

At IAS Part of the Supreme Court of the State of New York held in and for the County of Saratoga, , on ~~September, 2015.~~

November 23, 2015

Present: Hon. Richard E. Sise, AJS

Wells Fargo Bank, N.A.,

Plaintiff,

-against-

**ORDER APPOINTING
GUARDIAN AD LITEM**

Index No. 20157
SD&B File No.: 14-038653

Foreclosure of:
712 Swaggertown Road
Scotia, NY 12302

Section 256. Block 1 Lot 66

SARATOGA COUNTY
CLERK'S OFFICE
BALDWIN SPA. N.Y.

2015 DEC -3 AM 11:26

FILED

Emily Califano a/k/a Emily Jane Califano; The United States of America acting through The Secretary of Housing and Urban Development, and "JOHN DOE", said name being fictitious, it being the intention of Plaintiff to designate any and all occupants of premises being foreclosed herein, and any parties, corporations or entities, if any, having or claiming an interest or lien upon the mortgaged premises,

Defendants.

Upon the Summons, Complaint and Notice of Pendency of Action, heretofore filed herein in the Office of the Clerk of the County of Saratoga, on January 5, 2015, from all of which it appears, that the Complaint herein demands judgment in favor of Plaintiff against Defendant, Emily Califano foreclose a Home Equity Conversion Mortgage ("reverse mortgage") against specific real property within this County and the State of New York, and it appearing that there is a sufficient cause of action stated therein against the Defendant, Emily Califano, who is a necessary party defendant herein; and upon the annexed affirmation of Bridget M. Dehmler dated August 11, 2015, and Plaintiff having thereby made proof to the Court's satisfaction that 14-038653

Emily Califano a/k/a Emily Jane Califano has a health condition which may significantly affect her ability to protect her interests in this action and is therefore in need of representation by a Guardian Ad Litem in this matter.

Now, on motion of Shapiro, DiCaro & Barak, LLC, attorneys for the Plaintiff, it is hereby ORDERED, that the Summons and Complaint herein be delivered on behalf of the

Defendant Emily Califano a/k/a Emily Jane Califano, to Allen L. Yates, counselor-at-Law, of the firm of LeCours, Cheetok & Yates, LLP, whose address is 59 Church St. Saratoga Springs, NY 12866 (518) 583-4600 and who is hereby authorized, empowered and

designated to appear herein as Guardian Ad Litem for Defendant Emily Califano, and to protect and defend the interests of said defendant in the action upon filing his/her acknowledged consent and qualifying affidavit; and it is further

ORDERED, that by accepting this appointment the Guardian ad Litem certifies that he/she is in compliance with Part 36 of the Rules of the Chief Judge (22 NYCCR Part 36) including Rule 36.2(c) ("Disqualifications from appointment") and Rule 36.2(d) ("Limitations on appointments based upon compensation"); and it is further

ORDERED, that the Guardian ad Litem shall be paid a fee of \$250 upon the filing of his/her consent and notice of appearance in this matter and additional fees which may be awarded as appropriate.

Date: 11/23/15

ENTER,

ENTERED
Craig A. Hayner
Craig A. Hayner
Saratoga County Clerk

Richard E. Sizemore
Hon. Richard E. Sizemore

2015 DEC -3 AM 11:26
SARATOGA COUNTY
CLERK'S OFFICE
BALLSTON SPA, NY

ENTERED


Attorney certification pursuant
14-038653

I, Bridget M. Dehmler, am an attorney duly admitted to the practice of law in the State of New York. I am an associate of Shapiro, DiCaro & Barak, LLC, the attorneys for the Plaintiff, Wells Fargo Bank, N.A., in the above captioned civil action.

I HEREBY CERTIFY, pursuant to §130-1.1-a of the Rules of the Chief Administrator (22 NYCRR), to the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that the presentation of the papers in this action checked below, or the contentions therein, are not frivolous as defined in subsection (c) of §130-1.1 of the Rules of the Chief Administrator (22 NYCRR):

- Summons & Complaint
- Answer or Reply
- Attorney's Affirmation
- Other: Order to Appoint Guardian ad Litem

DATED: August 11, 2015


Bridget M. Dehmler, Esq.
Shapiro, DiCaro & Barak, LLC
175 Mile Crossing Boulevard
Rochester, NY 14624

14-038653