

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

D24097
T/kmg

_____AD3d_____

Argued - May 18, 2009

ROBERT A. SPOLZINO, J.P.
DANIEL D. ANGIOLILLO
CHERYL E. CHAMBERS
L. PRISCILLA HALL, JJ.

2009-00219

DECISION & ORDER

Dynamic Dwellings, LLC, respondent, v Joann Salerno,
et al., defendants, REO Properties Corp., assignee of
Mortgage Electronic Registration Systems, Inc.,
as nominee for Fremont Investment and Loan, appellant.

(Index No. 5270/07)

Peter T. Roach and Associates, P.C., Syosset, N.Y. (Jonathan I. Ullmann of counsel),
for appellant.

Barry Nesson, Scarsdale, N.Y., for respondent.

In an action to foreclose a tax lien, the defendant REO Properties Corp., assignee of Mortgage Electronic Registration Systems, Inc., as nominee for Fremont Investment and Loan, appeals from an order of the Supreme Court, Westchester County (Smith, J.), dated November 6, 2008, which denied its motion to set aside a foreclosure sale conducted on June 5, 2008.

ORDERED that the order is affirmed, with costs.

Contrary to the appellant's contention, the evidence in the record established that the plaintiff had standing to bring this action to foreclose a tax lien it purchased from the City of Yonkers. Further, the appellant failed to establish that the foreclosure sale price was unconscionably low (*see Polish Natl. Alliance of Brooklyn v White Eagle Hall Co.*, 98 AD2d 400, 408-409; *Seidman v Industrial Recycling Props., Inc.*, 52 AD3d 678).

July 28, 2009

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DYNAMIC DWELLINGS, LLC v SALERNO

The appellant's remaining contentions are without merit.

SPOLZINO, J.P., ANGIOLILLO, CHAMBERS and HALL, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large initial "J".

James Edward Pelzer
Clerk of the Court