

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

Wells Fargo Bank, N.A. v. Stein

2026 NY Slip Op 02869 · No. 2022-09298, 2022-09299 · Decided May 6, 2026

SUMMARY

The New York Appellate Division, Second Department affirmed two orders granting Wells Fargo Bank, N.A. summary judgment, striking Hannah Stein's answer, and directing an order of reference in a mortgage foreclosure action. The court held that the plaintiff did not establish that Stein lacked standing to defend but did establish prima facie compliance with the mailing requirements of RPAPL 1304. Stein's bare denial of receipt was insufficient to raise a triable issue of fact.

CASE DETAILS

|                       |                                                                                                                                                                                                               |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of the State of New York, Appellate Division, Second Judicial Department                                                                                                                        |
| WRITING FOR THE COURT | Angela G. Iannacci, J.P.; Lara J. Genovesi; Carl J. Landicino; Laurence L. Love                                                                                                                               |
| JURISDICTION          | Supreme Court of the State of New York, Appellate Division, Second Judicial Department                                                                                                                        |
| DECIDED               | May 6, 2026                                                                                                                                                                                                   |
| DOCKET                | 2022-09298, 2022-09299                                                                                                                                                                                        |
| DISPOSITION           | affirmed                                                                                                                                                                                                      |
| PROCEDURAL POSTURE    | Appeal from two orders granting the mortgage plaintiff summary judgment, striking the defendant's answer, and granting an order of reference.                                                                 |
| STANDARD OF REVIEW    | The court reviewed the summary-judgment determination to determine whether the plaintiff established its entitlement to judgment as a matter of law and whether the defendant raised a triable issue of fact. |
| PRECEDENTIAL VALUE    | published                                                                                                                                                                                                     |
| PARTIES               | Hannah Stein v. Wells Fargo Bank, N.A.                                                                                                                                                                        |

TOPICS

- foreclosure
- mortgages
- summary judgment
- appellate procedure
- preservation of error

## PRACTICE AREAS

real estate

mortgage foreclosure

civil procedure

appellate procedure

## QUESTIONS PRESENTED

1. Whether Wells Fargo established that Stein lacked standing to defend the foreclosure action because she had conveyed all of her interest in the mortgaged premises.
2. Whether Wells Fargo established prima facie compliance with the mailing requirements of RPAPL 1304 for purposes of summary judgment.
3. Whether Stein's bare denial of receipt of the RPAPL 1304 notice raised a triable issue of fact.
4. Whether Stein's remaining contentions were preserved for appellate review.

## HOLDINGS

1. Wells Fargo failed to demonstrate that Stein lacked standing to defend the action on the asserted basis that she had made an absolute conveyance of all her interest in the mortgaged premises.
2. Wells Fargo established prima facie strict compliance with RPAPL 1304 by submitting proof of a standard office mailing procedure, sworn to by an employee with personal knowledge, together with business records confirming that the procedure was followed in this case.
3. The remaining contentions were either without merit or improperly raised for the first time on appeal and therefore were not properly before the court.

## KEY QUOTATIONS

*“Proof of the requisite mailings of the RPAPL 1304 notices may be established with proof of the actual mailings, such as affidavits of mailing or domestic return receipts with attendant signatures, or proof of a standard office mailing procedure designed to ensure that items are properly addressed and mailed, sworn to by someone with personal knowledge of the procedure” ([\*2])*

## FACTUAL BACKGROUND

Wells Fargo brought an action to foreclose a mortgage on real property in Brooklyn. Stein served an answer raising affirmative defenses. Wells Fargo presented evidence of its mailing procedures for the notices required by RPAPL 1304, including an employee affidavit based on personal knowledge and business records confirming that the procedures were followed. Stein opposed the motion with a bare denial that she received the RPAPL 1304 notice.

## PROCEDURAL HISTORY

Wells Fargo commenced a mortgage-foreclosure action against Hannah Stein and others. Stein answered and asserted affirmative defenses. The Supreme Court, Kings County, granted Wells Fargo's motion for summary judgment against Stein, struck her answer, and referred the matter to a referee to compute the amount due. Stein appealed, and the Appellate Division affirmed on grounds different from those relied on by the Supreme Court.

## DISPOSITION

affirmed

#### CASES CITED

- LaSalle Bank N.A. v. Abedin, 236 AD3d 773, 775-776
- Onewest Bank FSB v. Thomas, 242 AD3d 1005, 1008
- Wilmington Sav. Fund Socy., FSB v. Blum, 241 AD3d 857, 858
- Homebridge Fin. Servs., Inc. v. Mauras, 201 AD3d 890, 892
- U.S. Bank N.A. v. Panzer, 189 AD3d 1109
- Bank of Am., N.A. v. Gonzalez, 219 AD3d 433, 434
- MTGLQ Invs., L.P. v. Assim, 209 AD3d 1006, 1008
- Nationstar Mtge., LLC v. LaPorte, 162 AD3d 784, 786

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