

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

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A. GAIL PRUDENTI, P.J.
ROBERT A. LIFSON
JOSEPH COVELLO
PETER B. SKELOS, JJ.

2006-10527

DECISION & ORDER ON MOTION

In the Matter of Thomas Gillen, etc., appellant,
v Steven D. Conkling, etc., respondent.

(Index No. 06-005301)

Motion by the appellant for leave to reargue an appeal from a judgment of the Supreme Court, Nassau County, dated September 27, 2006, which was determined by decision and order of this Court dated May 13, 2008 (*see Matter of Gillen v Conkling*, 51 AD3d 791) or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court.

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

ORDERED that the branch of the motion which is for leave to reargue is granted; and it is further,

ORDERED that upon reargument, the decision and order of this Court dated May 13, 2008, in the above-entitled matter is amended by: (1) deleting from the second line of the preamble thereof the word “them” following the words “certain real property tax payments and credit” and substituting therefor the words “those payments”; (2) deleting from the sixth line of the preamble thereof the number “1484/2000” and substituting therefor the number “1484/2005”; (3) deleting from the tenth line of the preamble thereof the sum “\$4,779,61” and substituting therefor the sum “\$4,779.61”; (4) deleting from the first line of the penultimate paragraph thereof the word “respondent” following the words “erred in directing the” and substituting therefor the words “Treasurer of the County of Nassau”; and (5) deleting from the ultimate paragraph thereof the words “and credit it to other tax liens held by the petitioner with respect to other properties” and substituting therefor the citation “(*see Nassau County Administrative Code § 5-49.0*)”;

November 10, 2008

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and it is further,

ORDERED that the motion is otherwise denied.

PRUDENTI, P.J., LIFSON, COVELLO and SKELOS, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court