

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF GREENE

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**NOTICE OF ENTRY**

U.S. Bank National Association, as Trustee Structured  
Asset Mortgage Investments II Inc., Bear Stearns ARM  
Trust, Mortgage Pass-Through Certificates, Series 2006-2,  
Plaintiff,

Index No. EF2010-7

-against-

Wayne Rivers; Amber C. Clark; Mark E. Horn; Association  
of Property Owners of Sleepy Hollow Lake, Inc.; Citibank  
(South Dakota), N.A.; Darryl Clark; Sherry Wack,

Defendants.

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SIRS:

PLEASE TAKE NOTICE that the within is a true copy of a Judgment, duly entered in  
the office of the clerk of the within named court on June 23, 2022.

DATED: July 27, 2022



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Steven M. Palmer, Esq.  
Foreclosure Attorney  
LOGS LEGAL GROUP LLP F/K/A  
SHAPIRO, DICARO & BARAK, LLC  
Attorneys for Plaintiff  
175 Mile Crossing Boulevard  
Rochester, New York 14624  
(585) 247-9000  
Fax: (585) 247-7380

TO:

Kenneth L. Gellhaus, Esq.  
McNamee, Lochner, Titus & Williams, P.C.  
*Attorney for the Defendant, The Board of Directors of the Association of Property of Sleepy  
Hollow Lane, Inc. Homeowners Association*  
677 Broadway  
5th Floor  
Albany, NY 12207

Angelo F. Scaturro, Esq.  
*Attorney for the Defendant, Mark E. Horn*  
P.O. Box 385  
Coxsackie, NY 12051

Wayne Rivers  
17290 Highland Avenue  
Apt 5F  
Jamaica, NY 11432

Amber C. Clark  
229 Mansion Street  
Coxsackie, NY 12051

CitiBank (South Dakota), N.A.  
670 Merrick Avenue  
East Meadow, NY 11554

Darryl Clark  
229 Mansion Street  
1st Floor  
Coxsackie, NY 12051

Sherry Wack  
229 Mansion Street  
2nd Floor  
Coxsackie, NY 12051

Carol K. Morgan, Esq.  
PO Box 1945  
Kingston, NY 12402

At Part IAS of the Supreme Court held in the County of Greene, at the Greene Courthouse thereof, on the 23th day of June, 2022

PRESENT: Hon. Adam W. Silverman, A.J.S.C.  
ACTING JUSTICE OF THE SUPREME COURT

U.S. Bank National Association, as Trustee Structured Asset Mortgage Investments II Inc., Bear Stearns ARM Trust, Mortgage Pass-Through Certificates, Series 2006-2,  
Plaintiff(s),

v.

Wayne Rivers; Amber C. Clark; Mark E. Horn; Association of Property Owners of Sleepy Hollow Lake, Inc.; Citibank (South Dakota), N.A.; Darryl Clark; Sherry Wack,

Defendant(s).

INDEX NO. 7/10

**ORDER CONFIRMING  
REFEREE REPORT AND  
JUDGMENT OF FORECLOSURE  
AND SALE**

MORTGAGED PROPERTY:  
229 Mansion Street  
Coxsackie, NY 12051

SBL #: Section 56.10 Block 1 Lot 28

**Mortgage Servicer: Specialized  
Loan Servicing**

**Mortgage Servicer Phone #: (800)  
306-6062**

**UPON** the Summons, Complaint, and Notice of Pendency filed in this action on the 7th day of January, 2010, on the Additional Notice of Pendency filed on the 21<sup>st</sup> day of January, 2014, on the Additional Notice of Pendency filed on the 12<sup>th</sup> day of January, 2018, on the Additional Notice of Pendency filed on the 25th day of January, 2021, the Notice of Motion dated August 26, 2021, the affirmation by Brent Surgeoner, Esq., the affidavit of merit and amount due by Steven Ross, who is Second Assistant Vice President, duly sworn to on April 28, 2021, together with the exhibits annexed thereto, all in support of Plaintiff's motion for a Judgment of Foreclosure and Sale; and

**UPON** proof that the defendants, Mark E. Horn and Association of Property Owners of Sleepy Hollow Lake, Inc., herein have been duly served with the Summons and Complaint in

this action, and have voluntarily appeared either personally or by an attorney; and it appearing that more than the legally required number of days has elapsed since defendants Wayne Rivers, Amber C. Clark, Mark E. Horn, Association of Property Owners of Sleepy Hollow Lake, Inc., CitiBank (South Dakota), N.A., Darryl Clark, and Sherry Wack were so served and/or appeared; and Plaintiff having established to the court's satisfaction that a judgment against defendants is warranted; and

**UPON** the affidavit of mailing reflecting compliance with CPLR 3215(g)(3)(iii); and

**UPON** proof that non-appearing defendants, Wayne Rivers, Amber C. Clark, CitiBank (South Dakota), N.A., Darryl Clark, and Sherry Wack, are not absent, in accordance with RPAPL §1321(2); and

A Referee having been appointed to compute the amount due to Plaintiff upon the bond/note and mortgage set forth in the Complaint and to examine whether the mortgaged property can be sold in parcels; and

**UPON** reading and filing the Report of Carol K. Morgan Esq. dated July 7, 2021, showing the sum of \$222,467.66 due as of the date of said Report and that the mortgaged property may not be sold in parcels; and

**UPON** proof of due notice of this motion upon all parties entitled to receive same, and upon all the prior proceedings and papers filed herein;

**NOW**, on motion by Brent Surgeoner, Esq., attorney for the Plaintiff, it is hereby

**ORDERED, ADJUDGED AND DECREED**, that the motion is granted; and it is further

**ORDERED, ADJUDGED AND DECREED**, that the Referee's Report be, and the

same is, hereby in all respects ratified and confirmed; and it is further

**ORDERED, ADJUDGED AND DECREED**, that the mortgaged property described in the Complaint and as hereafter described, or such part thereof as may be sufficient to discharge the mortgage debt, the expenses of the sale, and the costs of this action as provided by the RPAPL be sold, within 90 days of the date of this Judgment, in one parcel, at a public auction at the Greene County Courthouse, Catskill, New York 12414, by and under the direction of Carol K. Morgan, Esq., PO Box 1945, Kingston, NY 12402, (845) 399-5110 who is hereby appointed Referee for that purpose; that said Referee give public notice of the time and place of sale in accordance with RPAPL §231 in *the Catskill Daily Mail*; and it is further

**ORDERED, ADJUDGED AND DECREED**, that by accepting this appointment, the Referee certifies that he/she 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, ADJUDGED, AND DECREED** that the Referee is prohibited from accepting or retaining any funds for him/herself or paying funds to him/herself without compliance with Part 36 of the Rules of the Chief Administrative Judge; and it is further

**ORDERED, ADJUDGED, AND DECREED** that the Referee shall conduct the foreclosure sale only if Plaintiff, its successors and/or assignees, or its representative is present at the sale or the Referee has received a written bid and Terms of Sale from Plaintiff, its successors and/or assigns, or its representative; and it is further

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