

Deutsche Bank Natl. Trust Co. v Medina

2023 NY Slip Op 31773(U)

May 23, 2023

Supreme Court, New York County

Docket Number: Index No. 850005/2014

Judge: Francis A. Kahn III

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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. FRANCIS A. KAHN, III PART 32

Justice

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INDEX NO. 850005/2014

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS
TRUSTEE FOR GSR MORTGAGE LOAN TRUST 2007-
ARI,

MOTION DATE _____

MOTION SEQ. NO. 001

Plaintiff,

- v -

ROBERTO SEBELEN MEDINA, BETSIE MARIE CORUJO
MARTINEZ, BOARD OF MANAGERS OF 1600
BROADWAY ON THE SQUARE CONDOMINIUM,
COMMISSIONER OF SOCIAL SERVICES, CRIMINAL
COURT OF THE CITY OF NEW YORK, UNITED STATES
OF AMERICA BY THE INTERNAL REVENUE SERVICE,
CITY OF NEW YORK ENVIRONMENTAL CONTROL
BOARD, CITY OF NEW YORK TRANSIT ADJUDICATION
BUREAU, CITY OF NEW YORK PARKING VIOLATIONS
BUREAU, JOHN DOE

**DECISION + ORDER ON
MOTION**

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 68, 69, 70, 71, 72,
73, 74, 75, 76, 77, 78, 79, 80, 81

were read on this motion to/for JUDGMENT - DEFAULT

Upon the foregoing documents, the motion is granted without opposition as follows:

ORDERED that the motion for a default judgment against the Defendants is granted; and it is

ORDERED, that the mortgage made by and between Roberto Sebelen Medina and Betsie Marie Corujo Martinez and Wells Fargo Bank, N.A., dated June 19, 2006, and duly recorded with the Office of the Clerk of the County of New York on July 14, 2006, in CRFN: 2006000400331 is hereby reformed to include the correct and accurate description of the secured premises and to read as follows:

The Unit known as Unit No. 16F in the Building known as 1600 Broadway on the Square, 1600 Broadway, New York, New York 10019, and also designated and described as Unit No. 16F in the Declaration of 1600 Broadway on the Square (hereinafter called the "Property") made by the Grantor under the Condominium Act of the State of New York, as amended (Article 9-B of the Real Property Law of the State of New York), dated December 13, 2005, and recorded in the New York County Office of the Register of the City of New York, on the 18th day of January, 2006, in CRFN 2006000028041 (hereinafter called the "Declaration"), which Unit is also designated as Section 4, Block 1920, Lot No. 1179 on the Floor Plan of the Building, certified by Schuman, Lichtenstein, Claman, Efron, Architects on the

23rd day of December, 2005 and filed simultaneously with said Declaration in the said Office of the Register of the City of New York, County of New York and as Condominium Plan 1519 in CRFN 2006000028042 (hereinafter called the "Unit"). The Property is described as follows:

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at a point on the corner formed by the intersection of the northerly side of 48th Street with the westerly side of Seventh Avenue;

RUNNING THENCE Northerly, along the westerly side of Seventh Avenue, 112 feet 6 inches; THENCE Westerly, parallel with the northerly side of 48th Street, 121 feet 1/2 of an inch to the easterly side of Broadway; THENCE Southerly, along the easterly side of Broadway, 113 feet 8 3/4 inches, more or less to the corner formed by the intersection of the northerly side of 48th Street with the easterly side of Broadway;

THENCE Easterly, along the northerly side of 48th Street, 104 feet 5 1/4 inches to the point of BEGINNING.

and it is further

ORDERED that that **Clark Whitsett, Esq., 108-26 Myrtle Avenue, Richmond Hill, NY 11418-1235 (718) 850-0003** is hereby appointed Referee in accordance with RPAPL § 1321 to compute the amount due to Plaintiff and examine whether the tax parcel can be sold in parcels; and it is further

ORDERED that pursuant to the orders of Justice Arlene Bluth dated July 25, 2019, September 12, 2019, and December 17, 2019, Plaintiff shall recover no interest in this matter for the period from July 25, 2019, to April 13, 2023; and it is further

ORDERED that if a Defendant appears and contests the amount due, in the discretion of the Referee, a hearing may be held, and testimony taken, otherwise the Referee shall hold no hearing and take no testimony or evidence other than by written submission; 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 if the Referee holds a hearing or is required to perform other significant services in issuing the report, the Referee may seek additional compensation at the Referee’s usual and customary hourly rate; and it is further

ORDERED that plaintiff shall forward all necessary documents to the Referee and to defendants who have appeared in this case 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 if defendant(s) have objections, they must submit them to the referee within 14 days of the mailing of plaintiff’s submissions; and include these objections to the Court if opposing the motion for a judgment of foreclosure and sale; and it is further

ORDERED the failure by defendants to submit objections to the referee shall be deemed a waiver of objections before the Court on an application for a judgment of foreclosure and sale; 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 the caption of this action as amended, shall read as follows:

SUPREME COURT OF THE STATE OF NEW YORK
 COUNTY OF NEW YORK

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 DEUTSCHE BANK NATIONAL TRUST COMPANY,
 AS TRUSTEE FOR GSR MORTGAGE LOAN
 TRUST 2007-AR1, MORTGAGE PASS-THROUGH
 CERTIFICATES, SERIES 2007-AR

Index No 850005/2014

Plaintiff,

-against-

ROBERTO SEBELEN MEDINA, BETSIE MARIE
 CORUJO MARTINEZ, BOARD OF MANAGERS OF
 1600 BROADWAY ON THE SQUARE
 CONDOMINIUM, COMMISSIONER OF SOCIAL
 SERVICES, CRIMINAL COURT OF THE CITY OF
 NEW YORK, UNITED STATES OF AMERICA BY
 THE INTERNAL REVENUE SERVICE, CITY OF
 NEW YORK ENVIRONMENTAL CONTROL
 BOARD, CITY OF NEW YORK TRANSIT
 ADJUDICATION BUREAU, CITY OF NEW YORK
 PARKING VIOLATIONS BUREAU

Defendants.

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and it is further

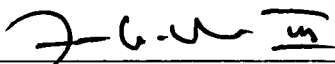
ORDERED that counsel for plaintiff shall serve a copy of this order with notice of entry upon the County Clerk (60 Centre Street, Room 141B) and the General Clerk's Office (60 Centre Street, Room 119), who are directed to mark the court's records to reflect the parties being removed pursuant hereto; 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 (www.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.

All parties are to appear for a virtual conference via Microsoft Teams on **September 20, 2023, at 11:40 a.m.** If a motion for judgment of foreclosure and sale has been filed Plaintiff may contact the Part Clerk Tamika Wright (tswright@nycourt.gov) in writing to request that the conference be cancelled. If a motion has not been made, then a conference is required to explore the reasons for the delay.

Mortgage Servicer: Specialized Loan Servicing - Phone #: (800) 306-6062

<u>5/23/2023</u> DATE			 FRANCIS KAHN, III, A.J.S.C. HON. FRANCIS A. KAHN III NON-FINAL DISPOSITION
CHECK ONE:	<input type="checkbox"/> CASE DISPOSED	<input type="checkbox"/> DENIED	<input checked="" type="checkbox"/> NON-FINAL DISPOSITION
APPLICATION:	<input checked="" type="checkbox"/> GRANTED		<input type="checkbox"/> GRANTED IN PART
CHECK IF APPROPRIATE:	<input type="checkbox"/> SETTLE ORDER		<input type="checkbox"/> OTHER J.S.C.
	<input type="checkbox"/> INCLUDES TRANSFER/REASSIGN		<input type="checkbox"/> FIDUCIARY APPOINTMENT
			<input type="checkbox"/> REFERENCE