

At Part ____ of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, at Civic Center, Brooklyn, New York, on the ____ day of _____, 2010

PRESENT: HON. _____,
Justice

-----X

ORDER OF REFERENCE

_____, Plaintiff(s)

- against -

Index Number:

Foreclosure of:
(Property address)
(Block & Lot)

_____, Defendant(s)

-----X

UPON review of the Notice of Motion dated _____, the Summons, Verified Complaint and Notice of Pendency filed in this action on _____, annexed thereto, and upon the Affirmation of _____ of (name of firm) _____, counsel for plaintiff, dated _____, from which it appears that this action was brought to foreclose a certain mortgage on real property situated in the County of Kings, State of New York, at _____ (address) _____ (Section ____ Block ____ Lot ____) by reason of certain defaults as alleged in the Complaint, and upon the Affidavit of _____, who is (nature of authority) _____ sworn to _____, and it further appearing that all of the Defendants have been duly served with a copy of the Summons and Complaint or have appeared herein, copies of such affidavits of service being annexed to the motion as Exhibit

_____ [except the Defendants "JOHN DOE #1 through JOHN DOE #10" who were not served copies of the Summons and Complaint and are not necessary parties to this action,]and no answer has been interposed by the Defendants though the time so to do has expired; and it appearing that none of the Defendant[s] is an infant, incompetent or absentee, or in the military, and that since the filing of the Notice of Pendency of this action on _____, the complaint has not been amended in any manner whatsoever; on the pleadings and papers heretofore filed herein and no one appearing in opposition hereto,

NOW, on the motion of _____, attorneys of record for the Plaintiff, it is

ORDERED, that the motion is granted; and it is further

ORDERED, that this action be, and the same is hereby referred to _____, having an office at _____, telephone number _____, as Referee to ascertain and compute the amount due to the Plaintiff herein for principal, interest, and other disbursements advanced as provided for by statute and in the Note and Mortgage upon which this action was brought, to examine and report whether or not the mortgaged premises should be sold in parcels, and that the Referee make his/her report no later than sixty (60) days of the date of this order and that, except for good cause shown, the Plaintiff shall move for judgment no later than sixty (60) days of the date of the Referee's report; and it is further

ORDERED, that upon submission of the Referee's Report, Plaintiff shall pay \$250.00 to the Referee as compensation for his/her services, which sum may be recouped as a cost of litigation.

ORDERED that the Referee appointed herein is subject to the requirements of Rule 36.2 (c) of the Chief Judge, and if the Referee is disqualified from receiving an appointment pursuant to the provision of that Rule, the Referee shall notify the Appointing Judge forthwith; and it is

further

ORDERED, that by accepting this appointment the Referee certifies that he/she is in compliance with Part 36 of the Rules of the Chief Judge (22 NYCRR Part 36), including but not limited to, Section 36.2(e) (“Disqualifications from appointment”), and Section 36.2(d) (“Limitations on appointments based upon compensation”); and it is further

ORDERED, that a default judgment in favor of the Plaintiff be granted as to the claim described in the Plaintiff’s Complaint herein; and it is further

ORDERED, that the caption of this action be amended by striking therefrom the remaining Defendants sued herein as “John Doe #1” to “John Doe #10, all without prejudice to the proceedings heretofore had herein; and it is further

ORDERED, that the caption of this action as amended, shall read as follows:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

, Plaintiff,

Index No. _____

-against-

, Defendant(s).

and it is further

ORDERED, that a copy of this Order with Notice of Entry shall be served upon the designated Referee, the owner of the equity of redemption, any tenants named in this action and any other party entitled to notice within twenty (20) days of entry and no less than thirty (30) days prior to any hearing before the Referee. The Referee shall not proceed to take evidence as provided herein without proof of such service, which proof must accompany any application for Final Judgment of Foreclosure and Sale.

ENTER.

J.S.C