

SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK

Present: HONORABLE KENNETH A. DAVIS

Justice

TRIAL/IAS, PART 7
NASSAU COUNTY

THE CHASE MANHATTAN BANK, N.A.,

Plaintiff,

-against-

MARSHALL LELCHUK; JOAN LELCHUK; TJB
EQUITIES, INC.; QUALITY PROTECTION
SERVICES d/b/a ALARMING SAFE & SOUND;
GLASS AND SCHIECHEL; TEMPLE BETH-EL;
AMERICAN EXPRESS TRAVEL RELATED SERVICE
CO. INC.; UNITED STATES OF AMERICA -
INTERNAL REVENUE SERVICES; NEW YORK
STATE DEPARTMENT OF TAXATION & FINANCE,

Defendants.

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MOTION SUBMISSION
DATE: 11/22/04

MOTION SEQ. #3

The following papers read on this motion:

Notice of Motion/ Order to Show Cause.....	X
Answering Affidavits.....	X
Replying Affidavits.....	
Briefs: Plaintiff's/Petitioner's.....	
Defendant's/Respondent's.....	

Upon the foregoing papers, defendants Marshall Lelchuk and Joan Lelchuk's motion for an order staying the foreclosure sale to enable the defendant to satisfy the judgment by selling the premises pursuant to RPAPL § 1352 and CPLR § 2201 is denied.

The instant motion seeks to stay the scheduled foreclosure sale of the premises located at 32 Amherst Road in Great Neck, New York. The foreclosure sale was previously noticed and were subsequently stayed by this Court following applications made by the defendants. The previous stays were based upon the filing of a bankruptcy proceeding by the defendants. Now defendants claim that they have a buyer who is ready and willing to close on the property. Said contract was signed in February of 2004 and a letter of intent to continue with the sale from the buyer was sent on November 15, 2004. To date, this property has not been sold.

The Court finds that the defendants have failed to meet their burden to warrant this Court staying the sale of the property. It

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is hereby ordered that the sale of this property sale be re-noticed
by the plaintiff forthwith.

This constitutes the decision and order of the Court.

Dated: JAN 18 2005



HON. KENNETH A. DAVIS

J.S.C.

ENTERED

JAN 20 2005

NASSAU COUNTY
COUNTY CLERK'S OFFICE