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This memorandum is uncorrected and subject to revision before  
publication in the New York Reports.  
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No. 71  
Richard N. Golden,  
Respondent,  
v.  
Citibank, N.A.,  
Appellant.

Barry J. Glickman, for appellant.  
Richard N. Golden, respondent pro se.

MEMORANDUM:

The order of the Appellate Division should be affirmed,  
with costs.

A cashier's check - essentially, a check drawn by a  
bank on itself - is presumed to have been issued for value, and  
the issuance of such a check constitutes an acceptance by the

issuing bank, which gives rise to an obligation to pay (see Dziurak v Chase Manhattan Bank, N. A., 44 NY2d 776, 777 [1978]; Hart v North Fork Bank, 37 AD3d 414, 415 [2d Dept 2007]; Matter of Bank of U.S., 243 App Div 287, 291 [1st Dept 1935]; Bobrick v Second Natl. Bank of Hoboken, 175 App Div 550, 552 [1st Dept 1916], affd 24 NY 637 [1918]; Kaufman v Chase Manhattan Bank, Natl. Assn., 370 F Supp 276, 278 [SD NY 1973]). When a bank has issued a cashier's check, it cannot stop payment, "unless there is evidence of fraud, or the check is lost, stolen, or destroyed" (Hart, 37 AD3d at 415 [citations omitted]). To the extent Gates v Manufacturers Hanover Trust Co./Capital Region (98 AD2d 829 [3d Dept 1983]) holds otherwise, it was wrongly decided and should not be followed.

Plaintiff demonstrated prima facie entitlement to judgment as a matter of law on his first cause of action, to compel payment on a cashier's check, and defendant, in opposition, failed to raise a triable issue of fact. Thus, the Appellate Division properly granted plaintiff's motion for summary judgment.

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Order affirmed, with costs, in a memorandum. Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott, Rivera and Abdus-Salaam concur.

Decided May 6, 2014