

Flushing Bank v Alijaj
2019 NY Slip Op 31788(U)
June 20, 2019
Supreme Court, New York County
Docket Number: 850057/2018
Judge: Arlene P. Bluth
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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. ARLENE P. BLUTH PART IAS MOTION 32

Justice

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INDEX NO. 850057/2018

FLUSHING BANK F/K/A FLUSHING SAVINGS BANK, FSB,

MOTION DATE 06/13/2019

Plaintiff,

MOTION SEQ. NO. 001

- v -

ENVER ALIJAJ, SKENDER ALIJAJ, BOARD OF MANAGERS OF
75 WALL STREET CONDOMINIUM, NEW YORK CITY PARKING
VIOLATIONS BUREAU, JOHN SISK, JOHN DOE NO. I THROUGH
JOHN DOE NO. XXX SAID NAMES BEING FICTITIOUS, THE
PERSONS OR PARTIES INTENDED BEING THE PERSONS,
PARTIES, CORPORATIONS OR ENTITIES,

DECISION AND ORDER OF REFERENCE

Defendants.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 18, 19, 20, 21, 22,
23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 40

were read on this motion to/for ORDER OF REFERENCE/REFERENCE TO COMPUTE

Upon the Summons and Complaint filed on March 9, 2018 and the Notice of Pendency
filed in this action on March 30, 2018, the Notice of Motion dated September 5, 2018, together
with all the papers filed in support of the motion and the exhibits annexed thereto, and all prior
papers filed in this action and prior proceedings had herein; and

Upon proof that each of the defendants herein has been duly served with the Summons
and Complaint in this action and required notices;

And it appearing to the satisfaction of this court that this action was brought to foreclose
a mortgage on real property located at 75 Wall Street, Unit 20M, New York, NY 10005 it is
hereby

ORDERED that the branch of plaintiff's motion for a default judgment against all
defendants who were served is granted without opposition; and it is further

ORDERED that a CPLR 3408 conference is not required as the defendant borrower (Enver Alijaj) no longer owns the property as a result of a separate foreclosure action; and it is further

ORDERED that Michael Roberts, Esq. 401 Broadway, NY NY
10013 212-226-4925 is

hereby appointed Referee in accordance with RPAPL § 1321 to compute the amount due to Plaintiff for principal, interest and other disbursements advanced as provided for in the note and mortgage upon which this action is brought, and to examine whether the mortgaged property can be sold in parcels; and it is further

ORDERED that the Referee may take testimony pursuant to RPAPL § 1321; and it is further

ORDERED that by accepting this appointment the Referee certifies that she/he 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 that, pursuant to CPLR 8003(a), and in the discretion of the court, a fee of \$350 shall be paid to the Referee for the computation of the amount due and upon the filing of her/his report and the Referee shall not request or accept additional compensation for the computation unless it has been fixed by the court in accordance with CPLR 8003(b); and it is further;

ORDERED that the Referee is prohibited from accepting or retaining any funds for

herself/himself or paying funds to him/herself without compliance with Part 36 of the Rules of the Chief Administrative Judge; and it is further

ORDERED that plaintiff shall forward all necessary documents to the Referee within 30 days of the date of this order and shall promptly respond to every inquiry made by the referee (promptly means within two business days); and it is further

ORDERED that plaintiff must bring a motion for a judgment of foreclosure and sale within 30 days of receipt of the referee's report; and it is further

ORDERED that if plaintiff fails to meet these deadlines, then the Court may sua sponte vacate this order and direct plaintiff to move again for an order of reference and the Court may sua sponte toll interest depending on whether the delays are due to plaintiff's failure to move this litigation forward; and it further

ORDERED that the caption be amended to removing John Doe #1 through #XXX and John Sisk, and the caption shall read as follows:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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FLUSHING BANK F/K/A FLUSHING
SAVINGS BANK, FSB,
Plaintiff,

v.

ENVER ALIJAJ, SKENDER ALIJAJ, BOARD OF
MANAGERS OF 75 WALL STREET CONDOMINIUM,
NEW YORK CITY PARKING VIOLATIONS BUREAU
Defendant(s).
-----X

and it is further

ORDERED that counsel for plaintiff shall serve a copy of this order with notice of entry upon the County Clerk (60 Centre Street, Room 141B) and the General Clerk's Office (60 Centre

Street, Room 119), who are directed to mark the court's records to reflect the parties being removed; and it is further

ORDERED that such service upon the County Clerk and the Clerk of the General Clerk's Office shall be made in accordance with the procedures set forth in the Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases (accessible at the "E-Filing" page on the court's website at the address (ww.nycourts.gov/supctmanh)]; and it is further

ORDERED that Plaintiff shall serve a copy of this Order with notice of entry on all parties and persons entitled to notice, including the Referee appointed herein; and it is further

Next Conference: December 3, 2019 at 2:15 p.m. If plaintiff has moved for a judgment of foreclosure and sale before the conference, then plaintiff can seek an adjournment. Please consult the part's rules for information about how to obtain an adjournment. An appearance is required if a motion for a JFS has not been made; counsel appearing for plaintiff must come prepared to explain the delay or interest may be tolled.

6/20/19
DATE

ARLENE P. BLUTH, J.S.C.
HON. ARLENE P. BLUTH

CHECK ONE: CASE DISPOSED NON-FINAL DISPOSITION

APPLICATION: GRANTED DENIED GRANTED IN PART OTHER

CHECK IF APPROPRIATE: SETTLE ORDER SUBMIT ORDER

INCLUDES TRANSFER/REASSIGN FIDUCIARY APPOINTMENT REFERENCE