

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

D24813
O/kmg

_____AD3d_____

Argued - October 2, 2009

REINALDO E. RIVERA, J.P.
RANDALL T. ENG
CHERYL E. CHAMBERS
L. PRISCILLA HALL, JJ.

2008-09853

DECISION & ORDER

Washington Mutual Bank, n/k/a JP Morgan Chase Bank, N.A., appellant, v 373 8th Street Realty Corp., et al., defendants; Humberto Betancourt, et al., intervenors-respondents.

(Index No. 14487/07)

Jaspan Schlesinger, LLP, Garden City, N.Y. (Antonia M. Donohue, Maria Sideris, and Frank Dell'Amore of counsel), for appellant.

Alterman & Boop, LLP, New York, N.Y. (Arlene F. Boop of counsel), for intervenors-respondents.

In an action to foreclose a mortgage, the plaintiff appeals, as limited by its brief, from so much of an order of the Supreme Court, Kings County (Dabiri, J.), dated September 26, 2008, as granted the motion of certain tenants for leave to intervene in the action as party defendants and to be given notice of the rent overcharge determination made by the New York State Division of Housing and Community Renewal included in any notice of foreclosure sale.

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

The intervenors were properly granted leave to intervene (*see* CPLR 1012).

October 27, 2009

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WASHINGTON MUTUAL BANK, n/k/a JP MORGAN CHASE BANK, N.A.,
v 373 8TH STREET REALTY CORP.

The plaintiff's remaining contentions are unpreserved for appellate review or without merit (see *Sanford Ave. Realty Co., LLC v Reynoso*, 19 AD3d 401; *Lincoln Sav. Bank v Amerasian Realty Corp.*, 168 Misc 2d 391).

RIVERA, J.P., ENG, CHAMBERS and HALL, 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