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

U.S. Bank N.A. v. Speller

2026 NY Slip Op 02866 · No. 2024-08987 · Decided May 6, 2026

SUMMARY

The Appellate Division, Second Department, reversed an order dismissing a mortgage foreclosure complaint for lack of standing and awarding expenses to the defendants. The court held that U.S. Bank established standing by demonstrating that Computershare, its custodian, possessed the original note when the action commenced. The court granted the plaintiff's motion for summary judgment dismissing the defendants' lack-of-standing affirmative defense.

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.; Valerie Brathwaite Nelson, J.; Barry E. Warhit, J.; Lourdes M. Ventura, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	May 6, 2026
DOCKET	2024-08987
DISPOSITION	reversed
PROCEDURAL POSTURE	Plaintiff appealed from an order entered after a nonjury trial that denied summary judgment dismissing defendants' lack-of-standing affirmative defense, sua sponte dismissed the foreclosure complaint against defendants for lack of standing, and directed plaintiff to pay defendants' expenses under Real Property Law § 282(1).
STANDARD OF REVIEW	On review of a determination made after a nonjury trial, the Appellate Division has power as broad as that of the trial court and may render the judgment warranted by the facts, while giving appropriate consideration in a close case to the trial court's opportunity to see and hear the witnesses.
PRECEDENTIAL VALUE	Published

PARTIES	U.S. Bank National Association v. Michael M. Speller, Ellen M. Speller, sued herein as Ellen M. Fitzsimmons

TOPICS

foreclosure · standing · summary judgment · appellate procedure · evidence

PRACTICE AREAS

real estate · mortgage foreclosure · civil procedure · evidence

QUESTIONS PRESENTED

1. Whether the plaintiff established standing to maintain the mortgage foreclosure action by proving that it was the holder or assignee of the note when the action was commenced.
2. Whether the plaintiff's documents were properly admitted as business records through the testimony of its witness.
3. Whether the Supreme Court properly denied plaintiff's motion for summary judgment, dismissed the complaint sua sponte for lack of standing, and awarded defendants expenses under Real Property Law § 282(1).

HOLDINGS

1. A plaintiff establishes standing in a mortgage foreclosure action by demonstrating that it was the holder or assignee of the underlying note when the action was commenced. U.S. Bank established that requirement through the evidence showing that Computershare possessed the original note as the bank's custodian at commencement.
2. Testimony from a witness with an appropriate foundation may establish the admissibility of a limited power of attorney and transaction addendum as business records under the business-records exception to the hearsay rule.
3. The Supreme Court should have granted the branch of U.S. Bank's motion seeking summary judgment dismissing defendants' lack-of-standing affirmative defense and should not have sua sponte dismissed the complaint or ordered payment of expenses under Real Property Law § 282(1).

KEY QUOTATIONS

> *"In reviewing a determination made after a nonjury trial, this Court's power is as broad as that of the trial court, and this Court may render the judgment it finds warranted by the facts, taking into account in a close case that the trial court had the advantage of seeing and hearing the witnesses"* ([*1])

> *"A plaintiff in a mortgage foreclosure action establishes its standing by demonstrating that 'it was the holder or assignee of the underlying note at the time the action was commenced'"* ([*1])

FACTUAL BACKGROUND

U.S. Bank brought a mortgage foreclosure action against Michael M. Speller and Ellen M. Fitzsimmons. At the nonjury trial on standing, the bank presented testimony from Charles Brehm, a vice president of Computershare Delaware Trust Company, together with a limited power of attorney and a transaction addendum. The evidence showed that Computershare was the bank's custodian and possessed the original note when the foreclosure action commenced.

PROCEDURAL HISTORY

In this mortgage foreclosure action, the Supreme Court, Putnam County, directed a nonjury trial under CPLR 3212(c) concerning plaintiff's motion for summary judgment dismissing defendants' lack-of-standing defense. After the trial, the Supreme Court denied that branch of plaintiff's motion, dismissed the complaint against defendants sua sponte, and ordered plaintiff to pay defendants' expenses. The Appellate Division deemed the notice of appeal from the sua sponte portions an application for leave to appeal, granted leave, and reversed.

DISPOSITION

reversed

CASES CITED

- U.S. Bank N.A. v. Sakizada, 235 AD3d 800, 801-802
- Northern Westchester Professional Park Assoc. v. Town of Bedford, 60 NY2d 492, 499
- U.S. Bank N.A. v. Nelson, 169 AD3d 110, 114, affd, 36 NY3d 998
- Bank of Am., N.A. v. Bloom, 202 AD3d 736, 737
- Deutsche Bank Natl. Trust Co. v. Gordon, 181 AD3d 645, 646
- Nationstar Mtge., LLC v. Tabick, 193 AD3d 950, 951
- HSBC Bank USA, NA v. Thoppil, 227 AD3d 1056, 1058
- U.S. Bank Trust, N.A. v. O'Driscoll, 168 AD3d 783, 785

OPINION

U.S. Bank N.A. v. Speller 2026 NY Slip Op 02866
PER CURIAM.
<div>U.S. Bank N.A. v Speller - 2026 NY Slip Op 02866 <div> skip to main content </div> <div> <p>It appears you are using Adblock. Please disable Adblock to best experience our website.</p> </div> <div> <header> <div> <img src="/reporter/images/nys-logo-white.svg" alt=""> </div> <div> Law Reporting
Bureau Thomas J.K. Smith, State Reporter <nav> Court Decisions Resources About </nav> </div> <div> <img src="/reporter/images/lrb-seal.png" alt=""> </div> </header> </div> <nav> Home All Court Decisions Decisions </nav> <div> <div> <h1>U.S. Bank N.A. v Speller</h1> <p>2026 NY Slip Op 02866</p> <p>May 6, 2026</p> <p>Appellate Division, Second Department</p>

<p>Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431.</p> <p>This decision is uncorrected and subject to revision before publication in the Official Reports. </p> </div> <div> <p>U.S. Bank National Association, etc., appellant,</p> <p>v</p> <p>Michael M. Speller, et al., respondents, et al., defendants.</p> </div> <p>Supreme Court of the State of New York, Appellate Division, Second Judicial Department</p> <p>Decided on May 6, 2026</p> <p>2024-08987, (Index No. 500088/22)</p> <p>Francesca E. Connolly, J.P.</p> <p>Valerie Brathwaite Nelson</p> <p>Barry E. Warhit</p> <p>Lourdes M. Ventura, JJ.</p> <div> <p>Friedman Vartolo LLP, Garden City, NY (Stephen J. Vargas of counsel), for appellant. </p> <p>Michael M. Speller and Ellen M. Speller, sued herein as Ellen M. Fitzsimmons, Brewster, NY, respondents pro se.</p> </div> [*1] <p>DECISION & ORDER</p> <p>In an action to foreclose a mortgage, the plaintiff appeals from an order of the Supreme Court, Putnam County (Victor G. Grossman, J.), dated August 14, 2024. The order, after a nonjury trial, denied that branch of the plaintiff's motion which was for summary judgment dismissing the affirmative defense of the defendants Michael M. Speller and Ellen M. Fitzsimmons of lack of standing, sua sponte, directed dismissal of the complaint insofar as asserted against those defendants on the ground of lack of standing, and, sua sponte, directed that the plaintiff pay expenses to those defendants pursuant to Real Property Law § 282(1) .</p> <p>ORDERED that on the Court's own motion, the notice of appeal from so much of the order as, sua sponte, directed dismissal of the complaint insofar as asserted against the defendants Michael M. Speller and Ellen M. Fitzsimmons on the ground of lack of standing and, sua sponte, directed that the plaintiff pay expenses to those defendants pursuant to Real Property Law § 282(1) is deemed to be an application for leave to appeal from those portions of the order, and leave to appeal is granted (<i>see</i> CPLR 5701[c]); and it is further,</p> <p>ORDERED that the order is reversed, on the law, with costs, and that branch of the plaintiff's motion which was for summary judgment dismissing the affirmative defense of the defendants Michael M. Speller and Ellen M. Fitzsimmons of lack of standing is granted.</p> <p>The background facts and procedural history of this case are more fully set forth in this Court's decision and order on a related appeal (<i>see U.S. Bank N.A. v Speller</i>, ___ AD3d ___ [Appellate Division Docket No.2023-01252; decided herewith]). In an order dated October 31, 2023, the Supreme Court, inter alia, directed a nonjury trial pursuant to CPLR 3212(c) on that branch of the plaintiff's motion which was for summary judgment dismissing the affirmative defense of the defendants Michael M. Speller and Ellen M. Fitzsimmons (hereinafter together the defendants) of lack of standing. Following the nonjury trial on that issue, in an order dated August 14, 2024, the court denied that branch of the plaintiff's motion which was for summary judgment dismissing the defendants' affirmative defense of lack of standing, sua sponte, directed dismissal of the complaint insofar as asserted against the defendants on the ground of lack of standing, and, sua sponte, directed [*2]that the plaintiff pay expenses to the defendants pursuant to Real Property Law § 282(1). The plaintiff appeals.</p> <p>"In reviewing a determination made after a nonjury trial,

this Court's power is as broad as that of the trial court, and this Court may render the judgment it finds warranted by the facts, taking into account in a close case that the trial court had the advantage of seeing and hearing the witnesses" (<i>U.S. Bank N.A. v Sakizada</i>, 235 AD3d 800, 801; <i>see</i> <i>Northern Westchester Professional Park Assoc. v Town of Bedford</i>, 60 NY2d 492, 499).</p> <p>"A plaintiff in a mortgage foreclosure action establishes its standing by demonstrating that 'it was the holder or assignee of the underlying note at the time the action was commenced'" (<i>U.S. Bank N.A. v Sakizada</i>, 235 AD3d at 801-802, quoting <i>U.S. Bank N.A. v Nelson</i>, 169 AD3d 110, 114, <i>affd</i> 36 NY3d 998). Here, the plaintiff established its standing through, among other things, the testimony of Charles Brehm, who was a vice president of Computershare Delaware Trust Company (hereinafter Computershare), along with copies of a limited power of attorney and a transaction addendum (<i>see</i> <i>U.S. Bank N.A. v Sakizada</i>, 235 AD3d at 802; <i>Bank of Am., N.A. v Bloom</i>, 202 AD3d 736, 737; <i>Deutsche Bank Natl. Trust Co. v Gordon</i>, 181 AD3d 645, 646). Brehm's testimony laid a proper foundation for the admission of the limited power of attorney and the transaction addendum as business records under the business records exception to the hearsay rule (<i>see</i> CPLR 4518; <i>Bank of Am., N.A. v Bloom</i>, 202 AD3d at 737;<i> Nationstar Mtge., LLC v Tabick</i>, 193 AD3d 950, 951). These documents and Brehm's testimony established that Computershare was the custodian of the note on behalf of the plaintiff and that Computershare was in possession of the original note at the time this action was commenced (<i>see</i> <i>HSBC Bank USA, NA v Thoppil</i>, 227 AD3d 1056, 1058; <i>Nationstar Mtge., LLC v Tabick</i>, 193 AD3d at 951; <i>U.S. Bank Trust, N.A. v O'Driscoll</i>, 168 AD3d 783, 785).</p> <p>The defendants' remaining contentions are not properly before this Court.</p> <p>Accordingly, the Supreme Court should have granted that branch of the plaintiff's motion which was for summary judgment dismissing the defendants' affirmative defense of lack of standing and should not have, sua sponte, directed dismissal of the complaint insofar as asserted against the defendants and, sua sponte, directed that the plaintiff pay expenses to the defendants pursuant to Real Property Law § 282(1).</p> <p>CONNOLLY, J.P., BRATHWAITE NELSON, WARHIT and VENTURA, JJ., concur.</p> <p>ENTER:</p> <p>Darrell M. Joseph</p> <p>Clerk of the Court</p> </div>

PER CURIAM.

<div>U.S. Bank N.A. v Speller - 2026 NY Slip Op 02866 <div> skip to main content </div>

<div> <p>It appears you are using Adblock. Please disable Adblock to best experience our website.</p> </div> <div> <header> <div> <img src="/reporter/images/nys-logo-white.svg" alt=""> </div> <div> Law Reporting
Bureau Thomas J.K. Smith, State Reporter <nav> Court Decisions Resources About </nav> </div> <div> <img src="/reporter/images/lrb-seal.png" alt=""> </div> </header> </div> <nav> Home All Court Decisions Decisions </nav> <div> <div> <h1>U.S. Bank N.A. v Speller</h1> <p>2026 NY Slip Op 02866</p> <p>May 6, 2026</p> <p>Appellate Division, Second Department</p> <p>Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431.</p> <p>This decision is uncorrected and subject to revision before publication in the Official Reports. </p> </div> <div> <p>U.S. Bank National Association, etc., appellant,</p> <p>v</p> <p>Michael M. Speller, et al., respondents, et al., defendants.</p> </div> <p>Supreme Court of the State of New York, Appellate Division, Second Judicial Department</p> <p>Decided on May 6, 2026</p> <p>2024-08987, (Index No. 500088/22)</p> <p>Francesca E. Connolly, J.P.</p> <p>Valerie Brathwaite Nelson</p> <p>Barry E. Warhit</p> <p>Lourdes M. Ventura, JJ.</p> <div> <p>Friedman Vartolo LLP, Garden City, NY (Stephen J. Vargas of counsel), for appellant. </p> <p>Michael M. Speller and Ellen M. Speller, sued herein as Ellen M. Fitzsimmons, Brewster, NY, respondents pro se.</p> </div> [*1] <p>DECISION & ORDER</p> <p>In an action to foreclose a mortgage, the plaintiff appeals from an order of the Supreme Court, Putnam County (Victor G. Grossman, J.), dated August 14, 2024. The order, after a nonjury trial, denied that branch of the plaintiff's motion which was for summary judgment dismissing the affirmative defense of the defendants Michael M. Speller and Ellen M. Fitzsimmons of lack of standing, sua sponte, directed dismissal of the complaint insofar as asserted against those defendants on the ground of lack of standing, and, sua sponte, directed that the plaintiff pay expenses to those defendants pursuant to Real Property Law § 282(1) .</p> <p>ORDERED that on the Court's own motion, the notice of appeal from so much of the order as, sua sponte, directed dismissal of the complaint insofar as asserted against the defendants Michael M. Speller and Ellen M. Fitzsimmons on the ground of lack of standing and, sua sponte, directed that the plaintiff pay expenses to those defendants pursuant to Real Property Law § 282(1) is deemed to be an application for leave to appeal from those portions of the order, and leave to appeal is granted (<i>see</i> CPLR 5701[c]); and it is further,</p> <p>ORDERED that the order is reversed, on the law, with costs, and that branch of the plaintiff's motion which was for summary judgment dismissing the affirmative defense of the defendants Michael M. Speller and Ellen M. Fitzsimmons of lack of standing is granted.</p> <p>The background facts and procedural history of this case are more fully set forth in this Court's decision and order on a related appeal (<i>see U.S. Bank N.A. v Speller</i>, ___ AD3d ___ [Appellate Division Docket No.2023-01252; decided herewith]). In an order dated October 31, 2023, the Supreme Court, inter alia, directed a nonjury trial pursuant to CPLR 3212(c) on that branch of the plaintiff's motion

which was for summary judgment dismissing the affirmative defense of the defendants Michael M. Speller and Ellen M. Fitzsimmons (hereinafter together the defendants) of lack of standing. Following the nonjury trial on that issue, in an order dated August 14, 2024, the court denied that branch of the plaintiff's motion which was for summary judgment dismissing the defendants' affirmative defense of lack of standing, sua sponte, directed dismissal of the complaint insofar as asserted against the defendants on the ground of lack of standing, and, sua sponte, directed [*2]that the plaintiff pay expenses to the defendants pursuant to Real Property Law § 282(1). The plaintiff appeals.</p> <p>"In reviewing a determination made after a nonjury trial, this Court's power is as broad as that of the trial court, and this Court may render the judgment it finds warranted by the facts, taking into account in a close case that the trial court had the advantage of seeing and hearing the witnesses" (<i>U.S. Bank N.A. v Sakizada</i>, 235 AD3d 800, 801; <i>see</i> <i>Northern Westchester Professional Park Assoc. v Town of Bedford</i>, 60 NY2d 492, 499).</p> <p>"A plaintiff in a mortgage foreclosure action establishes its standing by demonstrating that 'it was the holder or assignee of the underlying note at the time the action was commenced'" (<i>U.S. Bank N.A. v Sakizada</i>, 235 AD3d at 801-802, quoting <i>U.S. Bank N.A. v Nelson</i>, 169 AD3d 110, 114, <i>affd</i> 36 NY3d 998). Here, the plaintiff established its standing through, among other things, the testimony of Charles Brehm, who was a vice president of Computershare Delaware Trust Company (hereinafter Computershare), along with copies of a limited power of attorney and a transaction addendum (<i>see</i> <i>U.S. Bank N.A. v Sakizada</i>, 235 AD3d at 802; <i>Bank of Am., N.A. v Bloom</i>, 202 AD3d 736, 737; <i>Deutsche Bank Natl. Trust Co. v Gordon</i>, 181 AD3d 645, 646). Brehm's testimony laid a proper foundation for the admission of the limited power of attorney and the transaction addendum as business records under the business records exception to the hearsay rule (<i>see</i> CPLR 4518; <i>Bank of Am., N.A. v Bloom</i>, 202 AD3d at 737;<i> Nationstar Mtge., LLC v Tabick</i>, 193 AD3d 950, 951). These documents and Brehm's testimony established that Computershare was the custodian of the note on behalf of the plaintiff and that Computershare was in possession of the original note at the time this action was commenced (<i>see</i> <i>HSBC Bank USA, NA v Thoppil</i>, 227 AD3d 1056, 1058; <i>Nationstar Mtge., LLC v Tabick</i>, 193 AD3d at 951; <i>U.S. Bank Trust, N.A. v O'Driscoll</i>, 168 AD3d 783, 785).</p> <p>The defendants' remaining contentions are not properly before this Court.</p> <p>Accordingly, the Supreme Court should have granted that branch of the plaintiff's motion which was for summary judgment dismissing the defendants' affirmative defense of lack of standing and should not have, sua sponte, directed dismissal of the complaint insofar as asserted against the defendants and, sua sponte, directed that the plaintiff pay expenses to the defendants pursuant to Real Property Law § 282(1).</p> <p>CONNOLLY, J.P., BRATHWAITE NELSON, WARHIT and VENTURA, JJ., concur.</p> <p>ENTER:</p> <p>Darrell M. Joseph</p> <p>Clerk of the Court</p> </div> <div> <footer> <div> <p>Court Decisions</p> All Court Decisions Official Reports Service Bound Volumes Decision Search </div> <div> <p>Resources</p> RSS Feeds Style Manual

PER CURIAM.

U.S. Bank N.A. v Speller - 2026 NY Slip Op 02866 skip to main content It appears you are using Adblock. Please disable Adblock to best experience our website. Law Reporting Bureau Thomas J.K. Smith, State Reporter Court Decisions Resources About Home All Court Decisions Decisions U.S. Bank N.A. v Speller 2026 NY Slip Op 02866 May 6, 2026 Appellate Division, Second Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This decision is uncorrected and subject to revision before publication in the Official Reports. U.S. Bank National Association, etc., appellant, v Michael M. Speller, et al., respondents, et al., defendants. Supreme Court of the State of New York, Appellate Division, Second Judicial Department Decided on May 6, 2026 2024-08987, (Index No. 500088/22) Francesca E. Connolly, J.P. Valerie Brathwaite Nelson Barry E. Warhit Lourdes M. Ventura, JJ. Friedman Vartolo LLP, Garden City, NY (Stephen J. Vargas of counsel), for appellant. Michael M. Speller and Ellen M. Speller, sued herein as Ellen M. Fitzsimmons, Brewster, NY, respondents pro se. [*1] DECISION & ORDER In an action to foreclose a mortgage, the plaintiff appeals from an order of the Supreme Court, Putnam County (Victor G. Grossman, J.), dated August 14, 2024. The order, after a nonjury trial, denied that branch of the plaintiff's motion which was for summary judgment dismissing the affirmative defense of the defendants Michael M. Speller and Ellen M. Fitzsimmons of lack of standing, sua sponte, directed dismissal of the complaint insofar as asserted against those defendants on the ground of lack of standing, and, sua sponte, directed that the plaintiff pay expenses to those defendants pursuant to Real Property Law § 282(1) . ORDERED that on the Court's own motion, the notice of appeal from so much of the order as, sua sponte, directed dismissal of the complaint insofar as asserted against the defendants Michael M. Speller and Ellen M. Fitzsimmons on the ground of lack of standing and, sua sponte, directed that the plaintiff pay expenses to those defendants pursuant to Real Property Law § 282(1) is deemed to be an application for leave to appeal from those portions of the order, and leave to appeal is granted (see CPLR 5701[c]); and it is further, ORDERED that the order is reversed, on the law, with costs, and that branch of the plaintiff's motion which was for summary judgment dismissing the affirmative defense of the defendants Michael M. Speller and Ellen M. Fitzsimmons of lack of standing is granted. The background facts and procedural history of this case are more fully set forth in this Court's decision and order on a related appeal (see U.S. Bank N.A. v Speller , ___ AD3d ___ [Appellate Division Docket No.2023-01252; decided herewith]). In an order dated October 31, 2023, the Supreme Court, inter alia, directed a nonjury trial pursuant to CPLR 3212(c) on that branch of the plaintiff's motion which was for summary judgment dismissing the affirmative defense of the defendants Michael M. Speller and Ellen M. Fitzsimmons (hereinafter together the defendants) of lack of standing. Following the nonjury trial on that issue, in an order dated August 14, 2024, the court denied that branch of the plaintiff's motion which was for summary judgment dismissing the defendants' affirmative defense of lack of standing, sua sponte, directed dismissal of the complaint insofar as asserted against the defendants on the ground of lack of standing, and, sua sponte, directed [*2] that the plaintiff pay expenses to the defendants pursuant to Real Property Law § 282(1). The plaintiff appeals. "In reviewing a determination made after a nonjury trial, this Court's power is as broad as that of the trial court, and this Court may render the judgment it finds warranted by the facts, taking into account in a close case that the trial court had the advantage of seeing and hearing the witnesses" (U.S. Bank N.A. v Sakizada , 235 AD3d 800 , 801; see Northern Westchester Professional Park Assoc. v Town of Bedford , 60 NY2d 492, 499). "A plaintiff in a mortgage foreclosure action establishes its standing by demonstrating that 'it was the holder or assignee of the underlying note at the time the action was commenced'" (U.S. Bank N.A. v Sakizada , 235 AD3d at 801-802, quoting U.S. Bank N.A. v Nelson , 169 AD3d 110 , 114, affd 36 NY3d 998). Here, the plaintiff established its standing through, among other things, the testimony of Charles Brehm, who was a vice president of Computershare Delaware Trust Company (hereinafter Computershare), along with copies of a limited power of attorney and a transaction addendum (see U.S. Bank N.A. v Sakizada , 235 AD3d at 802; Bank of Am., N.A. v Bloom , 202 AD3d 736, 737 ; Deutsche Bank Natl. Trust Co. v Gordon , 181 AD3d 645, 646). Brehm's testimony laid a proper foundation for the admission of the limited power of attorney and the transaction addendum as business records under the business records exception to the hearsay rule (see CPLR 4518; Bank of Am., N.A. v Bloom , 202 AD3d at 737 ; Nationstar Mtge., LLC v Tabick , 193 AD3d 950, 951). These documents and Brehm's testimony established that Computershare was the custodian of the note on behalf of the plaintiff and that Computershare was in possession of the original note at the time this action was commenced (see HSBC Bank USA, NA v Thoppil , 227 AD3d 1056 , 1058; Nationstar Mtge., LLC v Tabick , 193 AD3d at 951 ; U.S. Bank Trust, N.A. v O'Driscoll , 168 AD3d 783 , 785). The defendants' remaining contentions are not properly before this Court. Accordingly, the Supreme Court should have granted that branch of the plaintiff's motion which was for summary judgment dismissing the defendants' affirmative defense of lack of standing and should not have, sua sponte, directed dismissal of the complaint insofar as asserted against the defendants and, sua sponte, directed that the plaintiff pay expenses to the defendants pursuant to Real Property Law § 282(1). CONNOLLY, J.P., BRATHWAITE NELSON, WARHIT and VENTURA, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court

12207 Phone: (518) 453-6900 Links to or from other sites do not signify endorsement or relationship with them.