

SHORT FORM ORDER

INDEX NO. 623699/2017

SUPREME COURT - STATE OF NEW YORK
IAS PART 49 - SUFFOLK COUNTY

PRESENT: Hon. C. RANDALL HINRICHS
 Justice of the Supreme Court

Motion Date: 5/30/2018
Motion Sequence: 001-MG

 U.S. BANK TRUST NATIONAL ASSOCIATION, AS
 TRUSTEE OF CVF III MORTGAGE LOAN TRUST II,

DRUCKMAN LAW GROUP PLLC
 Attorneys for Plaintiff
 242 Drexel Avenue
 Westbury, NY 11590

Plaintiff,

-against-

FRIEDMAN LAW ASSOCIATES PC
 Attorney for Defendants CASTELLANOS
 300 Wheeler Road
 Suite 101
 Hauppauge, NY 11788

JOHNNY A. CASTELLANOS A/K/A JOHNNY
 CASTELLANOS, CARMEN M. CASTELLANOS
 A/K/A CARMEN CASTELLANOS, CLERK OF THE
 SUFFOLK COUNTY TRAFFIC & PARKING
 VIOLATIONS AGENCY, KMT GROUP LLC,
 MIDLAND FUNDING LLC DBA IN NEW YORK AS
 MIDLAND FUNDING OF DELAWARE LLC,
 CAPITAL ONE BANK USA NA, CLERK OF THE
 SUFFOLK COUNTY DISTRICT COURT, "JOHN DOE
 1 to JOHN DOE 25", said names being fictitious, the
 persons or parties intended being the persons, parties,
 corporations or entities, if any, having or claiming an
 interest in or lien upon the mortgaged premises described
 in the complaint,

Defendants.

Upon the papers submitted on this motion for summary judgment and an order of reference, it is,

ORDERED that this motion by plaintiff for an order awarding it summary judgment against the answering defendants and fixing the defaults against the remaining defendants joined by service of process, identifying and/or deleting unknown defendants, amending the caption, and for an order appointing a referee to compute, is considered under CPLR 3212, 3215, 1003, RPAPL §1321, and is granted; and it is further

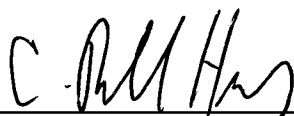
ORDERED that plaintiff shall forthwith serve an executed copy of the order of reference amending the caption of this action upon the Calendar Clerk of this Court; and it is further

ORDERED that within 30 days of the entry date of this order, plaintiff shall serve a copy of the order of reference with notice of entry upon all parties who have appeared in this action and not waived further notice, and thereafter file the affidavit of service with the Clerk of the Court.

Plaintiff's unopposed motion sufficiently demonstrates its entitlement to the relief requested (see *U.S. Bank N.A. v Cox*, 148 AD3d 962, 49 NYS3d 527 [2d Dept 2017]; *Deutsche Bank Natl. Trust Co. v Islar*, 122 AD3d 566, 996 NYS2d 130 [2d Dept 2014]; *Plaza Equities, LLC v Lamberti*, 118 AD3d 688, 986 NYS2d 843 [2d Dept 2014]; *Jessabell Realty Corp. v Gonzales*, 117 AD3d 908, 985 NYS2d 897 [2d Dept 2014]). Defendant's answer is insufficient, as a matter of law, to defeat plaintiff's unopposed motion (see *Flagstar Bank v Bellafiore*, 94 AD3d 1044, 943 NYS2d 551 [2d Dept 2012]; *Wells Fargo Bank Minn. N.A. v Perez*, 41 AD3d 590, 837 NYS2d 877 [2d Dept 2007]). Where a defendant fails to oppose a motion for summary judgment, there is, in effect, a concession that no question of fact exists, and the facts as alleged in the moving papers may be deemed admitted (see *Kuehne & Nagel v Baiden*, 36 NY2d 539, 369 NYS2d 667 [1975]; *NY Commercial Bank v J. Realty F. Rockaway, Ltd.*, 108 AD3d 756, 969 NYS2d 796 [2d Dept 2013]).

The proposed order of reference, as modified by the Court, has been signed simultaneously with this order.

Dated: October 29, 2018



HON. C. RANDALL HINRICHS, J.S.C.

 FINAL DISPOSITION X NON-FINAL DISPOSITION