

EXHIBIT D

REFERENCE NO. _____

JAS Part 33
At an ~~ex parte term~~ of the Supreme Court of State of New York, held in and for the County of Queens, at the Courthouse thereof, 88-11 Sutphin Boulevard, Jamaica, New York, 11435, on the *12* day of *June*, 2015.

PRESENT: HON. LEONARD LIVOTE
Justice of the Supreme Court

STATE OF NEW YORK
SUPREME COURT COUNTY OF QUEENS
-----X
BANK OF AMERICA, N.A.,

-vs- Plaintiff,

JUDGMENT
ORDER OF
REFERENCE IN
MORTGAGE
FORECLOSURE

Index No. 705192/2014

PATRICIA MACKAY A/K/A
PATRICIA R. MACKAY;
CHRISTOPHER MACKAY;
"JOHN DOE" AND "JANE DOE" said
names being fictitious, it being the intention of
Plaintiff to designate any and all occupants of the premises
being foreclosed herein,

Defendants.

ENTERED
11:50 AM/PM
JUN 19 2015
COUNTY CLERK
COUNTY OF QUEENS

-----X
ON the Summons, Complaint and Notice of Pendency duly filed in this action in the Office of the County Clerk of the County of Queens on July 25, 2014, and due proof that all defendants have been duly served with said process or have voluntarily appeared in this action and

Upon reading and filing the affirmation of Craig K. Beideman, Esq. dated May 4, 2015, the affidavit of Debra Lee Wojciechowski, duly sworn to April 23, 2015, with exhibits annexed, showing what proceedings have heretofore been had herein, and all the papers on file in this action and due deliberation having been had thereon and,

FILED & RECORDED

JUN 19 2015

Upon the Certificate of Merit of Mark K. Broyles, Esq. dated July 24, 2015 and filed with the Complaint on July 25, 2014,

NOW, upon motion of FEIN, SUCH & CRANE, LLP, attorney for the Plaintiff, it is

ORDERED, that the application is granted, without opposition; and it is further

ORDERED ADJUDGED AND DECREED, that Plaintiff has complied

with New York C.P.L.R. § 3012-b, which replaced October 20, 2010 Administrative Order of the Chief Administrative Judge of the Courts, as amended, and it is further

~~ORDERED that, pursuant to CPLR 8003(a) (the statutory fee of \$50.00) (In the discretion of the court a fee of \$ _____), shall be paid to the Referee for the computation stage and upon the filing of his/her report; and it is further~~

ORDERED, that this action be, and the same is hereby referred to:

Gregory M. Laspina of *1902 Whitestone Exp. ste 302 Whitestone NY 11357*

as Referee to ascertain and compute the amount due to the Plaintiff for principal, interest and other disbursements advanced as provided for in the note and mortgage upon which this action was brought, to examine and report whether or not the mortgaged premises can be sold in parcels, and that the Referee make his/her report to the Court with all convenient speed; and that the Referee will be paid a fee of \$250, and it is further

ORDERED, that the property description (Legal Description) in the mortgage recorded on June 10, 2008, in CRFN 2008000233206, be amended *nunc pro tunc* by substituting the legal description contained in the deed recorded in Liber 7120, at Page 487, in place and stead of the erroneous legal description in the mortgage, and it is further

ORDERED, that the caption of this action shall be modified by deleting, PATRICIA MACKAY, deceased mortgagor, and by substituting, Jennifer "Doe", a woman who refused to identify her last name, in place and stead of "John Doe #1" and by striking therefrom the remaining Defendants sued herein as "John Doe #2 through John Doe #10", all without prejudice to the proceedings heretofore had herein; and it is further

ORDERED, that the title of the action, as amended, shall henceforth read as follows:

BANK OF AMERICA, N.A.,

Plaintiff,

-vs-

CHRISTOPHER MACKAY;
JENNIFER "DOE", a woman
who refused to identify her last name;

Defendants.

and the matter shall be maintained under the same index number; and it is further

ORDERED, that the referee appointed herein is subject to the requirements of Rule 36.2 (c) of the Chief Judge, and if the referee is disqualified from receiving an appointment pursuant to the provisions of that Rule, the referee shall notify the Appointing Judge forthwith, and it is further

ORDERED, that a copy of this Order with Notice of Entry shall be served upon the owner of the equity of redemption, any tenants named in this action and any other party entitled to notice.

ENTER

~~Dated:~~



Hon. LEONARD LIVOTE

Supreme Court Justice

HON. LEONARD LIVOTE

ORDERED, ADJUDGED AND DECREED, that the Referee shall not be held responsible for the payment of penalties or fees pursuant to this appointment. Purchaser or any title company hired by the purchaser shall be responsible for any penalties or fees incurred as a result of late payment of the tax as required by City Administrative Code 19 RCNY 23-08 (a), which requires payments within 30 days. The purchaser shall hold the Referee harmless from any such penalties assessed as a result of late payment of these taxes.

Andrey J. Pfeffer
Clerk

FILED & RECORDED

JUN 19 2015

COUNTY CLERK
QUEENS COUNTY

ENTERED
11:50 AM PM
JUN 19 2015

Queens County - Table of Contents

BANK OF AMERICA, N.A. v. MACKAY, et al. **Index No. 705192/2014**

1.) Affirmation of No Answer

2.) Affirmation of Occupancy

3.) Affidavit of Merit and Amounts Due and Exhibits

Exhibit A: Note and Mortgage (referred to in the Affidavit of Merit as Exhibit "1")

Exhibit B: Copy of Plaintiff's Business Records (referred to in the Affidavit of Merit as Exhibit "2")

Exhibit C: 30 Day Demand Letter and Notice of Default (referred to in the Affidavit of Merit as Exhibit "3")

Exhibit D: Certificate of Merit pursuant to CPLR § 3012-b

Exhibit E: Attorney Affirmation pursuant to CPLR § 2106

Exhibit F: Notice of Pendency, Summons and Complaint

Exhibit G: Affidavits of Service and CPLR §3215(g) Affidavit of Mailing

Exhibit H: Amended Legal Description

Exhibit I: Death Certificate and Property Deed

Exhibit J: DOD/SCRA Search

4.) Rule 130 Certification

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.