

NEW YORK SUPREME COURT - QUEENS COUNTY

Present: HONORABLE DARRELL L. GAVRIN
Justice

IA PART 27

VSP REALTY LLC,

Index No. 708727/16

Plaintiff,

Motion

Date January 29, 2020

- against-

Motion

BANJAMIN LANDI,

Cal. No.

Defendant.

Motion

Seq. No. 4

The following papers numbered E1 and E65 to E67 read on this Order to Show Cause by defendant for an order staying the foreclosure sale of real property.

Papers
Numbered

Order to Show Cause - Affidavit - Exhibits.....	1
Affirmation in Opposition - Exhibits.....	E65 - E67

Upon the foregoing papers, it is ordered that the motion is determined as follows:

This is a foreclosure action. A default judgment of foreclosure and sale was entered on April 12, 2019 A foreclosure sale, scheduled for the third time was to be held on November 15, 2019, but was cancelled as a result of defendant's instant application seeking a stay of the sale. Defendant contends that the property is under a contract of sale, which will resolve the foreclosure action. Any stay imposed is hereby lifted.

At the outset, defendant has not submitted an affidavit of service demonstrating compliance with the service provisions upon plaintiff, contained in the Order to Show Cause, signed on November 13, 2019. Furthermore, defendant's intention to sell the property is not a meritorious defense to the foreclosure action.

Accordingly, defendant's application is denied in its entirety.

A foreclosure sale shall occur accordingly.

Dated: February 20, 2020

DARRELL L. GAVRIN, J.S.C.

