

APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, FIRST DEPARTMENT

LVN Corp. v. Cordero

LVN Corp., 2026 NY Slip Op 00318 (Appellate Division of the Supreme Court of the State of New York First Department 2026) · No. Index No. 380028/10; Appeal No. 5680; Case No. 2025-03883 · Decided January 27, 2026

SUMMARY

The Appellate Division, First Department unanimously affirmed an order denying Awilda Cordero's motion to vacate a final judgment of foreclosure and sale. The court held that Cordero failed to establish a reasonable excuse for her default, could not revive standing or notice defenses without vacating the default, and did not show grounds to reduce the interest awarded under the judgment.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, First Department
WRITING FOR THE COURT	Webber, J.P.; Gesmer, J.; Higgitt, J.; Michael, J.; Chan, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	January 27, 2026
DOCKET	Index No. 380028/10; Appeal No. 5680; Case No. 2025-03883
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from an order denying her motion to vacate a final judgment of foreclosure and sale and, alternatively, to recalculate interest on the judgment.
STANDARD OF REVIEW	The Appellate Division reviewed whether Supreme Court providently exercised its discretion in denying vacatur and the alternative request to recalculate interest.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Awilda Cordero v. LVN Corporation

TOPICS

- foreclosure
- default
- prejudgment interest
- appellate procedure
- civil procedure

PRACTICE AREAS

foreclosure

civil procedure

appellate procedure

real estate remedies

QUESTIONS PRESENTED

1. Whether Cordero established a reasonable excuse for her default sufficient to vacate the final judgment of foreclosure under CPLR 5015(a)(3).
2. Whether alleged defects in RPAPL 1304 notices could be raised by a defendant who failed to establish a reasonable excuse for default.
3. Whether Cordero was entitled to vacatur and dismissal in the interest of justice based on alleged material falsehoods by the plaintiff.
4. Whether RPAPL 1302-a permitted a defaulting defendant who had not vacated her default to revive a standing defense.
5. Whether the court should recalculate or reduce interest accrued on the foreclosure judgment under CPLR 5001(a).

HOLDINGS

1. Vacatur was properly denied because Cordero failed to provide a reasonable excuse for her default in opposing LNV's motion to enforce the consent judgment and obtain a final judgment of foreclosure and sale.
2. Because Cordero failed to establish a reasonable excuse for her default, she could not maintain a defense based on purported defects in the RPAPL 1304 notices.
3. Vacatur and dismissal in the interest of justice were properly denied because Cordero failed to present clear and convincing evidence of material falsehoods by LNV that undermined the integrity of the action.
4. RPAPL 1302-a did not permit Cordero to revive her standing defense because she was a defaulting defendant who had not vacated her default.
5. The request to deduct 2,441 days of interest from the judgment was properly denied.

KEY QUOTATIONS

“We have specifically found that where a party has failed to establish a reasonable excuse for her default, a defense arising from purported defects in the RPAPL 1304 notices cannot be maintained” ([*1])

“the defense is not available to a defaulting defendant who has not vacated her default” ([*1])

FACTUAL BACKGROUND

Cordero defaulted on her mortgage payments, and LNV Corporation later commenced the foreclosure action. In 2014, Cordero entered into a stipulation under which her answer, including a lack-of-standing affirmative defense, was stricken with prejudice. After a final judgment of foreclosure and sale was entered, Cordero sought

vacatur based on alleged procedural defects, purported material falsehoods, standing, and claimed defects in the RPAPL 1304 notices, as well as a reduction of accrued interest.

PROCEDURAL HISTORY

Supreme Court, Bronx County, denied Awilda Cordero's motion to vacate the final judgment of foreclosure and sale and denied her alternative request to recalculate judgment interest. The Appellate Division, First Department, unanimously affirmed without costs.

DISPOSITION

affirmed

CASES CITED

- 3331 102 St. LLC v. Newport Beach Holdings LLC, 205 AD3d 497 (1st Dept 2022)
- JP Morgan Chase Bank v. Dennis, 166 AD3d 530, 531 (1st Dept 2018)
- Peters v. Peters, 146 AD3d 503 (1st Dept 2017)
- CDR Creances S.A.S. v. Cohen, 23 NY3d 307, 321 (2014)
- U.S. Bank N.A. v. Singh, 236 AD3d 965, 967 (2d Dept 2025)
- Citibank, N.A. v. Boyce, 226 AD3d 867, 868 (2d Dept 2024)
- Combier v. Anderson, 34 AD3d 333, 334 (1st Dept 2006)

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