

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

Ventus Properties, LLC v. Mo Chae

Ventus Props., LLC v. Mo Chae, 2025 N.Y. Slip Op. 07429 (App. Div. 2025) · No. 2023-11338 · Decided
December 31, 2025

SUMMARY

The Appellate Division, Second Department, reversed an order directing entry of judgment in a mortgage foreclosure action against Mo Chae. The court held that the defendant was prejudiced by representation at trial by her nonlawyer husband under a power of attorney and that the Supreme Court improperly precluded her from testifying. The matter was remitted for a new trial on the plaintiff's standing and compliance with RPAPL 1304.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Valerie Brathwaite Nelson, J.P.; Paul Wooten, J.; Barry E. Warhit, J.; Lourdes M. Ventura, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	December 31, 2025
DOCKET	2023-11338
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Mo Chae appealed from an order entered after a nonjury foreclosure trial that directed entry of judgment for Ventus Properties, LLC and appointed a referee to determine, among other things, the amount due.
PRECEDENTIAL VALUE	published
PARTIES	Mo Chae v. Ventus Properties, LLC

TOPICS

- foreclosure
- mortgages
- appellate procedure
- civil procedure
- appellate jurisdiction

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Supreme Court erred by permitting Mo Chae to be represented at trial by her nonlawyer husband under a power of attorney.
2. Whether the Supreme Court erred by precluding Mo Chae from testifying at trial.
3. Whether the resulting prejudice required reversal and a new trial on the plaintiff's standing and compliance with RPAPL 1304.

HOLDINGS

1. A person who is not an admitted member of the Bar may not practice law on behalf of another in New York, and a power of attorney, including one granted to a spouse, does not authorize the agent to provide legal representation.
2. Representation by a person unauthorized to practice law does not automatically render all prior proceedings void; reversal is warranted when the unauthorized representation prejudiced the party.
3. The Supreme Court erred in precluding Mo Chae from testifying at trial and should have permitted her to participate either pro se or through appropriate counsel.

KEY QUOTATIONS

*“New York law prohibits the practice of law in this State on behalf of anyone other than himself or herself by a person who is not an admitted member of the Bar, regardless of the authority purportedly conferred by execution of a power of attorney” ([*1])*

*“The designation as an attorney-in-fact under General Obligations Law §§ 5-1502A-N does not confer upon a designated agent the right to provide representation as an attorney-at-law” ([*1]-[*2])*

*“As a general rule, the fact that a party has been represented by a person who was not authorized or admitted to practice law under the Judiciary Law—whether a disbarred attorney or a person practicing law without a license—does not create a 'nullity' or render all prior proceedings void per se” ([*2])*

FACTUAL BACKGROUND

This mortgage-foreclosure action was tried on the issues of the plaintiff's standing and compliance with RPAPL 1304. Mo Chae was represented at trial by her husband, John Chae, a nonlawyer holding a power of attorney. The Supreme Court prevented Mo Chae from testifying because her husband held the power of attorney, then found for the plaintiff and directed entry of judgment against her.

PROCEDURAL HISTORY

The plaintiff commenced a mortgage-foreclosure action against Mo Chae and others. The matter proceeded to a trial limited to the plaintiff's standing and compliance with RPAPL 1304. Mo Chae was represented by her nonlawyer husband, who held a power of attorney, and the Supreme Court precluded her from testifying. After finding for the plaintiff, the Supreme Court directed entry of judgment against Mo Chae. The Appellate Division

deemed the notice of appeal an application for leave to appeal, granted leave, reversed, and remitted for a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The matter is remitted to the Supreme Court, Suffolk County, for a new trial limited to the issues of the plaintiff's standing and compliance with RPAPL 1304. Mo Chae must be permitted to participate either pro se or with appropriate counsel.

CASES CITED

- Discover Bank v. Gilliam, 199 A.D.3d 645, 646-647 (N.Y. App. Div. 2021)
- People ex rel. Field v. Cronshaw, 138 A.D.2d 765, 765 (N.Y. App. Div. 1988)
- Matter of Welsh [Commissioner of Labor], 51 A.D.3d 1351, 1352 (N.Y. App. Div. 2008)
- Whitehead v. Town House Equities, Ltd., 8 A.D.3d 369, 370 (N.Y. App. Div. 2004)
- Elm Mgt. Corp. v. Sprung, 33 A.D.3d 753, 754 (N.Y. App. Div. 2006)
- Stegemann v. Rensselaer County Sheriff's Off., 153 A.D.3d 1053, 1055 (N.Y. App. Div. 2017)
- Matter of Lackas, 65 A.D.2d 800 (N.Y. App. Div. 1978)