

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

2014 NY Slip Op 31590(U)

June 17, 2014

Sup Ct, Kings County

Docket Number: 502557/2014

Judge: Edgar G. Walker

Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op 30001(U), are republished from various state and local government websites. These include the New York State Unified Court System's E-Courts Service, and the Bronx County Clerk's office.

This opinion is uncorrected and not selected for official publication.

*PT 90*  
At a term 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 13*, 2014

P R E S E N T:

Honorable Edgar Walker  
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. 502557/2014

*#23*  
ORDER

Petitioner,

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

-against-

JOSEPH A. CAVALLO, JR. and PATRICIA A.  
CAVALLO,

Respondents.

-----X

Petitioner having moved this Court by Petition dated March 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 May 31, 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 Register of the City of New York, Kings County, on June 21, 2013 in CRFN 2013000244774 against the premises located at 285 22<sup>nd</sup> Street, Brooklyn, New York 11215 and known and designated on the Office of the City Register of the City of New York Tax Map as Borough Brooklyn, Block 897 Lot 47 and to thereby reinstate the underlying mortgage(s) against Respondents' property in conjunction with a certain Consolidation, Extension, Modification Agreement dated May 9, 2013, and

The Respondents, JOSEPH A. CAVALLO, JR. and PATRICIA A. CAVALLO, having executed Affidavits consenting to said relief being granted, and

The matter having come before this Court on June 13, 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 May 31, 2013, executed and delivered for filing by PHH MORTGAGE CORPORATION, as Agent for HSBC BANK USA, N.A., ITS SUCCESSORS AND ASSIGNS, by its nominee Mortgage Electronic Registration Systems, Inc., and recorded in the Office of the City Register of City of New York, Kings County, on June 21, 2013 in CRFN 2013000244774 against the premises located at 285 22<sup>nd</sup> Street, Brooklyn, New York 11215 and known and designated on the

Office of the City Register of the City of New York Tax Map as Borough Brooklyn, Block 897 Lot 47, be cancelled, vacated and set aside; and it is further

**ORDERED** that the Office of the City Register of 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 May 31, 2013, and recorded in the Office of the City Register of the City of New York, Kings County, on June 21, 2013 in CRFN 2013000244774 , 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 reinstate the underlying mortgage(s) satisfied in error by said Satisfaction, to wit:

Mortgage made by JOSEPH A. CAVALLO, JR., and PATRICIA A. CAVALLO to CITIMORTGAGE, INC., dated October 9, 2003 recorded 1/9/2004 in the amount of \$292,000.00 in CRFN 2004000014617.

-Assigned Wholly by CITIMORTGAGE, INC. TO MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR HSBC MORTGAGE CORPORATION (USA) ITS SUCCESSORS AND ASSIGNS Dated: 10/19/2007 Recorded 11/27/2007 in CFRN 2007000586963.

-New Mortgage Dated 10/26/2007 and Recorded 11/27/2007 in CRFN 2007000586962 between JOSEPH A. CAVALLO, JR., AND PATRICIA A. CAVALLO to MORTGAGE ELECTRONIC REGISTRATIONS SYSTEMS, INC., AS NOMINEE FOR HSBC MORTGAGE CORPORATION (USA) ITS SUCCESSORS AND ASSIGNS in the amount of \$130,005.30.

Mortgage Consolidation, consolidating original mortgage and the above referenced mortgage, constituting a consolidated mortgage dated 10/26/2007 and recorded 11/27/2007 in CFRN 2007000586964 between JOSEPH A. CAVALLO, JR. AND

PATRICIA A. CAVALLO and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR HSBC MORTGAGE CORPORATION (USA) ITS SUCCESSORS AND ASSIGNS in the amount of \$400,000.00.

New Mortgage Dated 5/20/2009 and Recorded 11/05/2009 in CRFN 2009000362802 between JOSEPH A CAVALLO, JR. AND PATRICIA A. CAVALLO and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR HSBC MORTGAGE CORPORATION (USA) ITS SUCCESSORS AND ASSIGNS in the amount of \$31,817.53.

Mortgage Consolidation consolidating original mortgage and the above referenced mortgage, constituting a consolidated mortgage Dated 05/20/2009 and recorded 11/05/2009 in CRFN 2009000362803 between JOSEPH A. CAVALLO, JR., AND PATRICIA A. CAVALLO and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR HSBC MORTGAGE CORPORATION (USA) ITS SUCCESSORS AND ASSIGNS in the amount of \$495,000.00.

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

Dated:

ENTER FORTHWITH:



\_\_\_\_\_  
Honorable Edgar Walker  
J.S.C

*my*  
FILED  
KINGS COUNTY CLERK  
2014 JUN 17 AM 8:49