

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

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2008-05770

ORDER ON APPLICATION
Application to Withdraw Appeal

Exel Properties, Inc., plaintiff-respondent,
v Eretz Realty, et al., defendants-respondents,
Chaim Simkowitz, appellant.

(Index No. 35880/04)

Application by the appellant to withdraw an appeal from an order of the Supreme Court, Kings County, dated April 18, 2008.

Upon the papers filed in support of the application and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the application is granted and the appeal is marked withdrawn.

ENTER:



James Edward Pelzer
Clerk of the Court

November 14, 2008

EXEL PROPERTIES, INC. v ERETZ REALTY