

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

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E/sl

PETER B. SKELOS, J.P.
DAVID S. RITTER
EDWARD D. CARNI
THOMAS A. DICKERSON, JJ.

2008-08857

DECISION & ORDER ON MOTION

Alice Johnson, respondent, v Matthew
Melnikoff, et al., defendants, Bank of New
York Trust Company, N.A., appellant.

(Index No. 10548/07)

Motion by the appellant, in effect, to stay enforcement of so much of an order of the Supreme Court, Kings County, dated September 11, 2008, as granted the respondent's motion for summary judgment to the extent that the mortgage held by the appellant was declared to be null and void, pending hearing and determination of an appeal from the order.


Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is granted, and enforcement of so much of the order dated September 11, 2008, as granted the respondent's motion for summary judgment to the extent that the mortgage held by the appellant was declared to be null and void is stayed on condition that the appeal is perfected on or before November 14, 2008; and it is further,

ORDERED that in the event the appeal is not perfected on or before November 14, 2008, the court, on its own motion, may vacate the stay, or the respondent may move to vacate the stay, on three days notice.

SKELOS, J.P., RITTER, CARNI and DICKERSON, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

October 15, 2008

JOHNSON v MELNIKOFF