

COPY

**SUPREME COURT - STATE OF NEW YORK
I.A.S. TERM, PART XXIV - SUFFOLK COUNTY**

PRESENT:

Hon. PETER FOX COHALAN

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HSBC BANK, USA, NATIONAL
ASSOCIATION AS TRUSTEE FOR THE MLMI
TRUST SERIES 2005-WMC1,

Plaintiff(s),

CALENDAR DATE: July 22, 2010
MNEMONIC: MD

PLTF'S/PET'S ATTORNEY:
Steven J. Baum, P.C.
220 Northpointe Parkway, Suite G
Amherst, NY 14228

-against-

DEFT'S/RESP ATTORNEY:

TIMOTHY E. STOVER, BENEFICIAL
HOMEOWNER SERVICE CORPORATION,
CITIBANK SOUTH DAKOTA NA, CLERK OF
SUFFOLK COUNTY DISTRICT COURT,
TOWN SUPERVISOR TOWN OF
BROOKHAVEN,

Defendant(s).

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Upon the following papers numbered 1 to ____ read on this motion _____;
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 of and opposed to the motion) it is,

ORDERED that this motion by the plaintiff for summary judgment and appointment of a
referee in this mortgage foreclosure action is hereby denied and declared moot as the motion was
abandoned for failure to provide an order or judgment within sixty (60) days as called for pursuant
to Uniform Rules Sec. 202.48(b). See, 22 NYCRR Sec. 202.48.

Dated: **January 11, 2011**



J.S.C.