

**Matter of PHH Mtge. Corp. v Cheung**

2014 NY Slip Op 31565(U)

June 5, 2014

Supreme Court, Kings County

Docket Number: 14-500610

Judge: Debra Silber

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This opinion is uncorrected and not selected for official publication.

At a ~~term~~ <sup>Part</sup> 9 of the Supreme Court of the State of New York, held in and for the County of Kings, at Courthouse located at 360 Adams St., Brooklyn, NY 11201 on June 5, 2014

PRESENT:

Hon. Debra Silber  
Justice of the Supreme Court

-----X  
IN THE MATTER OF THE PETITION OF  
PHH MORTGAGE CORPORATION, AS  
AGENT for HSBC MORTGAGE CORPORATION  
USA, ITS SUCCESSORS AND ASSIGNS,  
AND ITS NOMINEE MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.

INDEX NO. 14-500610

ORDER

Petitioner,

TO VACATE AND CANCEL A SATISFACTION OF  
MORTGAGE FILED THEREBY IN ERROR,

-against-

TOMMY CHEUNG and TRISHA CHEUNG (F/K/A  
TRISHA C. HUANG,

Respondents.

-----X  
Petitioner having moved this Court by Petition dated January 24, 2014, for an Order, under Section 1921 of the Real Property Actions and Proceedings Law, and Section 329 of the Real Property Law seeking to cancel and vacate a certain Satisfaction of Mortgage dated June 17, 2013, executed and delivered for filing by PHH MORTGAGE CORPORATION,

as Agent for HSBC MORTGAGE CORPORATION, USA, ITS SUCCESSORS AND ASSIGNS, by its nominee Mortgage Electronic Registration Systems, Inc., and recorded in the Office of the Kings County Clerk on July 5, 2013 in CRFN 2013000265940 against the premises located at 239 Westminster Road, Brooklyn, New York 11218 and known and designated on the Office of the City Register of the City of New York Tax Map as Borough Brooklyn, Block 5143 Lot 46 and to thereby reinstate the underlying mortgage(s) made by TOMMY CHEUNG AND TRISHA CHEUNG (f/k/a) TRISHA C. HUANG to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. as nominee for HSBC Mortgage Corporation (USA) in the amount of \$516,000.00 dated 12/04/2009 and recorded 04/10/2010 in CRFN 20100000109174.

The Respondents, TOMMY CHEUNG AND TRISHA CHEUNG (f/k/a) TRISHA C. HUANG, having executed Affidavits consenting to said relief being granted, and

The matter having come before this Court on May 15, 2014, and the motion having been unopposed,

NOW upon motion of Byrnes & Doyle, attorneys for Petitioner, it is hereby:

**ORDERED**, that the motion is granted with consent of the mortgagors, and it is further

**ORDERED**, that the Satisfaction of Mortgage, dated June 17, 2013, executed and delivered for filing by PHH MORTGAGE CORPORATION, as Agent for HSBC

MORTGAGE CORPORATION, USA, ITS SUCCESSORS AND ASSIGNS, by its nominee Mortgage Electronic Registration Systems, Inc., and recorded in the Office of the Kings County Clerk on July 5, 2013 in CRFN 2013000265940 against the premises located at 239 Westminster Road, Brooklyn, New York 11218 and known and designated on the Office of the City Register of the City of New York Tax Map as Borough Brooklyn, Block 5143 Lot 46, be cancelled, vacated and set aside; and it is further

**ORDERED** that the Office of the City Register of the City of New York, Kings County, upon presentation of a certified copy of this Order and payment of proper fees, enter appropriate documentation to cancel, vacate and set aside said Satisfaction of Mortgage dated June 17, 2013, and recorded in the Office of the Kings County Clerk on July 5, 2013 CRFN 2013000265940 against the premises located at 239 Westminster Road, Brooklyn, New York 11218 in the amount of \$516,000.00, and it is further

**ORDERED** that the Office of City Register of the City of New York, Kings County, upon presentation of a certified copy of this Order and payment of proper fees, enter appropriate documentation to reinstate the underlying mortgage(s) satisfied in error by said Satisfaction, to wit:

Mortgage made by TOMMY CHEUNG AND TRISHA CHEUNG (f/k/a) TRISHA C. HUANG to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. as nominee for HSBC Mortgage Corporation (USA) in the amount of \$516,000.00 dated 12/04/2009 and recorded 04/10/2010 in CRFN 20100000109174.

This constitutes the Decision and Order of this Court, and

IT IS FURTHER ORDERED that a copy of this order be served upon the Respondents with  
Notice of Entry within 20 days of the filing of same

ENTER FORTHWITH:



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Hon. Debra Silber  
J.S.C

**Hon. Debra Silber  
Justice Supreme Court**