

At Part \_\_\_\_\_ of the Supreme Court of the State of New York, held in and for the County of SUFFOLK at the Courthouse thereof, 1 COURT STREET, RIVERHEAD, NY 11901, on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

P R E S E N T: Honorable \_\_\_\_\_, J.S.C.  
JUSTICE OF THE SUPREME COURT

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MTGLQ INVESTORS, L.P.,

INDEX NO.: 611772/2018

Plaintiff(s),

vs.

MICHAEL EARLY; MELISSA EARLY; CACH  
LLC,

"JOHN DOE #1" through "JOHN DOE #12," the last twelve names being fictitious and unknown to plaintiff, the persons or parties intended being the tenants, occupants, persons or corporations, if any, having or claiming an interest in or lien upon the premises, described in the Complaint,

Defendant(s).

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**EX-PARTE ORDER OF  
REFERENCE AND  
DEFAULT JUDGMENT**

MORTGAGED PROPERTY:  
11 ROCCO DRIVE  
EAST NORTHPORT A/K/A  
NORTHPORT, NY 11731

COUNTY: SUFFOLK

SBL#: District 0400,  
Section 117.00,  
Block 01.00,  
Lot 009.000

UPON reading the Summons, Complaint and Notice of Pendency filed in this action on the June 20, 2018, the affirmation of MATT ROTHSTEIN, Esq., and the exhibits annexed thereto, and upon the affidavit of merit and amount due by Lisa Johnson-Dixon who is Foreclosure Specialist of New Penn Financial, LLC DBA Shellpoint Mortgage Servicing, duly sworn to on September 12, 2018; together with the exhibits attached thereto, and all prior papers filed in this action; and

UPON proof this action was brought to foreclose a mortgage on real property located at 11 ROCCO DRIVE, EAST NORTHPORT A/K/A NORTHPORT, NY 11731, in the County of SUFFOLK, State of New York [District 0400, Section 117.00, Block 01.00, Lot 009.000];

UPON proof that each of the Defendants herein have been duly served with the Summons and Complaint in this action and required notices; and

AND it appearing that MICHAEL EARLY, MELISSA EARLY, CACH LLC and LAURA BERGER A/K/A LAURA BERGEN's 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 11 ROCCO DRIVE, EAST NORTHPORT A/K/A NORTHPORT, NY 11731, in the County of Suffolk, State of New York [District 0400, Section 117.00, Block 01.00, Lot 009.000],

NOW, on motion by RAS Boriskin, LLC, attorney for the Plaintiff, it is hereby

**ORDERED** that defendants MICHAEL EARLY, MELISSA EARLY, CACH LLC and LAURA BERGER are deemed to be in default; and it is further

**ORDERED** that \_\_\_\_\_ with an address of \_\_\_\_\_, is hereby appointed Referee, in accordance with RPAPL §1321, to compute the amount due to Plaintiff and to examine whether the mortgaged property can 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 the caption be amended by substituting LAURA BERGER in place and stead of “JOHN DOE #1”; and it is further

[THIS SPACE INTENTIONALLY LEFT BLANK]

**ORDERED**, that the caption shall read as follows:

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MTGLQ INVESTORS, L.P.,  
Plaintiff(s),

v.

MICHAEL EARLY; MELISSA EARLY;  
CACH LLC; LAURA BERGER A/K/A  
LAURA BERGEN,

"JOHN DOE #2" through "JOHN DOE  
#12," the last eleven names being fictitious  
and unknown to plaintiff, the persons or  
parties intended being the tenants,  
occupants, persons or corporations, if any,  
having or claiming an interest in or lien upon  
the premises, described in the complaint,

Defendant(s).  
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**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:** \_\_\_\_\_

**ENTER:**

\_\_\_\_\_  
**J.S.C.**

**Index No.:** 611772/2018

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

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MTGLQ INVESTORS, L.P.,

PLAINTIFF,

vs.

MICHAEL EARLY; MELISSA EARLY; CACH LLC,

"JOHN DOE #1" through "JOHN DOE #12," the last twelve names being fictitious and unknown to plaintiff, the persons or parties intended being the tenants, occupants, persons or corporations, if any, having or claiming an interest in or lien upon the premises described in the Complaint,

DEFENDANTS.

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## **EX-PARTE ORDER OF REFERENCE**

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**RAS Boriskin, LLC**

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