

SCAN

SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK

Present:

HON. JOHN P. DUNNE,

Justice

In the Matter of the Assignment of Annuity
Benefits of
PETER POTOCHNIK,

Petitioner(s),

-against-

THE EQUITABLE LIFE INSURANCE SOCIETY
OF THE UNITED STATES and CONTINENTAL
INSURANCE COMPANY,

Respondent(s).

TRIAL/IAS, PART 13
NASSAU COUNTY

MOTION SEQ. No. 1

INDEX No. 15298/01

MOTION SUBMISSION
DATE: 12/3/01

The following papers read on this motion: 3

- Order to Show Cause.....X
- Answering Affidavits.....X
- Replying Affidavits.....X

Upon the foregoing papers, the petitioner's application for an approval and authorization by this Court to sell the remaining part of a structured settlement is decided as follows.

Following the settlement of a claim for injury caused in an automobile accident, the petitioner entered into a structured settlement. Prior to this application, the petitioner sold to J. G. Wentworth S.S.C., LP part of installment #2. As a result, installment #2, in the amount of \$115,000, was reduced to \$59,250, which petitioner now wishes to sell.

The respondent, Continental Insurance Company, has objected to this particular sale

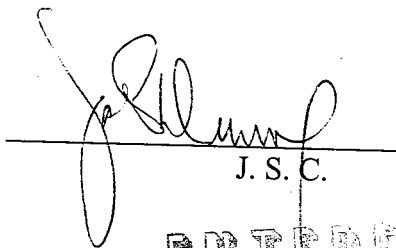
contending it is the owner of said contract and since the petitioner is solely the beneficiary of the annuity contract it is without authorization to modify or alter the contract.

The petitioner contends he is in dire need of this relief to pay certain mortgage arrearages and debts. However, no specific exhibits demonstrate to this Court that an emergency does exist sufficient to warrant an additional sale of future annuity payment.

Accordingly, it is ordered that the petitioner's application is denied with leave to resubmit upon complete papers.

It is, so ordered.

Dated: January 17, 2002


J. S. C.

ENTERED

JAN 23 2002

**NASSAU COUNTY
COUNTY CLERKS OFFICE**