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

U.S. Bank N.A. v. Jones-Boakai

2026 NY Slip Op 03016 · No. 2024-04475 · Decided May 13, 2026

SUMMARY

The New York Appellate Division, Second Department affirmed an order granting Joyce Jones-Boakai summary judgment dismissing a mortgage foreclosure complaint as time-barred. The court held that the mortgage debt was accelerated when the plaintiff commenced a 2009 foreclosure action, that a purported unilateral de-acceleration did not reset the limitations period under the Foreclosure Abuse Prevention Act, and that retroactive application of the Act did not violate constitutional protections.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Francesca E. Connolly, J.P.; Cheryl E. Chambers, J.; Helen Voutsinas, J.; Elena Goldberg Velazquez, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	May 13, 2026
DOCKET	2024-04475
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed from an order granting the defendant's motion for summary judgment dismissing the mortgage-foreclosure complaint against her as time-barred.
STANDARD OF REVIEW	Whether the defendant established prima facie entitlement to summary judgment as a matter of law and whether the plaintiff raised a triable issue of fact in opposition.
PRECEDENTIAL VALUE	published
PARTIES	U.S. Bank National Association v. Joyce Jones-Boakai

TOPICS

foreclosure · mortgages · statute of limitations · summary judgment · appellate procedure

PRACTICE AREAS

real estate law · mortgage foreclosure · civil procedure · appellate procedure · statutory interpretation · constitutional law

QUESTIONS PRESENTED

1. Whether the 2009 foreclosure action accelerated the entire mortgage debt and began the six-year statute of limitations.
2. Whether the plaintiff's purported unilateral de-acceleration of the loan revived or reset the statute of limitations under CPLR 203 as amended by the Foreclosure Abuse Prevention Act.
3. Whether the Foreclosure Abuse Prevention Act applies retroactively.
4. Whether retroactive application of the Foreclosure Abuse Prevention Act violates the Due Process Clauses, Contracts Clause, or Takings Clause.

HOLDINGS

1. A mortgage debt is accelerated, and the statute of limitations begins to run on the entire debt, when the plaintiff commences a foreclosure action and elects in the complaint to call the entire amount secured by the mortgage due.
2. Under CPLR 203 as amended by FAPA, the plaintiff's purported unilateral de-acceleration of the loan did not revive or reset the statute of limitations.
3. The Foreclosure Abuse Prevention Act applies retroactively to the circumstances presented.
4. Retroactive application of FAPA does not violate the Due Process Clauses of the United States or New York Constitutions, the Contracts Clause, or the Takings Clause of the United States Constitution.

KEY QUOTATIONS

> *“"[E]ven if a mortgage is payable in installments, once a mortgage debt is accelerated, the entire amount is due and the statute of limitations begins to run on the entire debt"”* ([*1])

> *“"Acceleration occurs, inter alia, by the commencement of a foreclosure action wherein the plaintiff elects in the complaint to call due the entire amount secured by the mortgage"”* ([*1])

FACTUAL BACKGROUND

Joyce Jones-Boakai executed a note on February 23, 2006, secured by a mortgage on Brooklyn real property. U.S. Bank commenced a foreclosure action in August 2009 and elected in the complaint to call the entire mortgage debt due. U.S. Bank commenced the present foreclosure action in February 2016, and Jones-Boakai moved for summary judgment, arguing that the action was barred by the six-year statute of limitations as governed by the Foreclosure Abuse Prevention Act. U.S. Bank argued that a July 2015 letter unilaterally de-accelerated the debt and reset the limitations period, and challenged FAPA's retroactive application on constitutional grounds.

PROCEDURAL HISTORY

U.S. Bank commenced a foreclosure action in February 2016 after commencing an earlier foreclosure action in August 2009. The Supreme Court, Kings County, granted Joyce Jones-Boakai summary judgment dismissing the complaint insofar as asserted against her. The Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- US Bank N.A. v. Levy, 239 AD3d 789, 790
- Bank of N.Y. Mellon v. Mor, 201 AD3d 691, 694
- US Bank Trust, N.A. v. Horowitz, 238 AD3d 1093, 1095-1096
- Anglestone Real Estate Venture Partners Corp. v. Bank of N.Y. Mellon, 221 AD3d 943, 946-947
- FV-1, Inc. v. Palaguachi, 234 AD3d 818, 821, 822
- Deutsche Bank Natl. Trust Co. v. Dagrin, 233 AD3d 1065, 1067
- 97 Lyman Ave., LLC v. MTGLQ Invs., L.P., 233 AD3d 1038, 1043
- Van Dyke v. U.S. Bank, N.A., 235 AD3d 517, 518, affd, 2025 NY Slip Op 06537
- US Bank N.A. v. Jones-Boakai, ___ AD3d ___ [Appellate Division Docket No. 2024-02939; decided herewith]

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