

NYCTL 2018-A Trust v Waton Overseas Corp.

2019 NY Slip Op 31818(U)

June 24, 2019

Supreme Court, New York County

Docket Number: 152785/2019

Judge: Arlene P. Bluth

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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

PRESENT: HON. ARLENE P. BLUTH PART IAS MOTION 32

Justice

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INDEX NO. 152785/2019

NYCTL 2018-A TRUST, THE BANK OF NEW YORK
MELLON AS COLLATERAL AGENT AND CUSTODIAN
FOR THE NYCTL 2018-A TRUST,

MOTION DATE _____

MOTION SEQ. NO. 001

Plaintiff,

- v -

WATON OVERSEAS CORP., NEW YORK CITY
DEPARTMENT OF FINANCE, NEW YORK STATE
DEPARTMENT OF TAXATION AND FINANCE,
RESIDENTIAL BOARD OF MANAGERS OF THE TRUMP
TOWER CONDOMINIUM, JOHN DOE NO. 1 THROUGH
JOHN DOE NO. 100 INCLUSIVE, THE NAMES OF THE
LAST 100 DEFENDANTS BEING FICTITIOUS, THE TRUE
NAMES OF SAID DEFENDANTS BEING UNKNOWN TO
PLAINTIFF, IT BEING INTENDED TO DESIGNATE FEE
OWNERS, TENANTS OR OCCUPANTS OF THE LIENED
PREMISES, INDIVIDUAL DEFENDANTS BE DEAD, THEIR
HEIRS AT LAW, NEXT OF KIN, DISTRIBUTEES,
EXECUTORS, ADMINISTRATORS, TRUSTEES,
COMMITTEES, DEVISEES, LEGATEES, AND THE
ASSIGNEES, LIENORS,

DECISION + ORDER OF
REFERENCE

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 8, 9, 10, 11, 12, 13,
14, 15, 16, 17, 18, 19

were read on this motion to/for APPOINT - REFEREE

Upon the foregoing documents, it is hereby

ORDERED that the motion for a default judgment is granted without opposition; and it is
further

ORDERED that Arthur Greig, Esq. with an address of
401 Broadway, Suite 1902, Ny Ny 10013 212-941-0230 is hereby appointed Referee in

accordance with RPAPL § 1321 to compute the amount due to Plaintiff and to examine whether
the tax parcel can be sold in parcels; and it is further

ORDERED that the Referee may take testimony pursuant to RPAPL § 1321; and it is further

ORDERED that by accepting this appointment the Referee certifies that he is in compliance with Part 36 of the Rules of the Chief Judge (22 NYCRR Part 36), including, but not limited to §36.2 (c) (“Disqualifications from appointment”), and §36.2 (d) (“Limitations on appointments based upon compensation”), and, if the Referee is disqualified from receiving an appointment pursuant to the provisions of that Rule, the Referee shall immediately notify the Appointing Judge; and it is further

ORDERED that, pursuant to CPLR 8003(a), and in the discretion of the court, a fee of \$350 shall be paid to the Referee for the computation of the amount due and upon the filing of his report and the Referee shall not request or accept additional compensation for the computation unless it has been fixed by the court in accordance with CPLR 8003(b); and it is further;

ORDERED that the Referee is prohibited from accepting or retaining any funds for himself or paying funds to himself without compliance with Part 36 of the Rules of the Chief Administrative Judge; and it is further

ORDERED that plaintiff shall forward all necessary documents to the Referee within 30 days of the date of this order and shall *promptly* respond to every inquiry made by the referee (promptly means within two business days); and it is further

ORDERED that plaintiff must bring a motion for a judgment of foreclosure and sale within 30 days of receipt of the referee’s report; and it is further

ORDERED that if plaintiff fails to meet these deadlines, then the Court may *sua sponte* vacate this order and direct plaintiff to move again for an order of reference and the Court may

sua sponte toll interest depending on whether the delays are due to plaintiff's failure to move this litigation forward; and it further

ORDERED that "John Doe No. 2" through "John Doe. No. 100" be removed as party defendants in this action and that John Doe No. 1 be substituted to be "Howard (Last Name Refused) sha John Doe No. 1" and the caption of this action be amended to reflect the removal and substitution of these defendants; and it is further

ORDERED that the caption shall read as follows:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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NYCTL 2018-A TRUST, THE BANK OF NEW
YORK MELLON AS COLLATERAL AGENT
AND CUSTODIAN FOR THE NYCTL 2018-A
TRUST,
Plaintiff,

v.

WATON OVERSEAS CORP., NEW YORK
CITY DEPARTMENT OF FINANCE, NEW
YORK STATE DEPARTMENT OF
TAXATION AND FINANCE, RESIDENTIAL
BOARD OF MANAGERS OF THE TRUMP
TOWER CONDOMINIUM, HOWARD (LAST
NAME REFUSED) SHA JOHN DOE NO. 1

Defendant(s).

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and it is further

ORDERED that counsel for plaintiff shall serve a copy of this order with notice of entry upon the County Clerk (60 Centre Street, Room 141B) and the General Clerk's Office (60 Centre Street, Room 119), who are directed to mark the court's records to reflect the parties being removed and substituted pursuant hereto; and it is further

ORDERED that such service upon the County Clerk and the Clerk of the General Clerk's Office shall be made in accordance with the procedures set forth in the *Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases* (accessible at the "E-Filing" page on the court's website at the address (ww.nycourts.gov/supctmanh)].

ORDERED that Plaintiff shall serve a copy of this Order with notice of entry on all parties and persons entitled to notice, including the Referee appointed herein.

Next Conference: December 3, 2019 @ 2:15 p.m. If a motion for judgment of foreclosure and sale has been filed, plaintiff may seek an adjournment of the conference. Please consult this part's rules for information on how to obtain an adjournment. If a motion has been made, then a conference is required to explore the reasons for the delay.

6/24/19

DATE

ARLENE P. BLUTH, J.S.C.
HON. ARLENE P. BLUTH

CHECK ONE:

CASE DISPOSED

GRANTED

DENIED

NON-FINAL DISPOSITION

APPLICATION:

SETTLE ORDER

OTHER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

GRANTED IN PART

SUBMIT ORDER

FIDUCIARY APPOINTMENT

REFERENCE