(Revised 10-08-15)(Word with Checkboxes)

At a term of Supreme Court of the State of New York held in and for the County of Lewis at the Lewis County Courthouse, Lowville, New York, on the _____ day of _____, 20___.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF LEWIS

PRESENT: HON. CHARLES C. MERRELL, JSC

Plaintiff,

-v-

Defendants.

ORDER OF REFERENCE

Index No:
RJI No:

Property Address:

Plaintiff having moved this Court for an Order:

[***PLAINTIFF'S COUNSEL MUST CHECK AND COMPLETE ALL APPLICABLE ENTRIES IN THIS ORDER OF REFERENCE EXCEPT AS OTHERWISE NOTED***]

☐ striking the answer of defendant(s) _____ and converting each such appearance to a general notice of appearance

☐ pursuant to CPLR §3215, granting plaintiff default judgment

☐ pursuant to CPLR §3212, granting plaintiff summary judgment

☐ amending the caption to

- ☐ delete defendant(s) _____
- ☐ substitute the names of _____ for defendant(s) John Doe and/or Jane Doe

☐ other _____

☐ pursuant to RPAPL §1321, appointing a Referee to compute the sums due plaintiff on the Note and Mortgage

☐ other [specify]: _____.

NOW, upon plaintiff's ☐ ex parte application or ☐ motion heard on _____ at which time ☐ plaintiff / ☐ defendant appeared, or ☐ no appearances were required, and upon the Summons and Complaint and proof that all defendants have been served, and upon proof that the time for all defendant(s) to answer or appear has expired, and upon the:

1) affidavit of _____ dated_____, with Exhibits ___ - ___ annexed;

2) affirmation of _____ affirmed on _____, with Exhibits ___ - ___ annexed:

3) other [specify]: _____;

it is hereby

ORDERED that the plaintiff's motion:

☐ for a default judgment pursuant to CPLR § 3215 and RPAPL § 1321 is granted;

☐ to strike defendant(s)' answer and for summary judgment pursuant to CPLR §3212 is granted;

☐ other [specify]: _____;

and it is further

ORDERED that the caption of this action is amended to

☐ delete the name(s) of defendant(s) _____

☐ substitute the name(s) of _____
for defendant(s) John Doe and/or Jane Doe

☐ other [specify]: _____

and it is further

ORDERED that the caption of this action as amended shall read as follows:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF LEWIS

_____

Plaintiff,

-v-

Defendant(s).

_____

and it is further

ORDERED that [*the Court will designate the Referee*]

Name: _____, Esq.

Address: _____

_____

Telephone: _____

is hereby appointed Referee to ascertain, compute and report the total amount due to plaintiff for unpaid principal, accrued interest and all reasonable mortgage costs and expenses other than attorneys' fees secured by the Note and Mortgage sued upon and set forth in the Complaint, and to examine and report as to whether the mortgaged premises should be sold in one parcel. The Referee shall not be required to notice or conduct a hearing and the plaintiff may submit to the Referee its proof by affidavit; 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 section 36.2(c) ("Disqualifications from appointment") and section 36.2 (d) ("Limitations on appointments based upon compensation"); and it is further

ORDERED that pursuant to CPLR §8003(a), in the discretion of the Court, the Referee shall be paid a fee of $250.00 upon the filing of the Report of the Referee computing the amount due to plaintiff; and it is further

ORDERED that during the pendency of this action, if any interest in the Note and/or Mortgage that is the subject of this action has been or is transferred, the person or entity to whom the interest has been or is transferred shall apply to the Court within thirty (30) days of the transfer to be substituted or joined in this action pursuant to CPLR §1018; and it is further

ORDERED that the Referee shall file his/her Report on or before _____ [*the Court will insert this date*]; and it is further

ORDERED that on or before _____[*the Court will insert this date*], the plaintiff shall submit as appropriate a Motion or an Ex Parte application in compliance with all legal and administrative requirements for a Judgment of Foreclosure and Sale; and it is further

ORDERED that in the event plaintiff fails to timely submit the required Motion or Ex Parte application for a Judgment of Foreclosure and Sale, in its discretion, the Court may either (1) strike all interest accruing on the loan as of the subject date together with any and all late fees, penalties, property inspection fees and preservation costs; or (2) dismiss the action for plaintiff's failure to comply with the Court's deadline (*see Andrea v. Arnone, Hedin, Casker, Kennedy & Drake*, 5 NY3d 514 (2005).

Dated: _____ _____

Hon. Charles C. Merrell, J.S.C.