

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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**In re: Mark Anthony
a/k/a Mark Naidu**

**Chapter 7
Case No: 13-13588(RG)**

Debtor,

-----X
**Mark Anthony
a/k/a Mark Naidu**

Movant,

-against-

Prime Properties USA 2011, LLC

Claimants/Respondents.

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**ORDER GRANTING DEBTOR'S MOTION TO DECLARE FORECLOSURE ACTION
COMMENCED IN VIOLATION OF THE AUTOMATIC STAY *VOID AB INITIO***

Application having been made to this Court by Mark Anthony a/k/a Mark Naidu as the Debtor herein, by Notice of Motion, dated February 3, 2014, for an order (a) Declaring the foreclosure action commenced post-petition void ab initio; and (b) Compelling the Creditor to withdraw the State Court foreclosure action commenced in violation of the automatic stay; and (c) Awarding actual and punitive damages against Prime Properties, LLC pursuant to 11 U.S.C. 362(k)(1), and 11 U.S.C. 362(h); and (d) Granting such other relief as this court deems just and proper.

Upon the affirmation of Brian McCaffrey dated February 3, 2014, in support of the debtor's motion, and the Claimant/Respondent's Affirmation in Opposition dated April 2, 2014 and, a hearing having been conducted on April 8, 2014 before the Honorable Robert E. Grossman, United States Bankruptcy Judge at the United States Bankruptcy Court for the Southern District of New York located at One Bowling Green, New York, NY 10004 and the Respondent having appeared by Friedman

Sanchez, LLP by Andrew M Friedman, Esq., and the Debtor having appeared by Brian McCaffrey Attorney at Law, P.C. by Brian McCaffrey, Esq., and after due deliberation and consideration, and on the record before the Court, that part of the motion seeking to declare the foreclosure action *void ab initio* is granted and, that part of the motion seeking damages against the creditor, Prime Properties USA 2011, LLC is denied.

Therefore it is hereby;

ORDERED, that the creditor's commencement of the foreclosure action in the Superior Court of New Jersey, Chancery Division of Hudson County under Docket No. F-045436-13 is declared void; and it is further

ORDERED, that the creditor, Prime Properties USA 2011, LLC is hereby directed to discontinue the state court foreclosure action commenced in the Superior Court of New Jersey, Chancery Division of Hudson County under Docket No. F-045436-13, within 10 days of the issuance of this order.

Dated: April 23, 2014
New York, New York



A handwritten signature in black ink, appearing to read "Robert E. Grossman", written over a horizontal line.

Robert E. Grossman
United States Bankruptcy Judge