At an IAS Term, Part 50 of the Supreme
Court of the State of New York, held in and
for the County of Kings, at the Courthouse,
at Civil Center, Brooklyn, New York, on
March 20 2008

PRESENT

HON. SYLVIA HINDS-RADIX, Justice

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ARGENT MORTGAGE COMPANY, LLC.,

               Plaintiffs,

      -against

LIZETTE OLIVERA, PALISADES COLLECTION LLC, AND
JOHN DOE AND JANE

               Defendants.

---X
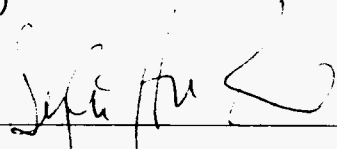
Index No. 36809/07

DECISION AND ORDER

Pages Numbered

Notice of Motion/Order to Show Cause/
Petition/Cross Motion and Affidavits
(Affirmations) Annexed_____   _____
Opposing Affidavits (Affirmations)_____   _____
Reply Affidavits (Affirmations) _____   _____
_____ Affidavit (Affirmation)_____   _____
Other Papers _____ Exhibits A - D _____   _____

The plaintiff moves this Court for an order of reference, among other things, for the property located at 381 Eldert Lane, Brooklyn, New York. Plaintiff makes an ex-parte application for the requested relief. This Court finds that plaintiff is not entitled to the relief requested upon the documents presented and therefore denies said motion.

The Affidavit of Merit and Amount Due was executed and notarized in San Bernadino, California by Tamara Price and it is unaccompanied by a certificate of conformity and, therefore, cannot provide evidence on this application. (see *Daimler Chrysler Services North America LLC v. Tammaro* 14 Misc 3d128 [A]; 2006 NY Slip OP 52506[U]* [App Term, 2Dept]; *Bath Medical Supply, Inc. v. Allstate Indemnity Co.*, 13 Misc 3d142[A] 2006 NY Slip OP52273[U] *1-*2 [App Term 2d Dept]).

Additionally, the non-military affidavit, executed on October 11, 2007 as a part of the affidavit of service of the summons and complaint is premature (*see Cassano v Gutkowski,* 15 Misc 3d 1118 [A], 2007 NY Slip Op 50755 [U], * 3 [Dist Ct, Nassau County]; *U.S. Bank NA v Coaxum,* 2003 NY Slip Op 51384 [U], * 2 - * 3 [Sup Ct, Westchester County 2003]; *Citibank, N.A. v McGarvey,* 196 Misc 2d 292, 299 [Civ Ct, Richmond County 2003]; *National Bank of Far Rockaway v Van Tassell,* 178 Misc 776, 776-79 [Sup Ct, Queens County 1942].)

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                           Sylvia Hinds-Radix, J.S.C.