

COPY

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MOT. SEQ. # 004

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

PRESENT:

Hon. PETER FOX COHALAN

-----x
HSBC Bank USA, N.A. as Indenture Trustee for the
registered Noteholders of Renaissance Home Equity
Loan Trust 2007-2,

Plaintiff(s),

-against-

Michael J. Souza and Theresa Souza, if they be living
and/or if they be dead, their spouses, heirs, devisees,
distributes and successors in interest, all of whom and
whose names and places of residence are unknown to
plaintiff; State of new York,

Defendant(s).
-----x

CALENDAR DATE: January 12, 2011
MNEMONIC: MD

PLTF'S/PET'S ATTORNEY:
Shapiro, Dicaro & Barak, LLC.
250 Mile Crossing Boulevard, Suite One
Rochester, NY 14624

DEFT'S/RESP ATTORNEY:
Patricia Dempsey, Esq.
737 Roanoke Avenue
Riverhead, NY 11901

The State Of New York
200 Old Country Road
Mineola, NY 11501

ORDERED that this motion for judgment of foreclosure and sale in this mortgage
foreclosure action is denied without prejudice to renew upon the presentation of proper papers.

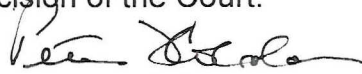
Pursuant to an Administrative Order of the Chief Judge, dated October 20, 2010,
all residential mortgage foreclosure actions require an affirmation from the attorney representing
the plaintiff/lender/bank, as stated in the affirmation attached to this order, that he/she has
inspected all documents.

The plaintiff is also directed on any future application to provide a copy of this
Court's order, the prior application/motion papers and an updated affidavit of regularity/merit
from the plaintiff/lender/bank's representative that he/she has reviewed the file in this case and
that he/she documents that all paperwork is correct. The plaintiff/lender/bank's representative
shall also provide in said affidavit of regularity her/his position, length of service, training,
educational background and a listing of the documents and financial records reviewed
substantiating the review of the amounts owed. The affidavit should also include that she/he
has personally reviewed both the mortgage and the note and any assignments for accuracy.

The plaintiff bears the burden of proof in a summary judgment proceeding and
judgment will only be awarded when all doubt is removed as to the existence of any triable issue
of fact. Under the present circumstances, where there have been numerous instances alleged
as to "robo" signing of documents and a failure to attest to the accuracy of documents in
mortgage foreclosure proceedings, the plaintiff must prove its entitlement to foreclose on a
mortgage as a matter of law by establishing the regularity and accuracy of the financial
documentary evidence submitted and the Court will be scrutinizing all documents for accuracy.

The foregoing constitutes the decision of the Court.

Dated: January 13, 2011



J.S.C.

