



ORIGINAL

At an IAS Part of the Supreme Court of the State of New York, held in and for the County of Queens, at the Courthouse thereof located at 88-11 Sutphin Blvd., Jamaica, New York on the 4th day of April 2017.

Present

HON. TIMOTHY J. DUFFY

Index No: 2007

-----X
NATIONAL CITY MORTGAGE, A DIVISION OF
NATIONAL CITY BANK,

Plaintiff,

-against-

**ORDER TO SHOW CAUSE
TO STAY AUCTION OF
SUBJECT PROPERTY**

-----X
[REDACTED]
[REDACTED]
[REDACTED] HARDWAR AND
BUILDING NATIONAL CITY BANK; NEW YORK
CITY ENVIRONMENTAL CONTROL BOARD;
NEW YORK CITY PARKING VIOLATIONS
BUREAU, NEW YORK CITY TRANSIT
ADJUDICATION BUREAU,

JOHN DOE (said names being fictitious,
it being the intention of the Plaintiff to
designate any and all occupants of
premises being foreclosed herein, and
any parties, corporations or entities,
if any, having or claiming an interest
or lien upon the mortgaged premises.)

Defendant(s).

-----X

Upon the reading and filing of the Affirmation of Ehsanul Habib, Esq. dated April _____
2017 and Affidavits of [REDACTED] [REDACTED] [REDACTED] (hereinafter
"Defendants"), and [REDACTED] dated April _____, 2017 and all pleadings, supporting
papers and relevant statutes.

LET the Plaintiff, show cause before this court at Part: , Room 25, to be held

SEQUENCE NO.

at the Courthouse, located at 88-11 Sutphin Blvd., Jamaica, New York on the ^{26th} day of April, 2017 at 2:15 p.m. in the ~~forenoon~~ of that day, or as soon after counsel can be heard, that an Order should not be made

- a) Dismissing this action, or in the alternative, vacating the order of reference and judgment of foreclosure and sale the property located at [REDACTED] South Ozone Park, NY 11420, entered respectively, on February 11, 2009 and March 01, 2016, that is the subject of the litigation bearing Queens County Supreme Court index no [REDACTED]/07;
- b) Restoring this case to the calendar and allow Defendants to interpose an answer;
- c) Ordering that pending a hearing or decision on this Order to Show Cause, that all proceedings on the part of the Plaintiff to auction, sell and/or transfer title to the Subject Property be stayed;
- d) Restoring the instant matter to the foreclosure settlement conference part;
- e) For other such relief this Court may deem appropriate.

ORDERED, pending the hearing and determination of the instant Order to Show Cause, let all proceedings on the part of the referee, Plaintiff, its attorneys, agents and relatives be stayed, including but not limited to any and all efforts to enforce any judgment existing under index number [REDACTED]/07;

ORDERED, pending the hearing and determination of the instant Order to Show Cause, let all proceedings on the part of the appointed referee and/or Plaintiff in this matter to auction the subject property located at [REDACTED] South Ozone Park, NY 11420, scheduled to be held on April 07, 2017, be stayed;

SUFFICIENT CAUSE therefore appearing, therefore, let service of a copy of this order, together with the papers upon which it was ^{based} granted made by ^{overnight mail} ~~Electronic Mail~~ to Heino Muller, Esq. (~~Hmuller@mwe-law.com~~) and Deana Cheli, Esq. (~~Dcheli@mwe-law.com~~), Plaintiff's

attorneys at the Law Offices of MCCABE, WEISBERG & CONWAY, ~~145 Huguenot Street,~~

Suite 210 ~~New Rochelle, NY 10801~~; and by *overnight mail* certified mail or personal service to Referee

Pamela Jordan, Esq. at 118-21 Queens Blvd., Ste 606, Forest Hills, NY 11375, on or before the

12th day of *April*, 2017 be deemed good and sufficient service.

[Large scribbled-out signature area]

[Signature]
ENTER:
J.S.C.
HON. TIMOTHY J. DUFFY