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MEMORANDUM  
SUPREME COURT, COUNTY OF NASSAU, IAS PART 4

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BY: **HON. BRUCE D. ALPERT**

STATE OF NEW YORK MORTGAGE  
AGENCY,

Plaintiff,

- against -

Index No. 6036/98

**Motion Sequence No. 4**

Motion Date: April 20, 2005

DATED: June 9, 2005

KENNETH ASHBY, STATE OF NEW YORK,  
STROLYN ASHBY

Defendants.

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In this motion defendant, Kenneth Ashby, renews his application to confirm

the report of sale of the duly appointed referee, and, upon confirmation thereof, for the issuance of an Order directing the Nassau County Treasurer to pay and disburse the surplus moneys on deposit pursuant to RPAPL 1361.

There being no opposition thereto and the applicant having cured the deficiencies of his initial application and demonstrated *prima facie* entitlement to the relief herein sought, the instant application is granted and the report of the referee is confirmed.

Upon service of a copy of an Order to be settled herein, with notice of its entry, the Nassau County Treasurer shall pay out and distribute the moneys on deposit to the credit of this proceeding, less its usual and customary fee, plus accrued interest, if any, to the defendant/claimant, Kenneth Ashby, and his counsel, Perry Ian Tischler, Esq.

Settle Order on Notice.

  
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J.S.C.  
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