

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D50920
T/ct

_____AD3d_____

Submitted - November 17, 2016

REINALDO E. RIVERA, J.P.
CHERYL E. CHAMBERS
SHERI S. ROMAN
HECTOR D. LASALLE, JJ.

2015-08187

DECISION & ORDER

Hudson City Savings Bank, respondent, v Libe Friedman,
appellant, et al., defendants.

(Index No. 34393/13)

Menashe & Associates, LLP, Montebello, NY (Shoshana Schneider of counsel), for
appellant.

Cohn & Roth, Mineola, NY (Kevin T. MacTiernan of counsel), for respondent.

In an action to foreclose a mortgage, the defendant Libe Friedman appeals, as limited by his brief, from so much of an order of the Supreme Court, Rockland County (Loehr, J.), dated June 22, 2015, as granted those branches of the plaintiff's motion which were for summary judgment on the complaint insofar as asserted against him, to strike his affirmative defenses, and for the appointment of a referee.

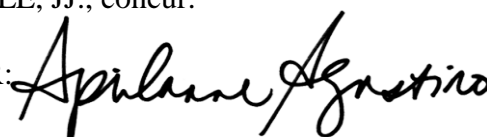
ORDERED that the order is affirmed insofar as appealed from, with costs.

Contrary to the appellant's contention, the notice of default sent to him by the plaintiff substantially complied with the terms of the mortgage (*see Pennymac Holdings, LLC v Tomanelli*, 139 AD3d 688, 689; *Wachovia Bank, Natl. Assn. v Carcano*, 106 AD3d 724, 725; *Indymac Bank, F.S.B. v Kamen*, 68 AD3d 931).

Accordingly, the Supreme Court properly granted the plaintiff's motion, inter alia, for summary judgment on the complaint insofar as asserted against the appellant.

RIVERA, J.P., CHAMBERS, ROMAN and LASALLE, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

January 11, 2017

HUDSON CITY SAVINGS BANK v FRIEDMAN