

COPY

SHORT FORM ORDER

INDEX NO.40806-2008

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

PRESENT:
HON. MELVYN TANENBAUM
Justice

MOTION #004 **ADJ 1-18-11**
R/D: _____
S/D: _____

INDYMAC FEDERAL BANK, FSB,

Plaintiff,

-against-

KENNETH MAXWELL ET AL.,

Defendants.

PLTF'S/PET'S ATTY:
FEIN, SUCH & CRANE
747 Chestnut Ridge Road, Suite 200
Chestnut Ridge, NY 10977

DEFT'S/RESP'S ATTY:
KENNETH MAXWELL
80 Woodview Lane
Centereach, NY 11720

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 continuously 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 "INDYMAC FEDERAL 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, FEIN, SUCH & CRANE 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.

MELVYN TANENBAUM

Dated: November 3, 2010

J.S.C.