

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ONTARIO

Wells Fargo Bank, N.A.

INDEX NO. 124153-2019

Plaintiff(s),

**NOTICE OF MOTION TO  
CONFIRM REFEREE  
REPORT AND A  
JUDGMENT OF  
FORECLOSURE AND  
SALE**

v.

Carole Clark, as Administratrix CTA to the Estate of  
Elizabeth J. Davenport a/k/a Elizabeth Davenport; State of  
New York; New York State Department of Taxation and  
Finance; Wade Birnbaum

MORTGAGED PROPERTY:  
4994 North Road  
Canandaigua, NY 14424

Defendant(s).

COUNTY: Ontario  
SBL #: Section 71.09 Block 2  
Lot 6.00


PLEASE TAKE NOTICE that, upon the affirmation of Patrick Gregorits dated

11/11/19, the affidavit of Astra Love-Easter, sworn to July 22, 2019, the exhibits attached thereto, and all prior proceedings in this case, Plaintiff Wells Fargo Bank, N.A. will move this court, at 6th day of December, 2019 at 9:30 AM, at the Supreme Court, Ontario County, Ontario County Courthouse, 27 North Main Street, Canandaigua, NY 14424, or as soon thereafter as the parties may be heard, for an order:

1. Confirming the Referee's Report made in accordance with RPAPL §1321;
2. Granting a Judgment of Foreclosure and Sale pursuant to RPAPL §1351;
3. Directing the distribution of the sale proceeds pursuant to RPAPL §1354 and;
4. Such additional relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR 2214 (b), answering papers and notice of cross-motion, with supporting papers, if any, must be served upon the undersigned at least seven (7) days prior to the return date of this motion.

Dated: 11/11/19  
Monroe County, New York

  
Patrick Gregorits, Esq.  
Associate Attorney  
SHAPIRO, DICARO & BARAK, LLC  
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