

At an IAS Part of the Part ____ of the Supreme Court of the State of New York, held in and for the County of Westchester at the Supreme Courthouse, 111 Dr. Martin Luther King Jr. Blvd., White Plains, NY 10601, on the 31 day of October, 2019.

PRESENT: HON.: John P. C. Langeh, J.S.C.
MTGLQ INVESTORS, L.P.,

Plaintiff,

ORDER DISCONTINUING THE ACTION AND CANCELING THE LIS PENDENS

-against-

Index No. 54548/2019

Motion Seq. 1 & 2

CHRISTOPHER V. FISCELLA A/K/A CHRISTOPHER FISCELLA; MARGHERITA FISCELLA; HARVEST CREDIT MGT VII LLC; MIDLAND FUNDING LLC; "JOHN DOE #1" through "JOHN DOE #10" inclusive the names of the ten last name Defendants being fictitious, real names unknown to the Plaintiff, the parties intended being persons or corporations having an interest in, or tenants or persons in possession of, portions of the mortgaged premises described in the Complaint,

Defendants.


UPON the Notice of Motion and Affirmation of Michael J. Kenney, Esq., both dated July 8, 2019 and the pleadings and papers previously filed herein, said motion having come on to be heard before this Court on October 31, *a cross-motion having been filed by Defendants* and there being no opposition thereto, and after due deliberation, it is *seeking leave to file an answer and for summary judgment dismissing the Complaint;* ORDERED, that the within foreclosure action is hereby discontinued as the plaintiff no longer

wishes to proceed with same, without prejudice and without any further costs to any party; and it is further

ORDERED, that the acceleration of the loan is voided and deceleration is in place; and it is further

ORDERED, that the Lis Pendens, filed on March 25, 2019 and the Notice of Pendency re-filed on May 30, 2019 with the Westchester County Clerk, against the property known as 127 Breckenridge Avenue, Port Chester, New York 10573 and same hereby is canceled, and the Westchester County Clerk is hereby directed, upon payment of the appropriate fee, if any, to discharge same with all convenient speed; and it is further ORDERED that the Cross motion is denied as moot.

ENTER:



John P. Mangano, J.S.C.