

At IAS Part <sup>PLM</sup> XL of the Supreme Court of the State of New York held in and for the County of Suffolk at the Courthouse thereof, located at, One Court Street, Riverhead, NY 11901, on March 1st, 2018.

Present: Hon. James C. Hudson, J.S.C. <sup>A-ly</sup>  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

Wells Fargo Bank, N.A., as Trustee, in trust for the registered holders of MASTR Asset Backed Securities Trust 2007-NCW, Mortgage Pass-Through Certificates,

Plaintiff,

-against-

Bryan McCormack; American Express Bank FSB; Mashantucket Pequot Gaming Enterprise DBA Foxwoods Resort Casino; Yellow Book Sales and Distribution Company, Inc.; New York State Department of Taxation & Finance, and "JOHN DOE", said name being fictitious, it being the intention of Plaintiff to designate any and all occupants of premises being foreclosed herein, and any parties, corporations or entities, if any, having or claiming an interest or lien upon the mortgaged premises,

Defendants.

**ORDER GRANTING  
SUMMARY/DEFAULT  
JUDGMENT AND ORDER  
OF REFERENCE**

Index No. 064131/2014

On reading the (i) Notice of Motion dated October 5, 2017, to dismiss the Answer, drop Defendants, amend title and appoint a referee to compute, filed by Wells Fargo Bank, N.A., as Trustee, in trust for the registered holders of MASTR Asset Backed Securities Trust 2007-NCW, Mortgage Pass-Through Certificates the Plaintiff herein, (ii) the Plaintiff's Affidavit in Support thereof dated July 26, 2017 and (iii) the Affirmation, dated October 5, 2017, of Ellis M. Oster, Esq. of Shapiro, DiCaro & Barak, LLC, the attorneys for Plaintiff; and on all the pleadings, papers and proceedings heretofore had herein; and the Plaintiff's Motion having come on to be

heard before this Court on October 26, 2017; and due deliberation having been had on all the issues and matters raised therein; it is

**ORDERED**, that the Answer of Defendant, Bryan McCormack, be stricken and dismissed and the appearance of such Defendant be limited to a notice of appearance and waiver of service of all papers and of notices of all proceedings in said action except copy of Referee's Oath and Report of Amount Due, copy of Judgment of Foreclosure and Sale, Notice of Entry of Judgment, Notice of Sale, copy of Referee's Report of Sale, and notice of proceedings to obtain surplus moneys; and it is further

**ORDERED**, that Daniel J. Murphy, Esq. with an address of 224 Griffing Ave, Riverhead N.Y. Tel. 516-810-7564

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*JMS*

is hereby appointed as Referee to ascertain and compute <sup>upon documentary proof only</sup> the amount due except for attorney's fees upon the Bond/Note and Mortgage upon which this action was brought, to examine and report whether the mortgaged premises (District 0200 Section 420.00 Block 02.00 Lot 026.000) as further described in the Complaint in this action and hereinafter described, should be sold in one or more parcels, and that the Referee make his/her report to this Court with all convenient speed; and it is further

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**ORDERED**, that, <sup>shall not</sup> if required, the Referee take testimony pursuant to RPAPL § 1321; <sup>and</sup> ~~and~~ <sup>save upon further order of the Court</sup> 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, section 36.2(c) ("Disqualifications from appointment"), and section 36.2 (d) ("Limitations on appointments based upon compensation"); and it is further

**ORDERED**, that the caption of this action be amended by substituting "John Doe" and "Jane Doe" in place of "John Doe", as necessary parties, who were served with a copy of the Summons and Complaint without prejudice to the proceedings heretofore had herein; and it is further

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

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

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Wells Fargo Bank, N.A., as Trustee, in trust for the  
registered holders of MASTR Asset Backed Securities Trust  
2007-NCW, Mortgage Pass-Through Certificates,  
Plaintiff,

Index No. 064131/2014

-against-

Bryan McCormack; American Express Bank FSB;  
Mashantucket Pequot Gaming Enterprise DBA Foxwoods  
Resort Casino; Yellow Book Sales and Distribution  
Company, Inc.; New York State Department of Taxation &  
Finance; "John Doe"; "Jane Doe"

Defendants.

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and it is further

**ORDERED**, that a default judgment in favor of the Plaintiff and against all of the non-answering Defendants is granted as to all of the facts and issues described in the Plaintiff's Complaint herein; and it is further

**ORDERED**, that a copy of this Order with Notice of Entry shall be served upon the owner of the equity of redemption, any tenants named in this action and any other parties entitled to notice; 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 \$500<sup>00</sup>), shall be paid to the Referee for the Computation Stage and upon the filing of his/her report; and it is further

*JR*  
*gasc*

**ORDERED**, that the Referee appointed herein is subject to the requirements of Rule 36.2(c) of the Chief Judge and, if the referee is disqualified from receiving an appointment pursuant to the provisions of that Rule, the Referee shall notify the Appointing Judge forthwith.

*it is further*

**ENTER,**

**ORDERED**, plaintiff must include in any proposed order for judgment of foreclosure and sale, a provision for compliance with the Suffolk County Local Rule for filing of the Foreclosure Action Surplus Monies form, pursuant to Suffolk County Administrative Order #41-13

*JR*  
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Hon. James C. Hudson, A.J.C.C. *gasc*

**GRANTED**

MAR 01 2018

Judith A. Pascale  
CLERK OF SUFFOLK COUNTY

Attorney certification pursuant to 22NYCRR §130-1.1-a is affixed to inside cover.