

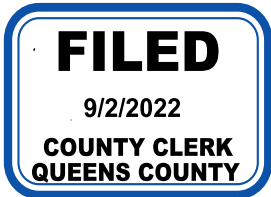
Wilmington Sav. Fund Socy., FSB v Cange
2022 NY Slip Op 32966(U)
September 1, 2022
Supreme Court, Queens County
Docket Number: Index No. 715888/21
Judge: Leonard Livote
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SHORT FORM ORDER

NEW YORK STATE SUPREME COURT - QUEENS COUNTY

Present: Honorable Leonard Livote
Supreme Court Justice

IAS Part 33



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WILMINGTON SAVINGS FUND SOCIETY,
FSB, AS TRUSTEE OF STANWICH
MORTGAGE LOAN TRUST A
Plaintiff

Index No.: 715888/21

-against-

Motion Date: 2/1/22

MARIE CANGE,

Seq: 1

Defendant.

-----X

The following papers numbered 1 - below read on this motion by Defendant for an Order for an order dismissing this action pursuant to the provisions set forth in CPLR §3211(a)(3) and (a)(5) due to the lack of capacity and the expiration of the statute of limitations respectively and striking the notice of pendency.

PAPERS
NUMBERED

Notice of Motion, Affirmation, Affidavits and Exhibits.....	1-4
Cross Motion, Affirmation, Affidavits and Exhibits.....	
Answering Affirmations, Affidavits And Exhibits.....	5-7
Reply Affirmations, Affidavits And Exhibits.....	8-10
Other	

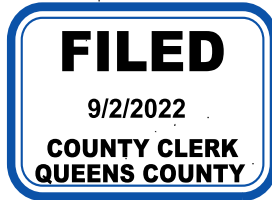
Upon the foregoing papers, the motion

This is a mortgage foreclosure action. Defendant moves to dismiss on the grounds that the statute of limitations has run. However, as an assignee of the federal government plaintiff is entitled to its immunity from state statutes of limitations (*Windward Bora, LLC v Wilmington Sav. Fund Socy., FSB*, 982 F3d 139, 142 [2d Cir 2020]).

Defendant also argues that plaintiff is not registered with the secretary of State, and is, therefore, unable to maintain an action pursuant to General Association Law §18. However, defendant has failed to establish that plaintiff is doing business in the state (*see JPMorgan Chase Bank, N.A. v Didato*, 185 AD3d 801, 802 [2d Dept 2020]). Accordingly, the motion is denied.

This constitutes the Order of the Court.

Dated: September 1, 2022



A handwritten signature in black ink, appearing to be "Leonard Livote".

Leonard Livote, J.S.C.