

**NYCTL 2018-A Trust v Yong Ok Park**

2019 NY Slip Op 32199(U)

July 24, 2019

Supreme Court, New York County

Docket Number: 152935/2019

Judge: Arlene P. Bluth

Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op 30001(U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.

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*

-----X INDEX NO. 152935/2019

NYCTL 2018-A TRUST AND THE BANK OF NEW YORK  
MELLON, AS COLLATERAL AGENT AND CUSTODIAN, MOTION DATE 06/25/2019

Plaintiff, MOTION SEQ. NO. 001

- v -

YONG OK PARK, BANK OF HOPE F/K/A BBCN BANK,  
SUCCESSOR IN INTEREST TO NARA BANK, SUCCESSOR IN  
INTEREST TO KOREA FIRST BANK OF NEW YORK, BOARD OF  
MANAGERS OF THE DORCHESTER TOWERS CONDOMINIUM,  
MIDLAND FUNDING LLC D/B/A IN NEW YORK AS MIDLAND  
FUNDING OF DELAWARE LLC, WORKERS COMPENSATION  
BOARD OF THE STATE OF NEW YORK, NEW YORK CITY  
PARKING VIOLATIONS BUREAU, NEW YORK CITY TRANSIT  
AUTHORITY TRANSIT ADJUDICATION BUREAU, NEW YORK  
CITY ENVIRONMENTAL CONTROL BOARD, AND JOHN DOE 1  
THROUGH JOHN DOE 100, THE NAMES OF THE LAST 100  
DEFENDANTS BEING FICTITIOUS, THE TRUE NAMES OF SAID  
DEFENDANTS BEING UNKNOWN TO PLAINTIFFS, IT BEING  
INTENDED TO DESIGNATE FEE OWNERS, TENANTS OR  
OCCUPANTS OF THE LIENED PREMISES AND/OR, PERSONS  
OR, PARTIES HAVING OR CLAIMING AN INTEREST IN OR LIEN  
UPON THE LIENED PREMISES, IF THE AFORESAID  
INDIVIDUAL DEFENDANTS ARE LIVING, AND IF ANY OR ALL  
OF SAID INDIVIDUAL DEFENDANTS ARE DEAD, THEIR HEIRS  
AT LAW, NEXT OF KIN, DISTRIBUTEES, EXECUTORS,  
ADMINISTRATORS, TRUSTEES, COMMITTEES, DEVISEES,  
LEGATEES, AND THE ASSIGNEES, LIENORS, CREDITORS  
AND SUCCESSORS IN INTEREST OF THE THEM, AND  
GENERALLY ALL PERSONS HAVING OR CLAIMING UNDER,  
BY, THROUGH, OR AGAINST THE SAID DEFENDANTS NAMED  
AS A CLASS, OF, ANY, RIGHT, TITLE OR INTEREST IN OR LIEN  
UPON THE PREMISES DESCRIBED IN THE COMPLAINT  
HEREIN

**DECISION + ORDER ON  
MOTION, ORDER OF  
REFERENCE**

Defendant.

-----X

The following e-filed documents, listed by NYSCEF document number (Motion 001) 14, 15, 16, 17, 18,  
19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29.

were read on this motion to/for APPOINT - REFEREE

Upon the foregoing documents, it is

ORDERED that the motion for a default judgment and to appoint a referee is granted

without opposition; and it is further

ORDERED that ~~XXXXXXXXXX~~ Mark McKaw with an address of 1725 York Ave Suite 29A NY NY 10128 <sup>212 876 6783</sup> 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. 1" through "John Doe. No. 100" be removed as party and the caption of this action be amended to reflect the removal 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 AND THE BANK OF NEW YORK  
MELLON, AS COLLATERAL AGENT AND CUSTODIAN,

Plaintiff,

v.

YONG OK PARK, BANK OF HOPE F/K/A BBCN BANK,  
SUCCESSOR IN INTEREST TO NARA BANK,  
SUCCESSOR IN INTEREST TO KOREA FIRST BANK OF  
NEW YORK, BOARD OF MANAGERS OF THE  
DORCHESTER TOWERS CONDOMINIUM, MIDLAND  
FUNDING LLC D/B/A IN NEW YORK AS MIDLAND  
FUNDING OF DELAWARE LLC, WORKERS  
COMPENSATION BOARD OF THE STATE OF NEW  
YORK, NEW YORK CITY PARKING VIOLATIONS  
BUREAU, NEW YORK CITY TRANSIT AUTHORITY  
TRANSIT ADJUDICATION BUREAU, NEW YORK CITY  
ENVIRONMENTAL CONTROL BOARD,

Defendant(s).  
-----X

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 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)); and it is further

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: January 7, 2020 @ 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.

7/24/19

DATE

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

CHECK ONE:

APPLICATION:

CHECK IF APPROPRIATE:

CASE DISPOSED  
GRANTED  DENIED  
SETTLE ORDER  
INCLUDES TRANSFER/REASSIGN

NON-FINAL DISPOSITION  
GRANTED IN PART  OTHER  
SUBMIT ORDER  
FIDUCIARY APPOINTMENT  REFERENCE