

At an I.A.S. Term Part ____,
of the Supreme Court of
the State of New York,
held in and for the county
of SUFFOLK at the
Courthouse located at:
SUFFOLK COURTHOUSE
ONE COURT STREET
RIVERHEAD, NEW YORK 11901

On _____, 2017

PRESENT:

HON. _____, JUSTICE

BANK OF NEW YORK MELLON,
Plaintiff.

-against-

ORDER OF REFERENCE
Part ____,
County of _____

MARY DALY AND TERENCE DALY, DAVID J. WEISSBERG MD P.C., CAPITAL ONE, N.A. Successor in Interest to Capital One Bank, Capital One Bank USA NA, Clerk of the Suffolk County Traffic and Parking Violations Agency and "JOHN DOE" #1-10, "MARY DOE" #1-10, and "JANE DOE" #1-10, the names being fictitious, their true names being unknown to the plaintiff, persons intended being persons in possession of portions of the premises herein described,

Defendants.

UPON the Summons, duly Verified Complaint and Notice of Pendency of Action all duly filed, and upon reading and filing the annexed Affirmation of Vincent P. Surico, dated September 12, 2017, and the annexed Affidavit of Nicole Currey, Supervisor of Bayview Loan Servicing, LLC, servicing agent and attorney-in-fact for the plaintiff herein, sworn to on May 8, 2017, and the Affidavits of Service and Notice of Appearance and Waiver annexed thereto, and on Motion of De ROSE & SURICO, attorneys for Plaintiff, it is hereby

ORDERED, that the motion is hereby granted; and it is further

ORDERED, that the names of the defendants herein sued as "JOHN DOE" #1-10, "MARY DOE" #1-10, and "JANE DOE" #1-10, be stricken from these proceedings and that all papers herein be amended accordingly, without prejudice to the proceedings heretofore had herein, and it is hereby further

ORDERED, that the caption of this action as amended, shall read as follows:

PRESENT:

HON. _____, JUSTICE

BANK OF NEW YORK MELLON,
Plaintiff.

-against-

MARY DALY AND TERENCE DALY, DAVID J.
WEISSBERG MD P.C., CAPITAL ONE, N.A.
SUCCESSOR IN INTEREST TO CAPITAL ONE
BANK, CAPITAL ONE BANK USA NA, CLERK
OF THE SUFFOLK COUNTY TRAFFIC AND
PARKING VIOLATIONS AGENCY;

Defendants.

and it is further

ORDERED, that _____, Esq. of _____

Telephone _____

be and he hereby is appointed Referee to ascertain and compute the amount due except for attorney's fees to the Plaintiff on the Bond and mortgage upon which this action is brought, and to report if the mortgaged premises may be sold in separate parcels, and the Referee complete his report to the Court with all convenient speed; 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 (d) ("Limitations on appointments based upon compensation")
and it is further

ORDERED, that pursuant to CPLR 8003(a), (the statutory fee of \$50.00) (In the discretion of the court fee of \$____), shall be paid to the Referee for the computation stage and upon the filing of his/her report; 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

ENTER:

J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

BANK OF NEW YORK MELLON,

Plaintiff.

-against-

**ATTORNEY'S
AFFIRMATION**

MARY DALY AND TERENCE DALY, DAVID J.
WEISSBERG MD P.C., CAPITAL ONE, N.A.
SUCCESSOR IN INTEREST TO CAPITAL ONE
BANK, CAPITAL ONE BANK USA NA, CLERK OF
THE SUFFOLK COUNTY TRAFFIC AND PARKING
VIOLATIONS AGENCY and "JOHN DOE" #1-10,
"MARY DOE" #1-10, and "JANE DOE" #1-10,
the names being fictitious, their true
names being unknown to the plaintiff,
persons intended being persons in
possession of portions of the premises
herein described,

Index # 609622/2017

Defendants.

VINCENT P. SURICO, being an attorney admitted to practice
in the Courts of the State of New York, affirms:

I am one of the attorneys of record for the Plaintiff in
the above entitled action and am fully familiar with all the facts
and circumstances herein.

This action was brought to foreclose a first mortgage on
real property known as 802 HIGBIE LANE, WEST ISLIP, NEW YORK 11795
more fully described in the Complaint and Notice of Pendency of
Action duly filed herein.

All of the Defendants have been served pursuant to the
Civil Practice Law and Rules and that more then twenty (20) days
have elapsed since service became completed, except as to the
Defendants served pursuant to Section 308(2) or Section 308(4) of
the Civil Practice Law and Rules, more then thirty (30) days have
elapsed since such service became complete.

None of the Defendants has served an Answer to the

Complaint and none have appeared, although their time to due so has expired and the same has not been extended by Stipulation or otherwise, except the following: N/A

That since the commencement of this action, I have ascertained that the Defendants, "JOHN DOE" #1-10, "MARY DOE" #1-10, and "JANE DOE" #1-10, have no interest in the within proceedings. That said Defendants are unnecessary parties to these proceedings, and I hereby request that they be dropped as party Defendants herein and all papers be amended accordingly without prejudice to the proceedings had herein.

This action was brought to foreclose the mortgage described in the Complaint by reason of the default of the Defendant(s) MARY DALY AND TERENCE DALY, in the payment of the contractual monthly installments of principal and interest in the sum of \$1,890.78, which became due on October 1, 2016 and monthly thereafter. That the whole amount secured by the said mortgagee is now due.

That the Notice of Pendency of this action, in the form prescribed by the Civil Practice Law and Rules, was duly filed in the Office of the Clerk of the County of SUFFOLK more than twenty (20) days ago, and at the time of filing of the Complaint herein, to wit, May 22, 2017. Since the filing of said Notice, the Complaint herein has not been amended by adding new parties or as to extend the claim of the Plaintiff against the mortgaged premises, or against other premises not described in said Notice.

That none of the individual Defendants are in the

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