

At Part _____ of the Supreme Court held in the County of Saratoga, at the _____ Courthouse thereof, on the ____ day of _____, 20__.

PRESENT: Hon. James A. Murphy, III, A.J.S.C.
JUSTICE OF THE SUPREME COURT

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

Plaintiff(s),

v.

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,

Defendant(s).

INDEX NO.: 20157

ORDER OF REFERENCE AND DEFAULT JUDGMENT

MORTGAGED PROPERTY:
712 Swaggertown Road
Scotia, NY 12302

COUNTY: Saratoga

SBL #: Section 256, Block 1, Lot 66

Mortgage Servicer: Mr. Cooper

Mortgage Servicer Phone # (888) 480-2432

2021 NOV - 8 AM 12
SARATOGA COUNTY
CLERK'S OFFICE
FALSTON SQUARE
ALBANY NY

REC'D

UPON the Summons, Complaint, and Notice of Pendency filed in this action on the 5th day of January, 2015, the Supplemental Summons and Amended Complaint filed on the 23rd day of January, 2020, the Additional Notice of Pendency filed on November 9, 2020, the Notice of Motion dated November 3, 2021 the affirmation of Brent Surgeoner, Esq., and the exhibits annexed thereto, the affidavit of merit and amount due by Erin Naylor who is Assistant Secretary of Champion Mortgage, duly sworn to on May 20, 2021, together with the exhibits attached 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 and/or Supplemental Summons and Complaint in this action and required notices, except for Sharon James who Plaintiff seeks to drop as a defendant in the action; and

UPON a Notice of Appearance by The United States of America acting through The Secretary of Housing and Urban Development;

AND it appearing that the defendant(s)/mortgagor(s) is/are not resident(s) of the property subject to foreclosure;

AND it appearing that Montgomery County Treasurer and Richard Hess and Mark Hess and Jeffrey Hess and Lawrence Hess and Elaine Yaksta and Scott Hess and John Dence and James Dence and Dorothy Scherenberger and Deborah Pletrantozzi and Kathleen James and John Hess and Stephen Hess and Alfred Williams and New York State Department of Taxation and Finance time to answer the complaint has expired;

AND it appearing to the satisfaction of this court that this action was brought to foreclose a Home Equity Conversion Mortgage and Agreement on real property located at 712 Swaggertown Road, Scotia, NY 12302, in the County of Saratoga, State of New York, Section 256. Block 1 Lot 66,

NOW, on motion by LOGS Legal Group LLP f/k/a Shapiro, DiCaro & Barak, LLC, attorney for the Plaintiff, it is hereby

ORDERED that defendants Montgomery County Treasurer and Richard Hess and Mark Hess and Jeffrey Hess and Lawrence Hess and Elaine Yaksta and Scott Hess and John Dence and James Dence and Dorothy Scherenberger and Deborah Pletrantozzi and Kathleen James and John Hess and Stephen Hess and Alfred Williams and New York State Department of Taxation and Finance and are determined to be in default; and it is further

ORDERED that _____ with an address of _____, is hereby appointed Referee, in accordance with RPAPL §1321, to compute the amount due to Plaintiff and to examine whether the mortgaged property may be sold in parcels; and it is further

ORDERED that the Referee make his/her computation and report with all convenient speed; and it is further

ORDERED that, if necessary, the Referee may take testimony pursuant to RPAPL §1321; and it is further

ORDERED that by accepting this appointment the Referee certifies that he/she is in compliance with Part 36 of the Rules of the Chief Judge (22 NYCRR Part 36), including, but not limited to §36.2(c) ("Disqualifications from appointment"), and §36.2(d) ("Limitations on appointments based upon compensation"), and, if the Referee is disqualified from receiving an appointment pursuant to the provisions of that Rule, the Referee shall immediately notify the Appointing Judge; and it is further

ORDERED that, pursuant to CPLR 8003(a), the statutory fee of \$350.00, or in the discretion of the court, a fee of \$_____, shall be paid to the Referee for the computation of the amount due and upon the filing of his/her report and the Referee shall not request or accept additional compensation for the computation unless it has been fixed by the court in accordance with CPLR 8003(a); and it is further

ORDERED that the Referee is prohibited from accepting or retaining any funds for him/herself or paying funds to him/herself without compliance with Part 36 of the Rules of the Chief Administrative Judge; and it is further

ORDERED, that the caption be amended to drop Sharon James as a necessary party Defendant; and it is further

ORDERED that the caption shall read as follows:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SARATOGA

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

Plaintiff(s),

v.

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; Kathleen James; John Hess; Stephen Hess;
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; and it is further

ORDERED that Plaintiff shall serve a copy of this Order with notice of entry on all parties and persons entitled to notice, including the Referee appointed herein.

This constitutes the decision and order of the court.

DATED: _____

ENTER:

J.S.C.