

**E-FILE**

**ORIGINAL**

PRESENTED BY **HON. THOMAS F. WHELAN**  
JUSTICE OF THE SUPREME COURT

At Par 33 of the Supreme Court of the State of New York, held in and for the County of SUFFOLK at the Courthouse, 1 COURT STREET, RIVERHEAD, NY 11901, on the 31 day of October, 2018.

Mot. Seq. # 00 - MG  
Case Disposed: No

SABR MORTGAGE LOAN 2008-1 REO  
SUBSIDIARY-1 LLC,

INDEX NO.: 609437/2015

Plaintiff(s),

**ORDER OF REFERENCE AND  
DEFAULT JUDGMENT**

vs.

MORTGAGED PROPERTY: 3  
SHELBY COURT EAST  
NORTHPORT, NY 11731

YUNINA CHO ; NEW YORK STATE  
DEPARTMENT OF TAXATION AND  
FINANCE; EVA Y HO ; CACH LLC ; CLERK OF  
THE SUFFOLK COUNTY TRAFFIC AND  
PARKING VIOLATIONS AGENCY,

COUNTY: SUFFOLK

"JOHN DOE #1" through "JOHN DOE #12," the  
last twelve names being fictitious and unknown to  
plaintiff, the persons or parties intended being the  
tenants, occupants, persons or corporations, if any,  
having or claiming an interest in or lien upon the  
premises, described in the Complaint,

SBL#: District 0400,  
Section 173.00,  
Block 01.00,  
Lot 051.000

Defendant(s).

UPON reading the Summons, Complaint and Notice of Pendency filed in this action on the September 1, 2015, the Notice of Motion dated August 31, 2018, the affirmation of Jennifer A. Novembre, Esq., and the exhibits annexed thereto, and upon the affidavit of merit and amount due by Elizabeth A. Ostermann who is Vice President of Carrington Mortgage Services, LLC, duly sworn to on August 16, 2018; together with the exhibits attached thereto, and all prior papers filed in this action; and

UPON proof this action was brought to foreclose a mortgage on real property located at 3 SHELBY COURT, EAST NORTHPORT, NY 11731, in the County of SUFFOLK, State of New York [District 0400, Section 173.00, Block 01.00, Lot 051.000];

RECEIVED  
SEP 10 2018  
SUFFOLK COUNTY CLERK

UPON proof that each of the Defendants herein have been duly served with the Summons and Complaint in this action and required notices;

AND the court having held a mandatory settlement conference pursuant to CPLR §3408 the court held a mandatory settlement conference in this action. Plaintiff attended a settlement conference on April 29, 2016 but the defendant mortgagor failed to appear and the case was released from the settlement conference part.

AND it appearing that YUNINA CHO; NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE; EVA Y HO; CACH LLC; CLERK OF THE SUFFOLK COUNTY TRAFFIC AND PARKING VIOLATIONS AGENCY; and HYANNA KIM's time to answer the Complaint has expired; and

AND it appearing to the satisfaction of this court that this action was brought to foreclose a mortgage on real property located at 3 SHELBY COURT, EAST NORTHPORT, NY 11731, in the County of Suffolk, State of New York [District 0400, Section 173.00, Block 01.00, Lot 051.000],

NOW, on motion by RAS Boriskin, LLC, attorney for the Plaintiff, it is hereby

**ORDERED** that defendants YUNINA CHO, NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE, EVA Y HO, CACH LLC, CLERK OF THE SUFFOLK COUNTY TRAFFIC AND PARKING VIOLATIONS AGENCY, and HYANNA KIM are deemed to be in default; and it is further

**ORDERED** that Lynn Foster-Zimmerman with an address of 10775 Park Ave Ste 335 Huntington NY 11743 is hereby appointed Referee, in accordance with RPAPL §1321, to compute the amount due to Plaintiff

and to examine whether the mortgaged property can 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

*[Handwritten signature]* **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

*[Handwritten signature]* **ORDERED** that, pursuant to CPLR 8003(a), the statutory fee of ~~\$5000~~ and in the discretion of the court, a fee of \$2500, 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 by substituting HYANNA KIM in place and stead of “JOHN DOE #1”; and it is further

*[Handwritten signature]* **ORDERED**, that the scope of a referee’s duties are defined by the order of reference (CPLR 4311 & RPAPL 1321) and the referee has no power beyond that which is limited in this order of reference (*Zalavskaya v. Boyanzhu*, 14 AD3d 675, 41 NYS3d 237 (2nd Dept., 2016)). In this action, the referee is hereby directed to ascertain the sums due and owing to the plaintiff, and to determine whether the premises can be sold in parcels. No hearing shall be required as the referee is appointed to hear and report, which is a purely ministerial act. Objections, if any, shall be the subject of applications made directly to the court.

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**ORDERED**, that the caption shall read as follows:

-----X  
SABR MORTGAGE LOAN 2008-1 REO  
SUBSIDIARY-1 LLC,

Plaintiff(s),

v.

YUNINA CHO ; NEW YORK STATE DEPARTMENT  
OF TAXATION AND FINANCE; EVA Y HO ; CACH  
LLC ; CLERK OF THE SUFFOLK COUNTY  
TRAFFIC AND PARKING VIOLATIONS AGENCY;  
HYANNA KIM,

"JOHN DOE #2" through "JOHN DOE #12," the last  
eleven names being fictitious and unknown to  
plaintiff, the persons or parties intended being the  
tenants, occupants, persons or corporations, if any,  
having or claiming an interest in or lien upon the  
premises, described in the Complaint,

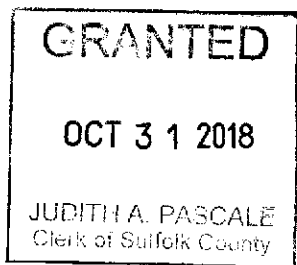
Defendant(s).  
-----X

**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.

**HON. THOMAS F. WHELAN**