

Yazid v Godette

2020 NY Slip Op 35135(U)

May 20, 2020

Supreme Court, Westchester County

Docket Number: Index No. 64119/2019

Judge: Joan B. Lefkowitz

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This opinion is uncorrected and not selected for official publication.

<p>SUPREME COURT: STATE OF NEW YORK IAS PART WESTCHESTER COUNTY PRESENT: HON. JOAN B. LEFKOWITZ, J.S.C.</p> <p>-----X</p> <p>AL-MATEEN AKIEL YAZID f/k/a BRIAN JOHN ADAMS and LISA GODETTE,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">-against-</p> <p>LOIS GODETTE a/k/a LOIS C. GODETTE a/k/a LOIS ADAMS a/k/a CARRIE LOIS ADAMS, FEDERAL NATIONAL MORTGAGE ASSOCIATION,</p> <p style="text-align: center;">Defendants.</p> <p>-----X</p>	<p style="text-align: center;">AMENDED DECISION AND ORDER</p> <p style="text-align: center;">Index No. 64119/2019</p> <p>Motion Return Date: March 20, 2020 Motion Seq. #2</p>
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The following papers (e-file documents 52-69) were read on the motion by the defendant, Federal National Mortgage Association, for an order granting summary judgment dismissing so much of the complaint as may assert a cause of action on behalf of Lisa Godette against Federal National Mortgage Association, and an order granting summary judgment on its counterclaims.

Notice of Motion, Affirmation (Exhibits A-P)

Upon reading the foregoing papers it is

ORDERED the branch of the motion which seeks an order dismissing so much of the complaint as asserts a cause of action on behalf of Lisa Godette against the defendant, Federal National Mortgage Association, is granted, and so much of the complaint as asserts a cause of action on behalf of Lisa Godette against the defendant, Federal National Mortgage Association, is dismissed; and it is further

ORDERED the branch of the motion which seeks an order granting the defendant, Federal National Mortgage Association, summary judgment on its counterclaims is denied; and it is further

ORDERED the decision and order dated May 19, 2020, and entered May 19, 2020, is recalled and vacated and this order is substituted in its place.

The defendant, Federal National Mortgage Association, established its entitlement to judgment as a matter of law dismissing so much of the complaint as asserts a cause of action against it on behalf of Lisa Godette by demonstrating Lisa Godette has no interest in the premises.

However, Federal National Mortgage Association failed to demonstrate its entitlement to judgment as a matter of law on its counterclaims since it failed to demonstrate that the plaintiff, Al-Matten Akiel Yazid, does not have an interest in the premises. Yazid may have been an heir to a predecessor in title and thus may still have an interest in the premises that was not foreclosed in an underlying foreclosure action.

This order amends the order dated and entered on May 19, 2020.

E N T E R,

Dated: White Plains New York

May 20, 2020

HON. JOAN B. LEFKOWITZ, J.S.C.