

At Part ____ of the Supreme Court
held in the County of Wayne
at the Courthouse thereof on the
_____ day of
_____, 2020.

Present: HON. JOHN B. NESBITT
JUSTICE OF THE SUPREME COURT

LAKEVIEW LOAN SERVICING, LLC,

Plaintiff,

v.

ERIC SANGER, SECRETARY OF HOUSING AND
URBAN DEVELOPMENT,
and JOHN DOE,

Defendant(s).

Index No.: CV084794

ORDER OF REFERENCE
AND DEFAULT JUDGMENT

Mortgaged Property:
5802 Coppersmith Trail
Ontario, NY 14519

COUNTY: WAYNE
SBL#: 63117-18-261092

UPON the Summons, Complaint, and Notice of Pendency filed in this action on the 16 day of September, 2019, the Notice of Motion dated 2/3/2020, the affirmation of Lydia M. Rainey, Esq., and the exhibits annexed thereto, the affidavit of merit and amount due and affidavit of computation by Darlene McGinnis who is Foreclosure Document Specialist II of M&T Bank, as Servicer and Attorney-in-Fact for Plaintiff Lakeview Loan Servicing, LLC, duly sworn to on January 15, 2020, together with the exhibits attached thereto, 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

UPON a Notice of Appearance by SECRETARY OF HOUSING AND URBAN DEVELOPMENT;

AND the court having held a mandatory settlement conference pursuant to CPLR 3408: Plaintiff attended a settlement conference on November 19, 2019, but the Defendant mortgagor(s) failed to appear and the case was released from the settlement conference part;

AND it appearing that ERIC SANGER, SECRETARY OF HOUSING AND URBAN DEVELOPMENT, RACHAEL SANGER, 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 5802 Coppersmith Trail, Ontario, NY 14519, in the County of Wayne, State of New York (Section 63117 Block 18 Lot 261092),

NOW, on motion by Woods Oviatt Gilman LLP, attorney for Plaintiff Lakeview Loan Servicing, LLC, it is hereby

ORDERED that the Defendant(s) ERIC SANGER, SECRETARY OF HOUSING AND URBAN DEVELOPMENT, RACHAEL SANGER, are determined 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 may 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 \$350.00, 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 of paying funds to him/herself with compliance with Part 36 of the Rules of the Chief Administrative Judge; and it is further

ORDERED that RACHAEL SANGER be added as party Defendants in this action and that "John Doe" be removed as a party Defendant in this action; and it is further

ORDERED, that the caption shall read as follows:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WAYNE

LAKEVIEW LOAN SERVICING, LLC,

Plaintiff(s),

v.

ERIC SANGER, SECRETARY OF HOUSING AND
URBAN DEVELOPMENT, RACHAEL SANGER,

Defendant(s).

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COUNTY: WAYNE
SBL#: 63117-18-261092

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.

Dated: _____

ENTER:

J.S.C.