

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X INDEX NO: 0381386/2008

INDYMAC BANK, F.S.B.,

Plaintiff,

NOTICE OF ENTRY

ALBERT S. BAROI; LANCASTER MORTGAGE BANKERS;
CITY OF NEW YORK ENVIRONMENTAL CONTROL BOARD;
"JOHN DOE # 1-5" AND JANE DOE # 1-5" said names being fictitious,
it being the intention of Plaintiff to designate any and all occupants,
tenants, persons or corporations, if any, having or claiming an interest
in or lien upon the premises being foreclosed herein,

Defendant(s).

-----X

PLEASE TAKE NOTICE that the within is a true copy of an **DECISION AND
ORDER** duly entered in the Office of the Clerk of the within named Court on the 16th of July
2019.

DATED: September 27, 2019
Kew Gardens, New York



ANDERSON, BOWMAN & ZALEWSKI PLLC
BY: Mark Anderson, Esq.
80-02 KEW GARDENS ROAD, SUITE 600
KEW GARDENS, NEW YORK 11415
T: 718-263-6800

SUPREME COURT OF THE STATE OF NEW YORK
 COUNTY OF BRONX, PART: 24

INDYMAC BANK F.S.B.

Index No. 0381386/2008

-against-

Hon. ~~NORMA RUIZ~~

BAROI, ALBERT S.

Justice Supreme Court

Hon. Doris Gonzalez

The following papers numbered 1 to _____ Read on this motion, (Seq. No. 2) for
RESTORE, noticed on October 15 2018.

Notice of Motion - Order to Show Cause - Exhibits and Affidavits Annexed	No(s).	1
Answering Affidavit and Exhibits	No(s).	2
Replying Affidavit and Exhibits	No(s).	

Upon the foregoing papers, it is ordered that this motion is denied.

Although this motion is not predicated on a general failure to prosecute this action, the file reveals one motion in this uncontested foreclosure in the span of more than 10 years. This was a motion to direct the County Clerk to accept a duplicate assignment of mortgage, which was denied based on plaintiff's failure to appear. Even now, plaintiff states that it can not proceed as an uncontested companion action to clear title, pending since 2015, is unresolved. Further, "Upon information and belief, Fannie Mae is in the process of acquiring the necessary documents... to submit a motion for default judgment." This case was dismissed on 9/9/16 pursuant to 22 NYCRR 202.27 based on plaintiff's failure to appear. Aside from merely stating that the default was inadvertent, no facts are alleged, nor is the two-year delay in seeking relief explained. There is no showing of a meritorious action. The cross-motion is denied as academic. This is the Order of the Court.

Motion is Respectfully Referred to Justice:
 Dated:

Dated: 7/12/19

Hon. 

~~NORMA RUIZ~~, J.S.C.
 Hon. Doris Gonzalez

1. CHECK ONE..... CASE DISPOSED IN ITS ENTIRETY CASE STILL ACTIVE
2. MOTION IS..... GRANTED DENIED GRANTED IN PART OTHER
3. CHECK IF APPROPRIATE..... SETTLE ORDER SUBMIT ORDER SCHEDULE APPEARANCE
- FIDUCIARY APPOINTMENT REFEREE APPOINTMENT

ATTORNEY CERTIFICATION

I, Mark Anderson, Esq., hereby certify, under penalty of perjury, and as an officer of the court, that to the best of my knowledge, information and belief, formed after an inquiry reasonably under the circumstances, the presentation of the papers or the contentions herein are not frivolous as defined in 22 NYCRR Section 130-1.1(c).

Dated: September 27, 2019
Kew Gardens, New York

A handwritten signature in black ink, appearing to read 'M Anderson', written over a horizontal line.

Mark Anderson, Esq.

AFFIDAVIT OF SERVICE

STATE OF NEW YORK }
 } SS:
COUNTY OF QUEENS }

I, Bridgette Winschel, being sworn, say:

I am not a party to the action, am over 18 years of age and reside in Queens, New York.

On September 27, 2019, I served the within **NOTICE OF ENTRY**, delivering a true copy thereof enclosed in a post-paid wrapper, under the exclusive care and custody of United States Postal Service within New York State, addressed to the following person at the last known address set forth after each name by and by **first class mail**:

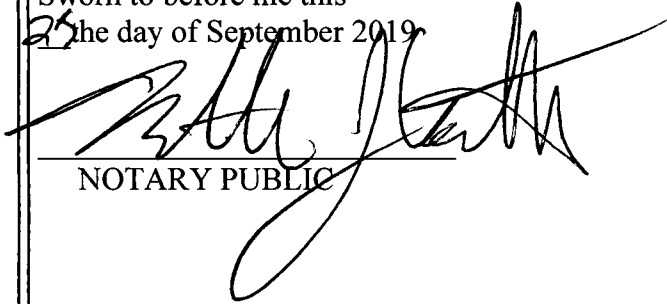
Jamie Krapf, Esq.
McCabe, Weisburg & Conway, LLC
1 Huntington Quadrangle
Melville, NY 11747

Hogan Levels US LLP
390 Madison Avenue
New York, NY 10017



Bridgette Winschel

Sworn to before me this
25 the day of September 2019



NOTARY PUBLIC

MATTHEW J. ROUTH
Notary Public, State of New York
Reg. No. 02R06358862
Qualified in Queens County
Commission Expires 5/15/21

INDYMAC BANK, F.S.B.,

{Plaintiff(s)}

-against-

ALBERT S. BAROI; LANCASTER MORTGAGE BANKERS;
CITY OF NEW YORK ENVIRONMENTAL CONTROL BOARD;
"JOHN DOE # 1-5" AND JANE DOE # 1-5" said names being fictitious,
it being the intention of Plaintiff to designate any and all occupants,
tenants, persons or corporations, if any, having or claiming an interest
in or lien upon the premises being foreclosed herein

{Defendant(s)}

NOTICE OF ENTRY

ANDERSON BOWMAN & ZALEWSKI, PLLC.
BY: MARK ANDERSON, ESQ.
Attorney(s) for Albert S. Baroi

Office and Post Office Address, Telephone
80-02 Kew Gardens Road
Suite 600
Kew Gardens, New York 11415
(718) 263-6800
Fax (718) 520-9401

TO

Service of a copy of the within
is hereby admitted.

Dated:.....

Attorney(s) for

PLEASE TAKE NOTICE:

NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

NOTICE OF SETTLEMENT

that an order
will be presented for settlement to the HON.
within named Court, at

of which the within is a true copy
one of the judges of the

2018 at M.
Dated,

Yours, etc.

ANDERSON BOWMAN & ZALEWSKI, PLLC.