SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION, SECOND JUDICIAL DEPARTMENT

Nationstar Mtge., LLC v. Owens

2026 NY Slip Op 01796 (N.Y. Ct. App. 2026) · No. 2023-02428 · Decided March 25, 2026

SUMMARY

The Appellate Division, Second Department, affirmed an order and judgment of foreclosure and sale in favor of Nationstar Mortgage, LLC. The court held that Nationstar established prima facie compliance with RPAPL 1304 and the mortgage's notice-of-default requirement through affidavits and business records, and that the defendant's denial of receipt was insufficient to raise a triable issue. The court also upheld confirmation of the referee's report without a computation hearing.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Betsy Barros, J.P.; Linda Christopher, J.; Barry E. Warhit, J.; Helen Voutsinas, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	March 25, 2026
DOCKET	2023-02428
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from an order and judgment of foreclosure and sale entered after the Supreme Court granted the plaintiff's motion for summary judgment, dismissed specified affirmative defenses, appointed a referee, confirmed the referee's report, and directed sale of the property.
PRECEDENTIAL VALUE	published
PARTIES	Corliss Owens v. Nationstar Mortgage, LLC

TOPICS

foreclosure · mortgages · summary judgment · evidence · appellate procedure

PRACTICE AREAS

real estate law · mortgage foreclosure · civil procedure · evidence

QUESTIONS PRESENTED

1. Whether Nationstar established strict compliance with RPAPL 1304 as a condition precedent to foreclosure.
2. Whether Nationstar established compliance with the mortgage agreement's notice-of-default requirement.
3. Whether Nationstar's business-record evidence was sufficient to establish mailing of the RPAPL 1304 notices.
4. Whether the Supreme Court properly confirmed the referee's report and entered a judgment of foreclosure and sale without holding a computation hearing.
5. Whether Owens was entitled to leave to renew her opposition to summary judgment.

HOLDINGS

1. Nationstar established prima facie strict compliance with RPAPL 1304 by submitting evidence that the required notices were sent to Owens by certified or registered mail and first-class mail. Owens's mere denial of receipt did not raise a triable issue of fact.
2. Nationstar established prima facie compliance with the notice-of-default requirement contained in the mortgage agreement.
3. The Supreme Court properly confirmed the referee's report and entered the judgment of foreclosure and sale without holding a separate computation hearing.

KEY QUOTATIONS

> *"Strict compliance with RPAPL 1304 notice to the borrower or borrowers is a condition precedent to the commencement of a foreclosure action"* ([*1])

> *"There is no requirement that a plaintiff in a foreclosure action rely on any particular set of business records to establish a prima facie case, so long as the plaintiff satisfies the admissibility requirements of CPLR 4518(a), and the records themselves actually evince the facts for which they are relied upon"* ([*2])

> *"Where, as here, a defendant had an opportunity to raise questions and submit evidence directly to the Supreme Court, which evidence could be considered by the court in determining whether to confirm the referee's report, the defendant is not prejudiced by any error in failing to hold a hearing"* ([*2]-[*3])

FACTUAL BACKGROUND

Nationstar brought an action to foreclose a mortgage encumbering real property in Brooklyn. Owens asserted affirmative defenses alleging that Nationstar failed to comply with the notice requirements of RPAPL 1304 and with a notice-of-default provision in the mortgage agreement. Nationstar submitted an affidavit concerning its third-party mailing vendor's procedures, transaction reports, addressed envelopes, tracking information, and copies of the notices; Owens denied receiving the notices.

PROCEDURAL HISTORY

Nationstar commenced a mortgage-foreclosure action against Corliss Owens and others. The Supreme Court, Kings County, granted Nationstar summary judgment and an order of reference, later confirmed the referee's report and entered an order and judgment of foreclosure and sale, while denying Owens's motion for leave to renew. The Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- Citibank, N.A. v. Conti-Scheurer, 172 A.D.3d 17, 20 (N.Y. App. Div. 2019)
- U.S. Bank N.A. v. Tiburcio, 197 A.D.3d 528, 530 (N.Y. App. Div. 2021)
- Federal Natl. Mtge. Assn. v. Raja, 211 A.D.3d 692, 695 (N.Y. App. Div. 2022)
- U.S. Bank Trust, N.A. v. Atedgi, 236 A.D.3d 707, 709-711 (N.Y. App. Div. 2024)
- U.S. Bank N.A. v. Callender, 176 A.D.3d 1249, 1251 (N.Y. App. Div. 2019)
- Citigroup v. Kopelowitz, 147 A.D.3d 1014, 1015 (N.Y. App. Div. 2017)
- Bank of Am., N.A. v. Bloom, 202 A.D.3d 736, 738 (N.Y. App. Div. 2022)
- Bank of N.Y. Mellon v. Gordon, 171 A.D.3d 197, 209 (N.Y. App. Div. 2019)
- U.S. Bank, N.A. v. Onuogu, 188 A.D.3d 756, 757 (N.Y. App. Div. 2020)
- U.S. Bank N.A. v. Pickering-Robinson, 197 A.D.3d 757, 761 (N.Y. App. Div. 2021)
- U.S. Bank N.A. v. Mahram, 230 A.D.3d 1265, 1266 (N.Y. App. Div. 2024)
- Nationstar Mtge., LLC v. Hassanzadeh, 228 A.D.3d 948, 951 (N.Y. App. Div. 2024)
- Bank of N.Y. Mellon v. Viola, 181 A.D.3d 767, 770 (N.Y. App. Div. 2020)