

At an ^{Part 5} ~~IAS~~ Term of the SUPREME Court of the County of NASSAU held in the County Courthouse in the Village of MINEOLA, New York, on the 17 day of Dec., 2004.

PRESIDING: HON. JOSEPH A. DEMARO
J.S.C.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF NASSAU

WACHOVIA BANK OF DELAWARE NATIONAL
ASSOCIATION F/K/A FIRST UNION
NATIONAL BANK OF DELAWARE F/K/A
FIRST UNION BANK OF DELAWARE
SUCCESSOR BY MERGER TO FIRST UNION
HOME EQUITY BANK, N.A.
c/o Citifinancial Mortgage Company
1111 North Point
Coppell, TX 75019

Plaintiff,

vs.

Index No. 9241/03

ORDER

Mortgaged Premises:

4 West Park Drive
Old Bethpage, NY 11804

JOHN R. FRANK, EVE FRANK, APPLE BANK
FOR SAVINGS ASSET RECOVERY, BIG M
CORP. D/B/A MANDEE, MONOGRAM CREDIT
CARD BANK OF GEORGIA, NEW YORK
STATE DEPARTMENT OF TAXATION AND
FINANCE, PETRO, INC.

JOHN DOE (Said name being fictitious,
it being the intention of plaintiff to
designate any and all occupants of
premises being foreclosed herein.)

Defendants.

Upon reading Plaintiff's Affidavit of Sam Bready, the Vice President of
CITIFINANCIAL MORTGAGE COMPANY, the loan servicer for WACHOVIA BANK OF

DELAWARE NATIONAL ASSOCIATION F/K/A FIRST UNION NATIONAL BANK OF
DELAWARE F//K/A FIRST UNION BANK OF DELAWARE SUCCESSOR BY MERGER
TO FIRST UNION HOME EQUITY BANK, N.A., dated the 19th day of December, 2003,
and upon reading the Summons, Complaint, and Answer submitted by Defendants, JOHN

R. FRANK and EVE FRANK, through their attorneys, ZORNBERG & HIRSCH, ESQS. and

after hearing STEVEN J. BAUM, P.C., Plaintiff's attorney in this action, in support of said

motion, and after ^{receiving} ~~hearing~~ no ~~is~~ opposition thereto, ^{on January 14, 2004} ~~and due deliberation having been~~ ^{had thereon, and upon the short} ~~Form Order of this Court dated~~
February 17, 2004, it is hereby ORDERED that the motion is hereby granted, and it is
ORDERED, that the Answer of Defendants, JOHN R. FRANK and EVE FRANK, be further

and is hereby dismissed and that summary judgment be and is hereby granted in favor of
Plaintiff; and it is further

ORDERED, that the Answer of Defendant, JOHN R. FRANK and EVE FRANK, be
treated as a limited Notice of Appearance, entitling Defendants, JOHN R. FRANK and
EVE FRANK'S attorneys, ZORNBERG & HIRSCH, ESQS., to receive, without prior notice,
copy of Notice of Sale, Notice of Discontinuance and Notice of Surplus Monies; and it is
further

ORDERED, that the Counterclaims of the Defendants, JOHN R. FRANK and EVE
FRANK, as set forth in their Answer, be and are hereby dismissed and denied in their
entirety; and it is further

ORDERED, that "John Doe" be dropped as a party defendant as no tenants reside
at the premises, and that the caption be and hereby is amended to reflect said deletion;
and it is further

ORDERED, that William Maskey Jr of 190 Moneda Blvd

147541, be appointed Referee in this foreclosure action to determine the amount due, and to determine whether or not the premises can be sold in parcels, and the referee complete his report to the Court with all convenient speed.

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ORDERED, that by accepting this appointment the referee certifies that he/she is

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in compliance with Part 36 of the Rules of the chief Judge (22NYCRR Part 36), including, but not limited to, section 36.2(c) ("Disqualifications from appointment"), and section 36.2(d) ("Limitations on appointments based upon compensation").

ENTER:

J. H. DeMars
J.S.C. (AZ)

ENTERED

FEB 18 2004

NASSAU COUNTY
COUNTY CLERK'S OFFICE