

**AFFIDAVIT OF**

State of \_\_\_\_\_ )  
 ) ss.  
County of \_\_\_\_\_ )

\_\_\_\_\_

**AFFIDAVIT**

\_\_\_\_\_, being duly sworn, under penalty of perjury, deposes and swears the statements herein are true to my own knowledge.

1 . I have reviewed the Appellate Department Decision and Order dated December 26, 2018 for Appeals 2013-2106, 2013-2107, 2012-2108 (**DECISION**).

2 . I have reviewed the Notice of Cross Motion stamped “MOTION SUPPORT APPROVED 10-19-12” and DateTime stamped by the clerk “2012 OCT 22 AM 7:48” (**CROSS-MOTION**).

3 . I have reviewed the JUDGMENT OF FORECLOSURE DateTime stamped 2012 OCT 26 AM 10: 15 (**JUDGMENT**).

4 . **DECISION** finds that Appellant cannot obtain the relief sought, dismissal of the case as abandoned, because:

“The cross motion was untimely since it was made after entry of the judgment of foreclosure and sale”

5 . That finding is clearly erroneous as both the Motion Clerk date (10/19/12) and the Clerk DateTime stamp (2012 Oct 22 07:48 AM) on the **CROSS-MOTION** are both **PRIOR TO** and **NOT AFTER** the entry of the **JUDGMENT** (2012 OCT 26 AM 10: 15).

DATE: \_\_\_\_\_  
STATE OF: \_\_\_\_\_  
COUNTY OF: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_  
NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

Sworn to before me this  
\_\_\_\_ day of \_\_\_\_\_ 2019