

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

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_____AD3d_____

Submitted - February 17, 2009

REINALDO E. RIVERA, J.P.
DAVID S. RITTER
HOWARD MILLER
THOMAS A. DICKERSON, JJ.

2008-05329

DECISION & ORDER

Greenpoint Mortgage Funding, respondent, v
Congregation Ohel Zissel, etc., et al., defendants,
Hendy Hirsch, et al., appellants.

(Index No. 7458/07)

Kleinman, Saltzman & Bolnick, P.C., New City, N.Y. (Lawrence D. Kleinman and Stanley Zwilling of counsel), for appellants.

Fein, Such & Crane, LLP, Chestnut Ridge, N.Y. (Michael S. Hanusek of counsel), for respondent.

In an action to foreclose a mortgage, the defendants Hendy Hirsch and JPMorgan Chase Bank appeal from an order of the Supreme Court, Rockland County (Kelly, J.), dated May 8, 2008, which denied their motion, inter alia, pursuant to CPLR 5015(a)(1) to vacate a judgment of foreclosure and sale of the same court dated January 29, 2008, entered upon their default in answering or appearing.

ORDERED that the order is affirmed, with costs.

The defendants Hendy Hirsch and JPMorgan Chase Bank (hereinafter together the appellants) moved, inter alia, to vacate a judgment of foreclosure and sale entered upon their default in answering or appearing. However, neither appellant demonstrated any basis for granting the motion (*see* CPLR 5015[a][1], [4]; *Wells Fargo Bank v Linzenberg*, 50 AD3d 674; *425 East 26th*

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St. Owners Corp. v Beaton, 50 AD3d 845; *Wells Fargo Bank Minn. N.A. v Mastropaolo*, 42 AD3d 239; *Town House St., LLC v New Fellowship Full Gospel Baptist Church, Inc.*, 29 AD3d 893; *Desiderio v Devani*, 24 AD3d 495). Thus, the motion was properly denied.

RIVERA, J.P., RITTER, MILLER and DICKERSON, 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