

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

M87540
J/sl

MARK C. DILLON, J.P.
ANITA R. FLORIO
RUTH C. BALKIN
LEONARD B. AUSTIN, JJ.

2009-03124

DECISION & ORDER ON MOTION

Golden Age Mortgage Corporation, respondent,
v Argonne Enterprises, LLC, et al., appellants,
et al., defendants.

(Index No. 1822/06)

Motion by the appellants on an appeal from an order of the Supreme Court, Putnam County, dated February 17, 2009, to amend a decision and order on motion of this court dated May 4, 2009, which enjoined the respondent from transferring, alienating, or hypothecating the subject real property on condition that the appellants, inter alia, post an undertaking.

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

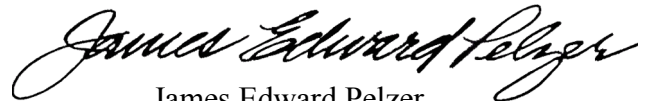
ORDERED that the motion is granted to the extent that the decision and order on motion of this court dated May 4, 2009, is amended by deleting from the first decretal paragraph thereof the following words “(1) on or before May 15, 2009, post an undertaking with corporate surety in the office of the Clerk of the Supreme Court, Putnam County, in the sum of \$100,000, in terms that if the order appealed from, or any part of it, is affirmed, or the appeal is dismissed, the surety will indemnify the respondent if it is ultimately determined that the respondent sustained a loss during the period that the injunction and stay was in effect, because of its existence” and substituting therefor the following words “(1) on or before *June 15, 2009*, post an undertaking *either in cash or* with corporate surety in the office of the Clerk of the Supreme Court, Putnam County, in the sum of \$100,000 in terms that if the order appealed from, or any part of it, is affirmed, or the appeal is dismissed, the *appellants will pay to the respondent all damages and costs which the latter may have*

sustained by reason of the injunction and stay, and submit proof to this court that the undertaking has been posted,”; and it is further,

ORDERED that the motion is otherwise denied.

DILLON, J.P., FLORIO, BALKIN and AUSTIN, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, prominent initial "J".

James Edward Pelzer
Clerk of the Court