

At Part ____ of the Supreme Court held
in the County of WESTCHESTER at the
Courthouse thereof, on the
21st day of FEB, ~~2018~~ 2019

PRESENT: Hon. William J. Giacomo, JSC
JUSTICE OF THE SUPREME COURT

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KEYBANK, NATIONAL ASSOCIATION SUCCESSOR BY MERGER
WITH FIRST NIAGARA BANK, N.A.

INDEX NO.
58943/2018

Plaintiff,

ORDER OF REFERENCE AND
DEFAULT JUDGMENT

-against-

MORTGAGED PROPERTY:
208 Smith Ridge Road,
South Salem, NY 10590
COUNTY: WESTCHESTER
SBL# 45A;9827;5 and 6

MILTON GALEAS, NEW YORK STATE DEPARTMENT OF
TAXATION AND FINANCE,

"JOHN DOE #1" through "JOHN DOE #20," the last
twenty 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.

----- X

UPON the Summons, Complaint, and Notice of Pendency filed in this
action on June 6, 2018, the affirmation of Ronald P. Labeck, Esq., dated
December 24, 2018 of Stagg, Terenzi, Confusione & Wabnik, LLP and the

ASSOCIATION SUCCESSOR BY MERGER WITH FIRST NIAGARA BANK, N.A., duly sworn to on December 12, 2018, 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

AND the court having held a mandatory settlement conference pursuant to CPLR 3408: A settlement was not reached and the case was released from the settlement conference part on November 27, 2018.

AND it appearing that MILTON GALEAS and NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE, 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 208 Smith Ridge Road, South Salem, NY 10590, in the County of WESTCHESTER, State of New York [Section 45A, Block 9827, Lots 5 and 6],

NOW, on motion by Stagg, Terenzi, Confusione & Wabnik, LLP, attorney for the Plaintiff, it is hereby

ORDERED that defendant(s) MILTON GALEAS, NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE, are determined to be in default; and it is further

ORDERED that Christopher Meyer with an address of

111 CHURCH STREET, is hereby appointed Referee, in accordance
WHITE PLAINS, N.Y. 10601

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 \$50.00~~, and in the discretion of the court, a fee of \$ 350.00, 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

The Referee's fees shall be:
1. \$350 upon the report; and
2. \$750 upon the sale
3. \$250.00 on any sale
cancelled less than
48 hours notice
if answer is for computation hearing

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 defendants captioned as "JOHN DOE #1" through "JOHN DOE #20", not having been served with copies of the summons and verified complaint, are neither necessary nor proper party defendants and their name(s) are hereby stricken from the caption of this action; and it is further

ORDERED that the caption shall read as follows:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
KEYBANK, NATIONAL ASSOCIATION SUCCESSOR BY
MERGER WITH FIRST NIAGARA BANK, N.A.

INDEX NO. 58943/2018

Plaintiff,

-against-

MILTON GALEAS, NEW YORK STATE DEPARTMENT
OF TAXATION AND FINANCE,

Defendants.

-----X
And it is further

ORDERED that the date of default listed in paragraph 12 of the summons and complaint is hereby amended *nunc pro tunc* as of June 6, 2018 to reflect the correct date of default as September 1, 2017; 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: 2/21/19

ENTER:



J.S.C.

Hon. William J. Giacomo, JSC

See Attached

*Counsel shall appear in the
Mandatory Appearance Part, Room 800,
on April 25, 2019 at 2 PM*

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