



Mary F. Strickland , County Clerk
Livingston County Government Center
6 Court Street, Room 201
Geneseo, New York 14454
(585) 243-7010 ~ Fax (585) 243-7928

Livingston County Clerk Recording Page

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Document Type: **ORDER - APPOINTING REFEREE**

Receipt Number: 00620336

Plaintiff

NATIONSTAR MORTGAGE LLC DBA
CHAMPION MORTGAGE COMPANY

Defendant

SEE DOCUMENT

Recorded Information:

Index #: 000924-2017

Total Fees: \$0.00

Property Located in Town of **Caledonia**
Village of **Caledonia**

State of New York
County of Livingston

Efiling through NYSCEF in Liber **0082** of **Lis Penders** at beginning page **2521**, ending at page **2529** and examined.

A handwritten signature in cursive script, appearing to read "Mary F. Strickland".

Livingston County Clerk

This sheet constitutes the Clerk's endorsement required by section 319 of the Real Property Law of the State of New York

At Part
of the Supreme Court of the State of
New York, held in and for the
County of LIVINGSTON, at the
Courthouse thereof, on the 30th day
of October, 2018

PRESENT:

Honorable Robert B. Wiggins

Justice

-----X

Index No.: 924/2017

NATIONSTAR MORTGAGE LLC D/B/A CHAMPION
MORTGAGE COMPANY,

Plaintiff,

EX PARTE
ORDER OF
REFERENCE
AND DEFAULT
JUDGMENT

-against-

Mortgaged Property:
3343 Iroquois Road
Calendonia, NY 14423

County: Livingston
Section: 8.5 Block: 1
Lot: 21.1

PAMELA WILLIAMS AS HEIR AND DEVISEE TO THE ESTATE OF RUSSELL WILLIAMS; STEPHEN WILLIAMS AKA STEPHON WILLIAMS AS HEIR AND DEVISEE TO THE ESTATE OF RUSSELL WILLIAMS; CARMELA WILLIAMS AS HEIR AND DEVISEE TO THE ESTATE OF RUSSELL WILLIAMS; VALORIE WILLIAMS AS HEIR AND DEVISEE TO THE ESTATE OF RUSSELL WILLIAMS; MARCIA MAJOR AS HEIR AND DEVISEE TO THE ESTATE OF RUSSELL WILLIAMS; MELISSIA TORRES AKA MELISSA TORRES AKA MELISSIA WILLIAMS AKA MELISSA WILLIAMS AS HEIR AND DEVISEE TO THE ESTATE OF RUSSELL WILLIAMS; UNKNOWN HEIRS TO THE ESTATE OF RUSSELL WILLIAMS, any and all persons unknown to plaintiff, claiming, or who may claim to have an interest in, or general 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 such deceased, any and all persons deriving interest in or lien upon, or title to said real property by, through or under them, or either of them, and their respective wives, widows, husbands, widowers, heirs at law, next of kin, descendants, executors, administrators, devisees, legatees, creditors, trustees, committees, lienors and assigns, all of whom and whose names, except as stated, are unknown to plaintiff; SECRETARY OF HOUSING AND URBAN DEVELOPMENT; UNITED STATES OF AMERICA; NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE; and JOHN DOE AND JANE DOE #1 through #7, the last seven (7) names being fictitious and unknown to the Plaintiff, the persons or parties intended being the tenants, occupants, persons or parties, if any, having or claiming an interest in or lien upon the mortgaged premises described in the Complaint,

Defendants.

-----X

UPON the Summons, Complaint, and Notice of Pendency filed in this action on the 8th day of December, 2017, the Supplemental Summons, Amended Complaint and Amended Notice of Pendency filed on the 29th day of March, 2018, the affirmation of George J. Weissinger Esq., and the exhibits annexed thereto, the affidavit of merit and amount due by Melanie Harris who is Assistant Secretary of Nationstar Mortgage LLC dba Champion Mortgage Company, duly sworn to on the 3rd day of May, 2018, 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

UPON a Notice of Appearance by United States of America and the Consent and

Waiver of Mary K. Yanik, Esq., as Guardian ad Litem on behalf of the UNKNOWN HEIRS OF THE ESTATE OF RUSSELL WILLIAMS, et al.; and

AND the court having held a mandatory settlement conference pursuant to CPLR 3408. Plaintiff attended a settlement conference on August 13, 2018 but the defendant mortgagor(s) failed to appear and the case was released from the settlement conference part;

AND it appearing that the mortgagor is not resident of the property subject to foreclosure;

AND it appearing that PAMELA WILLIAMS AS HEIR AND DEVISEE TO THE ESTATE OF RUSSELL WILLIAMS; STEPHEN WILLIAMS AKA STEPHON WILLIAMS AS HEIR AND DEVISEE TO THE ESTATE OF RUSSELL WILLIAMS; CARMELA WILLIAMS AS HEIR AND DEVISEE TO THE ESTATE OF RUSSELL WILLIAMS; VALORIE WILLIAMS AS HEIR AND DEVISEE TO THE ESTATE OF RUSSELL WILLIAMS; MARCIA MAJOR AS HEIR AND DEVISEE TO THE ESTATE OF RUSSELL WILLIAMS; MELISSIA TORRES AKA MELISSA TORRES AKA MELISSIA WILLIAMS AKA MELISSA WILLIAMS AS HEIR AND DEVISEE TO THE ESTATE OF RUSSELL WILLIAMS; UNKNOWN HEIRS TO THE ESTATE OF RUSSELL WILLIAMS, SECRETARY OF HOUSING AND URBAN DEVELOPMENT; UNITED STATES OF AMERICA; NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE have all been served and their time to answer the complaint has expired; and

AND it appearing to the satisfaction of this court that this action was brought to foreclose a mortgage on real property located at 3343 Iroquois Road, Caledonia, NY

14423 in the County of Livingston, State of New York, Section: 8.5 Block: 1 Lot: 21.1;

NOW, on an ex parte application by Pincus Law Group, PLLC attorney for the Plaintiff, it is hereby;

ORDERED that defendant(s) PAMELA WILLIAMS AS HEIR AND DEVISEE TO THE ESTATE OF RUSSELL WILLIAMS; STEPHEN WILLIAMS AKA STEPHON WILLIAMS AS HEIR AND DEVISEE TO THE ESTATE OF RUSSELL WILLIAMS; CARMELA WILLIAMS AS HEIR AND DEVISEE TO THE ESTATE OF RUSSELL WILLIAMS; VALORIE WILLIAMS AS HEIR AND DEVISEE TO THE ESTATE OF RUSSELL WILLIAMS; MARCIA MAJOR AS HEIR AND DEVISEE TO THE ESTATE OF RUSSELL WILLIAMS; MELISSIA TORRES AKA MELISSA TORRES AKA MELISSIA WILLIAMS AKA MELISSA WILLIAMS AS HEIR AND DEVISEE TO THE ESTATE OF RUSSELL WILLIAMS; UNKNOWN HEIRS TO THE ESTATE OF RUSSELL WILLIAMS; SECRETARY OF HOUSING AND URBAN DEVELOPMENT; NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE are determined to be in default; and that the defendant UNITED STATES OF AMERICA appeared by its attorneys and waived notice of this application, and that the defendant UNKNOWN HEIRS TO THE ESTATE OF RUSSELL WILLIAMS appeared by the Guardian ad litem and waived notice of this application; and it is further

ORDERED that STEPHEN M. KELLEY, Esq. with an address of 15 Avon Road Genesee, N.Y. 14454, 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 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 \$50.00, 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

ORDERED that CAPITAL ONE BANK (USA), N.A. be substituted herein in the place and instead of John Doe #1 and that the remaining defendants sued herein as "John Doe and Jane Doe" be removed as parties defendants and the caption of this action be amended to reflect same; and it is further

ORDERED that the caption shall read as follows:

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF LIVINGSTON

-----X
NATIONSTAR MORTGAGE LLC DBA CHAMPION MORTGAGE COMPANY, Index 924/2017

Plaintiff,

-against-

PAMELA WILLIAMS AS HEIR AND DEVISEE TO THE ESTATE OF RUSSELL WILLIAMS; STEPHEN WILLIAMS AKA STEPHON WILLIAMS AS HEIR AND DEVISEE TO THE ESTATE OF RUSSELL WILLIAMS; CARMELA WILLIAMS AS HEIR AND DEVISEE TO THE ESTATE OF RUSSELL WILLIAMS; VALORIE WILLIAMS AS HEIR AND DEVISEE TO THE ESTATE OF RUSSELL WILLIAMS; MARCIA MAJOR AS HEIR AND DEVISEE TO THE ESTATE OF RUSSELL WILLIAMS; MELISSIA TORRES AKA MELISSA TORRES AKA MELISSIA WILLIAMS AKA MELISSA WILLIAMS AS HEIR AND DEVISEE TO THE ESTATE OF RUSSELL WILLIAMS; UNKNOWN HEIRS TO THE ESTATE OF RUSSELL WILLIAMS, any and all persons unknown to plaintiff, claiming, or who may claim to have an interest in, or general 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 such deceased, any and all persons deriving interest in or lien upon, or title to said real property by, through or under them, or either of them, and their respective wives, widows, husbands, widowers, heirs at law, next of kin, descendants, executors, administrators, devisees, legatees, creditors, trustees, committees, lienors and assigns, all of whom and whose names, except as stated, are unknown to plaintiff; SECRETARY OF HOUSING AND URBAN DEVELOPMENT; UNITED STATES OF AMERICA; NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE; CAPITAL ONE BANK (USA), N.A.

Mortgaged Premises:
3343 Iroquois Road
Caledonia, NY 14423

County: Livingston
Section: 8.5
Block: 1 Lot: 21.1

Defendants.


-----X

ORDERED that Plaintiff shall serve a copy of this Order with notice of entry on all parties and persons entitled to notice, including the Referee appointed herein.

This constitutes the decision and order of the court.

Dated: *October 30, 2018*

ENTER,


J.S.C. Robert B. Wiggins

NYSCEF DOC. NO. 55

RECEIVED NYSCEF: 10/31/2018

INDEX# 009242017

NYSCEF DOC. NO. 38

RECEIVED NYSCEF: 10/08/2018

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF LIVINGSTON

NATIONSTAR MORTGAGE LLC D/B/A CHAMPION
MORTGAGE COMPANY

Plaintiff,

-against-

PAMELA WILLIAMS AS HEIR AND DEVISEE TO THE ESTATE
OF RUSSELL WILLIAMS; ET AL

Defendant(s).

ORDER OF REFERENCE AND DEFAULT JUDGMENT

PINCUS LAW GROUP, PLLC
Attorney for Plaintiff
425 RXR Plaza
Uniondale, New York 11556
Tel: (516) 699-8902
Fax: (516) 279-6990