

AMENDED SHORT FORM ORDER
SUPREME COURT - STATE OF NEW YORK
NASSAU COUNTY

Trial/IAS:	Part 42
Motion Date:	5/5/00
Index No.:	24785/99
Mtn. Seq. No.:	002

Present: Honorable Jerald S. Carter

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**THE CHASE MANHATTAN BANK f/k/a
CHEMICAL BANK s/b/m to THE CHASE
MANHATTAN BANK, N.A.,**

Plaintiff,

-against-

**RUSSELL C. FRIEDMAN, MARVIN
DOBLIN, RICHARD ROSTHOLDER, ERIC
ASHENBERG, MARTIN KFT and MARTIN
KLEBE, and JOHN DOE #1 through #7,
the last seven (7) names being fictitious and
unknown to the plaintiff, the persons or
parties intended being the tenants, occupants,
persons or parties, if any, having or claiming
an interest in or lien upon the mortgaged
premises described in the Verified Complaint,**

Defendants.

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The following papers have been read in this matter:

Notice of Cross-Motion and annexed Affidavit w/ Exhibits	1
Affirmation in Support w/ Exhibits (Bonchonsky)	2
Affirmation in Support (Schultz)	3
Affirmation in Opposition (Friedman)	4

Defendant's, MARVIN DOBLIN, Cross-Motion for an Order appointing a temporary receiver of the premises which is the subject of the within foreclosure action with all powers permitted by law pending the resolution of the action is granted.

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The Court notes that the main motion (#001) (for an order allowing for service by publication) was granted by separate order.

Regarding the instant Cross-Motion, it is well settled that the appointment of a temporary receiver is an extreme remedy which can only be invoked in cases in which the moving party has made a clear evidentiary showing of the necessity for conversation of the property and protection of the interests of the movant. (See, *Serdaroglu v. Serdaroglu*, 209 AD2d 606)

Here, the subject property is a two-family residential rental property that is apparently fully rented.

As it is evident from the institution of this mortgage foreclosure action that there are serious questions outstanding regarding the payment of real property taxes and mortgage payments, the appointment of a receiver is warranted.

Accordingly, it is

ORDERED, that Michael H. Sahn, Esq. of 666 Old Country Road, Suite 810, Garden City, New York 11530 (486-6661), State of New York, be and hereby is appointed Temporary Receiver of the subject property known as **83 FIRST STREET, GARDEN CITY PARK, NEW YORK**, to collect the rents, issues and profits with the usual powers and duties of such receiver and to insure the premises against the hazards covered by 'extended coverage' to comply with all requirements of any municipal department or other authority of the County of Nassau or any other governmental body having jurisdiction over the premises, to employ an agent to rent and collect the rents of said premises, to pay the reasonable value of such agent's services out of the rents received; and to procure for the Receiver and his agent public liability and property damage insurance as may be

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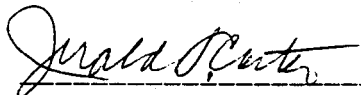
necessary, and to hold any other moneys so collected until the further Order of the Court, and for such other and further relief as to the Court may seem just and proper; and it is further

ORDERED, that the said Temporary Receiver shall deposit all funds resulting from the operation of the subject premises coming into his hands not needed for immediate disbursement in **HSBC BANK, 7th Street, Garden City, New York 11530.**

So Ordered.

Dated: Mineola, NY
January 3, 2001

ENTER,


A.J.S.C.

ENTERED

JAN 09 2001

**NASSAU COUNTY
COUNTY CLERK'S OFFICE**