

At an Ex Parte Term of the  
Supreme Court held in and for  
the County of KINGS,  
New York on the  
\_\_\_\_ day of \_\_\_\_\_, 201\_.

PRESENT: HON.  
SUPREME COURT JUSTICE

STATE OF NEW YORK  
SUPREME COURT COUNTY OF KINGS

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U.S. BANK TRUST, N.A., AS  
TRUSTEE FOR LSF9 MASTER  
PARTICIPATION TRUST,

Plaintiff,

-VS-

ORDER TO AMEND

HELENA PERSON; HOUSEHOLD FINANCE  
REALTY CORPORATION OF NEW YORK;  
MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC. AS NOMINEE FOR UNITED  
MORTGAGE BANKERS; SECRETARY OF  
HOUSING AND URBAN DEVELOPMENT;  
NEW YORK CITY PARKING VIOLATIONS  
BUREAU;  
"JOHN DOE" AND "JANE DOE" said  
names being fictitious, it being the intention of  
Plaintiff to designate any and all occupants of premises  
being foreclosed herein,

Index No. 511382/2017

Defendants.

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UPON the reading and filing of the Affirmation dated the 15<sup>th</sup> day of August, 2017,  
together with attached exhibits, the Notice of Pendency, Summons and Complaint heretofore  
filed herein, the proposed Amended Notice of Pendency, Supplemental Summons and Amended  
Complaint.

NOW, upon motion of Fein, Such & Crane, LLP, attorneys for the plaintiff, it is hereby  
ORDERED, that the plaintiff's order to amend the Notice of Pendency, Amend the  
Complaint and issue Supplemental Summons is hereby granted; and it is further

ORDERED, that the Summons, Complaint and Notice of Pendency heretofore filed be amended in conformance herewith the documents contained in Exhibit "A" in order to correctly recite the Tax Map identification number as "Block: 5377 Lot: 14"; and it is further

ORDERED, that the plaintiff shall file the Amended Notice of Pendency, Supplemental Summons and Amended Complaint within thirty (30) days from the date hereof; and it is further

ORDERED, that the first service of the amended papers on one of the defendants shall take place within thirty (30) days of their filing and that the filing of the Amended Notice of Pendency shall thereupon be effective in accordance with CPLR 6512; and it is further

ORDERED, that service of all amended pleadings shall be completed within 120 days from their filing in the KINGS County Clerk's Office.

DATED: \_\_\_\_\_, 2017

ENTER:

HON. \_\_\_\_\_

SUPREME COURT JUSTICE

STATE OF NEW YORK  
SUPREME COURT COUNTY OF KINGS

U.S. BANK TRUST, N.A., AS  
TRUSTEE FOR LSF9 MASTER  
PARTICIPATION TRUST,

Plaintiff,

-vs-

ATTORNEY  
AFFIDAVIT

HELENA PERSON; HOUSEHOLD FINANCE  
REALTY CORPORATION OF NEW YORK;  
MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC. AS NOMINEE FOR UNITED  
MORTGAGE BANKERS; SECRETARY OF  
HOUSING AND URBAN DEVELOPMENT;  
NEW YORK CITY PARKING VIOLATIONS  
BUREAU;

"JOHN DOE" AND "JANE DOE" said  
names being fictitious, it being the intention of  
Plaintiff to designate any and all occupants of premises  
being foreclosed herein,

Index No. 511382/2017

Defendants.

STATE OF NEW YORK)  
COUNTY OF MONROE) ss:

I, Mark K. Broyles, attorney and counselor at law, duly admitted before the Courts of the  
State of New York, affirm pursuant to N.Y.C.P.L.R. § 2106 that under penalty of perjury, the  
following is true:

1. I am an attorney duly admitted to practice law in the State of New York and am one  
of the attorneys of record for the plaintiff herein. As such, I am fully familiar with all  
relevant facts and prior pleadings heretofore had herein.
2. The Summons, Complaint and Notice of Pendency in the herein action were filed with  
the KINGS County Clerk's Office on June 9, 2017. True copies are annexed hereto as  
Exhibit "B".
3. That the defendants, **Helena Person**, gave their mortgage to Household Finance Realty  
Corporation of New York, said mortgage being dated October 21, 2002, and filed with  
the KINGS County Clerk's Office on November 14, 2002, in Reel 5896 Page 2451, said

mortgage was further assigned to U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust and recorded in KINGS County Clerk's Office on September 22, 2016 in CRFN 2016000329842.

4. That the Tax Map identification number is changed to recite "Block: 5377 Lot: 14".
5. That the proposed Amended Notice of Pendency, Supplemental Summons and Amended Complaint are attached hereto as Exhibit "A".
6. That no prior application has been made for within requested relief.

WHEREFORE, your deponent prays for an Order granting leave to amend the Notice of Pendency and Complaint and issue a Supplemental Summons, all of which contain the modifications set forth herein, and further directing the filing of the Amended Notice of Pendency, Supplemental Summons and Amended Complaint with the KINGS County Clerk and directing service of the Supplemental Summons and Amended Complaint on all defendants named therein, and that the Amended Notice of Pendency shall be effective provided that service of the Supplemental Summons and Amended Complaint is effected on one or more defendants within thirty (30) days of filing, in accordance with CPLR 6512 extending the statutory 120 day period for service of the Summons and Complaint on all defendants, and granting such other relief as to the Court may seem just and proper.

Dated: August 15, 2017

  
\_\_\_\_\_  
Mark K. Broyles, Esq.

MARK K. BROYLES, an attorney duly licensed to practice in the State of New York, and a partner in the law firm of Fein, Such & Crane, LLP, certifies with regard to the following papers and/or documents:

<u>      </u>	NOTICE OF APPEARANCE IN MORTGAGE FORECLOSURE
<u>      </u>	NOTICE OF APPEARANCE AND WAIVER IN MORTGAGE FORECLOSURE
<u>      </u>	AFFIRMATION OF NO ANSWER & THAT NOTICE OF PENDENCY HAS BEEN FILED
<u>      </u>	SUPPLEMENTAL AFFIDAVIT (AFFIDAVIT OF TENANCY)
<u>      </u>	AFFIDAVITS IN SUPPORT OF THE MOTION FOR SUMMARY JUDGMENT
<u>      </u>	AFFIDAVITS OF SERVICE
<u>      </u>	NOTICE OF PENDENCY OF ACTION
<u>      </u>	SUMMONS
<u>      </u>	COMPLAINT
<u>      </u>	AMENDED NOTICE OF PENDENCY OF ACTION
<u>      </u>	SUPPLEMENTAL SUMMONS
<u>      </u>	AMENDED COMPLAINT
<u>      </u>	ANSWER
<u>      </u>	AFFIDAVIT IN OPPOSITION TO SUMMARY JUDGMENT
<u>      </u>	REFEREE'S OATH & REPORT OF AMOUNT DUE
<u>      </u>	REFEREE'S REPORT OF SALE
<u>      </u>	STIPULATION TO CANCEL LIS PENDENS
<u>      </u>	AFFIDAVIT TO ACCOMPANY STIPULATION TO CANCEL LIS PENDENS
<u>      </u>	MEMORANDUM & TERMS OF SALE
<u>      </u>	ATTORNEY AFFIRMATION IN SUPPORT OF JUDGMENT OF FORECLOSURE & SALE
<u>      </u>	ATTORNEY AFFIDAVIT IN SUPPORT OF JUDGMENT OF FORECLOSURE & SALE
<u>      </u>	ORDER TO CANCEL LIS PENDENS AND VACATE JUDGEMENT OF FORECLOSURE
<u>      </u>	AFFIRMATION IN SUPPORT OF THE ORDER TO CANCEL LIS PENDENS
<u>      </u>	AFFIDAVIT IN SUPPORT OF NOTICE OF MOTION FOR DEFICIENCY JUDGMENT
<u>      </u>	FORBEARANCE AGREEMENT
<u>  X  </u>	ATTORNEY AFFIRMATION IN SUPPORT OF ORDER TO AMEND
<u>      </u>	ATTORNEY AFFIDAVIT

that to his knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the presentation of the paper or contentions therein are not frivolous as defined in subsection © of section 130-1.1 of the Rules of the Chief Administrator [22NYCRR 130-1.1 ©].

August 15, 2017  
Dated

  
\_\_\_\_\_  
Mark K. Broyles, Esq.

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