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

GIT Capital, LLC v. Alexis

2026 NY Slip Op 00495 (Supreme Court of the State of New York Appellate Division Second Judicial Department 2026) · No. 2023-00741 · Decided February 4, 2026

SUMMARY

The Appellate Division, Second Department, held that the Supreme Court improvidently exercised its discretion by denying Glenda Alexis and Leotta Alexis Carr's motion to vacate their default under CPLR 5015(a). The court granted vacatur in the interest of substantial justice, remitted the matter to permit the defendants to serve and file an answer, and held that their request to cancel the tax deed was denied without prejudice to renewal.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Mark C. Dillon, J.P.; Valerie Brathwaite Nelson, J.; Helen Voutsinas, J.; Phillip Hom, J.
JURISDICTION	New York Supreme Court, Appellate Division, Second Department
DECIDED	February 4, 2026
DOCKET	2023-00741
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendants Glenda Alexis and Leotta Alexis Carr appealed from an order denying their CPLR 5015(a) motion to vacate their defaults in appearing or answering an RPAPL article 15 action and to vacate an amended judgment declaring GIT Capital, LLC the record holder and owner of the subject property. They also sought cancellation of a tax deed.
STANDARD OF REVIEW	Abuse of discretion; whether the Supreme Court improvidently exercised its discretion under CPLR 5015(a), considering the particular facts, the equities affecting the parties and others affected by the judgment, and the grounds for vacatur.
PRECEDENTIAL VALUE	Published New York Appellate Division opinion

PARTIES	Glenda Alexis, Leotta Alexis Carr, sued herein as Jane Doe v. GIT Capital, LLC

TOPICS

default judgment · civil procedure · appellate procedure · title disputes · declaratory judgment

PRACTICE AREAS

civil procedure · real estate litigation · appellate procedure · equitable remedies

QUESTIONS PRESENTED

1. Whether the Supreme Court should have vacated Glenda Alexis and Leotta Alexis Carr's defaults in appearing or answering the RPAPL article 15 action and the resulting amended judgment under CPLR 5015(a) and in the interest of substantial justice.
2. Whether the appellants' request to cancel the tax deed should be granted or denied without prejudice to renewal.

HOLDINGS

1. Under the unique circumstances of the case, the Supreme Court improvidently exercised its discretion by denying the appellants' CPLR 5015(a) motion to vacate their defaults and the amended judgment in the interest of justice.
2. The denial of the appellants' request to cancel the tax deed is without prejudice to renewal.

KEY QUOTATIONS

> *"In addition to the grounds set forth in [CPLR] 5015(a), a court may vacate its own judgment for sufficient reason and in the interests of substantial justice"* (*2)

> *"Under the unique circumstances of this case, the Supreme Court improvidently exercised its discretion in denying that branch of the appellants' motion which was pursuant to CPLR 5015(a), in effect, to vacate their default in appearing or answering the complaint and the amended judgment in the interest of justice."* (*2)

FACTUAL BACKGROUND

Peter and Glenda Alexis purchased the subject real property in 1979, and Glenda later conveyed it to herself and their daughter, Leotta Alexis Carr, by a 2008 warranty deed. Although the deed described the property as including Lots 2 and 19, the Nassau County Clerk's Office erroneously indexed it against Lot 20. After alleged nonpayment of 2014 Village taxes, a tax lien sale occurred and the Village conveyed the property to GIT Capital by tax deed dated November 20, 2018.

PROCEDURAL HISTORY

GIT Capital commenced an RPAPL article 15 action in 2019 after receiving a tax deed to the property. No defendant appeared or answered, and the Supreme Court entered a judgment in favor of GIT Capital, later issuing an amended judgment correcting the lot designation. The Supreme Court denied Glenda Alexis and Leotta Alexis Carr's motion to vacate their defaults and cancel the tax deed. The Appellate Division modified the order, vacated the defaults and amended judgment in the interest of justice, denied the tax-deed request without prejudice to renewal, and remitted for the appellants to answer.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The matter was remitted to the Supreme Court, Nassau County, to afford Glenda Alexis and Leotta Alexis Carr an opportunity to serve and file an answer within 20 days after service upon them of the decision and order with notice of entry. Their request to cancel the tax deed may be renewed.

CASES CITED

- Woodson v Mendon Leasing Corp., 100 NY2d 62, 68
- Nash v Port Auth. of N.Y. & N.J., 22 NY3d 220, 226
- Dorji v Maruti Ravami, LLC, 238 AD3d 855
- Hudson City Sav. Bank v Cohen, 120 AD3d 1304, 1305

INSTRUCTIONS FOR AN AI ASSISTANT