

SUPREME COURT OF THE STATE OF NEW YORK  
SCHOHARIE COUNTYFEDERAL NATIONAL MORTGAGE ASSOCIATION  
("FANNIE MAE") A CORPORATION ORGANIZED  
AND EXISTING UNER THE LAWS OF THE  
UNITED STATES OF AMERICA,

Plaintiff,

-against-

FRED DUFEK, JR.; ROBIN DUFEK; LAURIE  
DUFEK; TROY DUFEK,

Defendant(s).

STATEMENT PURSUANT TO  
22 NYCRR §202.8-g(a)(5)

Index No. 2022-3

Charles Wallshein, an attorney licensed to practice in the State of New York affirms the following:

1. I make this affirmation pursuant to 22 NYCRR §202.8-g(a)(5).
2. Defendants object to the facts stated in Plaintiff's Affirmation at paragraph "2", Plaintiff's motion is made on notice and is not made pursuant to an Order to Show Cause.
3. Defendants object to the facts stated in Plaintiff's Affirmation at paragraph "10", Plaintiff claims that an easement appurtenant exists. No such easement exists or has ever existed.
4. Defendants object to the facts stated in Plaintiff's Affirmation at paragraph "11", "13", "27", Plaintiff claims that the foreclosure created a severance of the unity of title. an easement appurtenant exists. No such unity of title ever existed. The unity of title claimed has never existed.
5. Defendants object to the facts stated in Plaintiff's Affirmation at paragraph "14", Plaintiff claims that there is no ingress or egress from lots "3", "4", "30", "32". The tax map [NYSCEF Doc No.33] clearly indicates that the property is directly adjacent to the public road.
6. As is relevant to the injunction: There is nothing that prevents the Plaintiff from enforcing the judgment of foreclosure and its rights under the referee's deed.

Dated: February 9, 2022  
Melville, NY

/S/  
Charles Wallshein