

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

Su Hwa Chu v. Lai

Su Hwa Chu, 2025 NY Slip Op 07329 (Supreme Court of the State of New York Appellate Division Second
Judicial Department 2025) · No. 2024-01174 · Decided December 24, 2025

SUMMARY

The Appellate Division, Second Department, affirmed an order denying nonparty Adam Plotch's request under RPAPL 231 to direct the sale of partitioned real property to him for his \$500,000 bid. The court held that the referee had discretion to set a minimum sale price and that the bid was properly rejected, noting the absence of the property owners at the sale and Plotch's failure to submit competent supporting evidence.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Betsy Barros, J.P.; Linda Christopher, J.; Lillian Wan, J.; Donna-Marie E. Golia, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	December 24, 2025
DOCKET	2024-01174
DISPOSITION	affirmed
PROCEDURAL POSTURE	Nonparty Adam Plotch appealed from an order denying the branch of his cross-motion under RPAPL 231 seeking to direct the sale of real property to him for his \$500,000 bid.
STANDARD OF REVIEW	Abuse of discretion; whether the Supreme Court providently exercised its discretion in denying relief under RPAPL 231.
PRECEDENTIAL VALUE	Published New York appellate decision
PARTIES	Adam Plotch, nonparty-appellant v. Su Hwa Chu, et al., plaintiffs- respondents, Lisa Lai, et al., defendants-respondents

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QUESTIONS PRESENTED

1. Whether the referee had discretion to set a minimum sale price at the partition sale.
2. Whether Plotch was entitled under RPAPL 231 to have the property sold to him for his rejected \$500,000 bid despite the bid's inadequacy and irregularities at the sale.

HOLDINGS

1. The referee had discretion to set the property's minimum sale price at the sale.
2. Plotch was not entitled to relief under RPAPL 231 because the referee properly rejected his bid, the property owners were not present at the sale, and he failed to submit competent evidence substantiating his allegations.

KEY QUOTATIONS

“Contrary to Plotch's contention, the referee had the discretion to set the minimum sale price at the sale of the property” ([*1])

“Moreover, the Supreme Court providently exercised its discretion in determining that Plotch was not entitled to the relief sought, since his bid was properly rejected by the referee” ([*1])

FACTUAL BACKGROUND

The Supreme Court ordered the partition and sale of certain real property and appointed a referee to oversee the sale. At a June 20, 2019 sale, the referee announced a \$1,350,000 minimum price, apparently based on a prior \$1,340,000 offer, and rejected Adam Plotch's highest bid of \$500,000 as below the minimum. The property owners were not present at the sale, and Plotch failed to submit competent evidence substantiating his allegations.

PROCEDURAL HISTORY

The Supreme Court granted the plaintiffs summary judgment on their partition-and-sale cause of action and directed a sale without setting a minimum price. The court later appointed a referee, who announced a \$1,350,000 minimum price and rejected Plotch's \$500,000 bid. Plotch cross-moved to compel a sale to him, but the Supreme Court denied that relief; the Appellate Division affirmed insofar as appealed from.

DISPOSITION

affirmed

CASES CITED

- Deutsche Bank Natl. Trust Co. v Bueno, 222 AD3d 940, 940-941
- Ricatto v Ricatto, 4 AD3d 514, 515
- Concept 9, LLC v 614 Realty, LLC, 189 AD3d 992, 993-994
- Clinton Hill Holding 1, LLC v Kathy & Tania, Inc., 142 AD3d 631, 633
- Salvation Army v Simpson, 268 NY 499
- Astoria Fed. Sav. & Loan Assoc. v Hartridge, 58 AD3d 584, 585
- U.S. Bank N.A. v Nunez, 208 AD3d 711, 713-714
- Emigrant Funding Corp. v Nunez, 199 AD3d 651, 651
- NJCC-NYS Community Restoration Fund, LLC v Ruiz, 228 AD3d 769, 770-771

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