

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

New Residential Mtge. Loan Trust 2017-1-RPL1 v. Hafferkamp

2026 NY Slip Op 02276 (Supreme Court of the State of New York Appellate Division Second Judicial Department 2026) · No. 2020-08883; 2020-08884 · Decided April 15, 2026

SUMMARY

The New York Appellate Division, Second Department dismissed Ronald R. Hafferkamp’s appeals in a mortgage foreclosure action. The appeal from the October 6, 2020 order was dismissed as abandoned, and the appeal from the January 24, 2020 order was dismissed as untimely because the notice of appeal was filed beyond the applicable 35-day period.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Per Curiam; Francesca E. Connolly, J.P.; Cheryl E. Chambers; Helen Voutsinas; Elena Goldberg Velazquez
JURISDICTION	New York Supreme Court, Appellate Division, Second Department
DECIDED	April 15, 2026
DOCKET	2020-08883; 2020-08884
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant Ronald R. Hafferkamp appealed from two orders issued in a mortgage-foreclosure action: an order granting the plaintiff summary judgment and an order of reference, and a later order denying his motion for leave to renew and reargue.
STANDARD OF REVIEW	The court reviewed whether the appeals were properly before it, including abandonment and compliance with the jurisdictional time limit for taking an appeal.
PRECEDENTIAL VALUE	published
PARTIES	Ronald R. Hafferkamp v. New Residential Mortgage Loan Trust 2017-1-RPL1

TOPICS

foreclosure

appellate jurisdiction

appellate procedure

civil procedure

PRACTICE AREAS

real estate

foreclosure

appellate procedure

QUESTIONS PRESENTED

1. Whether the appeal from the October 6, 2020 order should be dismissed as abandoned because Hafferkamp's brief did not seek reversal or modification of that order.
2. Whether the appeal from the January 24, 2020 order was untimely because the notice of appeal was filed more than thirty-five days after service by mail of the order and notice of entry.

HOLDINGS

1. An appeal must be dismissed as abandoned when the appellant's brief does not seek reversal or modification of any portion of the order appealed from.
2. The time to take an appeal as of right is jurisdictional and nonwaivable; when service is made by mail within New York, the applicable period is thirty days plus five days. An appeal filed after that period must be dismissed as untimely.

KEY QUOTATIONS

"The time period for filing a notice of appeal is nonwaivable and jurisdictional" ([*1])

"Accordingly, the appeal from the order dated January 24, 2020, must be dismissed as untimely taken" ([*1]-[*2])

FACTUAL BACKGROUND

The plaintiff served Hafferkamp by mail with the January 24, 2020 order and written notice of its entry on February 10, 2020. Hafferkamp did not file his notice of appeal until November 10, 2020, more than the thirty-five days allowed for an appeal following service by mail. His appellate brief also did not seek reversal or modification of the October 6, 2020 order.

PROCEDURAL HISTORY

The plaintiff commenced the foreclosure action in October 2018. In January 2020, Supreme Court granted the plaintiff's motion for summary judgment and an order of reference and denied Hafferkamp's cross-motion to dismiss. In October 2020, Supreme Court denied Hafferkamp's motion for leave to renew and reargue. The Appellate Division dismissed both appeals: the appeal from the October order as abandoned and the appeal from the January order as untimely.

DISPOSITION

dismissed

CASES CITED

- Teodoro v. C.W. Brown, Inc., 200 A.D.3d 999, 1000
- D.S. v. Polisenio, 189 A.D.3d 1102, 1104
- Sanchez v. Rivera, 171 A.D.3d 965, 966
- Jones Sledzik Garneau & Nardone, LLP v. Schloss, 37 A.D.3d 417, 417
- Matter of Van Zwienen, 202 A.D.3d 802, 804
- Rantinella v. Tomas, 163 A.D.3d 1022, 1023

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