

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

M87025  
E/sl

ROBERT A. SPOLZINO, J.P.  
MARK C. DILLON  
ANITA R. FLORIO  
ARIEL E. BELEN, JJ.

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2008-05003

DECISION & ORDER ON MOTION

Deutsche Bank National Trust Co., respondent,  
v Marilyn E. Matheson, appellant.

(Index No. 7241/06)

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Motion by the appellant to hold in abeyance an appeal from an order of the Supreme Court, Dutchess County, dated May 1, 2008, pending determination of a certain motion by the Supreme Court, Dutchess County, or to enlarge the time to perfect the appeal until June 30, 2009.

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

ORDERED that the motion is denied; and it is further,

ORDERED that on the court's own motion, the appeal is dismissed, without costs or disbursements, for failure to timely perfect the same in accordance with the rules (*see* 22 NYCRR 670.8[e]) and prior orders of this court.

SPOLZINO, J.P., DILLON, FLORIO and BELEN, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

May 21, 2009

DEUTSCHE BANK NATIONAL TRUST CO. v MATHESON