

Wilmington Trust, Natl. v Sukhu

2016 NY Slip Op 31080(U)

May 19, 2016

Supreme Court, New York County

Docket Number: 850313/2014

Judge: Debra A. James

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK NEW YORK COUNTY

DEBRA A. JAMES

Index Number : 850313/2014
WILMINGTON TRUST, NATIONAL

PART 59

vs
SUKHU, RAGOBAR

INDEX NO. _____

Sequence Number : 001

MOTION DATE _____

SUMMARY JUDGMENT

MOTION SEQ. NO. _____

The following papers, numbered 1 to _____, were read on this motion to/for _____

Notice of Motion/Order to Show Cause — Affidavits — Exhibits _____ | No(s). _____

Answering Affidavits — Exhibits _____ | No(s). _____

Replying Affidavits _____ | No(s). _____

is granted. Plaintiff appends to its moving

Upon the foregoing papers, it is ordered that this motion is granted. See papers a copy of the original note, which is sufficient evidence of a proper assignment. See

Bank of N.Y. v. Silverberg, 86 AD3d 274, 281 (2nd Dept 2011). In his opposition papers,

defendant fails to assert that the premises is his home or to deny that he uses the premises as

an investment property only. Thus, the statutory homeowner "help with foreclosure"

provisions are inapplicable. Compare Citibank, NA v Barclay, 124 AD3d 174 (1st Dept 2014).

Accordingly, it is

ORDERED that the motion of plaintiff for summary judgment is granted; and it is further

ORDERED, whereas the proposed judgment submitted by the plaintiff incorrectly recites

that summary judgment is granted without opposition and does not recite the papers that

defendant submitted in opposition or its reply papers, plaintiff shall settle judgment on notice

with a complete recitation of all papers before the court on this motion and append thereto a

list of the names and addresses of least three (3) proposed referees that are registered as

eligible fiduciaries with the New York State Office of Court Administration.

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):

Dated: **MAY 19 2016**

Debra A. James, J.S.C.
DEBRA A. JAMES

- 1. CHECK ONE: CASE DISPOSED NON-FINAL DISPOSITION
- 2. CHECK AS APPROPRIATE: MOTION IS: GRANTED DENIED GRANTED IN PART OTHER
- 3. CHECK IF APPROPRIATE: SETTLE ORDER SUBMIT ORDER
- DO NOT POST FIDUCIARY APPOINTMENT REFERENCE