

Kaiser v Finance Am., LLC
2025 NY Slip Op 35465(U)
January 21, 2025
Supreme Court, Nassau County
Docket Number: Index No. 608730/2023
Judge: Denise L. Sher
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SHORT FORM ORDER

SUPREME COURT OF THE STATE OF NEW YORK

PRESENT: HON. DENISE L. SHER
Supreme Court Justice

ROSEMARIE R. KAISER and ROSEMARIE T. KAISER
AS ADMINISTRATRIX OF THE ESTATE OF
JOHN R. KAISER,

Plaintiffs,

-against-

TRIAL/IAS PART 27
NASSAU COUNTY

Index No.: 608730/2023
Motion Seq. No.: 01
Motion Date: 08/09/2024

FINANCE AMERICA, LLC,
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, SELENE FINANCE LP,
THE CIT GROUP/CONSUMER FINANCE, INC.,
AURORA LOAN SERVICES LLC,
US BANK ASSOCIATION AS TRUSTEE OF
ON BEHALF OF SASCO MORTGAGE LOAN TRUST
2007-RNPL, DLJ MORTGAGE CAPITAL, INC.,
WILMINGTON SAVINGS FUND SOCIETY FSB
AS TRUSTEE OF STANWICH MORTGAGE
LOAN TRUST A, US BANK TRUST NA
AS TRUSTEE OF AMERICAN HOMEOWNER
PRESERVATION TRUST SERIES AHP SERVICING,
ATLANTICA, LLC, CHASE MANHATTAN
BANK USA, NA, UNITED STATES OF AMERICA,
AMERICAN GENERAL FINANCIAL SERVICES, INC.,
CAVALRY SPVI, LLC, THE STATE OF NEW YORK,
THE TOWN OF OYSTER BAY,
THE COUTNTY OF NASSAU,
CAPITAL ONE BANK (USA), NA,
SN SERVICING CORPORATION,
AHP c/o LAND HOME FINANCIAL
LAND SERVICES, INC and "JOHN DOE" 1-12, and
"JANE DOE" 1-12, of the entities holding a judgment,
and/or an interest in the estate and address whose names
and identities are presently unknown,

Defendants.

The following papers have been read on this motion:

	Papers Numbered
Notice of Motion, Affidavits and Exhibits, Memorandum of Law	<u>1</u>

Upon the foregoing papers, it is ordered that the motion is decided as follows:

Plaintiffs move, pursuant to CPLR § 3215, for an order granting a default judgment against defendants MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, THE CIT GROUP/CONSUMER FINANCE, INC., AURORA LOAN SERVICES LLC, US BANK ASSOCIATION AS TRUSTEE OF ON BEHALF OF SASCO MORTGAGE LOAN TRUST 2007-RNPL, WILMINGTON SAVINGS FUND SOCIETY FSB AS TRUSTEE OF STANWICH MORTGAGE LOAN TRUST A, US BANK TRUST NA AS TRUSTEE OF AMERICAN HOMEOWNER PRESERVATION TRUST SERIES AHP SERVICING, ATLANTICA, LLC, CHASE MANHATTAN BANK USA, NA, UNITED STATES OF AMERICA, AMERICAN GENERAL FINANCIAL SERVICES, INC., CAVALRY SPVI, LLC, THE STATE OF NEW YORK, CAPTTAL ONE BANK (USA), NA, SN SERVICING CORPORATION, AHP c/o LAND HOME FINANCIAL LAND SERVICES, INC and "JOHN DOE" I-12 and "JANE DOE" I-12, of the entities holding a judgment, and/or an interest in the estate and address whose names and identities are presently unknown, and deeming the issues resolved as against them as set forth within the Verified Complaint; and move for an order setting the matter down for an Inquest; and move, pursuant to CPLR § 306(b)(3), for an order granting them sixty (60) days to serve defendant FINANCE AMERICA, LLC with the Summons and Verified Complaint, and that service be permitted upon the New York Secretary of State; and move for an order awarding them counsel fees, costs and disbursements incurred in this matter.

No opposition was submitted to the motion.

Plaintiffs proves jurisdiction upon the aforementioned defaulting defendants by annexing copies of the Affidavits of Service of the Summons and Verified Complaint upon said defendants. *See* Plaintiffs' Affirmation in Support Exhibit B. Plaintiff proves said defendants' default in the Affirmation of Counsel. Plaintiff asserts proof of its claims in the Affidavits of plaintiff Rosemarie R. Kaiser, and in the supporting exhibits. *See* Plaintiffs' Affidavits in Support; Plaintiffs' Affirmation in Support Exhibits A, C, and I-L; CPLR § 3215(f); *Joosten v. Gale*, 129 A.D.2d 531, 514 N.Y.S.2d 729 (1st Dept. 1987).

The Court notes plaintiffs' compliance with additional service of the Summons and Verified Complaint, pursuant to CPLR § 3215(g). *See* Plaintiffs' Affirmation in Support Exhibit B.

Accordingly, the branch of plaintiffs' motion, pursuant to CPLR § 3215, for an order granting a default judgment against defendants MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, THE CIT GROUP/CONSUMER FINANCE, INC., AURORA LOAN SERVICES LLC, US BANK ASSOCIATION AS TRUSTEE OF ON BEHALF OF SASCO MORTGAGE LOAN TRUST 2007-RNPL, WILMINGTON SAVINGS FUND SOCIETY FSB AS TRUSTEE OF STANWICH MORTGAGE LOAN TRUST A, US BANK TRUST NA AS TRUSTEE OF AMERICAN HOMEOWNER PRESERVATION TRUST SERIES AHP SERVICING, ATLANTICA, LLC, CHASE MANHATTAN BANK USA, NA, UNITED STATES OF AMERICA, AMERICAN GENERAL FINANCIAL SERVICES, INC., CAVALRY SPVI, LLC, THE STATE OF NEW YORK, CAPTTAL ONE BANK (USA), NA, SN SERVICING CORPORATION, AHP c/o LAND HOME FINANCIAL LAND SERVICES, INC and "JOHN DOE" 1-12 and "JANE DOE" 1-12, of the entities

holding a judgment, and/or an interest in the estate and address whose names and identities are presently unknown, is hereby **GRANTED**.

The branch of plaintiffs' motion, pursuant to CPLR § 306(b)(3), for an order granting them sixty (60) days to serve defendant FINANCE AMERICA, LLC with the Summons and Verified Complaint, and that service be permitted upon the New York Secretary of State, is hereby **GRANTED**.

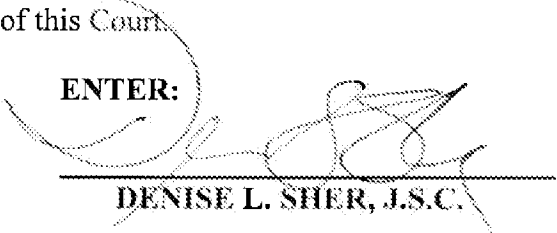
The matter is hereby set down for an Inquest on damages against the defaulting defendants to be held after the trial or resolution of this action.

Plaintiffs must file a Note of Issue before the aforementioned Inquest. A copy of this Order shall be served upon the County Clerk when the Note of Issue is filed. Failure to file a Note of Issue or appear as directed shall be deemed an abandonment of the claims giving rise to the Inquest.

The branch of plaintiffs' motion for an order awarding them counsel fees, costs and disbursements incurred in this matter, is hereby **DENIED at this time with leave to renew at the Inquest**.

This constitutes the Decision and Order of this Court.

ENTER:


DENISE L. SHER, J.S.C.

ENTERED

Jan 27 2025

NASSAU COUNTY
COUNTY CLERK'S OFFICE

Dated: Mineola, New York
January 21, 2025