

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D12838
C/cb

_____AD3d_____

Submitted - November 13, 2006

THOMAS A. ADAMS, J.P.
GLORIA GOLDSTEIN
STEVEN W. FISHER
ROBERT A. LIFSON, JJ.

2005-04695
2005-04696

DECISION & ORDER

Washington Title Insurance Company, respondent,
v Martha Adams Lewis Snelling, et al., appellants.

(Index No. 18977/96)

Martha Adams Lewis Snelling, Jamaica, N.Y., and Diane S. Pinnock, Jamaica, N.Y.,
appellants pro se (one brief filed).

In an action to foreclose a mortgage, the defendants Martha Adams Lewis Snelling and Diane S. Pinnock appeal from (1) an order and judgment of foreclosure and sale (one paper) of the Supreme Court, Queens County (O'Donoghue, J.), dated January 6, 2005, which, inter alia, granted the plaintiff's motion to vacate a prior judgment of foreclosure and sale dated June 7, 2001, and to amend the caption of the action to change the name of the plaintiff from Malinowitz Associates Pension Plan, Saul Siegel, and David Berger, to Washington Title Insurance Company, and (2) an order of the same court dated April 18, 2005, which, among other things, denied the defendants' motion to vacate the order and judgment of foreclosure and sale dated January 6, 2005.

ORDERED that the order and judgment of foreclosure and sale dated January 6, 2005, and the order dated April 18, 2005, are affirmed, without costs or disbursements.

On the instant appeals, the appellants improperly seek review of the substantive provisions of the judgment of foreclosure and sale dated June 7, 2001, which recited that the

appellants' answer had been stricken, from which no appeal was taken (*see Burke v Crosson*, 85 NY2d 10; *Shah v State of New York*, 212 AD2d 876; CPLR 5501[a][1]).

ADAMS, J.P., GOLDSTEIN, FISHER and LIFSON, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, looping initial "J".

James Edward Pelzer

Clerk of the Court