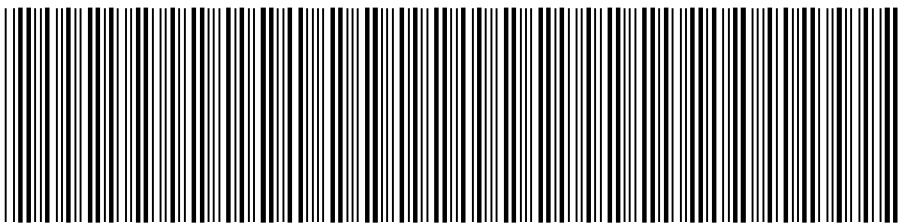


**NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER**

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RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 6

Document ID: 2011040600409001

Document Date: 02-07-2011

Preparation Date: 04-06-2011

Document Type: COURT ORDER

Document Page Count: 4

PRESENTER:

JACKIE HALPERN WEINSTEIN, ESQ.
ADAM LEITMAN BAILEY, P.C.
120 BROADWAY, 17TH FLOOR
NEW YORK, NY 10271
212-825-0365
jweinstein@alblawfirm.com

RETURN TO:

JACKIE HALPERN WEINSTEIN, ESQ.
ADAM LEITMAN BAILEY, P.C.
120 BROADWAY, 17TH FLOOR
NEW YORK, NY 10271
212-825-0365
jweinstein@alblawfirm.com

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BRONX	2842	23	Entire Lot	41-45 ELLIOT PLACE
Property Type: APARTMENT BUILDING				

CROSS REFERENCE DATA

CRFN: 2006000654960

x Additional Cross References on Continuation Page

PARTIES

PARTY 1/GRANTOR:

JP MORGAN CHASE BANK, NA
C/O ALB, P.C., ATTN: JACKIE WEINSTEIN, ESQ., 120
BROADWAY, 17TH FLOOR
NEW YORK, NY 10271

x Additional Parties Listed on Continuation Page

PARTY 2/GRANTEE:

SANTA BAEZ
C/O MICHAEL T. SUCHER, ESQ., 26 COURT STREET,
SUITE 2412
BROOKLYN, NY 11242

FEES AND TAXES

Mortgage		Filing Fee:	
Mortgage Amount:	\$ 0.00	\$	0.00
Taxable Mortgage Amount:	\$ 0.00	NYC Real Property Transfer Tax:	\$ 0.00
Exemption:		NYS Real Estate Transfer Tax:	\$ 0.00
TAXES: County (Basic):	\$ 0.00		
City (Additional):	\$ 0.00		
Spec (Additional):	\$ 0.00		
TASF:	\$ 0.00		
MTA:	\$ 0.00		
NYCTA:	\$ 0.00		
Additional MRT:	\$ 0.00		
TOTAL:	\$ 0.00		
Recording Fee:	\$ 57.00		
Affidavit Fee:	\$ 0.00		

**RECORDED OR FILED IN THE OFFICE
OF THE CITY REGISTER OF THE
CITY OF NEW YORK**

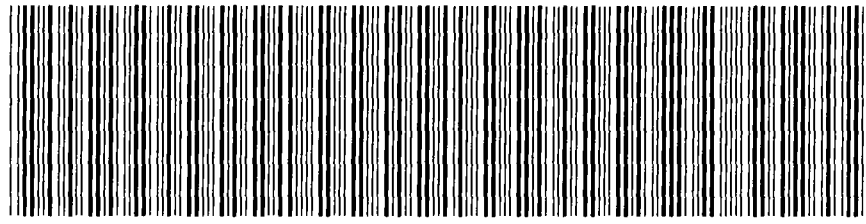
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City Register File No.(CRFN):
2011000129118



Annette McMill

City Register Official Signature

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



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RECORDING AND ENDORSEMENT COVER PAGE (CONTINUATION) PAGE 2 OF 6

Document ID: 2011040600409001

Document Date: 02-07-2011

Preparation Date: 04-06-2011

Document Type: COURT ORDER

CROSS REFERENCE DATA

CRFN: 2006000654961

CRFN: 2006000654962

CRFN: 2006000654963

CRFN: 2008000398728

PARTIES

PARTY 2/GRANTEE:

ENDE ASSOCIATES, LLC
C/O FRANCIS M. DECARO, ESQ., 881 GERARD
AVENUE, SUITE 200
BRONX, NY 10452

PARTY 2/GRANTEE:

ENDE REALTY CORP. A/K/A ENDE REALTY
COMPANY, LLC
C/O FRANCIS M. DECARO, ESQ., 881 GERARD
AVENUE, SUITE 200
BRONX, NY 10452

313111

NEW YORK SUPREME COURT - COUNTY OF BRONX

PM

PART 1

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX:

Case Disposed	<input type="checkbox"/>
Settle Order	<input type="checkbox"/>
Schedule Appearance	<input type="checkbox"/>

SANTA BAEZ X

Index No. 380934/07

-against-

Hon. JUDGE GEOFFREY D. WRIGHT

Justice.

EMDF REALTY COMPANY LLC,
and EMDF Realty Corp. X

Amended

The following papers numbered 1 to _____ Read on this motion.
Noticed on _____ and duly submitted as No. _____ on the Motion Calendar of _____

	PAPERS NUMBERED	
Notice of Motion - Order to Show Cause - Exhibits and Affidavits Amended		
Answering Affidavit and Exhibits		
Replying Affidavit and Exhibits		
_____ Affidavits and Exhibits		
Pleadings - Exhibit		
Stipulation(s) - Referee's Report - Minutes		
Filed Papers		
Memoranda of Law		

Upon the foregoing papers this motion is decided in accordance
with the annexed written decision.

Motion is Respectfully Referred to:
 Justice: _____
 Dated: _____

Dated: 2 17 2011

Hon. *G*
GEOFFREY D. WRIGHT
AJSC

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX: Part 1

-----X
SANTA BAEZ,

Plaintiff(s),

-against-

ENDE REALTY COMPANY, LLC,
and ENDE REALTY CORP.,

Defendant(s).
-----X

Index #380934/07
Motion Cal. #
Motion Seq. # *Amended*
DECISION/ORDER
Present:
Hon. Geoffrey Wright
Judge, Supreme Court

Recitation, as required by CPLR 2219(a), of the papers considered in the review of this Motion to: vacate judgment and permit Chase Bank to intervene

PAPERS	NUMBERED
Notice of Motion, Affidavits & Exhibits Annexed	1
Order to Show Cause, Affidavits & Exhibits	
Answering Affidavits & Exhibits Annex	2
Replying Affidavits & Exhibits Annexed	
Other (supporting affirmation of Ende) & Exhibits Annexed	3

Upon the foregoing cited papers, the Decision/Order on this Motion is as follows:

Chase Bank moves to vacate the judgment in this matter, and permit Chase Bank to intervene. The Plaintiff obtained a default judgment against the Ende defendants, which own a certain a parcel of real estate located at 41-45 Elliott Place, in the Bronx. Chase is the current owner of a mortgage on the premises. Baez, seeking to enforce her judgment, is seeking to have the property sold. Chase moves to intervene on the ground that purchased a security interest in the property prior to the judgment that was awarded to Bacz, and should have been made a party to this action.

It appears from the papers submitted to me, and from oral argument, that the efforts by Ende to fight the Plaintiff's judgment have proved unavailing, that a major portion of the Plaintiff's judgment has been paid, leaving the relatively minor balance of \$15,000.00. During the course of the making of this motion, the Plaintiff has been stayed from going forward with enforcing her judgment.

After oral argument, and a review of the affirmations and exhibits, the motion of

Chase is granted to the extent of declaring its interest in the property to be superior of that of the Plaintiff, and directing the Plaintiff, in the event of a sale in the enforcing of her judgment, to first pay Chase the amount due on its mortgage, should be proceeds be sufficient, before satisfying her own judgment. Chase is deemed a party to this action for the sole purpose of being accounted for at the foreclosure sale of the property. All stays, as well as my decision of November 29, 2010, are hereby vacated. This constitutes the decision and order of the court.

Dated: February 7, 2011

GEOFFREY D. KELLY, J.C.

STATE OF NEW YORK, COUNTY OF BRONX,
Sgt. LUIS M. DIAZ, COUNTY CLERK AND
CLERK OF THE COUNTY OF BRONX,
COUNTY, DO HEREBY CERTIFY UN

2011 APR -6 A 11:59

THAT I HAVE COMPARED THIS COPY
WITH THE ORIGINAL FILED IN MY OFFICE ON

April 14, 2011
AND THAT THE SAME IS A CORRECT

TRAINED BY THE CLERK OF THE
WHOLE OF BRONX COUNTY, NEW YORK,
WHEREBY THE CLERK OF THE
HANDS OF THE CLERK OF THE

008056

CLERK OF THE COUNTY OF BRONX
FACSIMILE SIGNATURE
2011 APR 14 11:59 AM

SEAL

PART /

SUPREME COURT OF THE STATE OF NEW YORK
 COUNTY OF BRONX:

Case Disposed	<input type="checkbox"/>
Settle Order	<input type="checkbox"/>
Schedule Appearance	<input type="checkbox"/>

Baez, Santa
 -against-
 Ende Realty Corp.

Index No. 380934/07

Hon. Geoffrey D. Wright
 Justice.

The following papers numbered 1 to _____ Read on this motion,
 Noticed on _____ and duly submitted as No. _____ on the Motion Calendar of _____

	PAPERS NUMBERED	
Notice of Motion - Order to Show Cause - Exhibits and Affidavits Annexed	1	
Answering Affidavit and Exhibits		
Replying Affidavit and Exhibits		
_____ Affidavits and Exhibits		
Pleadings - Exhibit		
Stipulation(s) - Referee's Report - Minutes		
Filed Papers		
Memoranda of Law		

Upon the foregoing papers this motion is granted in its entirety: (a) granting a preliminary injunction in favor of JP MORGAN CHASE enjoining restraining & staying Defendants Ende Realty Corp. & Ende Assoc. LLC from further encumbering, conveying, transferring or disposing of any interest in the premises known as and located at 41-45 Elton Place, Bronx, NY Block 2842, Lot 23; (b) granting JP MORGAN CHASE intervention in this action as of right; (c) validating the judgment, entered in this action on 8.20.2008, which declared the deed dated 11.17.06 null & void; (d) declaring that the consolidated mortgage given by ENDE ASSOC. LLC on 11.17.2006 in the amount of \$2,310,000 is a valid lien secured by the premises (Block 2842, Lot 23), which lien takes priority over any & all subsequent liens &/or attachments. It is further ordered that the county clerk is directed to record a certified copy of this decision & order in the public record upon Block 2842, Lot 23, and that the clerk of the court is to amend the caption accordingly.

Motion is Respectfully Referred to:

Justice:

Dated:

Dated: 11/29/10

Geoffrey D. Wright
 GEOFFREY D. WRIGHT

AJSC

Hon. _____

J.S.C.