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SHORT FORM ORDER

INDEX NO.28951-2008

SUPREME COURT - STATE OF NEW YORK
I.A.S. PART XIII SUFFOLK COUNTY

PRESENT:
HON. MELVYN TANENBAUM
Justice

MOTION #002 ADJ 1-18-11
R/D:_____
S/D:_____

US BANK, N.A.,

Plaintiff,

-against-

JOHN LUKE JR. ET AL.,

Defendants.

PLTF'S/PET'S ATTY:
SHAPIRO, DICARO & BARAK, LLC
250 Mile Crossing Blvd., Suite One
Rochester, NY 14624

DEFT'S/RESP'S ATTY:
JOHN LUKE JR.
244 South Bayview Avenue
Amityville, NY 11701

Upon the following papers numbered 1 to ___read on this motion for an order pursuant to RPAPL Sec.1321 _____Notice of Motion/Order to Show Cause and supporting papers____; Notice of Cross Motion and supporting papers _____Answering Affidavits and supporting papers _____Replying Affidavits and supporting papers _____ Other _____; ~~(and after hearing counsel in support and opposed to the motion)~~ it is,

This Court has repeatedly directed plaintiff's counsel to submit proposed orders of reference and judgments of foreclosure in proper form and counsel has failed to do so. The Court provided counsel's office directly with copies of orders and judgments which would satisfy the requirements and counsel has responded by submitting improper and inadequate submissions. Accordingly it is

ORDERED that plaintiff's application for a Judgment of Foreclosure and Sale is adjourned until January 18, 2011. On or before this date plaintiff's counsel is directed to submit: 1) an affirmation in compliance with the Order of the Chief Judge dated October 20, 2010; 2)an affidavit or affirmation from plaintiff "US BANK's" counsel certifying that all prior submissions were accurate and correct in the underlying mortgage foreclosure action; 3) an affidavit or affirmation from plaintiff's attorneys of record, SHAPIRO, DICARO & BARAK certifying that the proposed judgment submitted by counsel conforms to the Court's requirements; and 4) a proposed judgment of foreclosure and sale in proper form, and it is further

ORDERED that upon failure of counsel to comply with this Order this action shall be marked off the active calendar by the Clerk of the Court.

Dated: November 3, 2010

MELVYN TANENBAUM
J.S.C.