in the Mortgage, is required to have a Temporary Receiver to preserve and protect the mortgaged property; and that the appointment of a Temporary Receiver is necessary to ensure the mortgaged property is not lost or materially injured, for the protection of the plaintiff and the preservation of the value of the mortgaged property; it is now

RECEIVED →

 JLC

ORDERED, that Gregory La Spina of
1902 Whitestone Expy Ste 302 Fiduciary I.D. No.
Whitestone, NY 11357
(718) 767-3333 be and is hereby appointed, with the
 usual powers and directions Temporary Receiver for the benefit of 80 MONROE FUNDING

LLC of all the rents and profits now due and unpaid or become due during the pendency of this

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