

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ULSTER

-----X
ARUNDINA, LLC,

Index No. EF2020-2

Plaintiff,

-against-

NOTICE OF ENTRY

RICHARD H. AMELL,

Defendants

-----X
COUNSEL:

PLEASE TAKE NOTICE that the within is a true copy of a **DEFAULT JUDGMENT, ORDER OF REFERENCE, AND JUDGMENT OF FORECLOSURE AND SALE** signed by Hon. James P. Gilpatric, J.S.C. and duly entered in the Ulster County Clerk's Office on March 7, 2022.

Dated: March 11, 2022
New York, New York

/s/Andrew Buonincontri
Andrew Buonincontri, Esq.
Friedman Vartolo LLP
Attorneys for Plaintiff
1325 Franklin Avenue, Suite 160
Garden City, New York 11530
(P) 212.471.5100

TO:

Richard H. Amell
6915 Eastgate Road
Milton, FL 32570

Elizabeth Faulkner, Esq. (As Appointed Referee)
PO Box 1955, 197 Hurley Avenue
Kingston, NY 12402

Firm File Number: 180374-1

At the Supreme Court of the State of New York held in and for the County of Ulster, at the Courthouse thereof, at 285 Wall Street, Kingston, NY 12401, on the 4th day of March, 2022

James P. Gilpatric
J.S.C.

PRESENT: _____
JUSTICE OF THE SUPREME COURT

-----X
ARUNDINA, LLC,

Index No. EF2020-2

Plaintiff

-against-

DEFAULT JUDGMENT, ORDER OF REFERENCE, AND JUDGMENT OF FORECLOSURE AND SALE

RICHARD H. AMELL; "JOHN DOE" and "JANE DOE" said names being fictitious, it being the intention of plaintiff to designate any and all occupants of the premises being foreclosed herein,

Mortgaged Premises
148 Eastern Parkway EXT
Saugerties, NY 12477

Defendants

Section: 39.11
Block: 5
Lot: 22

-----X
UPON the Summons, Complaint, and Notice of Pendency filed in this action on the 30th day of December, 2019, the Notice of Motion dated January 26, 2022, the affirmation by Juliana Thibaut, Esq., the Affidavit of Merit and Amount Due by David Ornelas who is Senior Vice President of Land Home Financial Services, Inc., duly sworn to on December 21, 2021, together with the exhibits annexed thereto, all in support of Plaintiff's motion for a Default Judgment and Judgment of Foreclosure and Sale; and

UPON proof this action was brought to foreclose a mortgage on real property located at 148 Eastern Parkway EXT, Saugerties, New York 12477, in the County of Ulster, State of New York (Section 39.11, Block 5, Lot 22); and

UPON proof that each of the defendants herein has been duly served with the Summons and Complaint in this action, and did not answer or otherwise appear, not had their time to do so extended; and it appearing that more than the legally required number of days had elapsed since said Defendant

Richard H. Amell were so served and/or appeared; and Plaintiff having established to the court's satisfaction that a judgment against defendants is warranted;

UPON the affidavit of mailing reflecting compliance with CPLR 3215(g)(3)(iii); and

UPON proof that non-appearing defendant Richard H. Amell is not absent, in accordance with RPAPL §132(2); and

AND the court having foreclosure settlement conferences between November 23, 2020 and November 3, 2021 as required by CPLR § 3408. On November 3, 2021, Plaintiff was permitted to proceed with the instant foreclosure action;

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

AND Plaintiff having waived its right to a deficiency judgment and accepted the sale of the property in full satisfaction of the mortgage debt; and

UPON proof of due notice of this motion upon all parties entitled thereto;

NOW, on motion by Juliana Thibaut, Esq. of **Friedman Vartolo LLP**, attorneys for the Plaintiff Arundina, LLC (hereinafter "Plaintiff"), it is hereby

ORDERED, ADJUDGED AND DECREED that the default of all non-appearing defendants is hereby fixed and determined; and it is further;

ORDERED, ADJUDGED AND DECREED that in accordance with the Affidavit of Merit and Amounts Due and Owing dated December 21, 2021, the sum of \$69,415.55 is awarded to Plaintiff as of January 1, 2022; and it is further

ORDERED, ADJUDGED AND DECREED, that the mortgaged property described in the Complaint and as hereafter described, or such part thereof as may be sufficient to discharge the mortgage debt, the expenses of the sale, and the costs of this action as provided by the RPAPL be sold, within 90 days of the date of this Judgment, in one parcel, at a public auction at

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Ulster County Courthouse, Kingston, NY by and under the direction of Elizabeth H. Faulkner, Esq., who is hereby appointed Referee for that purpose; that said Referee give public notice of the time and place of sale in accordance with RPAPL §231 in The Daily Freeman; and it is further

ORDERED, ADJUDGED AND DECREED 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, ADJUDGED AND DECREED 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, ADJUDGED AND DECREED that the Referee shall conduct the foreclosure sale only if Plaintiff, its successors and/or assignees, or its representative is present at the sale or the Referee has received a written bid and Terms of Sale from Plaintiff, its successors and/or assigns, or its representative; and it is further

ORDERED, ADJUDGED AND DECREED that if the Referee does not conduct the sale within 90 days of the date of the judgment, in accordance with CPLR 2004, the time fixed by RPAPL §1351(1) is extended for the Referee to conduct the sale as soon as reasonably practicable; and it is further

ORDERED, ADJUDGED AND DECREED that at the time of sale the Referee shall accept a written bid from the Plaintiff or the Plaintiff's attorney, just as though Plaintiff were physically present to submit said bid; and it is further

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ORDERED, ADJUDGED AND DECREED that the Referee shall accept the highest bid offered by a bidder who shall be identified upon the court record, and shall require that the successful bidder immediately execute Terms of Sale for the purchase of the property, and pay to the Referee, in cash or certified or bank check, ten percent (10%) of the sum bid, unless the successful bidder is Plaintiff in which case no deposit against the purchase price shall be required; and it is further

ORDERED, ADJUDGED AND DECREED that, in the event the first successful bidder fails to execute the Terms of Sale immediately following the bidding upon the subject property or fails to immediately pay the ten percent (10%) deposit as required, the property shall immediately and on the same day be reoffered at auction; and it is further

ORDERED, ADJUDGED AND DECREED that the Referee shall then deposit the down payment and proceeds of sale, as necessary, in Att'y Escrow Acct in his/her own name as Referee, in accordance with CPLR 2609; and it is further

ORDERED, ADJUDGED AND DECREED that after the property is sold, the Referee shall execute a deed to the purchaser, in accordance with RPAPL §1353 and the terms of sale, which shall be deemed a binding contract; and it is further

ORDERED, ADJUDGED AND DECREED that, in the event a party other than the Plaintiff becomes the purchaser at the sale, the closing of title shall be held no later than 30 days after the date of such sale unless otherwise stipulated by all parties to the sale; and it is further

ORDERED, ADJUDGED AND DECREED that, if Plaintiff (or its affiliate, as defined in paragraph (a) of subdivision 1 of section six-1 of the Banking Law) is the purchaser, such party shall place the property back on the market for sale or other occupancy: (a) within 180 days of the execution of the deed of sale, or (b) within 90 days of completion of construction, renovation, or rehabilitation of the property, provided that such construction, renovation, or rehabilitation proceeded diligently to completion,

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