

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR
AMERIQUEST MORTGAGE
SECURITIES INC., ASSET-BACKED
PASS-THROUGH CERTIFICATES,
SERIES 2004-R9, UNDER THE POOLING
AND SERVICING AGREEMENT DATED
AS OF SEPTEMBER 1, 2004, WITHOUT
RECOURSE,

-against-

ELIYAHU EZAGUI, ET AL.

NOTICE OF SALE

NOTICE IS HEREBY GIVEN pursuant to a Final Judgment of Foreclosure entered in the Office of the Clerk of the County of Kings on August 20, 2024, wherein DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2004-R9, UNDER THE POOLING AND SERVICING AGREEMENT DATED AS OF SEPTEMBER 1, 2004, WITHOUT RECOURSE is the Plaintiff and ELIYAHU EZAGUI, ET AL. are the Defendant(s). I, the undersigned Referee will sell at public auction at the KINGS COUNTY COURTHOUSE, 360 ADAMS STREET, ROOM 224, BROOKLYN, NY 11201, on December 5, 2024 at 2:30PM, premises known as 621 EAST NEW YORK AVE, UNIT 4R, BROOKLYN, NY 11203; and the following tax map identification: 1333-1075.

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF REAL PROPERTY SITUATED AND BEING IN THE COUNTY OF KINGS, BOROUGH OF BROOKLYN, CITY AND STATE OF NEW YORK, KNOWN AND DESIGNATED AS UNIT NO.621-4R IN THE DECLARATION MADE BY CHAISOM. INC. UNDER ARTICLE 9-B OF THE NEW YORK REAL PROPERTY LAW, DATED 03/22/2001 RECORDED IN THE OFFICE OF THE CITY REGISTER, KINGS COUNTY, ON 09/05/2002 IN THE REEL 5783 OF CONVEYANCES AT PAGE 2270 COVERING THE PROPERTY THEREIN DESCRIBED, (HEREINAFTER CALLED THE THE KINGSTON GARDENS CONDOMINIUM (HEREINAFTER CALLED THE "PROPERTY"))

TOGETHER WITH AN UNDIVIDED 1.79 PERCENT INTEREST IN THE COMMON ELEMENTS OF THE PROPERTY DESCRIBED IN SAID DECLARATION

Premises will be sold subject to provisions of filed Judgment Index No.: 29701/2007. Bruno Codispoti, Esq. - Referee. Robertson, Anschutz, Schneid, Crane & Partners, PLLC, 900 Merchants Concourse, Suite 310, Westbury, New York 11590, Attorneys for Plaintiff. **All foreclosure sales will be conducted in accordance with Covid-19 guidelines including, but not limited to, social distancing and mask wearing. *LOCATION OF SALE SUBJECT TO CHANGE DAY OF IN ACCORDANCE WITH COURT/CLERK DIRECTIVES.**



PART I**Foreclosure Auction Plan**

This plan outlines the procedures to be used in recommencing Foreclosure Auctions effective October 29, 2020.

HISTORICAL BACKGROUND

Foreclosure Auctions in Kings County were initially conducted on the courthouse steps. About 20 years ago, that process was changed and the auctions were moved to a courtroom inside the courthouse, under the guidance of court staff. Sales were held on Thursdays at 2:30 PM. Calendars ranged from 50 to 70 properties. The courtroom accommodates 250 people and on many occasions, there was standing room only.

AUCTION RULES

The current pandemic has forced us to formulate a plan that is viable and takes into account all the health protocols that are needed for indoor assembly and outdoor assembly.

1. Location

Until further notice, in light of the COVID-19 pandemic, and in order to ensure the implementation of safety measures, foreclosure auctions will temporarily be held outside on the courthouse steps on Adams Street. It is the duty of the referee assigned to conduct the auction to make sure that all bidders, interested parties, and observers are wearing masks and observing proper social distancing. Banks must schedule the auction date and time with the court before commencing publication of the auction notice. Please note that all of the below-listed rules apply.

When it is determined that auctions can be held indoors, they shall be held in Room 224, 360 Adams Street, Brooklyn, NY.

2. Day and Time of Sale

Auctions will be held on Thursdays at 10:30 AM. Initially, only 15 auctions will be calendared. This number will be evaluated and increases will be made based upon the success and health and safety protocols. The Court's Calendars will list the specific times for each auction.

Prior to scheduling an auction, plaintiffs must contact the Foreclosure Department via e-mail at 360ASupremeCivilForeclosure@nycourts.gov to request that a COVID Assessment Conference be calendared pursuant to AO 262/21. Plaintiff must state that the conference request is for an auction eligible case, i.e., a Judgment of Foreclosure and Sale has been granted by the Court. This includes cases where judgments of foreclosure and sale have already been issued (even prior to March 15, 2020).

If the matter is not resolved during the conference, plaintiff shall contact the Foreclosure Department via e-mail at 360ASupremeCivilForeclosure@nycourts.gov for the next available auction date and must confirm that the case in question has had a COVID-19 Assessment Conference.

3. Ensuring Health and Safety at Auction Site

For indoor auctions, temperature checks and COVID Assessment Questionnaires will be administered upon entry to the courthouse. This procedure applies to all individuals, including referees, plaintiffs, etc.

Social distancing through markers will be strictly enforced. The wearing of masks will also be enforced.

Attendance will be limited to 25% of Courtroom capacity and initially, only qualified bidders will be allowed access. All other individuals and those wishing to observe will be accommodated in (an) overflow Courtroom(s) where virtual viewing of the process will be facilitated. As COVID-related circumstances change, additional parties will be allowed entry.

4. Closing and Deed Transfer

Following the auction, the successful bidder will deposit at least 10% of the sale price with the Referee. The balance of the funds, along with the transfer of title documents will occur at such location as determined by the Referee, or at such other place as agreed upon by the parties in writing, within the time limits specified in the Terms of Sale. All participants in the closing must comply with any face-covering rule, regulation, or order in effect at the time of closing. Should a bidder fail to comply, the Referee may cancel the closing and hold the bidder in default.

5. Publishing and Posting

A summary of these special COVID-19 policies and procedures shall be included in the public notices published and posted pursuant to RPAPL §231.

6. COVID-19 Auction Policies

Until further notice, every Judgment of Foreclosure and Sale and In Rem Judgment shall contain a decretal paragraph directing the Referee in a mortgage foreclosure action or the Petitioner in an In Rem Tax Foreclosure proceeding to comply with the Kings Supreme Civil COVID-19 Policies concerning Public Auctions of foreclosed properties.

7. Kings Supreme Court - Civil Term Foreclosure Auction Rules shall be included in every Judgment of Foreclosure and Sale.