

At an I.A.S. Trial Term, Part of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, located at Civic Center, Borough of Brooklyn, City and State of New York, on the 13 day of March 2020

6-11-6

P R E S E N T
Hon. Knipel Justice

Golden Bridge Plaintiff(s)

Cal. No.
Index No. 505934/18

- against -

Rutland Road

Defendant(s)

| The following papers numbered 1 to | read on this motion | Papers Numbered |
|--|---------------------|-----------------|
| Notice of Motion - Order to Show Cause and Affidavits (Affirmations) Annexed | OSC | 1 |
| Answering Affidavit (Affirmation) | | |
| Reply Affidavit (Affirmation) | app | 2 |
| Affidavit (Affirmation) | | |
| Pleadings - Exhibits | c/m | 3 |
| Stipulations - Minutes | | |
| Filed Papers | | |

OSC to vacate the prior order of this court is denied. The mere fact that an appeal is pending is no reason to set aside the winning bid.

Cross motion granted to extent that closing to take place w/in 10 days from service of a copy of this order.

For Clerks use only

MGERT

MD ✓

Motion Seq. #

6, 7

E N T E R

EJV-rev 11-04

2020 JUN 11 AM 10:00
KINGS COUNTY CLERK
FILED

J.S.C.
HON. LAWRENCE KNIPPEL
SUPREME COURT JUSTICE

Knipel
Com 6
3/6/20
eq. 6C

1 x 2

3/13 F

Instructions: Fill in the names of the parties and the index number. Complete the blank spaces next to the instructions printed in bold type. Cross out information in *italics* which does not apply. PRINT AND USE BLACK INK ONLY. (Other blank spaces are for Court use).

At an IAS Part Com 6 of the Supreme Court of the State of New York, held in and for the County of Kings at the courthouse at 360 Adams Street the 29 day of February 2020

PRESENT: HON. Lawrence Knipel
Justice of the Supreme Court

COM 9

GOLDEN BRIDGE LLC, d/b/a GOLDEN BRIDGE FUNDING LLC,

Plaintiff(s)/Petitioner(s) [fill in name(s)]

Index Number

505934/2018

-against-

RUTLAND DEVELOPMENT GROUP, INC.
NYS DEPT OF TAXATION & FINANCE, et. al.

**ORDER TO SHOW CAUSE
WITH T.R.O. IN CIVIL
ACTION / PROCEEDING**

Defendant(s)/Respondent(s) fill in name(s) []

Upon reading and filing the affidavit / petition of BENZAKUNIM BADALOV

[your name] sworn to / verified on the 24th day of February, 20 20 [date the paper was sworn to before a notary public] and upon the exhibits attached thereto, and [list any other supporting papers, e.g. additional affidavits, exhibits]

Hon Judge Vaughn's order Dated July 1, 2019 Denying Plaintiff's request for Extension of the time to close in light of the lack of marketable title. Email Dated February 14, 2020 from Old Republic and Title Company denial letter

Let the plaintiff(s)/petitioner(s)/defendant(s)/respondent(s) (*other side*) or his/her/their attorney show cause at IAS Part Com 6, Room 724 of this Court, to be held at the Courthouse, 360 Adams Street, Brooklyn NY on the 6 day of March, 2020, at 9:30 o'clock

in the forenoon of that day or as soon thereafter as the parties may be heard why an order should not be made [describe what you are asking the Court to grant] Vacate Hon. Knipel's Order

Extending the time to close for Thirty (30) days on the grounds that Hon Vaughn's order dated July 1, 2019 has already denied such relief in its entirety and that was not appealed by Plaintiff, in fact the Hon. Vaughn's order has concluded in its discussion section that "the quiet title action constitutes reasonable doubt sufficient to affect the marketability of title as to the 1024 property Contrary to [Plaintiff's] contentions, the terms of sale as incorporated in the memorandum of purchase do not compel the bidder to purchase the underlying properties subject to the notice of pendency filed in the quiet title action."

KINGS COUNTY CLERK
FEE PD \$ 45.00

Handwritten signature

Therefore, the Hon Vaughn's order dated July 1, 2019 is law of the case and in fact the only reason that the downpayment was not returned is because of the fact that Bidder's counsel failed to cross move to interevne as a party and obtain the return of downpayment. therefore, Hon Knipel should not have altered Hon. Vaughn's descision.

for the reasons that [briefly describe the reasons for your request] _____

We hereby request that the either the closing be stayed until the quiet title action and all appeals arising from that action are concluded and bidder is able to obtain a good marketable title, or in the alternative the return of the downpayment and ordering a reauction of the property.

Pending the hearing of this motion it is ORDERED that [insert the action you are asking the Court to direct or to stop] _____

Plaintiff and referee shall be stayed from conducting any re-sale of the subject property pending the hearing on my terms of sale - stay effective only after this order is served as hereinafter provided

Sufficient cause appearing therefor, let ~~person~~ ^{service by overnight mail of a copy} of a copy of this order and the papers upon which it is granted, upon ~~the plaintiff's / petitioner's / defendant's / respondent's~~ ^{all parties, + referee + successful bidder}

except, if represented, upon their counsel on or before the 28 day of Feb, 20 20 be deemed good and sufficient. An affidavit or other proof of service shall be presented to the Court on the return date directed in the second paragraph of this order.

ENTER,

J.S.C.
Hon. Lawrence Knipel

KOSR10/08

2020 JUN 11 AM 10:00
FILED
KINGS COUNTY CLERK