

**NYCTL 2018-A Trust v Fifth Latin Am. Pentecostal
Church of God, Inc.**

2019 NY Slip Op 33052(U)

October 16, 2019

Supreme Court, New York County

Docket Number: 151876/2019

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

-----X

INDEX NO. 151876/2019

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

MOTION DATE 10/03/2019

Plaintiff,

MOTION SEQ. NO. 001

- v -

FIFTH LATIN AMERICAN PENTECOSTAL CHURCH OF
GOD, INC., NEW YORK CITY ENVIRONMENTAL
CONTROL BOARD, THE PEOPLE OF THE STATE OF
NEW YORK, JOHN DOE #1 THROUGH JOHN DOE #100

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

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 16, 17, 18, 19, 20,
21, 22, 23

were read on this motion to/for ORDER OF REFERENCE

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 Joseph Buono with an address of 804 Route 9, Suite 4, Fishkill, NY
12524, (845) 765-1050 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 Wilfredo Santiago, John Doe sha John Doe #2, John Doe sha John Doe #3, John Doe sha John Doe #4, John Doe sha John Doe #5 for John Doe #1 through #5 and removing John Doe #6 through #100;

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,
Plaintiffs,

v.

FIFTH LATIN AMERICAN PENTECOSTAL
CHURCH OF GOD, INC., NEW YORK CITY
ENVIRONMENTAL CONTROL BOARD, THE
PEOPLE OF THE STATE OF NEW YORK,
WILFREDO SANTIAGO, JOHN DOE SHA JOHN
DOE #2, JOHN DOE SHA JOHN DOE #3, JOHN
DOE SHA JOHN DOE #4, JOHN DOE SHA JOHN
DOE #5,

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 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/suptctmanh)); 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: March 24, 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.

10.16.19
DATE



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

CHECK ONE:

CASE DISPOSED

GRANTED

DENIED

NON-FINAL DISPOSITION

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE