SUPREME COURT OF THE CITY OF NEW YORK

COUNTY OF NEW YORK

-----------------------------------------------------------------X Index No.:

,

Plaintiff, **NOTICE OF MOTION FOR**

**SUMMARY JUDGMENT IN**

-against- **LIEU OF COMPLAINT**

AMERITRUST MORTGAGE BANKERS, INC,

DAVID BAKHSHI, THOMAS CALABRO and ORAL ARGUMENT REQUESTED

YOEL MOVTADY,

Defendants.

-----------------------------------------------------------------X

S I R S:

PLEASE TAKE NOTICEthat upon the summons in this action, Affidavit of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, duly sworn to on the 23rd day of November, 2011, and accompanying documents, the undersigned will move this Court at the Motion Submission Part, Room 130, at the Supreme Court, located at 60 Centre Street, New York, NY 10007 on January 30, 2012, at 9:30 in the forenoon, or as soon thereafter as plaintiff may be heard, for an order pursuant to CPLR § 3213, granting summary judgment in lieu of complaint on the first cause of action against defendants Ameritrust Mortgage Bankers, Inc., David Bakhshi, and Thomas Calabro, jointly and severally, in the amount of $300,000.00, together with interest from August 1, 2011; and on the second cause of action against defendant Yoel Movtady in the amount of $300,000.00, together with interest from August 1, 2011, costs and disbursements of this action and reasonable attorney’s fees upon the grounds that this action is based upon an instrument for the payment of money only and there are no triable issues of fact and no defenses to this action; and for such other and further relief as this Court deems just and proper.

The above-entitled action is upon written guarantees of the defendants after breach of various promissory notes.

PLEASE TAKE FURTHER NOTICE that all answering papers, if any, shall be served upon the undersigned at least seven (7) days before the return date of this motion.

Dated: New York, New York

November 30, 2011

Yours, etc.,

LAW OFFICES OF MICHAEL C. BARROWS

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michael C. Barrows, Esq.

*Attorneys for Plaintiff*

369 Lexington Avenue, 2nd Floor

New York, New York 10017

(212 518-7144

TO: Ameritrust Mortgage Bankers, Inc

1981 Marcus Avenue, #C129

Lake Success, New York 11042

David Bakhshi

102 Wild Wood Road

Great Neck, New York 11024

Thomas Calabro

42 Harbour Drive

Blue Point, New York 11715

Yoel Movtady

18 Twin Pond Road

Kings Point, New York 10024