

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

PRESENT:

Honorable Ralph F. Costello

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR THE
CERTIFICATE HOLDERS OF SOUNDVIEW
HOME LOAN TRUST 2006-OPT3, ASSET-
BACKED CERTIFICATES, SERIES 2006-OPT3,

PLAINTIFF'S ATTORNEY
FEIN SUCH & CRANE, LLP
747 Chestnut Ridge Road - Ste 200
Chestnut Ridge, NY 10977

Plaintiff

-against-

DEFENDANT'S ATTORNEY

SCOTT ALEMANY; "JOHN DOE #1-5" AND
"JANE DOE #1-5" said names being fictitious, it
being the intention of Plaintiff to designate any and
all occupants, tenants, persons or corporations, if
any, having or claiming an interest in or lien upon
the premises being foreclosed herein,

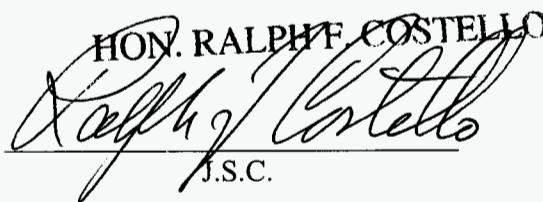
Defendants

Upon reading and filing the following papers relative to this matter: Plaintiff's ex parte application for an Order of Reference in Mortgage Foreclosure and the exhibits attached thereto, submitted to this Part on October 1, 2007; and now it is

ORDERED that plaintiff's ex parte application for an Order of Reference is denied without prejudice to resubmit due to plaintiff's failure to provide: (1) an affidavit of merit by the party pursuant to CPLR §3215(f) rather than an affidavit by the servicing agent, or proof of any agency relationship, or a verification of the complaint by the party; (2) proof on standing to commence this action as it appears plaintiff did not own the note and mortgage when the action was commenced; and, (3) proof of compliance with RPAPL §1303 and its paper color requirements; it is further

ORDERED that the plaintiff is directed to serve a copy of this Order upon all parties who have appeared in this action.

Dated: January 7, 2008

HON. RALPH F. COSTELLO

J.S.C.