

**SUPREME COURT OF THE STATE OF NEW YORK**  
*Appellate Division, Fourth Judicial Department*

778

**CA 14-02167**

PRESENT: SCUDDER, P.J., SMITH, SCONIERS, VALENTINO, AND DEJOSEPH, JJ.

---

FINANCITECH, LTD., PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

GML SYRACUSE LLC, AMADEUS DEVELOPMENT, INC.,  
DEFENDANTS-RESPONDENTS,  
HOLMES KING KALLQUIST & ASSOCIATES, LLP, ET AL.,  
DEFENDANTS.

---

MAYNARD, O'CONNOR, SMITH & CATALINOTTO, LLP, ALBANY (JUSTIN W. GRAY OF  
COUNSEL), FOR PLAINTIFF-APPELLANT.

MELVIN & MELVIN, PLLC, SYRACUSE (KENNETH J. BOBRYCKI OF COUNSEL), FOR  
DEFENDANT-RESPONDENT GML SYRACUSE LLC.

ROBINSON BROG LEINWAND GREENE GENOVESE & GLUCK PC, NEW YORK CITY  
(ROGER A. RAIMOND OF COUNSEL), FOR DEFENDANT-RESPONDENT AMADEUS  
DEVELOPMENT, INC.

---

Appeal from an order of the Supreme Court, Onondaga County  
(Donald A. Greenwood, J.), entered May 8, 2014. The order, among  
other things, denied plaintiff's motion for summary judgment.

It is hereby ORDERED that said appeal is unanimously dismissed  
without costs.

Memorandum: Plaintiff appeals from an order denying its motion  
for summary judgment in this action to foreclose two mortgages.  
Following entry of that order, the mortgaged premises were acquired by  
the City of Syracuse Industrial Development Agency in a proceeding  
pursuant to the Eminent Domain Procedure Law. "It is well established  
that, upon the vesting of title in a condemnation proceeding, all lien  
interests in the subject property by virtue of mortgages, unpaid  
taxes, or unsatisfied judgments, are extinguished" (*Matter of County  
of Rockland [Kohl Indus. Park Co.]*, 172 AD2d 607, 609; see *Matter of  
County of Nassau [Gelb-Siegel]*, 24 NY2d 621, 626). The relief sought  
by plaintiff in the motion, i.e., appointment of a receiver and  
foreclosure of the mortgages, is no longer available, and the appeal  
must therefore be dismissed as moot (see *Matter of Tessler v Board of  
Educ. of City of N.Y.*, 49 AD3d 428, 429).

Entered: June 12, 2015

Frances E. Cafarell  
Clerk of the Court