

SUPREME COURT - STATE OF NEW YORK
I.A.S. PART XXXVI SUFFOLK COUNTY

PRESENT:
HON. PAUL J. BAISLEY, JR., J.S.C.

INDEX NO.: 5251/2006

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DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE OF AMERIQUEST
MORTGAGE SECURITIES, INC.,
ASSET BACKED PASS-THROUGH
CERTIFICATES, SERIES 2004-R8 UNDER THE
POOLING & SERVICING AGREEMENT DATED
AS OF AUGUST 1, 2004, WITHOUT RECOURSE,

MOTION DATE: 05/11/2006

MOT. NO.: 001 MD

Plaintiff,

-against-

CRAIG HALVERSON, JENNIFER M.
SFERRAZZA, "JOHN DOE #1" through "JOHN
DOE #10" inclusive, the names of the ten last named
defendants being fictitious, real names unknown to
the Plaintiff, the parties intended being persons or
corporations having an interest in, or tenants or
persons in possession of, portions of the mortgaged
premises described in the complaint,

Defendants.

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PLAINTIFF'S ATTORNEY:
LAW OFFICES OF KNUCKLES & KOMOSINSKI,
P.C.
By: Richard F. Komosinski, Esq.
220 White Plains Road, 6th Floor
Tarrytown, New York 110591

DEFENDANTS PRO SE:
CRAIG HALVERSON
JENNIFER M. SFERRAZZA
2 Fenwick Street
Mastic, New York 11950

Upon the following papers numbered 1 to 6 read on this motion for order of reference : Notice of Motion and
Affirmation 1 to 6 and supporting papers; it is

ORDERED that the motion (motion sequence no. 001) of plaintiff for an order pursuant to
RPAPL §1321 granting plaintiff the relief demanded in the complaint for the reformation of the
mortgage to include an accurate metes and bounds description, and for an order appointing a
referee to compute the amount due to plaintiff from defendants and to examine and report on
whether the mortgaged premises can be sold in one parcel, is denied.

The submissions are devoid of any admissible proof that the metes and bounds description
of the premises contained in the mortgage sought to be foreclosed herein is erroneous or of what

the correct metes and bounds description should be. Moreover, the submissions do not reflect the authority of Tamara Price, a self-described “authorized agent” of AMC Mortgage Services, Inc., a non-party to this mortgage foreclosure action, to represent plaintiff in this action, nor do the submissions contain evidence that AMC Mortgage Services, Inc. is the attorney in fact for the plaintiff in this action, as alleged in the affidavit of Ms. Price. Similarly, the assignment whereby the mortgage was purportedly assigned to plaintiff was executed by Tamara Smith on behalf of AMC Mortgage Services, Inc. as “authorized agent” for the assignor, without any evidence of such agency. Accordingly, the motion is denied, with leave to renew upon proper submissions that address the deficiencies identified herein.

Date: July 6, 2006

PAUL J. BAISLEY, JR.

J.S.C.

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