

**EXHIBIT M**

**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 s/k/a Emily Jane Califano;  
The United States of America acting through The Secretary  
of Housing and Urban Development; Robert Hess; Jeffrey  
Hess; Mark Hess; Lawrence Hess; Elaine Yakob; Scott Hess;  
John Dence; James Dence; Dorothy Scherzberger; Deborah  
Pistransoni; Sharon James; Kathleen James; John Hess;  
Stephen Hess; Alfred Williams w/k/a Alfred Robert  
Williams; New York State Department of Taxation and  
Finance,**

**Defendant(s).**

**INDEX NO. 20157**

**ATTORNEY  
AFFIRMATION IN  
SUPPORT OF  
PLAINTIFF'S MOTION  
FOR A DEFAULT  
JUDGMENT AND ORDER  
OF REFERENCE**

**MORTGAGED PROPERTY:  
712 Swaggartown Road  
Soots, NY 12302**

**COUNTY: Saratoga  
SBL #: Section 256, Block 1  
Lot 66**

**I, Brent Burgomer, pursuant to CPLR 2106 and under the penalties of perjury, affirm as  
follows:**

**1. I am an attorney at law and an associate with LOGS Legal Group LLP s/k/a  
Shapiro, DiCaro & Barak, LLC the attorneys of record for the Plaintiff. I am fully familiar with  
the facts, court papers and proceedings of this action based upon a review of the file maintained  
by my office.**

**2. True and accurate copies of the following supporting documents are attached  
hereto:**

<b>Document</b>	<b>Tab</b>
<b>Note</b>	<b>Exhibit A</b>
<b>Home Equity Conversion Mortgage</b>	<b>Exhibit B</b>
<b>Assignments</b>	<b>Exhibit C</b>
<b>Notice(s) of Default</b>	<b>Exhibit D</b>

RPAPL § 1304 90-Day Notice(s)	Exhibit E
Department of Defense Search results	Exhibit F
Summons and Complaint	Exhibit G
Notice of Pendency	Exhibit H
Affidavit of Service	Exhibit I
Affidavit of Service by Mail pursuant to CPLR 3215 (g)(3)(iii)	Exhibit J
Affidavit of Merit and Amount Due	Exhibit K
Copy of Death Certificate, Letters of Administration, and Decree	Exhibit L
Notices of Appearance, and Answer or Notices of Return	Exhibit M
Order Appointing Guardian Ad Litem	Exhibit N
Letter Dismissing Guardian Ad Litem	Exhibit O
Order to Amend Summons and Complaint	Exhibit P
Supplemental Summons and Amended Complaint	Exhibit Q

Legalback No. 2 - filed contemporaneous with this motion.  
Proposed Order of Reference

All personal non-public information has been redacted from the attached supporting documents.

3. This Home Equity Conversion Mortgage ("reverse mortgage") foreclosure action was commenced by filing the summons and complaint in the Saratoga County Clerk's Office on January 5, 2015 in the County where the mortgage property is located. The action was brought to foreclose a residential Mortgage executed by Emily Jane Cellfano, now deceased, to Wells Fargo Bank, N.A. on February 2, 2007, in an amount up to \$243,000.00, and recorded in the Saratoga County Clerk's Office on February 22, 2007 in Instrument Number: 2007007401. The Mortgage was transferred to National Mortgage LLC d/b/a Champion Mortgage Company, and said transfer was memorialized by an Assignment of Mortgage executed on September 12, 2017 and recorded September 12, 2017 in Instrument Number: 2017029031.

4. The Mortgagor, Emily Jane Cellfano, no longer resides at the subject premises, therefore pursuant to the terms of the Home Equity Conversion Mortgage and Agreement, Plaintiff is entitled to the relief herein requested.

5. On January 5, 2015, Plaintiff filed a notice of pendency in accordance with RPAPL §1331 and CPLR Article 65, a copy of which is attached hereto as Exhibit "H". On November 9, 2020, Plaintiff re-filed the notice of pendency in accordance with RPAPL §1331 and CPLR Article 65.

6. The Summons, Complaint, Supplemental Summons, Amended Complaint, and Notice of Pendency are in the form prescribed by statute and contain all the particulars required by law. The Summons comply with the requirements of RPAPL §1320, contains the required notice in boldface type and is in the format required by statute. According to the affidavits of service, the summonses were served together with the Complaint and Amended Complaint. Copies of the Summons, Complaint, Notice of Pendency and affidavits of service are attached hereto as Exhibit "G", Exhibit "H" and Exhibit "I".

7. On January 5, 2015, the prior Plaintiff was the Holder of the subject note. The Affidavit of Erin Naylor, attached hereto as Exhibit "K", confirms continued possession of the note.

8. Although RPAPL §1304 has since been amended, at the time the instant foreclosure action commenced in 2015, Plaintiff was not required to send the borrower a 90-day pre foreclosure notice because the mortgage being foreclosed herein was a reverse mortgage and thus not a "home loan".

9. Emily Jane Califano and/or her Estate has breached and violated the provisions of the Note and Home Equity Conversion Mortgage and neglected and failed to pay the principal, interest, advances and any permissible fees when due, despite due demand therefor and by failing

to make payment of real property and taxes when due, thus making it necessary for the plaintiff to pay the same to protect his interest.

10. Defendant(s) were served with the notice required by RPAPL §1303 printed on colored paper together with the summons and complaint (as supplemental and amended) printed on white paper. The RPAPL §1303 notice complies with the requirements of that statute, with the title in bold, 20-point type and the text in bold, 14-point type. The RPAPL §1303 notice was delivered to the mortgagee on its own separate page, together with the summons and complaint and supplemental summons and complaint. The notices and filings required by RPAPL §§1304 and 1305 are not required as discussed supra. Copies of these notices and affidavits of service are attached hereto as Exhibits "E" and "F".

11. Plaintiff served an additional copy of the summons in compliance with CPLR 3215(g)(3). The affidavit of service by mail is attached hereto as Exhibit "J".

12. The following defendants did not answer or appear and their time to answer has expired: Montgomery County Treasurer and Richard Hese and Mark Hese and Jeffrey Hese and Lawrence Hese and Elaine Yakets and Scott Hese and John Dence and James Dence and Dorothy Scherenberger and Deborah Pistrantoni and Kathleen James and John Hese and Stephen Hese and Alfred Williams and New York State Department of Taxation and Finance. Accordingly, these defendants are in default.

13. Defendant Sharon James, named as a potential heir/distributee of the deceased mortgagor, was not served with the Supplemental Summons and Amended Complaint as it was discovered at the time of service that she died on March 12, 2019, inasmuch as a Limited

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