

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU**

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CAPITAL ONE, N.A., as successor-by-merger to
NORTH FORK BANK,

Plaintiff,

-against-

**MICHELE M. WOODARD
J.S.C.
TRIAL/IAS Part 12
Index No.: 18253/10
Motion Seq. No.: 01**

AQUA FORMS ENTERPRISES, INC., MELVIN
SOLOMON, FRED SOLOMON and SYLVIA SOLOMON,

DECISION AND ORDER

Defendants.
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Papers Read on this Motion:

Plaintiff's Order to Show Cause	01
Plaintiff's Summons	XX
Plaintiff's Verified Complaint	XX

**ORDER GRANTING SEIZURE OF COLLATERAL AND DIRECTING THAT
COLLATERAL NOT BE MOVED, TRANSFERRED, SOLD, ENCUMBERED, AND
DIRECTING COLLATERAL TO BE ASSEMBLED FOR PLAINTIFF, AND
AUTHORIZING SHERIFF OR MARSHAL TO BREAK OPEN, ENTER AND
SEARCH FOR SAID COLLATERAL, AND WAIVING BOND**

Capital One, N.A, plaintiff ("Plaintiff"), by its attorneys, Davidoff Malito & Hutcher LLP, having
duly moved by motion ("Motion") dated September 23, 2010 and Order to Show Cause dated
September 24, 2010, for, among other things, an Order pursuant to section 7102 of the Civil Practice
Law and Rules, directing the sheriff or marshal of any county where the following chattels are found,

... (i) All of your personal property and fixtures which you now own or are in existence
or hereafter acquired or created, wherever located, of whatever kind and description,
tangible or intangible, including without limitation, all goods, inventory, equipment,
money, instruments farm products, documents, accounts, chattel paper, contract rights
and general intangibles, as these terms are defined in the uniform Commercial Code

(hereinafter "**Collateral**") to seize the same, and further directing that, if said **Collateral** is not

delivered to the sheriff or marshal, he may break open, enter and search for said **Collateral** at either premises:

Aqua Forms Enterprises Inc
30B Banfi Plaza North
Farmingdale, NY 11735-1528

or

Aqua Forms Enterprises Inc
62 Enter Lane
Islandia, New York 11749-4811;

and said Order to Show Cause having scheduled a hearing on the Motion for October 25, 2010 at 9:30 in the forenoon (the "Hearing"); and said Order to Show Cause directing personal service of the summons and complaint underlying this action, the Order to Show Cause and the motion papers upon which it is based; and Plaintiff having duly filed affidavits of such personal service; and said Motion having come on to be heard before the Court on October 25, 2010 at the Court's [IAS] Part 12, at the Supreme Court of the State of New York, County of Nassau; and there having been no opposition interposed to the Motion; and there having been no appearance by defendants or any of them at the Hearing; and Plaintiff having appeared at said Hearing by its counsel, Davidoff Malito & Hutcher, LLP, by Ralph E. Preite, Esq.; it is

NOW, upon motion of Davidoff Malito & Hutcher LLP, attorneys for Plaintiff,

ORDERED, that the Plaintiff's Motion for an Order of seizure be, and the same hereby is, granted as is more specifically set forth below; and it is further

ORDERED, that pursuant to section 7102 of the Civil Practice Law and Rules, the sheriff or marshal of any county where the following chattels are found:

all of defendant Aqua Forms Enterprises, Inc.'s personal property and fixtures which it now owns or are in existence or hereafter acquired or created, wherever located, of whatever kind and description, tangible or intangible, including without limitation, all goods, inventory, equipment, money, instruments farm products, documents, accounts,

chattel paper, contract rights and general intangibles, as these terms are defined in the Uniform Commercial Code;

(hereinafter "**Collateral**") may seize the same; and it is further

ORDERED that defendant Aqua Forms Enterprises Inc. shall assemble the **Collateral** and make such available to the Plaintiff or to the sheriff or marshal of the county where such is located; and it is further

ORDERED, that, if said **Collateral** is not delivered to the sheriff or marshal of the county where such is located, he may break open, enter and search for said **Collateral** at either:

Aqua Forms Enterprises Inc
30B Banfi Plaza North
Farmingdale, NY 11735-1528

or

Aqua Forms Enterprises Inc
62 Enter Lane
Islandia, New York 11749-4811.

ORDERED, that the aforesaid **Collateral** shall not be transferred, sold, pledged, assigned, or otherwise disposed of, nor shall the same be permitted to become subject to a security interest or lien of any third party; and it is further

ORDERED, that the requirement for an undertaking under Section 7102(e) of the Civil Practice Law and Rules be, and the same hereby is, waived.

This constitutes the Decision and Order of the Court.

DATED: November 10, 2010
Mineola, N.Y. 11501

ENTER:



HON. MICHELE M. WOODARD

J.S.C.

ENTERED

NOV 19 2010

NASSAU COUNTY
COUNTY CLERK'S OFFICE