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SHORT FORM ORDER

INDEX NO.30402-2009

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:_____

BAC HOME LOANS SERVICING, LP,

Plaintiff,

-against-

MAXIMO MARTINEZ ET AL.,

Defendants.

PLTF'S/PET'S ATTY:
BERKMAN, HENOCH, PETERSON
100 Garden City Plaza
Garden City, NY 11530

DEFT'S/RESP'S ATTY:
MAXIMO MARTINEZ
1547 A Baldwin Blvd.
Bay Shore, NY 11706

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,

ORDERED that plaintiff's application for an Order of Reference 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 "BAC HOME LOANS SERVICING'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, BERKMAN HENOCH PETERSON PEDDY & FENCHEL certifying that the proposed order submitted by counsel conforms to the Court's requirements; and 4) a proposed order of reference 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 1, 2010

MELVYN TANENBAUM
_____
J.S.C.