

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NIAGARA

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Index No. 138888/09

CITIMORTGAGE, INC.,

Plaintiff,

-against-

SUPPLEMENTAL
SUMMONS WITH NOTICE

RONALD S. FOLMAR, if he be living and if he be dead, the respective heirs-at-law, next-of-kin, distributees, executors, administrators, trustees, devisees, legatees, assignees, lienors, creditors and successors in interest and generally all persons having or claiming under, by or through said defendant who may be deceased, by purchase, inheritance, lien or inheritance, lien or otherwise any right, title or interest in or to the real property described in the complaint, CORNERSTONE COMMUNITY FEDERAL CREDIT UNION, NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE, UNITED STATES OF AMERICA-INTERNAL REVENUE SERVICE,

Defendants,

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To the above-named defendants:

YOU ARE HEREBY SUMMONED to answer the amended complaint in this action and to serve a copy of your answer, or, if the amended complaint is not served with this supplemental summons, to serve a notice of appearance, on the plaintiff's attorneys within 20 days after the service of this supplemental summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

To: RONALD S. FOLMAR, JR.

NOTICE

YOU ARE IN DANGER OF LOSING YOUR HOME

If you do not respond to this summons and complaint by serving a copy of the answer on the attorney for the mortgage company who filed this foreclosure proceeding against you and filing the answer with the court, a default judgment may be entered and you can lose your home.

Speak to an attorney or go to the court where your case is pending for further information on how to answer the summons and protect your property.

Sending a payment to your mortgage company will not stop this foreclosure action.

YOU MUST RESPOND BY SERVING A COPY OF THE ANSWER ON THE ATTORNEY FOR THE PLAINTIFF (MORTGAGE COMPANY) AND FILING THE ANSWER WITH THE COURT.

The foregoing supplemental summons is served upon you by publication pursuant to an Order of the Honorable Frank Caruso, Justice of the Supreme Court of the State of New York, Niagara County, dated the 12th day of July, 2010 and duly entered in the office of the Clerk of the County of Niagara, State of New York.

NOTICE OF NATURE OF ACTION AND RELIEF SOUGHT

This is an action to foreclose a first mortgage lien on the premises described herein.

The object of the above captioned action is to foreclose a Mortgage to secure \$72,513.00 and interest, recorded in the Office of the County Clerk of NIAGARA County on April 3, 2006 in Liber 5149, Page 930, which mortgage was assigned to CitiMortgage, Inc. by assignment of mortgage dated March 7, 2008 which was recorded in the Office of the County Clerk of NIAGARA County on March 20, 2008 in Liber 1677, Page 652,

covering premises known as 340 GREEN STREET, LOCKPORT, County
of NIAGARA, and State of New York (SECTION 108.52, BLOCK 1,
LOT 41).

SEE SCHEDULE "A" ANNEXED HERETO

Dated: Rego Park, New York
August 19, 2010

SWEENEY, GALLO, REICH & BOLZ, LLP.

SN

By: Rosemarie A. Klie, Esq.
Attorneys for Plaintiff
95-25 Queens Boulevard
11th Floor
Rego Park, New York 11374
(718) 459-2634

SCHEDULE A

DESCRIPTION

Title Number: **MSG-308NI**

ALL that tract or parcel of land, situate in the City of Lockport, County of Niagara and State of New York, "By being part of Lot 59 Township 14, Range 7 of The Holland Land Company, Survey now in Book 10 of Microfilmed Maps at page 944; and known and distinguished as the east part of City Lot No. 36 on the south side of Green Street, west of Prospect Street, in said City, and bounded as follows:

COMMENCING in the northeast corner of said Lot No. 36 in the south line of Green Street, and running thence south, parallel to said Prospect Street, 2 chains and 50 links; thence west, parallel with Green Street, 1 chain; thence north, parallel with the first mentioned boundary, 2 chains and 50 links to Green Street, and thence east, on the south line of Green Street, 1 chain, to the place of beginning, containing 1/4 of an acre, be the same more or less.

ALSO ALL that tract or parcel of land, situate in the City of Lockport, County of Niagara and State of New York, "By being part of Lot 59 Township 14, Range 7 of The Holland Land Company, Survey now in Book 10 of Microfilmed Maps at page 944; being part of Lot 36 on the southerly side of Green Street, as laid down on a map of the Village (now City) of Lockport, by J.P. Haines, C.E., in 1845, with additions in 1866, filed in Niagara County Clerk's Office November 21, 1866, and bounded and described as follows:

BEGINNING at a point in the southerly line of Green Street, which is 48 feet 2 inches east of the west line of Lot 36; thence southerly in a line parallel to the west line of said Lot 36, a distance of 165.8 feet to the south line of said Lot 36; thence easterly along the south line of said Lot 36, a distance of 3 feet; thence northerly in a line parallel to the west line of Lot 36, a distance of 165.8 feet to the north line of Lot 36, which is the southerly line of Green Street; thence westerly in the north line of said Lot 36, a distance of 3 feet to the place of beginning.

At an IAS Part 2 of the Supreme Court of the State of New York, held in and for the County of Niagara at the Courthouse thereof, at 775 Third Street, Niagara Falls, New York on the 14th day of

PAID

MAY 21 2010

July, 2010 ORIGINAL FILED

P R E S E N T: WAYNE F. JAGOW
NIAGARA COUNTY CLERK
HON. FRANK CARUSO, JSC
J.S.C.

JUL 16 2010

WAYNE F. JAGOW

-----x
CITIMORTGAGE, INC.,

Index No. 138888/09

Plaintiff,

-against-

**ORDER PERMITTING SERVICE
BY PUBLICATION PURSUANT
TO CPLR SECTION 316**

RONALD S. FOLMAR, JR. AND CORNERSTONE
COMMUNITY FEDERAL CREDIT UNION, and
"John Doe" and/or "Jane Doe" # 1-10
inclusive, the last ten names being
fictitious and unknown to plaintiff, the
persons or parties intended being the
tenants, occupants, persons or
corporations, if any, having or claiming
an interest in or lien upon the premises
described in the complaint,

Defendants,

-----x
Upon reading and filing the annexed attorney's affirmation of Rosemarie A. Klie, Esq. dated May 14, 2010, the exhibits annexed thereto, and the summons and verified complaint previously filed herein, and it appearing to the satisfaction of the Court that service of the summons and verified complaint upon RONALD S. FOLMAR, JR., defendant herein, is impracticable under CPLR 308 (1), (2), (3) and (4), and that this is an action

affecting title to real property;

NOW, upon motion of Sweeney, Gallo, Reich & Bolz, LLP., attorneys for plaintiff, for an order permitting the manner of service of the summons and verified complaint upon defendant RONALD S. FOLMAR, JR., pursuant to CPLR Sections 316, it is

ORDERED, that the summons, complaint and notice of pendency are amended to include the respective heirs-at-law, next-of-kin, distributees, executors, administrators, trustees, devisees, legatees, assignees, lienors, creditors and successors in interest and generally all persons having or claiming under, by or through said defendant RONALD S. FOLMAR, JR., who may be deceased by purchase, inheritance, lien or otherwise, any right, title or interest in and to the real property; and it is further

ORDERED, that the summons, complaint and notice of pendency are hereby amended to add as necessary party defendants, UNITED STATES OF AMERICA-INTERNAL REVENUE SERVICE and NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE; and it is further

ORDERED, that the caption of the action should be amended by striking therefrom the defendants sued herein as "John Doe" and "Jane Doe", all without prejudice to the proceedings heretofore had herein; and it is further

ORDERED, that the amended caption of the action for all further purposes shall read as follows:

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CITIMORTGAGE, INC.,

Index No. 138888/09

Plaintiff,

-against-

RONALD S. FOLMAR, if he be living and if he be dead, the respective heirs-at-law, next-of-kin, distributes, executors, administrators, trustees, devisees, legatees, assignees, lienors, creditors and successors in interest and generally all persons having or claiming under, by or through said defendant who may be deceased, by purchase, inheritance, lien or inheritance, lien or otherwise any right, title or interest in or to the real property described in the complaint, CORNERSTONE COMMUNITY FEDERAL CREDIT UNION, NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE, UNITED STATES OF AMERICA-INTERNAL REVENUE SERVICE,

Defendants.

-----X

; and it is further

ORDERED, that pursuant to CPLR 2004, the plaintiff have leave to file a supplemental summons and amended complaint, and amended notice of pendency of action, setting forth the amended caption of the action; and it is further

ORDERED, that the supplemental summons and amended complaint, be filed on or before the first day of publication; and it is further

ORDERED, that the supplemental summons and amended complaint in the above entitled action be served upon defendant RONALD S. FOLMAR, in the following manner:

By publishing the Supplemental Summons with Notice (annexed as Exhibit E), together with the notice to the defendant and a brief statement of the object of the action, and a brief description of the property, in each of four (4) successive weeks in two (2) newspapers designated herein as Niagara Gazette, and Lockport Courier-Sun + Journal such publications to be commenced within sixty (60) days after entry of this order, and by mailing a copy of the summons and amended complaint along with a copy of this order by certified and regular mail to defendant RONALD S. FOLMAR at 340 Green Street, Lockport, New York 14094 and 3747 Beebe Road, Newfane, New York

14108, that being said defendant's last known addresses, and this being the means most likely calculated to reach said defendant; and it is further

ORDERED, that Claude Jaerg, Esq., whose address is 260 East Ave., Lockport, NY, and whose telephone number is (716) 433-1909, be appointed to act as Guardian Ad Litem and Military Attorney for those unknowns and absentees and those defendants who may be infants, incompetents or in the military service, if any; and it is further

ORDERED, that the supplemental summons and amended complaint filed herewith be delivered to the above named Guardian Ad Litem who is hereby authorized, empowered and designated to appear in this action, upon filing his acknowledged consent and duly qualifying affidavit, and it is further

ORDERED, that the service of the supplemental summons and amended complaint upon parties who have appeared and waived service or who have been served and defaulted is hereby dispensed with; and it is further

ORDERED, that the time for plaintiff to effectuate service of the supplemental summons and amended complaint upon

defendants NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE,
AND UNITED STATES OF AMERICA-INTERNAL REVENUE SERVICE, is hereby
extended for 60 days from the date of entry of this order,
pursuant to CPLR Section 2004; and it is further

ORDERED, that the time for plaintiff to commence
publication of the Supplemental Summons and Notice is hereby
extended for 60 days from the date of entry of this order,
pursuant to CPLR Section 2004.

E N T E R,

GRANTED

JUL 12 2010

BY Laurie L. O'Brien
LAURIE L. O'BRIEN
COURT CLERK

J.S.C.

Frank Caruso
FRANK CARUSO, JSC