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At IAS Part 103 of the Supreme Court of the state of New York, Held in and for the county of Westchester, at the Courthouse Located at 111 Martin Luther King Jr. Blvd. White Plains, NY 10601 on the 28 day of October 2010

PRESENT:

HON. Carol E. Loehly  
A.J.S.C.

RECEIVED

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WESTCHESTER SUPREME  
AND COUNTY COURTS

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

-----X  
HSBC BANK USA, NATIONAL

ORDER TO SHOW CAUSE  
WITH TEMPORARY  
RESTRAINING ORDER

Plaintiff,

Index No. [REDACTED]

-against-

[REDACTED]

JOHN DOE (Said name being fictitious, it being the intention of plaintiff to designate any and all occupants of premises being foreclosed herein, and any parties, corporations or entities, if any, having or claiming an interest or lien upon mortgaged premises.)

Defendants.

-----X  
Upon reading and filing of the affidavit [REDACTED] sworn to on October 25, 2010 and the affirmation of Scott Lanin dated [REDACTED] with the annexed exhibits, and sufficient reason appearing therefrom.

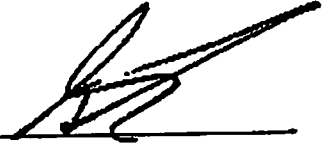
LET the plaintiff HSBC Bank USA (hereinafter referred to as HSBC, or their attorneys Steven J. Baum P.C., show cause at I.A.S. Part of this Court, at the courthouse thereof, located at 111 Martin Luther King Jr. Blvd. White Plains, NY on the 18<sup>th</sup> day of December, [REDACTED] at 9:30 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, why an order should not be made (1) pursuant to Section 2003 (a) of the Civil Practice Law and Rules, RPL 231(6) CPLR 3408, Uniform Rule 202.12-a, GBL 349, The Home Affordable Modification Program and Supplemental Directives, and the Common Law, vacating the foreclosure sale held herein on June 15, 2010 with respect to the subject real property located at [REDACTED], and any corresponding referee's deed and directing the County Clerk to record the order vacating the sale on the public record, and (2) temporarily restraining and enjoining the plaintiff HSBC and its successors, officers, directors, employees, representatives, attorneys, agents and assigns, and any entity that was the high bidder or became the new owner at the sale held herein, or any assignees, from selling, transferring, hypothecating, pledging, assigning, encumbering or otherwise disposing of, or making any attempt to take possession of, any part of the Property or sale proceeds, or seeking to evict the defendants, together with such other and further relief as to this Court may seem just and proper.

In the meantime and pending the hearing and determination of the within motion, it is hereby.

ORDERED, that plaintiff HSBC, and its heirs, successors, officers, directors, employees, representatives, attorneys, agents and assigns, and any entity that was the high bidder or became the new owner at the sale held herein, or any assignees, be, and hereby are, stayed and enjoined from selling, transferring, hypothecating, pledging, assigning, encumbering or otherwise disposing of, or making any attempt to take possession of, any part of the Property any sales

proceeds, or seeking to evict the defendants.

SUFFICIENT REASON appearing therefrom, let service of a copy of this order to show cause, together with the papers upon which it is granted, Steven J. Baum P.C. 220 Northpointe Parkway Amherst, NY 14228 Attorneys for Plaintiff, \_\_\_\_\_, by Federal Express overnight delivery, on or before the 29<sup>th</sup> day of October, [REDACTED]

  
\_\_\_\_\_  
Hon. HON. GERALD E. LOEHR  
A.J.S.C.