

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

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Submitted - October 24, 2006

HOWARD MILLER, J.P.
DAVID S. RITTER
FRED T. SANTUCCI
ROBERT J. LUNN, JJ.

2006-00370

DECISION & ORDER

In the Matter of Foreclosure of Tax Lien Certificate
No. 1878, etc. Peter Pekich, d/b/a Medcor Holding Co.,
respondent, James E. Lawrence, Inc., et al., defendants;
Saffron Gardens, Ltd., nonparty-appellant.

(Index No. 14096/02)

Manmohan K. Bakshi, P.C., Manhasset, N.Y., for nonparty-appellant.

Steven F. Lowenhar, Great Neck, N.Y. (Levy & Levy [Joshua Levy] of counsel), for
respondent.

In an action to foreclose a tax lien, Saffron Gardens, Ltd., appeals from an order of
the Supreme Court, Nassau County (Martin, J.), dated December 6, 2005, which denied its motion
to set aside the foreclosure sale and for the return of its down payment.

ORDERED that the order is affirmed, with costs.

On the record presented, Saffron Gardens, Ltd., failed to demonstrate any basis upon
which to set aside the foreclosure sale and direct the return of its down payment (*see Voorheesville
Rod & Gun Club v Tompkins Co.*, 82 NY2d 564; *Guardian Loan Co. v Early*, 47 NY2d 515; *Alkaifi
v Celestial Church of Christ Calvary Parish*, 24 AD3d 476).

MILLER, J.P., RITTER, SANTUCCI and LUNN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

December 12, 2006

MATTER OF FORECLOSURE OF TAX LIEN CERTIFICATE NO. 1878