

At an Ex-Parte Term, of the Supreme Court of the County of Suffolk held in the Suffolk Supreme Court in the city of Riverhead, New York on the _____ day of _____, 20_____.

PRESENT: HON.
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----X
MTGLQ INVESTORS, L.P.

**ORDER OF REFERENCE AND
DEFAULT JUDGMENT**

Plaintiff

vs

INDEX #: 619466/2017

DEIRDRE HAMILTON, JAMES HAMILTON,
CITIBANK, N.A., VILLAGE OF
LINDENHURST, NEW YORK STATE
DEPARTMENT OF TAXATION AND
FINANCE, TEACHER FEDERAL CREDIT
UNION, CLERK OF THE SUFFOLK
COUNTY TRAFFIC & PARKING
VIOLATIONS AGENCY

MORTGAGED PREMISES:
1463 PINE ACRES BOULEVARD
BAY SHORE, NY 11706

DSBL #: 0500 - 266.00 - 02.00 -
059.000

JOHN DOE (Those unknown tenants, occupants,
persons or corporations or their heirs,
distributees, executors, administrators, trustees,
guardians, assignees, creditors or successors
claiming an interest in the mortgaged premises.)

Defendant(s)
-----X

Upon reading the Summons, Complaint, and Notice of Pendency filed in this action on the 9th Day of October, 2017, the affirmation of Austin R Caster, Esq., and the exhibits annexed thereto, the affidavit of merit and amount due by Lisa Johnson-Dixon, who is Foreclosure Specialist of New Penn Financial, LLC d/b/a Shellpoint Mortgage Servicing duly sworn to Synthia Robinson on March 5, 2018 together with exhibits annexed hereto, and all prior papers filed in this action and prior proceedings had herein; and

Upon proof that each of the defendants herein has been duly served with the Summons

and Complaint in this action and required notices; and

And upon proof of compliance with all statutory conditions precedent to a foreclosure action,

And this is not a home loan as defined in RPAPL § 1304, because the property is not occupied as the borrower's principal dwelling. Pursuant to CPLR § 3408, a settlement conference is not required. Notwithstanding, a settlement conference was held by the Court and the case was released from the conference part on February 6, 2018; and

AND it appearing that Deirdre Hamilton, James Hamilton, Citibank, N.A., Village of Lindenhurst, New York State Department of Taxation and Finance, Teacher Federal Credit Union, Clerk of the Suffolk County Traffic & Parking Violations Agency, "John Doe", "Jane Doe", "John Doe", and "John Doe" 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 1463 PINE ACRES BOULEVARD, BAY SHORE, NY 11706, in the County of Suffolk, State of New York, District 0500, Section 266.00, Block 02.00, Lot 059.000;

NOW, on application of Gross Polowy, LLC, attorney for the plaintiff, it is hereby

ORDERED, that defendant(s) Deirdre Hamilton, James Hamilton, Citibank, N.A., Village of Lindenhurst, New York State Department of Taxation and Finance, Teacher Federal Credit Union, Clerk of the Suffolk County Traffic & Parking Violations Agency, "John Doe", "Jane Doe", "John Doe", and "John Doe" have not appeared or answered in this matter and are deemed in default; and it is further

ORDERED, this action be, and the same is hereby referred to _____ of _____ as Referee to ascertain and compute the amount due to the Plaintiff for principal, interest and other disbursements advanced as provided for in the note and mortgage upon which this action is brought, to examine and report whether or not the mortgaged premises can be sold in parcels, and that the Referee make his/her report to the Court with all convenient speed; 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 required, the Referee 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) (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, 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(b); 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 referee complete and file the Foreclosure Action Surplus Monies form with the Supreme Court Calendar Clerk and the Suffolk County Clerk within Thirty (30) days of the foreclosure sale; and it is further

ORDERED, that, plaintiff serve the notice of the foreclosure sale and any adjournments upon the Supreme Court Calendar Clerk; and it is further

ORDERED, that, plaintiff is to include in any proposed order for a judgment of foreclosure and sale, language complying with the Suffolk County Local Rule for filing of the Foreclosure Action Surplus Monies form contained in Suffolk County Administrative Order #41-13; and it is further

ORDERED, that the name of "John Doe", "Jane Doe", "John Doe", and "John Doe" be substituted in the caption of this action in place of "John Doe" and that the caption be amended to reflect this substitution; and it is further

ORDERED, that the caption shall read as follows:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----X
MTGLQ INVESTORS, L.P.

Plaintiff,

INDEX NO: 619466/2017

vs.

MORTGAGED PREMISES:
1463 PINE ACRES BOULEVARD
BAY SHORE, NY 11706

DEIRDRE HAMILTON, JAMES HAMILTON,
CITIBANK, N.A., VILLAGE OF
LINDENHURST, NEW YORK STATE
DEPARTMENT OF TAXATION AND
FINANCE, TEACHER FEDERAL CREDIT
UNION, CLERK OF THE SUFFOLK COUNTY
TRAFFIC & PARKING VIOLATIONS
AGENCY, "JOHN DOE", "JANE DOE", "JOHN
DOE", "JOHN DOE",

DSBL#: 0500 - 266.00 - 02.00 - 059.000

Defendant(s)

-----X; and it is further

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.

ENTER:
