

**Sample required format for Appointment of Referee with title amendment  
( Default in answering)**

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At I.A.S. Part-\_\_\_\_\_ of the Supreme Court of the State of New York, held in and for the County of Queens, at the Courthouse thereof, located at *(insert proper location, either 88-11 Sutphin Boulevard, Jamaica, New York, 11435, or 25-10 Court Square, LIC, NY 11101)*, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**PRESENT: Hon.** \_\_\_\_\_  
Justice of the Supreme Court

-----X  
\_\_\_\_\_ :  
**(Insert Plaintiff's name in full)** : **Order of Reference**  
\_\_\_\_\_ :  
Plaintiff :  
 :  
-vs.- : **Index No. (Insert Index No. here)**  
 :  
\_\_\_\_\_ :  
**(Insert Defendant(s)' name(s) in full)** :  
\_\_\_\_\_ :  
Defendant(s) :  
 :  
-----X

**ON the Summons, Complaint and Notice of Pendency duly filed in this action in the Office of the County Clerk of the County of Queens on (insert date of filings), and due proof that all defendants have been duly served with said process or have voluntarily appeared in this action and**

**Upon reading and filing the Notice of Motion dated (insert date of Notice of Motion ), the affirmation of (insert attorney's name),Esq. dated (insert date of affirmation), [the affidavit of (insert name), duly sworn to (insert date of notarization)] with exhibits annexed, showing what proceedings have heretofore been had herein, and all the papers on file in this action and due deliberation having been had thereon and upon reading and filing the decision of the Court dated (leave date of decision blank-Clerk will complete) ;**

**NOW, upon motion of (insert name of attorney's office ), attorney for the Plaintiff, it is**

**ORDERED, that the application is granted, without opposition; and it is further**

**ORDERED, that this action be, and the same is hereby referred to:**

\_\_\_\_\_ of \_\_\_\_\_

as Referee to ascertain and compute the amount due to the Plaintiff for principal, interest and other disbursements advanced as provided for in the note and mortgage upon which this action was brought, to examine and report whether or not the mortgaged premises can be sold in parcels, and that the Referee make his/her report to the Court with all convenient speed; and it is further

**ORDERED**, that the caption of this action be amended by substituting [insert name of actual Plaintiff being substituted in] in place of(insert name of Plaintiff being substituted for) and by substituting (insert name of actual Defendant being substituted in) in place of “John Doe #1 [and (insert name of second Defendant, etc. as required) in place and in stead of “John Doe #2, 3, etc. as required] and by striking therefrom the remaining Defendants sued herein as “John Doe #\_\_\_\_ to “John Doe #\_\_\_\_, all without prejudice to the proceedings heretofore had herein; and it is further

**ORDERED**, that the title of the action, as amended, shall henceforth read as follows:

(INSERT AMENDED CAPTION IN BOX FORM HERE)

Index # \_\_\_\_\_

;and it is further

**ORDERED**, that the Referee appointed herein is subject to the requirements of Rule 36.2(c) of the Chief Judge, and if the Referee is disqualified from receiving an appointment pursuant to the provisions of that Rule, the Referee shall notify the appointing Justice forthwith; and it is further

**ORDERED**, that the Referee shall not be held responsible for the payment of penalties or fees pursuant to this appointment. Purchaser or any title company hired by the purchaser shall be responsible for any penalties or fees incurred as a result of a late payment of the tax as required by City Administrative Code 19 RCNY 23-08 (a), which requires payment within 30 days.

The Purchaser shall hold the Referee harmless from any such penalties accessed as a result of a late payment of these taxes.

**ORDERED, that a copy of this Order with Notice of Entry shall be served upon the owner of the equity of redemption, any tenants named in this action and any other party entitled to notice.**

**E N T E R :**

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**Justice of the Supreme Court**