

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. Polisenno, 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

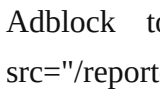
OPINION

PER CURIAM.

New Residential Mtge. Loan Trust 2017-1-RPL1 v Hafferkamp - 2026 NY Slip Op 02276

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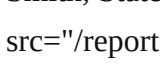
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2026 NY Slip Op 02276

April 15, 2026

Appellate Division, Second Department

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This decision is uncorrected and subject to revision before publication in the Official Reports.

New Residential Mortgage Loan Trust 2017-1-RPL1, respondent,

v.

Ronald R. Hafferkamp, appellant, et al., defendants.

Supreme Court of the State of New York, Appellate Division, Second Judicial Department

Decided on April 15, 2026

2020-08883, 2020-08884, (Index No. 619330/18)

Francesca E. Connolly, J.P.

Cheryl E. Chambers

Helen Voutsinas

Elena Goldberg Velazquez, JJ.

Ronald R. Hafferkamp, Mastic, NY, appellant pro se.

Friedman Vartolo LLP, New York, NY (Ronald P. Labeck of counsel), for respondent.

[*1]

DECISION & ORDER

In an action to foreclose a mortgage, the defendant Ronald R. Hafferkamp appeals from (1) an order of the Supreme Court, Suffolk County (Thomas F. Whelan, J.), dated January 24, 2020, and (2) an order of the same court dated October 6, 2020.

The order dated January 24, 2020, inter alia, granted those branches of the plaintiff's motion which were for summary judgment on the complaint insofar as asserted against the defendant Ronald R. Hafferkamp and for an order of reference, and denied that branch of the cross-motion of the defendant Ronald R. Hafferkamp which was to dismiss the complaint insofar as asserted against him.

ORDERED that the appeals are dismissed, with one bill of costs.

In

October 2018, the plaintiff commenced this action to foreclose a mortgage against, among others, the defendant Ronald R. Hafferkamp.

In October 2019, the plaintiff moved, inter alia, for summary judgment on the complaint insofar as asserted against Hafferkamp and for an order of reference. Hafferkamp opposed the motion and cross-moved, among other things, to dismiss the complaint insofar as asserted against him.

In an order dated January 24, 2020, the Supreme Court, inter alia, granted those branches of the plaintiff's motion and denied that branch of Hafferkamp's cross-motion. Thereafter, Hafferkamp moved for leave to renew and reargue his prior cross-motion and his opposition to the plaintiff's prior motion.

In an order dated October 6, 2020, the court denied Hafferkamp's motion. Hafferkamp appeals from both orders.

The appeal from the order dated October 6, 2020, must be dismissed as abandoned, as the brief filed by Hafferkamp does not seek reversal or modification of any portion of that order (*see* *Teodoro v C.W. Brown, Inc.*, 200 AD3d 999, 1000; *D.S. v Poliseno*, 189 AD3d 1102, 1104; *Sanchez v Rivera*, 171 AD3d 965, 966).

Further, the plaintiff correctly contends that the appeal from the order dated January 24, 2020, must be dismissed as untimely.

An appeal as of right must be taken "within thirty days after service by a party upon the appellant of a copy of the judgment or order appealed from and written notice of its entry" (CPLR 5513[a]). Where, as here, service is made within the state by mail, ²the period is extended by five days (*see* *id.* § 2103[b][2]; [c]). "The time period for filing a notice of appeal is nonwaivable and jurisdictional" (*Jones Sledzik Garneau & Nardone, LLP v Schloss*, 37 AD3d 417, 417; *see* *Matter of Van Zwienen*, 202 AD3d 802, 804).

Here, the plaintiff served Hafferkamp with a copy of the order dated January 24, 2020, and notice of its entry by mail on February 10, 2020. However, Hafferkamp did not file his notice of appeal until November 10, 2020, which was well after the 35 days prescribed by law.

Accordingly, the appeal from the order dated January 24, 2020, must be dismissed as untimely taken (*see* *Rantinella v Tomas*, 163 AD3d 1022, 1023).

CONNOLLY, J.P.,
CHAMBERS, VOUTSINAS and GOLDBERG VELAZQUEZ, JJ., concur.

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