

# **EXHIBIT D**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF GREENE

-----X  
ISANTHES, LLC,

Index No. EF2016-9

Plaintiff,

-against-

**AFFIDAVIT OF MAILING**

BURTON GUTNICK, JR., AS ADMINISTRATOR OF  
THE ESTATE OF EDWARD J. NIHILL; et al.,

Defendants

-----X  
STATE OF NEW YORK            )  
  ) ss:  
COUNTY OF NASSAU            )

Charlene Meade, deposes and says:


I am not a party to the action, am over 18 years of age, and reside in Kings County, New York.

On November 19, 2020, I served a true copy of the annexed **NOTICE OF ENTRY** by mailing the same by First-Class Mail in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee as indicated below.

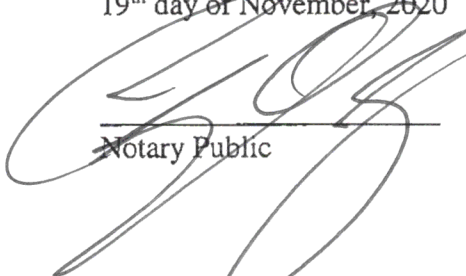
James G. Yastion, Esq.  
*Attorney for Defendant Burton Gutnick, Jr., as Administrator of the Estate of Edward J. Nihill*  
275 Main Street  
New Paltz, NY 12561

William F. Larkin, Esq.  
*Attorney for Defendant the United States of America by the Internal Revenue Service*  
P.O. Box 7198, 100 South Clinton Street  
Syracuse, NY 13261

Ralph C. Lewis, Esq. (As Appointed Referee)  
P.O. Box 383  
Catskill, NY 12414

  
Charlene Meade

Sworn To Before Me This  
19<sup>th</sup> day of November, 2020

  
\_\_\_\_\_  
Notary Public

ANTHONY JAMES ORTIZ  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 02OR6371189  
Qualified in New York County  
My Commission Expires February 20, 2022

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF GREENE

-----X  
ISANTHES, LLC,

Index No. EF2016-9

Plaintiff,

-against-

**NOTICE OF ENTRY**

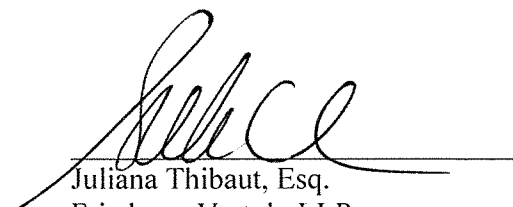
BURTON GUTNICK, JR., AS ADMINISTRATOR OF  
THE ESTATE OF EDWARD J. NIHILL; KATHLEEN  
NIHILL; THOMAS NIHILL; BRANDON NIHILL;  
MICHAEL NIHILL; KATHLEEN MCGARRITY;  
CITIBANK, N.A.; PEOPLE OF THE STATE OF NEW  
YORK BY THE DEPARTMENT OF TAXATION AND  
FINANCE; UNITED STATES OF AMERICA BY THE  
INTERNAL REVENUE SERVICE,

Defendants  
-----X

COUNSEL:

**PLEASE TAKE NOTICE** that the within is a true copy of an **ORDER OF REFERENCE AND DEFAULT JUDGMENT** signed by Hon. Raymond Elliott, III, J.S.C. and duly entered in the Greene County Clerk's Office on September 29, 2020.

Dated: November 19, 2020  
New York, New York

  
Juliana Thibaut, Esq.  
Friedman Vartolo LLP  
Attorneys for Plaintiff  
85 Broad Street, Suite 501  
New York, New York 10004  
(P) 212.471.5100

TO:

James G. Yastion, Esq.  
*Attorney for Defendant Burton Gutnick, Jr., as Administrator of the Estate of Edward J. Nihill*  
275 Main Street  
New Paltz, NY 12561

Firm File Number: 180965-1

William F. Larkin, Esq.

*Attorney for Defendant the United States of America by the Internal Revenue Service*

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P.O. Box 7198, 100 South Clinton Street

Syracuse, NY 13261

Ralph C. Lewis, Esq. (As Appointed Referee)

P.O. Box 383

Catskill, NY 12414

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Firm File Number: 180965-1

At Part    of the Supreme Court held in the County of Greene, at 320 Main Street, Catskill, NY 12414, on the 21<sup>st</sup> day of September, 2020

PRESENT: RAYMOND J. ELLIOTT, III  
JUSTICE OF THE SUPREME COURT

-----X  
LAELIA, LLC,

Index No. 0009/2016

Plaintiff

**ORDER OF REFERENCE AND  
DEFAULT JUDGMENT**

-against-

BURTON GUTNICK, JR., AS ADMINISTRATOR OF THE ESTATE OF EDWARD J. NIHILL; KATHLEEN NIHILL; THOMAS NIHILL; BRANDON NIHILL; MICHAEL NIHILL; KATHLEEN MCGARRITY; CITIBANK, N.A.; PEOPLE OF THE STATE OF NEW YORK BY THE DEPARTMENT OF TAXATION AND FINANCE; UNITED STATES OF AMERICA BY THE INTERNAL REVENUE SERVICE; and "JOHN DOE" (said name being fictitious, it being the intention of Plaintiff to designate any and all occupants, tenants, persons or corporations, if any, having or claiming an interest in or lien upon the premises being foreclosed herein),

**Mortgaged Premises**  
62-44 Main Street  
Tannersville, NY 12485

**Section:** 165.20  
**Block:** 1  
**Lot:** 11.111

Defendants

-----X

UPON the Summons, Complaint, and Notice of Pendency filed in this action on the sixth day of January, 2016, the Notice of Pendency filed on the twenty-fourth day of October, 2018, the Supplemental Summons, Amended Complaint, and Amended Notice of Pendency filed on the sixth day of August, 2019 the Notice of Motion dated August 17, 2020, the affirmation by Deborah Levine, Esq., the Affidavit in Support by Josh Ross who is Portfolio Manager of Land Home Financial Services, Inc., duly sworn to on February 12, 2020, together with the exhibits annexed thereto, and all prior papers filed in this action and prior proceedings had herein; and

UPON proof that each of the defendants herein has been duly served with the Summons and Complaint in this action, and required notices; and

ORDER OF REFERENCE



2016-9  
09/29/2020 11:11:12 AM

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