

Queens County Template

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*, 88-11 Sutphin Boulevard, Jamaica, New York 11435 or 25-10 Court Square, Long Island City, New York 11101) on the ____ day of _____, 20 ____.

PRESENT: _____

JUSTICE OF THE SUPREME COURT

-----X

INDEX NO.:

Plaintiff(s)

**ORDER OF REFERENCE AND
SUMMARY JUDGMENT**

v.

Defendant(s)

MORTGAGED PROPERTY:

COUNTY:

SBL#:

-----X

UPON the Summons, Complaint, and Notice of Pendency filed in this action on the [*Day*] day of [*Month*], [*Year*], the Notice of Motion dated [*Date*], the affirmation by [*Plaintiff's Counsel*], Esq., and the exhibits annexed thereto, the affidavit of merit and amount due by [*Name of AOM Signor*] who is [*AOM Signor's title*] of [*Name of Company AOM Signor Works For*], duly sworn to on [*Date AOM Signed*], together with the exhibits attached thereto, and all prior papers filed in this action and prior proceedings had herein; and

UPON proof that each of the defendants herein has been duly served with the Summons and Complaint in this action and required notices; and

UPON a Notice of Appearance/Answer by [list defendants that filed a notice of appearance and/or answer];

[If applicable] AND the court having held a mandatory settlement conference pursuant to CPLR 3408 [Choose a or b]:

- a. A settlement was not reached, and the case was released from the settlement conference part on [date].
- b. Plaintiff attended a settlement conference on [Date] but the defendant mortgagor(s) failed to appear and the case was released from the settlement conference part;

[If Applicable] AND it appearing that the defendant(s)/mortgager(s) is/are not resident(s) of the property subject to foreclosure;

AND it appearing that [List Defaulting Defendants] time to answer the complaint has expired;

AND it appearing to the satisfaction of this court that this action was brought to foreclose a mortgage on real property located at [Property Address], in the County of [County Name], State of New York [Section ____, Block ____, Lot ____],

AND due deliberation having been had thereon and upon reading and filing the decision of the Court dated [Insert Memorandum Decision Date];

NOW, on motion by [Law Firm Name], attorney for the Plaintiff, it is hereby

ORDERED that the application is granted, [without opposition (when applicable)]; and it is further

ORDERED, that the Answer of the Defendant(s) (insert name(s) of Defendant(s) whose answer(s) is/are being stricken) be, and the same is hereby, stricken and the Plaintiff herein is awarded Summary Judgment against said Defendant(s); and it is further

ORDERED that defendant(s) [list defendants] have not appeared or answered in this matter and are deemed in default; and it is further

ORDERED that this action by, and the same is hereby referred to _____ of _____ as Referee, in accordance with RPAPL §1321, 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, if necessary, the Referee may take testimony pursuant to RPAPL §1321; 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, pursuant to CPLR 8003(a), the statutory fee of \$350.00 shall be paid to the Referee for the computation of the amount due and upon the filing of his/her report, and the Referee shall not request or accept additional compensation unless it has been fixed by the court in accordance with CPLR 8003(a); 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

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:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF

-----X

Plaintiff(s),

INDEX NO:

v.

MORTGAGED PROPERTY:

COUNTY:

SBL#:

Defendant(s),

-----X

;and it is further

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, any other party entitled to notice and the referee appointed herein.

ENTER:

Justice of the Supreme Court