

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

PRESENT:

Honorable Ralph F. Costello

\_\_\_\_\_  
X  
HSBC BANK USA, NATIONAL ASSOCIATION  
AS TRUSTEE FOR SG MORTGAGE  
SECURITIES TRUST 2005-0PTI ASSET BACKED  
CERTIFICATES, SERIES 2005-0PTI,

Plaintiff

-against-

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

SALVATORE CIPRIANI; OPTION ONE  
MORTGAGE CORPORATION; "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


DEFENDANT'S ATTORNEY

\_\_\_\_\_  
X  
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 11, 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.