

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No.: 260269/2014

NYCTL 1998-2 TRUST and THE BANK OF NEW YORK
MELLON as Collateral Agent and Custodian,

Plaintiff,

-against-

ALANIS REALTY LLC, CITY OF NEW YORK
ENVIRONMENTAL CONTROL BOARD, CITY OF NEW
YORK DEPARTMENT OF HOUSING, PRESERVATION, &
DEVELOPMENT,

Defendants.

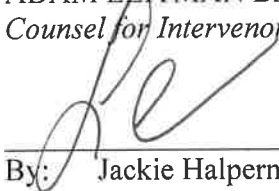
NOTICE OF ENTRY

SIRS/MESDAMES:

PLEASE TAKE NOTICE that annexed hereto is a true copy of the **DECISION AND ORDER** of the Honorable Ben R. Barbato, J.S.C. dated September 26, 2018 and entered in the Office of the County Clerk, Bronx County on October 4, 2018.

Dated: New York, NY
October 4, 2018

ADAM LEITMAN BAILEY, P.C.
Counsel for Intervenor 598 Eagle Avenue LLC


By: Jackie Halpern Weinstein, Esq.
One Battery Park Plaza, 18th Floor
New York, New York 10004
JWeinstein@alblawfirm.com

TO: Thomas P. Malone, Esq.
The Law Office of Thomas P. Malone, PLLC
Counsel for Plaintiff
60 East 42nd Street, Suite 553
New York, New York 10165

Joseph A. Altman, Esq.
Joseph A. Altman P.C.
Counsel for Defendant Alanis Realty LLC
951 Bruckner Blvd., Floor 1
Bronx, NY 10459

C

NYCTL 1998-2 TRUST

Index No. 260269/2014

-against-

Hon. HON. BEN R. BARBATO

ALANIS REALTY LLC

Justice Supreme Court

The following papers numbered 1 to _____ were read on this motion (Seq. No. 002)
 for STAY noticed on _____.

Notice of Motion - Order to Show Cause - Exhibits and Affidavits Annexed	No(s).	1
Answering Affidavit and Exhibits	No(s).	2, 3
Replying Affidavit and Exhibits	No(s).	4

Motion is Respectfully Referred to Justice:

Dated:

Upon the foregoing papers, it is ordered that this motion ~~is~~ by defendant Alanis Realty LLC to void the sale of the subject property designated on the Tax map for Bronx County as Block 2623 Lot 21 (the Property) and to vacate the default judgment is denied. Defendant Alanis Realty LLC has failed to demonstrate a reasonable excuse for its prolonged default and failure to act, or a meritorious defense to the underlying tax lien foreclosure. Alanis Realty LLC was properly served with the summons and complaint and notice of pendency in this action by personal delivery to the office of the Secretary of State, since under Limited Liability Company Law § 303(a), "service of process on such limited liability company shall be complete when the secretary of state is so served." Accordingly, defendant Alanis Realty LLC's motion is denied in its entirety.

The cross motion, ^{to intervene} by proposed intervenor defendant 598 Eagle Avenue LLC, the current owner of the real property that is the subject property, having been the winning high bidder at the auction and sale of the property on May 21, 2018, is denied as moot. This constitutes the decision and order of the Court.

Dated: 9/26/18

Hon. *Ben R. Barbato*

HON. BEN R. BARBATO

J.S.C.

1. CHECK ONE..... CASE DISPOSED IN ITS ENTIRETY CASE STILL ACTIVE
2. MOTION IS..... GRANTED DENIED GRANTED IN PART OTHER
3. CHECK IF APPROPRIATE..... SETTLE ORDER SUBMIT ORDER SCHEDULE APPEARANCE
- FIDUCIARY APPOINTMENT REFEREE APPOINTMENT

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No.: 260269/2014

NYCTL 1998-2 TRUST and THE BANK OF NEW YORK
MELLON as Collateral Agent and Custodian,

Plaintiff,

-against-

ALANIS REALTY LLC, CITY OF NEW YORK
ENVIRONMENTAL CONTROL BOARD, CITY OF NEW
YORK DEPARTMENT OF HOUSING, PRESERVATION, &
DEVELOPMENT,

Defendants.

**AFFIDAVIT OF
SERVICE**

STATE OF NEW YORK)
):ss
COUNTY OF NEW YORK)

MARIA FERRUGIA, being duly sworn, deposes and says:

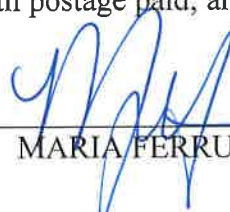
That I am not a party to this action, that I am over the age of 18 years, and that I have a business address at One Battery Park Plaza, 18th Floor, New York, New York 10004.

That on the 4th day of October, 2018, I served the within **DECISION AND ORDER WITH NOTICE OF ENTRY** upon:

Thomas P. Malone, Esq.
The Law Office of Thomas P. Malone, PLLC
Counsel for Plaintiff
60 East 42nd Street, Suite 553
New York, New York 10165

Joseph A. Altman, Esq.
Joseph A. Altman P.C.
Counsel for Defendant Alanis Realty LLC
951 Bruckner Blvd., Floor 1
Bronx, NY 10459

by UPS Next Day Air courier service, by enclosing true copies of same in UPS Next Day Air envelopes, properly addressed to the recipients with postage paid, and deposited the envelopes in an official UPS depository box.



MARIA FERRUGIA

Sworn to before me on
This 4th day of October, 2018



Notary Public

DESISLAVA I ILIEVA
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 011L6328785
Qualified in New York County
Commission Expires August 10, 2019

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No.: 260269/2014

NYCTL 1998-2 TRUST and THE BANK OF NEW YORK
MELLON as Collateral Agent and Custodian,

Plaintiff,

-against-

ALANIS REALTY LLC, CITY OF NEW YORK
ENVIRONMENTAL CONTROL BOARD, CITY OF NEW
YORK DEPARTMENT OF HOUSING, PRESERVATION, &
DEVELOPMENT,

Defendants.

NOTICE OF ENTRY

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: October 4, 2018

Signature: 

Print Signer's Name: Jackie Halpern Weinstein, Esq.

ADAM LEITMAN BAILEY, P.C.
Counsel for Intervenor 598 Eagle Avenue LLC
One Battery Park Plaza, Eighteenth Floor
New York, NY 10004
212.825.0365