

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

M77223
E/sl

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

2008-09014

DECISION & ORDER ON MOTION

Nancy Newcomb, appellant,
v Lewis Sims, etc., et al., respondents.

(Index No. 7080/08)

Motion by the appellant to stay enforcement of so much of an order of the Supreme Court, Dutchess County, dated September 29, 2008, as directed the Dutchess County Clerk to cancel a notice of pendency dated September 10, 2008, 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 29, 2008, as directed the Dutchess County Clerk to cancel the notice of pendency dated September 10, 2008, is stayed pending hearing and determination of the appeal on condition that the appeal is perfected on or before November 17, 2008; and it is further,

ORDERED that in the event the appeal is not perfected on or before November 17, 2008, the court, on its own motion, may vacate the stay, or the respondents 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 16, 2008

NEWCOMB v SIMS