

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RICHMOND

NYCTL 2018-A TRUST, and THE BANK OF NEW  
YORK MELLON as Collateral Agent and Custodian for  
the NYCTL 2018-A Trust,

Plaintiffs,

- against -

SAVERIO ACQUAFREDDA, ROSE ACQUAFREDDA,  
as Executrix of the Estate of PETER ACQUAFREDDA  
a/k/a PIETRO ACQUAFREDDA and "JOHN DOE No.  
1" through "JOHN DOE No. 100" inclusive, the names of  
the last 100 defendants being fictitious, the true names of  
said defendants being unknown to plaintiff, it being  
intended to designate fee owners, tenants or occupants of  
the liened premises and/or persons or parties having or  
claiming an interest in or a lien upon the liened premises,  
if the aforesaid individual defendants are living, and if any  
or all of said individual defendants be dead, their heirs at  
law, next of kin, distributees, executors, administrators,  
trustees, committees, devisees, legatees, and the assignees,  
lienors, creditors and successors in interest of them, and  
generally all persons having or claiming under, by,  
through, or against the said defendants named as a class,  
of any right, title, or interest in or lien upon the premises  
described in the complaint herein,

Defendants.

Index No.: 152121/19

**AFFIRMATION IN SUPPORT OF  
MOTION FOR ORDER  
APPOINTING REFEREE TO  
COMPUTE**

Borough: Staten Island  
Block: 1979  
Lot: 57

Josef F. Abt, Esq., pursuant to CPLR Section 2106 and under the penalties of perjury  
affirms as follows:

1. I am an attorney at law and am Of Counsel to the firm of Bronster LLP, attorneys  
for Plaintiffs, and as such am fully familiar with the facts of this case and proceedings heretofore  
had herein. I submit this affirmation in support of Plaintiffs' application for the annexed order  
appointing a referee to compute and for other relief.

2. As more fully set forth in the summons and complaint, annexed hereto as Exhibit  
"A", and Notice of Pendency heretofore filed with the Clerk of the County of Richmond on

Motion for Order of Reference

September 9, 2019, annexed hereto as Exhibit "B", this is an action to foreclose a tax lien on real property situate in said County, known as Block 1979 Lot 57 on the Tax Map of Richmond County and is also known as 19 Drysdale Street, Staten Island, New York (the "Property"). Defendants SAVERIO ACQUAFREDDA and ROSE ACQUAFREDDA as Executrix of the Estate of PETER ACQUAFREDDA a/k/a PIETRO ACQUAFREDDA are the fee owners of the property pursuant to a deed, a copy of which is annexed as Exhibit "C".

3. All of the defendants were timely served with copies of the summons and complaint. Copies of the affidavits of service are annexed hereto as Exhibit "D". None of the said defendants answered, moved or appeared with respect thereto, although the time for them to do so has expired and has not been extended by court order or otherwise.

4. Subsequent to the commencement of the action plaintiffs learned that the defendant sued herein as "JOHN DOE No.1" is RICHARD AUSTIN s/h/a JOHN DOE No.1. Request is respectfully made herein to amend the caption of the action to reflect RICHARD AUSTIN s/h/a JOHN DOE No.1 in the place and stead of the defendant sued herein as "JOHN DOE No.1."

5. Subsequent to the commencement of the action plaintiffs learned that the defendant sued herein as "JOHN DOE No.2" is MARIBEL AUSTIN s/h/a JOHN DOE No.2. Request is respectfully made herein to amend the caption of the action to reflect MARIBEL AUSTIN s/h/a JOHN DOE No.2 in the place and stead of the defendant sued herein as "JOHN DOE No.2."

6. Subsequent to the commencement of the action plaintiffs learned that the defendant sued herein as "JOHN DOE No.3" is RYAN ILLAGAN s/h/a JOHN DOE No.3. Request is respectfully made herein to amend the caption of the action to reflect RYAN

Motion for Order of Reference

ILLAGAN s/h/a JOHN DOE No.3 in the place and stead of the defendant sued herein as "JOHN DOE No.3."

7. Defendants "JOHN DOE No.4" through "JOHN DOE No.100" were not served with copies of the summons and complaint and are not necessary parties defendant. Request is therefore made that "JOHN DOE No.4" through "JOHN DOE No.100" be excised from the caption and the action discontinued as against them, all without prejudice to any of the proceedings heretofore had herein.

8. Moreover, as is more fully set forth in the accompanying affidavit of Kurt Shadle, inasmuch as the tax lien has not been paid and is superior to all other liens, plaintiffs now seek to foreclose upon the property. Attached herein as Exhibits "E" and "F" are copies of the Servicing Agreement and Power of Attorney between Plaintiffs and the Servicer, evidencing Servicer's power and authority to collect the monies due to the Trust, as well as to prepare, execute, acknowledge and deliver all necessary oaths, affidavits and documents in connection with any foreclosure action.

9. All proceedings herein have been regular and in accordance with the rules and practices of this Court.

10. Since the filing of said Notice of Pendency of this action, the complaint herein has not been amended so as to make new parties to the action or so as to embrace real property other than that described in the original complaint or so as to extend the plaintiffs' claim against the premises.

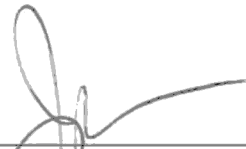
11. None of the defendants in this action are infants, incompetents or absentees and all proceedings heretofore had herein have been wholly regular.

12. No previous application has been made for the relief requested herein.

Motion for Order of Reference

**WHEREFORE**, Plaintiffs respectfully request that the Court grant their motion in its entirety, together with such other and further relief as this Court may deem just and proper.

Dated: New York, New York  
January 6, 2020



---

BRONSTER LLP  
Josef F. Abt, Esq.  
156 West 56<sup>th</sup> Street  
18<sup>th</sup> Floor  
New York, New York 10019  
(347) 246-4776