

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

D14464
W/hu

_____AD3d_____

Argued - February 22, 2007

WILLIAM F. MASTRO, J.P.
ANITA R. FLORIO
EDWARD D. CARNI
WILLIAM E. McCARTHY, JJ.

2005-10970

DECISION & ORDER

Hong Shi, appellant, v Ya Juan Ren,
respondent.

(Index No. 17297/03)

Laurence H. Olive, New York, N.Y., for appellant.

Jeffrey L. Lewisohn, Cedarhurst, N.Y., for respondent.

In an action for a divorce and ancillary relief, the husband appeals from so much of a judgment of the Supreme Court, Queens County (Fitzmaurice, J.), entered October 3, 2005, as directed that the marital home be sold.

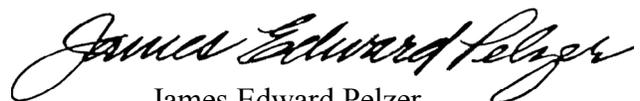
ORDERED that the judgment is affirmed insofar as appealed from, with costs.

The Supreme Court vacated the parties' original judgment of divorce, dated September 24, 2003, on the ground that the husband procured the stipulation of settlement upon which it was based by duress and compulsion. In view of this and the acrimonious relationship between the parties, the Supreme Court providently exercised its discretion in directing the sale of the marital home (*see* Domestic Relations Law § 236[B][5][d], [f]; *Lutz v Goldstone*, 31 AD3d 398, 399; *Altmann v Finger*, 23 AD3d 591, 592; *Martinucci v Martinucci*, 288 AD2d 444, 445).

In view of the foregoing, we do not address the parties' remaining contentions.

MASTRO, J.P., FLORIO, CARNI and McCARTHY, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

March 27, 2007

HONG SHI v YA JUAN REN