At IAS Part\_\_\_\_of the Supreme Court

Held in and for the County of NASSAU,

at the Courthouse located at Nassau County

Supreme Court, 100 Supreme Court Drive,

Mineola, NY 11501 on the \_\_\_\_\_\_day

of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

PRESENT: HON. DAVID P. SULLIVAN,

*Supreme Court Justice.*

--------------------------------------------------------------X

,

**INDEX NO.**

***EX PARTE* ORDER AMENDING JUDGMENT OF FORECLOSURE AND SALE**

Plaintiff,

-against-

,

Defendant.

--------------------------------------------------------------X

Upon application of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, attorneys for Plaintiff, brought by *Ex Parte* application dated \_\_\_\_\_\_\_\_\_\_\_, for an Order amending the Judgment of Foreclosure and Sale entered on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_; it is hereby

ORDERED, that in accordance with CPLR 2004, the time fixed by RPAPL §1351(1) is extended for the Referee to conduct the sale of the Mortgaged Premises as soon as reasonably practicable, to a date to be set by the Court upon final approval at the conclusion of the Pre-Foreclosure Auction Status Conference; and it is further

ORDERED, that plaintiff shall comply with the rules and procedures outlined in the Nassau County Foreclosure Auction Program to request permission to file a Notice of Sale; and it is further

ORDERED, that the terms of the Judgment of Foreclosure and Sale, pertaining to the location of the sale and the process by which said sale will be conducted, are amended to conform to the 10th JD Nassau County’s Rules Governing Public Foreclosure Auctions so that the sale shall occur in accordance with the 10th JD Nassau County’s Rules Governing Public Foreclosure Auctions in place as of the time of the foreclosure auction; and it is further

ORDERED, that in compliance with RPAPL § 1351 the Judgment of Foreclosure and Sale is hereby amended, *nunc pro tunc*, to include the mortgage servicer name and telephone number as follows:

**Servicer Name:**

**Servicer Telephone Number:**

; and it is further

ORDERED, that Plaintiff shall serve a copy of this Order with Notice of Entry upon the owner of the equity of redemption, any tenants named in this action, and any other parties or persons entitled to service, including the court appointed Referee, within twenty (20) days of entry; and it if further

*{strike if not applicable}* [ ORDERED, that \_\_\_\_\_\_[court appointed referee]\_\_\_\_\_\_\_\_\_\_\_\_\_, shall be discharged and relieved of all responsibility as Referee in the herein matter, and that in his/her place shall be appointed\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,Esq., of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, NY \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, to serve as Referee with all powers and duties granted to the party first named Referee by the Judgment of Foreclosure and Sale in the herein matter; and it is further

ORDERED, that by accepting this appointment, the Referee certifies that he/she is in compliance with Part 36 of the Rules of the Chief Judge (22 NYCRR Part 36), including, but not limited to §36.2 (c) (“Disqualifications from appointment”) and §36.2 (d) (“Limitations on appointments based upon compensation”); and, if the Referee is disqualified from receiving an appointment pursuant to the provisions of that Rule, the Referee shall immediately notify the Appointing Judge; and it is further

ORDERED, that the Referee is prohibited from accepting or retaining any funds for him/herself or paying funds to him/herself without compliance with Part 36 of the Rules of the Chief Administrative Judge; and it is further ]

*{strike if not applicable}* [ORDERED, that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ be substituted in place of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, as the designated newspaper for publication of the Notice of Sale; and it is further ]

ORDERED, that all provisions of the Judgment of Foreclosure and Sale not amended herein or inconsistent herewith are in full force and effect.

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **E N T E R**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**HON. DAVID P. SULLIVAN, J.S.C.**