

44 A.D.3d 695

(Cite as: 44 A.D.3d 695, 842 N.Y.S.2d 722)

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Alkaifi v. Celestial Church of Christ Calvary Parish
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NY,2007.

44 A.D.3d 695842 N.Y.S.2d 722, 2007 WL
2955742, 2007 N.Y. Slip Op. 07645

Abdo H. Alkaifi, Respondent

v

Celestial Church of Christ Calvary Parish, Appel-
lant, et al., Defendant. Martin Hoffman, Intervenor-
Respondent.

Supreme Court, Appellate Division, Second De-
partment, New York

October 9, 2007

CITE TITLE AS: Alkaifi v Celestial Church of
Christ Calvary Parish

Anthony C. Emengo, Holtsville, N.Y., for appel-
lant.

Sweeney, Gallo, Reich & Bolz, LLP, Rego Park,
N.Y. (Michael H. Reich of counsel), for plaintiff-
respondent.

Michael F. Mongelli II, P.C., Flushing, N.Y.
(Angelo M. Grasso of counsel), for intervenor-re-
spondent.

In an action to foreclose a mortgage, the defendant
Celestial Church of Christ Calvary Parish appeals
from an order of the Supreme Court, Queens
County (Agate, J.), dated May 19, 2006, which,
upon remittitur from this Court (*see Alkaifi v Cele-
stial Church of Christ Calvary Parish, 24 AD3d 476*
[2005]), after a hearing, denied those branches of
its motion which were, in effect, to set aside a fore-
closure sale conducted on February 8, 2002, and to
vacate the referee's deed in foreclosure.

Ordered that the order is affirmed, with one bill of
costs payable to the plaintiff-respondent and the in-
tervenor-respondent.

By order dated April 7, 2004, the Supreme Court
denied the appellant's motion, inter alia, to vacate a
judgment of foreclosure and sale dated June 5,
2000, in effect, to set aside a foreclosure sale con-
ducted on February 8, 2002, and to vacate the refer-
ee's deed in foreclosure. In *Alkaifi v Celestial*
Church of Christ Calvary Parish (24 AD3d 476
[2005]), we modified the order and remitted the
matter for a hearing to resolve disputed factual is-
sues and for a new determination as to whether
there exists a basis to set aside the foreclosure sale
and to vacate the referee's deed in foreclosure. At
the hearing, the appellant failed to demonstrate that
the disputed factual issues **2 should be *696 re-
solved in its favor. Accordingly, the Supreme
Court, upon remittitur, properly determined that
there was no basis to set aside the foreclosure sale
and the referee's deed in foreclosure. Rivera, J.P.,
Ritter, Santucci and Dillon, JJ., concur.

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NY,2007.

Alkaifi v Celestial Church of Christ Calvary Parish

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