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At IAS Part 1A of the Supreme Court of the State of New York, held in and for the County of Richmond at the Courthouse thereof, located at 26 Central Avenue, Courtroom 210, Staten Island, New York 10301, on the 25 day of July, 2016

PRESENT:

Hon. Judith N. McMahon

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RICHMOND

----- x  
ONEWEST BANK, FSB

Plaintiff

-against-

THOMAS SIX A/K/A THOMAS W. SIX A/K/A THOMAS WILLIAM SIX  
ELIZABETH SIX A/K/A ELIZABETH M. SIX A/K/A ELIZABETH MARIE SIX  
"JOHN DOE #1" to "JOHN DOE #10," the last 10 names being fictitious and unknown to plaintiff, the persons or parties intended being the persons or parties, if any, having or claiming an interest in or lien upon the mortgaged premises described in the verified complaint,

Defendants.

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INDEX NO.: 135110/14

MORTGAGED PREMISES:  
5352 Arthur Kill Road  
Staten Island, N.Y. 10307

SBL #:  
BLOCK: 8025  
LOT: 60

**ORDER GRANTING SUMMARY JUDGMENT AND APPOINTING REFEREE TO COMPUTE**

Upon reading and filing the Notice of Motion of Plaintiff and Counterclaim-Defendant OneWest Bank N.A. f/k/a OneWest Bank, FSB and now known as CIT Bank, N.A. ("Plaintiff"), dated November 23, 2015; upon the affidavits of service of the Summons and Complaint all duly filed with this Court; upon the Affirmation of Leah Rabinowitz Lenz in Support, dated

November 23, 2015, and exhibits thereto; upon the Affidavit of Rebecca Marks, sworn to on November 18, 2015, and exhibits thereto; upon Plaintiff's Memorandum of Law, dated November 23, 2015; upon the papers in opposition to said motion, if any; and upon all the pleadings and proceedings heretofore had in this action, from all of which it appears to the satisfaction of this Court that this action was brought to foreclose a mortgage on real property situated in the County of Richmond, State of New York, and that this action was brought for defaults in the payments due under the Note and Mortgage held by Plaintiff, and that by reason thereof, said Note is now due and payable; and it further appearing that all the defendants have been duly served with the Summons and Complaint and that the time to answer or move with respect to the Complaint has expired and has not been extended; that no defendant is an infant, an incompetent, or an absentee, nor has any defendant been proceeded against as such; and it further appearing that a Notice of Pendency of this action containing correctly and truly all the particulars required by law to be stated in such notice was filed in the Office of the Clerk of the County of Richmond, and upon all the proceedings heretofore had in this action,

**NOW**, on motion of Hogan Lovells US LLP, attorneys for Plaintiff herein, it is

**ORDERED**, that Plaintiff's motion shall be in all respects granted; and it is further

**ORDERED**, that the "Answer with Counterclaims," dated March 28, 2014 (the "Answer") of Defendants-Counterclaimants Thomas Six a/k/a Thomas W. Six a/k/a Thomas William Six and Elizabeth Six a/k/a Elizabeth M. Six a/k/a Elizabeth Marie Six (together, "Defendants") is dismissed with prejudice, including all of the affirmative defenses and counterclaims asserted therein; and it is further

**ORDERED**, that summary judgment shall be and the same hereby is granted to Plaintiff, and that Defendants' Answer shall be limited to a Notice of Appearance and Waiver; and it is

further

**ORDERED**, that this action to foreclose a mortgage affecting premises known as 5352 Arthur Kill Road, Staten Island, New York 10307 (the "Property"), shall be and is hereby referred to: Rosemary Palladino, Esq., address: 1 Lakeside Pl Ste 2A St NY 10305, telephone: 917 974 8022 a Counselor-at-Law, to ascertain and compute the amount due to Plaintiff for principal and interest on the Note and Mortgage set forth in the Complaint, for taxes, assessments, water rates, and/or fire insurance premiums, and late charges, to examine and report whether the mortgaged premises should be sold in one parcel or in multiple parcels, and that immediately upon the submission of the report of said Referee, and without further notice, Plaintiff may apply for the usual Judgment of Foreclosure and Sale, and for the relief demanded in the Complaint besides costs and extra allowances provided by law; and it is further

**ORDERED**, that such Referee shall make the Referee's Report to this Court with all convenient speed; and it is further

**ORDERED**, that by accepting this appointment the Referee certifies that the Referee is in compliance with Part 36 of the Rules of the Chief Administrative Judge (22 NYCRR Part 36), including, but not limited to, section 36.2(c) ("Disqualifications from appointment"), and section 36.2(d) ("Limitations on appointments based upon compensation"), and it is further

**ORDERED**, that if required and/or needed, the Referee appointed herein shall take testimony pursuant to RPAPL § 1321; and it is further

~~**ORDERED**, that pursuant to CPLR 8003(a) (the statutory fee of \$50.00) (in the discretion of the court a fee of \$ \_\_\_\_\_), shall be paid to the Referee for the computation stage and upon the filing of his/her report; 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 the caption of this action shall be amended by deleting "John Doe #1" through "John Doe #10" as party defendants in this action, without prejudice to the proceedings already had herein; and it is further

ORDERED, that the caption of this action shall be amended by correcting Plaintiff's name from "OneWest Bank FSB" to "CIT Bank, N.A., formerly known as OneWest Bank N.A., formerly known as OneWest Bank, FSB," without prejudice to the proceedings already had herein; and it is further

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

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RICHMOND

----- x  
CIT BANK, N.A., FORMERLY KNOWN AS ONEWEST :  
BANK N.A., FORMERLY KNOWN AS ONEWEST BANK, :  
FSB : INDEX NO.: 135110/14

Plaintiff

-against-

: MORTGAGED PREMISES:  
: 5352 Arthur Kill Road  
: Staten Island, N.Y. 10307

THOMAS SIX A/K/A THOMAS W. SIX A/K/A THOMAS :  
WILLIAM SIX :  
ELIZABETH SIX A/K/A ELIZABETH M. SIX A/K/A :  
ELIZABETH MARIE SIX :

: SBL #:  
: BLOCK: 8025  
: LOT: 60

Defendants.  
----- x

and it is further

ORDERED, that a copy of this Order, with Notice of Entry, shall be served upon the

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