

Matter of PHH Mtge. Corp. v Lam

2014 NY Slip Op 31566(U)

June 5, 2014

Supreme Court, Kings County

Docket Number: 14-501215

Judge: Debra Silber

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This opinion is uncorrected and not selected for official publication.

At a ^{part}~~term~~ 9 of the Supreme Court of the State of New York, held in and for the County of Kings, at Courthouse located at 360 Adams St., Brooklyn, NY 11201 on *June 5*, 2014

PRESENT:

Hon. Debra Silber
Justice of the Supreme Court

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IN THE MATTER OF THE PETITION OF
PHH MORTGAGE CORPORATION, AS
AGENT for HSBC MORTGAGE CORPORATION
USA, ITS SUCCESSORS AND ASSIGNS,

INDEX NO. 14-501215

ORDER

Petitioner,

TO VACATE AND CANCEL A SATISFACTION OF
MORTGAGE FILED THEREBY IN ERROR,

-against-

KAM WING LAM and IVAN KAM WAH LAM,

Respondents.

-----X

Petitioner having moved this Court by Petition dated January 24, 2014, for an Order, under Section 1921 of the Real Property Actions and Proceedings Law, and Section 329 of the Real Property Law seeking to cancel and vacate a certain Satisfaction of Mortgage dated May 31, 2013, executed and delivered for filing by PHH MORTGAGE CORPORATION, as Agent for HSBC MORTGAGE CORPORATION, USA, ITS SUCCESSORS AND ASSIGNS, by its nominee Mortgage Electronic Registration Systems, Inc., and recorded in

the Office of the Kings County Clerk on June 21, 2013 in CRFN 2013000244773 against the premises located at 1861 73rd Street, Brooklyn, NY 11204 and known and designated on the Office of the City Register of the City of New York Tax Map as Borough Brooklyn, Block 6194 Lot 46 and to thereby reinstate the underlying mortgage(s) made by KAM WING LAM AND IVAN KAM WAH LAM to MERS, as nominee for HSBC Mortgage Corporation (USA) its successors and assigns dated 08/12/2010 and recorded 08/17/2010 in CRFN 2010000278098 evidencing an indebtedness in the amount of \$533,000.00.

The Respondents, KAM WING LAM AND IVAN KAM WAH LAM, having executed Affidavits consenting to said relief being granted, and

The matter having come before this Court on May 15, 2014, and the motion having been unopposed,

NOW upon motion of Byrnes & Doyle, attorneys for Petitioner, it is hereby:

ORDERED, that the motion is granted with consent of the mortgagors, and it is further

ORDERED, that the Satisfaction of Mortgage, dated May 31, 2013, executed and delivered for filing by PHH MORTGAGE CORPORATION, as Agent for HSBC MORTGAGE CORPORATION, USA, ITS SUCCESSORS AND ASSIGNS, by its nominee Mortgage Electronic Registration Systems, Inc., and recorded in the Office of the Kings County Clerk on June 21, 2013 in CRFN 2013000244773 against the premises located at

1861 73rd Street, Brooklyn, NY 11204 and known and designated on the Office of the City Register of the City of New York Tax Map as Borough Brooklyn, Block 6194 Lot 46 in the amount of \$533,000.00, be cancelled, vacated and set aside; and it is further

ORDERED that the Office of the City Register of the City of New York, Kings County, upon presentation of a certified copy of this Order and payment of proper fees, enter appropriate documentation to cancel, vacate and set aside said Satisfaction of Mortgage dated May 31, 2013, and recorded in the Office of the Kings County Clerk on June 21, 2013 in CRFN 2013000244773 against the premises located at 1861 73rd Street, Brooklyn, NY 11204 in the amount of \$533,000.00, and it is further

ORDERED that the Office of City Register of the City of New York, Kings County, upon presentation of a certified copy of this Order and payment of proper fees, enter appropriate documentation to reinstate the underlying mortgage(s) satisfied in error by said Satisfaction, to wit:

Mortgage made by KAM WING LAM AND IVAN KAM WAH LAM to MERS, as nominee for HSBC Mortgage Corporation (USA) its successors and assigns dated 08/12/2010 and recorded 08/17/2010 in CRFN 2010000278098 evidencing an indebtedness in the amount of \$533,000.00.

This constitutes the Decision and Order of this Court, and

IT IS FURTHER ORDERED that a copy of this order be served upon the Respondents with

Notice of Entry within 20 days of the filing of same

ENTER FORTHWITH:

ds

Hon. Debra Silber

J.S.C

Hon. Debra Silber
Justice Supreme Court