

SUPREME COURT: STATE OF NEW YORK  
COUNTY OF ROCKLAND

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RCS RECOVERY SERVICES, LLC,  
  
Petitioner/Judgment Creditor,

-against-

MICHAEL MENSAH,  
  
Respondent/Judgment Debtor.

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HON. ROLF M. THORSEN, A.J.S.C.

To commence the statutory time period for appeals as of right (CPLR 5513[a]), you are advised to serve a copy of this order, with notice of entry, upon all parties.

**DECISION & ORDER**

Index No: 035004/2017 E

Petitioner/Judgment Creditor commenced this special proceeding pursuant to CPLR §5206 for a judgment directing the sale of Respondent/Judgment Debtor's real property in order that the proceeds of the sale can be applied to satisfy a judgment. The Court has considered the following papers on the motion:

1. Notice of Petition, Verified Petition and Exhibits A through E attached thereto, and Affirmation;
2. Answer and Affidavit and Exhibits A through D attached thereto; and
3. Reply Affirmation and Exhibits A through C attached thereto.

Pursuant to CPLR Section 5206(e), "[a] judgment creditor may commence a special proceeding in the county in which the homestead is located against the judgment debtor for the sale, by a sheriff or receiver, of a homestead exceeding one hundred fifty thousand dollars for the counties of ... Rockland...." However, the sale of a homestead under this section is a matter of judicial discretion. See, 2-27 Weinstein, Korn & Miller, CPLR Manual §20.04(m). The factors the Court is to consider in determining whether to grant the sale of a homestead are: "the importance to the judgment creditor of securing satisfaction of his or her judgment, whether there is any possibility that the judgment can be satisfied by other means, the relative monetary value of the property to be sold and the amount of the judgment and the rights of other persons in the property." Id.


Having read the foregoing papers and having considered the aforementioned factors, it is hereby

ORDERED that the Petition is denied and the proceeding is dismissed.

The foregoing constitutes the Decision and Order of this Court.

**E N T E R**

Dated: May 17, 2018  
New City, New York



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HON. ROLF M. THORSEN  
Acting Supreme Court Justice

TO: NYSCEF