

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

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_____AD3d_____

Submitted - January 3, 2008

WILLIAM F. MASTRO, J.P.
STEVEN W. FISHER
MARK C. DILLON
WILLIAM E. McCARTHY, JJ.

2007-02721

DECISION & ORDER

Combined Ventures, LLC, respondent, v
Fiske House Apt. Corp., et al., defendants,
Karen V.M. Smith, appellant.

(Index No. 14449/06)

Karen V.M. Smith, Brooklyn, N.Y., appellant pro se.

Jerry I. Lefkowitz, Hauppauge, N.Y., for respondent.

In an action to foreclose a mortgage, the defendant Karen V.M. Smith appeals, as limited by her brief, from stated portions of an order of the Supreme Court, Kings County (Jones, J.), dated February 6, 2007, which, inter alia, granted that branch of the plaintiff's motion which was for summary judgment on the complaint.

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

The plaintiff mortgagee satisfied its burden of demonstrating its entitlement to judgment as a matter of law by producing evidence of the mortgage debt and the mortgagor's default, including an acknowledgment of the unpaid debt by the principal of the mortgagee (*see Ames Funding Corp. v Houston*, 44 AD3d 692; *Countrywide Funding Corp. v Reynolds*, 41 AD3d 524). In opposition, the defendant Karen V.M. Smith failed to raise a triable issue of fact with regard to any legally viable or cognizable defense to the action. Accordingly, summary judgment was properly granted in favor of the plaintiff (*see Wells Fargo Bank Minn., N.A. v Mastropaolo*, 42 AD3d 239).

February 5, 2008

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Smith's remaining contentions are without merit.

MASTRO, J.P., FISHER, DILLON and McCARTHY, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court