

Federal Natl. Mtge. Assn. v Sykes
2021 NY Slip Op 32499(U)
November 24, 2021
Supreme Court, Kings County
Docket Number: Index No. 513880/2017
Judge: Mark I. Partnow
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At IAS Part FRP2 of the Supreme Court of the State of New York, held in and for the County of Kings at the Kings County Supreme Court, 360 Adams Street, Brooklyn, New York 11201, on the 24th day of November, 2020.

PRESENT:

The Hon. Mark I. Partnow, Justice

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FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"), A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE UNITED STATES OF AMERICA,

Index No. 513880/2017

Plaintiff,

- against -

JAMES F. SYKES, IV AS ADMINISTRATOR AND HEIR TO THE ESTATE OF JAMES F. SYKES III, VANEE C. SYKES AS HEIR TO THE ESTATE OF JAMES F. SYKES III, A.S. (FULL NAME REDACTED AS DEFENDANT IS A MINOR CHILD) AS HEIR TO THE ESTATE OF JAMES F. SYKES III, PEOPLE OF THE STATE OF NEW YORK, CRIMINAL COURT OF THE CITY OF NEW YORK, NEW YORK CITY ENVIRONMENTAL CONTROL BOARD, CITY REGISTER OF THE CITY OF NEW YORK, KINGS COUNTY, CHAMPION MORTGAGE COMPANY, INC.,

ORDER

JOHN DOE (Those unknown tenants, occupants, Persons or corporations or their heirs, Distributees, executors, administrators, trustees, Guardians, assignees, creditors or successors Claiming an interest in the mortgaged premises.)

Defendants.

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UPON review of the Notice of Motion dated March 9, 2020; the Summons, Complaint and Notice of Pendency of this action filed on July 19, 2017; upon the Affirmation of David P. Stich, counsel for Plaintiff and PCN LLC dated March 9, 2020, and the exhibits annexed thereto (the "Stich Affirmation"), from which it appears that this action was brought to, among other things, foreclose a certain first mortgage lien encumbering real property situated in the County of Kings, State of New York, at 819 East 51st Street, Brooklyn, New York 11203 (Block 7927, Lot 27), by reason of certain defaults as alleged in the Complaint (the First Cause of Action), and to expunge a certain satisfaction of a mortgage recorded in error (the Second Cause of Action) and pursuant to RPAPL Article 15 to terminate the interest, if any, of defendant Champion Mortgage Company, Inc. in the property (the Third Cause of Action); and upon the affidavit by Stephanie Childress, Asset Manager of SN Servicing Corporation, which is the servicer of the mortgage loan herein for the Plaintiff and PCN LLC, sworn to March 4, 2020 and the exhibits annexed thereto; and upon the Affirmation of Peter DeMeo, Esq., counsel to Wall Street Mortgage Bankers LTD d/b/a Power Express, dated January 29, 2020, and it further appearing that all of the Defendants have been served with a copy of the Summons and Complaint, copies of such affidavits of service being annexed to the Stich Affirmation as Exhibit D, no answer has been interposed by the any of the defendants, or any answer has been withdrawn, and the time so to do has expired; and that since the filing of the Notice of Pendency of this action on July 19, 2017, the Complaint has not been amended in any manner whatsoever; on the pleadings and papers heretofore filed herein and no one appearing in opposition thereto,

NOW, upon the motion of David P. Stich, Esq., attorney for the Plaintiff and PCN LLC,
it is

without opposition

ORDERED, that the motion is granted; and it is further

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ORDERED that Plaintiff Federal National Mortgage Association is substituted herein as plaintiff with PCN LLC; and it is further

ORDERED that this action is hereby discontinued against the "Doe" defendant without prejudice to the proceedings heretofore had herein; and it is further

ORDERED, that the caption of this action as amended, shall read as follows:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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PCN LLC,

Index No. 513880/2017

Plaintiff,

IAS Part FRP2
(Partnow, J.)

- against -

JAMES F. SYKES, IV AS ADMINISTRATOR
AND HEIR TO THE ESTATE OF JAMES F.
SYKES III, VANEE C. SYKES AS HEIR TO
THE ESTATE OF JAMES F. SYKES III, A.S.
(FULL NAME REDACTED AS DEFENDANT
IS A MINOR CHILD) AS HEIR TO THE ESTATE OF
JAMES F. SYKES III, PEOPLE OF THE
STATE OF NEW YORK, CRIMINAL COURT
OF THE CITY OF NEW YORK, NEW YORK
CITY ENVIRONMENTAL CONTROL
BOARD, CITY REGISTER OF THE CITY OF
NEW YORK, KINGS COUNTY, and CHAMPION
MORTGAGE COMPANY, INC.,

Defendants.

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and

ORDERED, that default judgment in favor of the Plaintiff be granted as against the named defendants as to the Second Cause of Action alleged in the Complaint herein; and it is further

ORDERED, that the Satisfaction/Discharge of Mortgage dated September 2, 2004 and recorded in the Office of the City Register of Kings County on December 9, 2013 as CRFN 2013000505636, as to that certain mortgage executed by James F. Sykes, III, as mortgagor, to Wall Street Mortgage Bankers, LTD DBA Power Express, as mortgagee, recorded on August 25, 1999 in the Office of the City Register of Kings County in Reel 4565, page 2022, is hereby vacated, cancelled and expunged from the records of the City Register of Kings County; and it is further

ORDERED, default judgment in favor of the Plaintiff is granted as against defendant Champion Mortgage Company, Inc. on the Third Cause of Action alleged in the Complaint herein; and it is

ORDERED, ADJUDGED AND DECREED, that the lien which appears to be prior and adverse to the mortgage being foreclosed herein, namely the lien of defendant Champion Mortgage Company, Inc., is hereby extinguished as it pertains to the property which is the subject of this action, pursuant to RPAPL Article 15; and it is further

ORDERED, ADJUDGED AND DECREED, that Champion Mortgage Company, Inc. and all persons or entities claiming by, through or under Champion Mortgage Company, Inc., be and are hereby forever barred and foreclosed of and from all right, claim lien, interest or equity of redemption in or to said mortgaged premises by reason of the mortgage lien established by a Mortgage dated September 9, 1987, by Richard A. Butler, as mortgagor, and Champion

Mortgage Company, Inc. as mortgagee, in the original principal amount of \$40,000.00 and recorded in the Office of the City Register of Kings County on September 28, 1987 in Reel 2095, page 1745, and it is further

ORDERED, ADJUDGED AND DECREED, that the record be reformed to reflect that the lien of Defendant Champion Mortgage Company, Inc. is extinguished as to the property which is the subject of this action; and it is further

ORDERED, ADJUDGED AND DECREED, that the City Register of the City of New York, County of Kings, upon the payment of its requisite fees, shall record and index a certified copy of this Order against the real property described as Tax Block 7927, Lot 27, having an address of 819 East 51st Street, Brooklyn, New York 11203; and it is further

ORDERED, that a copy of this Order with Notice of Entry shall be served upon the owner of the equity of redemption, any tenants named in this action,

ENTER,



Hon. Mark I. Partnow, J.S.C.