

At an IAS Part \_\_\_\_ of the Supreme Court of the State of New York, held in and for the County of Saratoga at the County Courthouse in Ballston Spa, New York on **JAMES A. MURPHY, III, ACTING JUSTICE** 29<sup>th</sup> day of August, 2019.

Present: Honorable

INDEX NO. 20157

Wells Fargo Bank, N.A.

Plaintiff,

**ORDER AMENDING SUMMONS AND COMPLAINT**

- against -

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,

Defendant(s).

ON the Summons and Complaint and Notice of Pendency of this action filed in the office of the Clerk of the County of Saratoga on January 5, 2015, on the Additional Notice of Pendency filed on October 13, 2017, and on Notice of Motion and Affirmation, dated August 2019, of Steven M. Palmer, Esq. of Shapiro, DiCaro & Barak, LLC, attorneys for the Plaintiff, and upon any exhibits attached thereto; and on all the pleadings, papers and proceedings heretofore had herein; and the Plaintiff's motion having come on to be heard before this Court; and due deliberation having been had on all the issues and matters raised therein; it is hereby

**ORDERED**, that the Plaintiff's motion is granted in all respects; and it is further

**ORDERED**, that pursuant to CPLR §§305(a), 3025(b), the Plaintiff is permitted to file a Supplemental Summons and Amended Complaint naming and adding Montgomery County Treasurer, as the Limited Administrator of the Estate of Emily Califano a/k/a Emily Jane

SARATOGA COUNTY CLERK'S OFFICE BALLSTON SPA, NY 2019 SEP 18 AM 11:48

FILED

Califano, Richard Hess, Jeffrey Hess, Mark Hess, Lawrence Hess, Elaine Yaksta, Scott Hess, John Dence, James Dence, Dorothy Scherenberger, Deborah Pietrantozzi, Sharon James, Kathleen James, John Hess, Stephen Hess, Alfred Williams a/k/a Alfred Robert Williams and New York State Department of Taxation and Finance as a necessary party defendants herein, and then to effectuate service of the Supplemental Summons and Amended Complaint upon the same, and the caption of this action shall be so amended in all further proceedings herein; and it is further

**ORDERED**, the caption of this action shall be amended so that the name of the Plaintiff reads as being Nationstar Mortgage LLC d/b/a Champion Mortgage Company in place and stead of Wells Fargo Bank, N.A., without prejudice to the proceedings heretofore and herein; and it is further

**ORDERED**, that the Defendants Emily Califano a/k/a Emily Jane Califano a/k/a Emily J. Califano and "JOHN DOE" are dropped from the action and the caption amended accordingly, without prejudice to the proceedings heretofore had herein; and it is further

**ORDERED**, that the caption shall be amended to read as follows:

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SARATOGA

\_\_\_\_\_  
Nationstar Mortgage LLC d/b/a Champion Mortgage  
Company,

X Index No. 20157

Plaintiff,

- against -

Montgomery County Treasurer, as the Limited  
Administrator of the Estate of Emily Califano a/k/a Emily  
Jane Califano; The United States of America acting  
through The Secretary of Housing and Urban  
Development; Richard Hess; Jeffrey Hess; Mark Hess;  
Lawrence Hess; Elaine Yaksta; Scott Hess; John Dence;  
James Dence; Dorothy Scherenberger; Deborah  
Pietrantozzi; Sharon James; Kathleen James; John Hess;  
Stephen Hess; Alfred Williams a/k/a Alfred Robert  
Williams; New York State Department of Taxation and  
Finance,

Defendants.

\_\_\_\_\_  
and it is further;

**ORDERED**, that the Plaintiff has demonstrated good cause pursuant to CPLR § 306-b  
and, as such, the time for service of process upon all party defendants is extended for a period of  
120 days after the filing of the Supplemental Summons and Amended Complaint herein.

Date: August 29, 2019

ENTERED  
ENTER, Craig A. Hayner  
*Craig A. Hayner*  
Saratoga County Clerk

*[Handwritten Signature]*  
Hon.  
Hon. James A. Murphy, III  
Saratoga County Court Judge  
Acting Supreme Court Justice

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SARATOGA COUNTY  
CLERK'S OFFICE  
BALLSTON SPA, NY

ENTERED

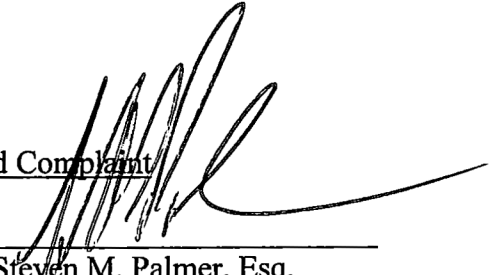
## ATTORNEY'S CERTIFICATION

I, Steven M. Palmer, 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 Affirmation
- Other: Order Amending Summons and Complaint

DATED: August 6, 2019



\_\_\_\_\_  
Steven M. Palmer, Esq.  
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