

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

WELLS FARGO BANK, NATIONAL ASSOCIATION,
as Trustee for the benefit of the registered holders of UBS
Commercial Mortgage Trust 2018-C9, Commercial
Mortgage Pass-Through Certificates, Series 2018-C9,
acting by and through its special servicer, Rialto Capital
Advisors, LLC,

Plaintiff,

v.

M&M 38TH STREET DE LLC; NEW YORK CITY
DEPARTMENT OF FINANCE; NEW YORK STATE
DEPARTMENT OF TAXATION AND FINANCE; and
JOHN DOES # 1 – 50, said John Doe defendants being
fictitious and unknown to Plaintiff, it being intended to
name all other parties who may have some interest in or
lien upon the premises sought to be foreclosed,

Defendants.

Index No.: 653405/2023

Hon. Melissa A. Crane

FORECLOSURE
NOTICE OF SALE
OF REAL PROPERTY

Address of the Property (located
in County of New York):

22/24 West 38th Street (a/k/a 22
West 38th Street), New York,
New York 10018

PLEASE TAKE NOTICE that annexed hereto is a true and correct copy of the text of the
notice of foreclosure sale being published pursuant to the Consent Judgement of Foreclosure and
Sale, filed and entered in the office of the New York County Clerk on December 2, 2024 (NYSCEF
No. 80). The noticed sale date is February 19, 2025, at 2:15 p.m. (prevailing Eastern Time), at the
location and on the terms and conditions as set forth in the attached notice.

Dated: New York, New York
January 17, 2025

VENABLE LLP

/s/ Arie Peled

Rishi Kapoor

Arie Peled

151 W. 42nd Street, 49th Floor

New York, New York 10036

Tel.: (212) 370-6257

rkapoor@venable.com

aapeled@venable.com

NOTICE OF SALE

SUPREME COURT - COUNTY OF NEW YORK.

WELLS FARGO BANK, NATIONAL ASSOCIATION, as Trustee for the benefit of the registered holders of UBS Commercial Mortgage Trust 2018-C9, Commercial Mortgage Pass-Through Certificates, Series 2018-C9, acting by and through its special servicer, Rialto Capital Advisors, LLC, Plaintiff, v.

M & M 38TH STREET DE LLC, et al., Defendant(s), Index No. 653405/2023. Pursuant to a Judgment of Foreclosure and Sale entered December 2, 2024, under NYSCEF No. 80 (the “Judgment”), the undersigned Referee will sell at public auction to the highest bidder in Room 130 of the New York County Courthouse, 60 Centre Street, New York, NY 10007, on February 19, 2025 at 2:15 p.m. (prevailing Eastern Time), the property in said Judgment directed to be sold, which property may be briefly described as the real property located in the Borough of Manhattan, within the City, State and County of New York, and designated as Block 839, Lot 60, together with the buildings, improvements, fixtures, personalty and other rights or interests of any kind or nature located thereon, as more particularly described in the Judgment.

Said premises is known as 22/24 WEST 38TH STREET, NEW YORK, NY 10018

Approximate amount of Judgment is \$41,134,642.46 plus interest & costs.

Premises will be sold subject to provisions of filed Judgment and Terms of Sale, as referenced therein, which are available from Plaintiff’s counsel upon request.

Participating bidders, other than Plaintiff or its successors or assigns, must place a bid deposit in the amount of \$100,000 with the Referee in cash or certified bank check at or before the start of the sale. After the Referee accepts the high bid offered by a bidder, the successful bidder must immediately pay to the Referee in cash or certified bank check ten percent (10%) of the sum bid and shall execute Terms of Sale for the purchase of the Property, unless such successful bidder is Plaintiff or its successors or assigns.

JOSHUA STEIN, ESQ., Referee

VENABLE LLP

Attorney(s) for Plaintiff, 151 W. 42ND Street, 49th Floor, New York, NY 10036, (212) 370-6257,

Attention: Rishi Kapoor, Esq.

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Defendants.

Index No.: 653405/2023

Hon. Melissa A. Crane

**AFFIRMATION
OF SERVICE**

Pursuant to CPLR 2106, I, ARIE PELED, an attorney duly admitted to practice law in the
State of New York, hereby affirm under penalties of perjury that the following is true:

1. I am over the age of 18, am not a party to this action, and am an attorney with the
law firm of Venable LLP, located at 151 W. 42nd Street, 49th Floor, New York, New York 10036.
Venable LLP represents the Plaintiff in the above-captioned action.

2. On January 17, 2025, I caused the papers filed herewith, *i.e.*, *Foreclosure Notice of
Sale of Real Property*, dated January 17, 2025, and the documents attached thereto (the “Notice of
Foreclosure Sale”), to be served on the respective counsel for defendants M&M 38th Street DE
LLC and the New York City Department of Finance and for the Court-appointed receiver, Steven
J. Smith, through the NYSCEF system.

3. On January 17, 2025, I also caused the Notice of Foreclosure Sale to be served upon
the below parties by causing to be deposited true and correct copies of said documents, enclosed

in a post-paid sealed wrapper bearing the address designated by such party for that purpose, in an official depository under the exclusive care of the United States Postal Service:

- (i) Fried, Frank, Harris, Shriver & Jacobson LLP
One New York Plaza
New York, NY 10004
Attn: Emilie B. Cooper, Esq.
Counsel for defendant M&M 38th Street DE LLC
- (ii) M&M 38th Street DE, LLC
26 Harbor Park Drive
Port Washington, New York 11050
Attn: Lee J. Brodsky
- (iii) Mitchell B. Modell
c/o Northeast Equity Management LLC
26 Harbor Park Drive
Port Washington, New York 11050
- (iv) Mitchell B. Modell and Abby Modell, as Trustees
c/o Northeast Equity Management LLC
26 Harbor Park Drive
Port Washington, New York 11050
- (v) John Doe
22 West 38th Street
New York, New York 10018
- (vi) Jane Doe
22 West 38th Street
New York, New York 10018
- (vii) New York City Department of Finance
Office of Legal Affairs
375 Pearl Street - 30th Floor
New York, New York 10038
- (viii) New York State Department of Taxation and Finance
Office of Counsel
W. A. Harriman Campus, Building 9
Albany, New York 12227
- (ix) Joshua Stein, Esq.
110 West 57th Street, 4th Floor
New York, New York 10019
Court-Appointed Referee

I affirm this 17th day of January, 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

/s/Arie Peled

Arie Peled