

SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK  
NASSAU COUNTY

<u>Trial/IAS:</u>	<u>Part 42</u>
<u>Motion Date:</u>	<u>3/5/01</u>
<u>Index No.:</u>	<u>18667/98</u>
<u>Motion Seq. No.:</u>	<u>001</u>

**Present: Honorable Jerald S. Carter**

-----X  
**IMC Mortgage Company, a Florida Corporation,  
as successor by merger to Industry Mortgage  
Company, L.P., a Delaware Limited Partnership,**

**Plaintiff,**

**-against-**

**Ginna Florez a/k/a Ginna Flores, Reina Zaxa,  
Mario Perez, Sulma Zaxa,**

**Defendants.**

-----X

The following papers were read on this application:

Notice of Demand w/Exhibits	1
Affidavit in Opposition w/ Exhibits	2
Reply Affirmation	3

Plaintiff's motion for an Order of assistance directing the Sheriff of Nassau County, State of New York, to remove Ginna Florez a/k/a Ginna Flores, Reina Zaxas, Mario Perez, Sulma Zaxas, and all others being the persons in possession of the premises foreclosed herein and to put the Plaintiff into possession thereof, is granted.

It appears that after the premises known as 154 Yale Street, Hempstead, New York 11550 was properly foreclosed and sold at auction, the successful bidder found that there were tenants (the Flowers family) residing at the premises.

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It is undisputed that the Flowers entered the premises after the institution of foreclosure proceedings.

Under the facts and circumstances of this case, the Court has no choice but to issue the requested Writ of Assistance inasmuch as the present tenants have no rights associated with their current tenancy in the subject premises.

Accordingly, it is

ORDERED, that immediate possession of the premises occupied by GINNA FLOREZ a/k/a GINNA FLORES, REINA ZAXAS, MARIO PEREZ, SULMA ZAXAS, the Flowers family, or any other person, and known as and by street number 154 Yale Street, Hempstead, New York, is hereby awarded to Plaintiff; and it is further

ORDERED, that the Sheriff of the County of Nassau, be and he hereby is ordered, upon receipt of a certified copy of this Order and the payment of his lawful fees and charges, to enter upon the premises hereinafter described and eject therefrom the Defendants and every person holding the same, or any part thereof, under the said Defendant and adversely to the said Plaintiff, and to put the Plaintiff into possession of the said premises, occupied by said Defendants, or persons holding under him and that this Order be executed by the said Sheriff as though it were an execution for the delivery of possession of the said premises.

Said premises being commonly known as: **154 YALE STREET, HEMPSTEAD, COUNTY OF NASSAU, NEW YORK**; and also known as Sec. 34, Block 245, Lot 172, District 1; and more particularly described as follows:

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All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Incorporated Village of Hempstead, Town of Hempstead, County of Nassau and State of New York, bounded and described as follows:

BEGINNING at a point on the southerly side of Yale Street where same is intersected by a line dividing the property of the Merillon Estate and property of Sarah Platnick, formerly of Remsen Farm, said pint being marked by a stone monument and which point is distant 203 feet westerly from the westerly side of Stewart Street;

RUNNING THENCE southerly along the westerly side of property of Sarah Platnick, South 8 degrees 6 minutes East 101.3 feet;

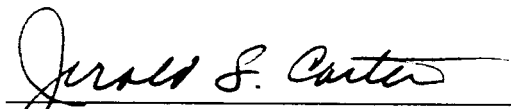
THENCE South 72 degrees 42 minutes West 50.61 feet;

THENCE North and parallel to the first mentioned course, North 8 degrees 6 minutes West 111.42 feet to the southerly side of Yale Street;

THENCE easterly along the southerly side of Yale Street, North 84 degrees 14 minutes East 50 feet to the point or place of BEGINNING.

Dated: Mineola, NY  
April 26, 2001

ENTER,

  
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J.S.C.

**ENTERED**

**MAY 04 2001**

**NASSAU COUNTY  
COUNTY CLERK'S OFFICE**