

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

D20597  
W/hu

\_\_\_\_\_AD3d\_\_\_\_\_

Argued - September 5, 2008

WILLIAM F. MASTRO, J.P.  
PETER B. SKELOS  
JOSEPH COVELLO  
JOHN M. LEVENTHAL, JJ.

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2007-10266

DECISION & ORDER

James Maloney, et al., respondents, v Patricia  
Talbot, et al., appellants, et al., defendants.

(Index No. 23267/05)

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Michael G. McAuliffe, Melville, N.Y., for appellants.

Walsh Markus McDougal & DeBellis LLP, Garden City, N.Y. (Kevin M. Walsh and  
Paul R. McDougal of counsel), for respondents.

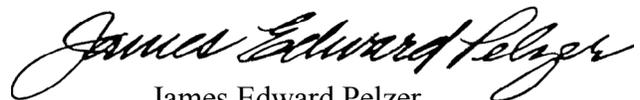
In an action to foreclose a mortgage, the defendants Patricia Talbot and Joseph Talbot appeal, as limited by their brief, from so much of an order of the Supreme Court, Suffolk County (R. Doyle, J.), dated March 29, 2007, as denied that branch of their motion which was to vacate the foreclosure sale of the subject premises.

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

A foreclosure sale may be vacated when fraud, collusion, mistake, or misconduct casts suspicion on the fairness of the sale (*see Chase Manhattan Mtge. Corp. v Cobbs*, 4 AD3d 383; *see also Guardian Loan Co. v Early*, 47 NY2d 515, 520). The appellants failed to establish any such conduct. Accordingly, the Supreme Court properly denied that branch of their motion which was to vacate the foreclosure sale.

MASTRO, J.P., SKELOS, COVELLO and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

October 7, 2008

MALONEY v TALBOT