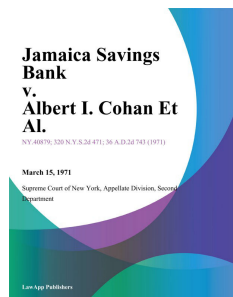


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JAMAICA SAVINGS BANK V ALBERT I COHAN ET AL EBOOKS 2019



Author: Supreme Court of New York

Realese Date: Expected @@expectedReleaseDate@@

[36 A.D.2d 743 Page 743] In our opinion, the motion papers raise no factual issues and establish that the default in payment of taxes was willfully continued after timely and clear notice that plaintiff would require compliance with the terms of the mortgage. Under the circumstances, it was not oppressive or in bad faith for plaintiff to accelerate the maturity date of the mortgage loan, as it was entitled to do, or to resort to the remedy which the law provides against a mortgagor in default. While plaintiff's prior indulgence of late tax payments might reasonably have fostered a sense of carelessness by the defendant mortgagors, the letters of April 29, 1970, May 12, 1970, and particularly that of May 26, 1970, should have alerted any prudent person that, in this instance, plaintiff was going to insist on compliance with the agreement. Despite those unequivocal warnings, the mortgagors made no effort to comply until almost two months after plaintiff had accelerated the [36 A.D.2d 743 Page 744]

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