

MONROE COUNTY CLERK'S OFFICE

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Instrument: MISCELLANEOUS DOCUMENT

Control #: 202401311767

Index #: E2024000703

Date: 01/31/2024

Time: 4:29:33 PM

Return To:
County of Monroe Department of Law
39 West Main Street
Room 307
Rochester, NY 14614

Caputo, James R

Holt, Nathan
Billet, Owen
Premium Mortgage Corporation
Houle, Robert T
Houle Sales Consulting Inc

Total Fees Paid: \$0.00

Employee:

State of New York

MONROE COUNTY CLERK'S OFFICE
WARNING – THIS SHEET CONSTITUTES THE CLERKS
ENDORSEMENT, REQUIRED BY SECTION 317-a(5) &
SECTION 319 OF THE REAL PROPERTY LAW OF THE
STATE OF NEW YORK. DO NOT DETACH OR REMOVE.

JAMIE ROMEO

MONROE COUNTY CLERK



STATE OF NEW YORK
SUPREME COURT COUNTY OF MONROE

| | |
|----------------------|--------------------|
| JAMES R CAPUTO, | <i>Plaintiff,</i> |
| v. | |
| NATHAN HOLT, et al., | <i>Defendants.</i> |

AFFIRMATION IN
SUPPORT

Index No. E2024000703

Miguel A. Munoz, an attorney admitted to practice in the Courts of the State of New York, hereby affirms and says as follows:

1. I am a Deputy County Attorney for the Monroe County Law Department, and am counsel of record for Defendant Monroe County Clerk’s Office (“Defendant County Clerk”). I respectfully submit this affirmation in support of Defendant County Clerk’s motion to dismiss the Complaint.

2. The Monroe County Clerk is identified as an administrative agency of Monroe County in the Monroe County Charter and is the official registrar of deeds, mortgages, assignments of mortgages, satisfactions of mortgages, judgments and liens. See Monroe County Charter § C7-1.

3. No notice of claim was served upon Monroe County prior to the commencement of Plaintiff’s lawsuit.

WHEREFORE, the Defendant County Clerk hereby respectfully requests that the Complaint and all of the claims therein be dismissed with prejudice as against Defendant County Clerk pursuant to County Law § 52, CPLR § 3211(a)(5), and CPLR § 3211 (a)(7), and that the Court grant such other and further relief as it deems proper.

Dated: January 31, 2024

John P. Bringewatt, Monroe County Attorney
Attorney for Defendant Monroe County Clerk's Office

By: 

Miguel A. Munoz
Deputy County Attorney
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Rochester, New York 14614
Telephone: 585.753.1413
Email: miguelmunoz@monroecounty.gov

To: James R Caputo, *by NYSCEF*
Counsel of record, *by NYSCEF*