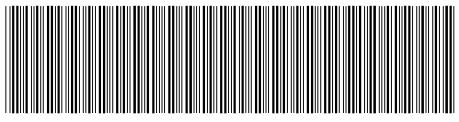
#### NYC DEPARTMENT OF FINANCE OFFICE OF THE CITY REGISTER

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### RECORDING AND ENDORSEMENT COVER PAGE Document Date: 02-07-2011

PAGE 1 OF 6 Preparation Date: 04-06-2011

Document ID: 2011040600409001

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 41-45 ELLIOT PLACE Entire Lot

**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	<b>TAXES</b>

		·- ·
Mortgage	1	
Mortgage Amount:	\$	0.00
Taxable Mortgage Amount:	\$	0.00
Exemption:		
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
<u> </u>		

Filing Fee: 0.00 NYC Real Property Transfer Tax: 0.00

NYS Real Estate Transfer Tax:

\$ 0.00

RECORDED OR FILED IN THE OFFICE OF THE CITY REGISTER OF THE

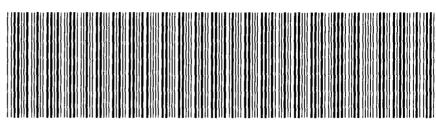
CITY OF NEW YORK Recorded/Filed 04-08-2011 15:44

City Register File No.(CRFN):

2011000129118

City Register Official Signature

# NYC DEPARTMENT OF FINANCE OFFICE OF THE CITY REGISTER



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## RECORDING AND ENDORSEMENT COVER PAGE (CONTINUATION)

Document ID: 2011040600409001

Document Date: 02-07-2011 Document Type: COURT ORDER

Preparation Date: 04-06-2011

PAGE 2 OF 6

**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

	NEW YORK SUPREME	COURT - COU	NTY OF BI	E.ONX	7	יויכוני
SUPREME (	COURT OF THE STATE OF 1 OF BRONX:			,	Case Dispo Settle Order Schedule A	7
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•	-against-  Re ATTY COM BANK  E Nov. Read  Read  and duly submitted a	on this motion.		en dec	`	
						13/0/12/10
William .	otion - Order to Show Course - Exhibit	a and Affidavita Assa	med			
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Pleadings - E						
Stipulation(s	) - Referee's Report - Misutes	***************************************	<del></del>			
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Dated: 2	17 2011	Нол.		6		

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COUNTY OF BRONX: Part 1	_
SANTA BAEZ,	Index #380934/07
Plaintiff(s),	Motion Cal. # Motion Seq. # A Mended  DECISION/ORDER
-against-	Present:
ENDE REALTY COMPANY, LLC, and ENDE REALTY CORP.,	Hon. Geoffrey Wright Judge, Supreme Court
Defendant(s).	v
***************************************	A

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

STATE OF NEW YORK, COUNTY OF BRONX, SS 1, LUIG M, DIAZ, COUNTY OF FOR AND CLEEK OF COUNTY, DO HEREBY CERTIFY UN

2011 APR -6 A 11: 59

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TRANSCRIPT TOTAL OF MAD CERTIFY
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SEAL

Index No. 380 734/67  Hon. Geoffey J. Wight  EN all Realty (Off.  EN all Realty (Off.  X  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 Americal  Answering Affidavit and Exhibits  Replying Affidavit and Exhibits  Pleadings - Exhibits  Affidavits and Exhibits  Pleadings - Exhibits  Stipulation(s) - Referres Report - Minutes  Filed Papers  Memoranda of Law  Upon the foregoing papers this motion is a giranteed in its entirety: (a) are entirely  (Istraming & Storying Obtandams for the least (up) & bender asyct. all from  further entirement, involving transferring or disposing of any interest  in the premises known as and its asset as 41-45 either place, Boths, and  further asyctic transferring of processor of any interest  in the premises known as and its asset as 41-45 either place, Boths, and  further asyctic transferring of processor of any interest  in the premises known as and its asset as 41-45 either place, Boths, and  getting as 30 to 100 to	SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF BRONX:	Case Disposed Settle Order Schedule App	۵
Notice of Motion - Order to Show Cause - Exhibits and Affidavits Annexed  Answering Affidavit and Exhibits  Replying Affidavit and Exhibits  Affidavits and Exhibits  Affidavits and Exhibits  Pleadings - Exhibit  Stipulation(s) - Refere's Report - Minutes  Filed Papers  Memoranda of Law  Upon the foregoing papers this motion is granted in its entirety; (a) granting a proliminary impricance in favorable (Rath, large, Early Affidavit, and in the correct of the Moderan CHASE enjohning in the granteness in the processing of any interest in the promises known as and in a seed at 41-45 (EHDT Place, BODX, AY BODK, ASM 2-1, Lot 33; (b) granting if American CHASE interesting in the processing of any interest in the promises known as and in a seed at 41-45 (EHDT Place, BODX, AY BODK, ASM 3-1, Lot 33; (b) granting if American CHASE interesting in this action as of right; (i) electrons the judgment, entered in this action as of right; (i) electrons the judgment, entered in this action as of right; (i) electrons the judgment, entered in this action in the frame of the direct dated line. Our only all line is accurated the file of the control of the control of the control of the file of the control of the control of the file of the control of the control of the file of the control of the control of the file of the file of the control of the file of the file of the control of the file of the	Baez Santa Index No 3 -against- Hon. Geof  Ende Realty Colf.	1	V
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Affidavis and Exhibits  Pleadings - Exhibit  Stipulation(s) - Referee's Report - Minutes  Filed Papers  Memoranda of Law  Upon the foregoing papers this motion is a noted in its entirety: (a) ar anting a preliminary injunction in fault ref. 19 More fault that enjuring a festivating injunction in fault ref. 19 More fault that enjuring instead literty (up. t. Ende Astoc. all from further enlumbering lettendants and leasted that files fither place, Bonz, by brock abythat this known as and leasted at 41-45 fither place, Bonz, by brock abythat the french as and leasted at 41-45 fither place, Bonz, by brock abythat the premises known as and leasted at 41-45 fither place, Bonz, by brock abythat has interved in this action on 9. 10. 2008, which declared the deld dated line. Our null be wild for televal in the sound file of the deld dated line. Our null be wild for any till in the provide in the amount of file to follow in a valuable with the femilies (glock 2842, cot 23), which lien takes provide action any tall subsequent liens blue attendments. It is further ordered which the liamity clerk is directed to record a certified (applied that the liamity clerk is directed to record a certified (applied that the liamity clerk is directed to record a certified (applied that the liamity clerk is directed to record a certified (applied that the liamity clerk is directed to record a certified (applied that the liamity clerk is directed to record a certified (applied that the liamity clerk is directed to record a certified (applied that the liamity clerk is directed to record a certified (applied that the liamity clerk is directed to record a certified (applied that the liamity clerk is directed to record a certified (applied that the liamity clerk is directed to record a certified (applied that the liamity clerk is directed to record a certified (applied that the liamity clerk is directed to record a certified (applied that the liamity clerk is directed to record a certified (applied that the liamity clerk is directed to record	Answering Affidavit and Exhibits		
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