

SUPREME COURT OF THE STATE OF NEW YORK - NEW YORK COUNTY

PRESENT: Hon. Sherry Klein Heitler
Administrative Order

LSREF2 CLOVER TRUST 2011,

Plaintiff,

- v -

INDEX NO. 650682/2012

BPIV - 248 SHERMAN AVENUE OWNER LLC, et
al.,

Defendants.

Administrative Order:

By letter dated March 8, 2012, counsel for plaintiff timely seeks review of Justice Shirley Werner Kornreich's order, dated March 7, 2012, transferring this action to a non-commercial part pursuant to Uniform Rule 202.70 (f) (1). Opposition has not been received to date.

Counsel contends that this action meets the standards for assignment to the Commercial Division, because plaintiff seeks to foreclose on four mortgage loans in excess of \$57 million.

However, foreclosure actions involving residential properties are considered non-commercial pursuant to Uniform Rule 202.70 (b) (3), which excludes "residential real estate disputes." As the real property at issue here consists of ten low-rise multifamily properties, I agree with Justice Kornreich that this action does not qualify for assignment to the Commercial Division.

For the foregoing reasons, the request is denied.

Dated: March 9, 2012

ENTER:  _____, A.J.

Check one: FINAL DISPOSITION

NON-FINAL DISPOSITION