

<b>NYCTL 2018-A Trust v Seattle Props., LLC</b>
2019 NY Slip Op 32679(U)
September 11, 2019
Supreme Court, New York County
Docket Number: 155799/2019
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. 155799/2019

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

MOTION DATE 09/05/2019

MOTION SEQ. NO. 001

Plaintiff,

- v -

SEATTLE PROPERTIES, LLC, NEW YORK CITY
DEPARTMENT OF FINANCE, NEW YORK STATE
DEPARTMENT OF TAXATION AND FINANCE, JUNIOR
ENTERTAINMENT, LLC, BOARD OF MANAGERS OF
WEST 88TH STREET CONDOMINIUM, GRAND BANK,
N.A., 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 ON
MOTION, ORDER OF
REFERENCE

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 10, 11, 12, 13, 14,
15, 16, 17, 18, 19, 20, 21, 22

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 Edward H. Lehner, Esq with an address of
180 Labrini Blvd NY NY 10033 212-928-4402 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 the caption be amended to substitute Bill (Last Name Refused) sha John Doe No. 1 in place of the defendant sued as John Doe No. 1, and defendants John Doe Nos. 2 through John Doe No. 100 be removed from the caption; 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.

SEATTLE PROPERTIES, LLC, NEW YORK CITY DEPARTMENT OF FINANCE, NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE, JUNIOR ENTERTAINMENT, LLC, BOARD OF MANAGERS OF WEST 88TH STREET CONDOMINIUM, GRAND BANK, N.A., BILL (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

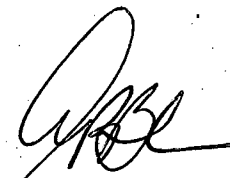
ORDERED that such service upon the County Clerk and the Clerk of the General Clerk's Office shall be made in accordance with the procedures set forth in the *Protocol on Courthouse*

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)); 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: February 4, 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.

9/11/19  
DATE

  
ARLENE P. BLUTH, J.S.C.

CHECK ONE:

CASE DISPOSED

NON-FILING REPORT

GRANTED

DENIED

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE

~~HON. ARLENE P. BLUTH~~