

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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DITECH FINANCIAL LLC formerly known as Green
Tree Servicing LLC,

Plaintiff,

-against-

BARBARA O’CONNOR also known as Barbara
OConnor, LYNN DASILVA, JPMORGAN CHASE
BANK, N.A.,

Defendants.

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APPEARANCES:

Gross Polowy LLC
Counsel for the Plaintiff
900 Merchants Concourse, Suite 412
Westbury, NY 11590
By: Stephen J. Vargas, Esq., Of Counsel

NO APPEARANCES:

The Defendants

SPATT, District Judge.

On September 21, 2016, the Plaintiff, Ditech Financial LLC f/k/a Green Tree Servicing LLC (the “Plaintiff”), commenced this diversity mortgage foreclosure action under Article 13 of the New York Real Property Actions and Proceedings Law against the defendants, Barbara O’Connor also known as Barbara OConnor, Lynn DaSilva, and JP Morgan Chase Bank, N.A. (together, the “Defendants”), seeking to (1) foreclose its security interest in a parcel of real property owned by Barbara O’Connor, located at 437 South Little East Neck Road, Babylon, New York (the “Premises”); and (2) extinguish allegedly subordinate leases on the Premises held by Defendants Lynn DaSilva and JP Morgan Chase Bank, N.A.

ADOPTION ORDER
16-cv-5244 (ADS) (ARL)

FILED
IN CLERK’S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ **MAR 09 2018** ★

LONG ISLAND OFFICE

On November 14, 2016, the Clerk of the Court noted the default of the Defendants.

On April 17, 2017, the Plaintiff moved for a default judgment.

On April 19, 2017, the Court referred this matter to United States Magistrate Judge Arlene R. Lindsay for a recommendation as to whether the motion for a default judgment should be granted, and if so, what relief should be awarded.

On February 20, 2018, Judge Lindsay issued a Report & Recommendation (“R&R”) recommending that (1) that default judgment be entered against the Defendants and their interest in the Premises be terminated; and (2) judgment of foreclosure and sale against Barbara O’Connor be granted. The R&R recommends that the Plaintiff be awarded a judgment of foreclosure and sale against Barbara O’Connor reflecting the following amounts: (a) principal in the amount of \$359,141.09; (b) interest in the amount of \$19,351.03 from November 1, 2015 to March 6, 2017, plus interest from the date of the entry of the judgment at a per diem rate of \$39.36; (c) late charges and advancements amounting to \$15,055.74; and (d) \$870 for costs and disbursements.

More than fourteen (14) days have elapsed since service of the R&R on the Defendants, who have failed to file an objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result.

Accordingly, the R&R is adopted in its entirety, and the Plaintiff’s motion for a default judgment is granted.

Case closed

SO ORDERED.

Dated: Central Islip, New York
March 9, 2018

s/ Arthur D. Spatt

ARTHUR D. SPATT
United States District Judge