

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 1:13-cv-10977-MLW

\*\*\*\*\*  
 THOMAS ABATE, \*  
 \*  
 Plaintiff, \*  
 v. \*  
 \*  
 NEW YORK COMMUNITY SAVINGS \*  
 BANK/OHIO SAVINGS BANK,<sup>1</sup> \*  
 \*  
 Defendant, \*  
 \*  
 \*\*\*\*\*

DEFENDANT'S MOTION TO AMEND CASE CAPTION

NOW COMES, Defendant, New York Community Bank ("NYCB"), by and through its attorneys Doonan, Graves, & Longoria, L.L.C., and hereby moves the Court for an Order allowing the NYCB to amend the case caption to accurately reflect the correct name of the Defendant. In support of this action, NYCB states:

1. The summons and restraining order incorrectly named New York Community Savings Bank/Ohio Savings Bank, as Defendant.
2. Mortgage Electronic Registration Systems, Inc., as nominee for Ohio Savings Bank, executed an Assignment of Mortgage to New York Community Bank on August 29, 2012, recorded September 17, 2012, at the Suffolk County Registry of Deeds in Book 50176, Page 195. See Exhibit A (a true and correct copy of the New York Community Bank Assignment is attached hereto and incorporated herein).


WHEREFORE, New York Community Bank respectfully requests that this Court grant an Order allowing the amendment of the case caption.

ALLOWED  
Wey. JJ  
Oct. 24, 2013

Dated: April 22, 2013

New York Community Bank

By its attorneys,  
Doonan Graves, & Longoria, LLC



Reneau J. Longoria, Esq. (BBO #635118)  
John A. Doonan, Esq. (BBO #54644)  
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#### CERTIFICATE OF SERVICE

I, Reneau J. Longoria, hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on April 23, 2013.

/s/Reneau J. Longoria  
Reneau J. Longoria, Esq.

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<sup>1</sup> The Defendant is incorrectly named in the caption. The Defendant is New York Community Bank.



2012 00092963

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**MASSACHUSETTS**

COUNTY OF *SUFFOLK (REC)*  
LOAN NO. [REDACTED]

POOL NO



PREPARED BY:  
SECURITY CONNECTIONS  
WHEN RECORDED MAIL TO:

SECURITY CONNECTIONS, INC.  
240 TECHNOLOGY DR.  
IDAHO FALLS, ID 83401  
ATTN

Assignment - Interv. - Recorded

**ASSIGNMENT OF REAL ESTATE MORTGAGE**

For value received, *Mortgage Electronic Registration Systems, Inc.* as nominee for *Ohio Savings Bank, its successors and assigns,*

located at P.O. BOX 2026, FLINT, MI 48501-2026

hereby acknowledged, does hereby sell, assign, transfer, set over, grant, and convey without representation, recourse or warranty, express or implied by and between assignor and *New York Community Bank*

located at 1801 E. Ninth Street Cleveland, OH 44114

its successors and assigns forever, that certain mortgage executed by *THOMAS E ABATE INDIVIDUALLY* to *MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR OHIO SAVINGS BANK ITS SUCCESSORS AND ASSIGNS*

dated DECEMBER 29, 2005 and recorded on JANUARY 11, 2006 in the Land Registration and Registry of Deeds for SUFFOLK County, Massachusetts, in Mortgage Book 38844 Page 144 and Instrument No. 2006 00003925

Property Address: 238 PROCTOR AVE REVERE, MA 02151

Attested hereto

*Francis M. Roache*  
Francis M. Roache  
Register of Deeds

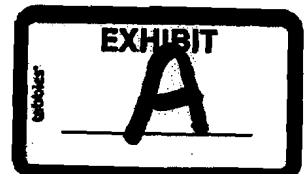


Loan No.

J=OS [REDACTED] MEX [REDACTED] MERS PHONE: 1-888-679-6377

P=S [REDACTED]

(NMRI.MA)



LOAN NO [REDACTED]

TOGETHER with all rights accrued or to accrue under said Mortgage.

Dated 8-29-12  
In Witness Whereof, Mortgage Electronic Registration Systems, Inc. as nominee for Ohio Savings Bank, its successors and assigns

caused these presents to be signed by Paula Lechner  
its Asst Secretary and \_\_\_\_\_  
its \_\_\_\_\_

this 29 day of Aug, 2012

Mortgage Electronic Registration Systems, Inc. as nominee for Ohio Savings Bank, its successors and assigns

Brian Piaffenberger  
Witness Brian Piaffenberger  
Pre-Foreclosure  
Prop Preservation Supervisor

BY Sarah Salupo  
Sarah Salupo  
Assistant Secretary

Witness \_\_\_\_\_ BY \_\_\_\_\_

STATE OF Ohio )  
COUNTY OF Cuyahoga ) ss

On 8-29-12, before me, Andrea Geiger  
personally appeared Sarah Salupo  
and \_\_\_\_\_ personally  
known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) who executed the within instrument as Asst. Sec. and \_\_\_\_\_  
on behalf of the corporation therein named and acknowledged to me that the corporation executed it.

Andrea Geiger  
NOTARY PUBLIC



ANDREA GEIGER  
NOTARY PUBLIC  
STATE OF OHIO  
Recorded in  
Cuyahoga County  
My Comm. Exp. 3/15/17

C=s. [REDACTED]  
P=S. [REDACTED]  
(NMRI.MA.2)

MIN [REDACTED] MERS PHONE: 1-888-679-6377  
J=OB [REDACTED]  
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