

SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK

Present:

HON. GEOFFREY J. O'CONNELL

Justice

TRIAL/IAS, PART 11
NASSAU COUNTY

MANUFACTURERS AND TRADERS TRUST
COMPANY,

Plaintiff(s),

INDEX No. 9036/01

-against-

MOTION DATE: 8/28/01

THOMAS AMATO; CAMILLE AMATO; UNITED
STATES OF AMERICAN, BY THE ADMINISTRATOR
OF THE SMALL BUSINESS ADMINISTRATION;
PENN YAN MARINE MANUFACTURING CORP.;
CAMILLE PROPERTIES, INC.; GENERAL
UTILITIES CORP.; JANIS PARAZZELLI;
and JOHN DOE,

Defendant(s).

MOTION SEQ. No. 1

The following papers read on this motion:

Notice of Motion/Affirmation/Affidavit/Exhibits

Plaintiff moves this Court for an Order granting Summary Judgment pursuant to CPLR § 3212 in this action for foreclosure. There is no opposition.

Plaintiff sets forth evidence establishing its prima facie case. Defendants THOMAS and CAMILLE AMATO, PENN YAN MANUFACTURING and CAMILLE PROPERTIES appeared, and interposed an Answer in this action. The Answer contains general denials and alleges in conclusory terms, affirmative defenses and counterclaims. In response to this motion, defendants offer no evidence or proof supporting these contentions.

Manufacturers and Traders Trust Co. v. Amato, et al.

Based on the evidence presented the Court finds that there are no triable issues of fact in dispute. Accordingly, the Court grants plaintiff's motion for summary judgment, CPLR § 3212, *First National Bank of Highland v. J & J Milano, Inc.*, 160 A.D.2d 670 (2nd Dept. 1990).

Further, the Court grants plaintiffs application to appoint a referee to compute the sums owed.

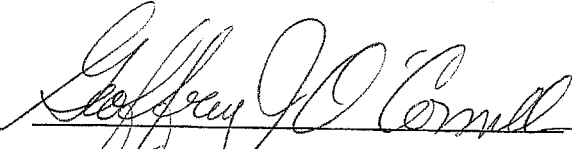
Leonard Sperber, Esq.
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is hereby appointed referee to ascertain and compute the total sums due to the plaintiff on the note and mortgage and to examine whether the mortgaged premises can be sold in one or more parcels.

It is, SO ORDERED.

Dated:

Sept 27, 2001


HON. GEOFFREY J. O'CONNELL, J.S.C.

ENTERED

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**NASSAU COUNTY
COUNTY CLERK'S OFFICE**