

SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF MONROE

Special Proceeding for the Appointment of a
Receiver Pursuant CPLR § 5228(a) and Related
Relief in the Estate of Anthony J. Costello a/k/a
Anthony Costello,

File No. 2016-787/R

Deceased.

WELLS FARGO BANK,
N.A.

Plaintiff,

v.

File No. 2016-787/N

ANTHONY J. COSTELLO & SON (MARIA)
DEVELOPMENT, LLC, ANTHONY J.
COSTELLO & SON (JANINE)
DEVELOPMENT, LLC, GENESEE VALLEY
ASSOCIATES (BLDG. C), LLC, ESTATE OF
ANTHONY J. COSTELLO and "JOHN DOE"
and "MARY ROE" and "XYZ
CORPORATION" (the latter three names being
fictitious but intended to designate tenants
residing at or persons having an interest in the
premises described in the Complaint herein),

File No. 2016-787/W

Defendants.

**ORDER APPROVING SALE OF
REAL PROPERTY PURSUANT TO
AMENDMENT OF PURCHASE AND SALE
AGREEMENT**

Upon the Seconded Amended Application for Approval of Sale of Real Property of the Receiver, William Colucci, dated July 8, 2022 [Docket No. 867] (the "**Seconded Amended Application**"),¹ and this Court having considered the Response of Canandaigua National Bank to Receiver's Second Amended Application for approval of Sale of Real Property dated July 18, 2022 [Docket No. 874], Affidavit of Brett A. Costello in Opposition to the Second Amended Application

¹ Capitalized terms not defined herein have the meanings ascribed to them in the Second Amended Application.

for Approval of Sale of Real Property sworn to July 18, 2022 [Docket No. 877], Response of Wells Fargo Bank, N.A. to Receiver's Second Amended Application for Approval of Sale of Real Property dated July 19, 2022 [Docket No. 880], Joinder to Second Amended Application for Approval of Sale of Real Property of M&T Bank dated July 19, 2022 [Docket No. 883], Affirmation in Response to Order to Show Cause of Pooler Enterprises, Inc. sworn to July 19, 2022 [Docket No. 885], and Affidavit of David Young in Opposition to Second Amended Application for the Approval of Sale of Real Property filed on July 19, 2022 [Docket No. 887]; and the Court having heard the Second Amended Application; and the Court having determined that just and sufficient cause exists for the relief requested in the Second Amended Application; it is hereby

ORDERED that the Second Amended Application is GRANTED; and it is further

ORDERED that the Court approves the sale of the CC Properties to Blue Sky, pursuant to the terms and conditions of the Amendment to the Blue Sky PSA.

ENTER:

7-21-2022
4:18 p.m.



Hon. Christopher S. Ciaccio
Monroe County Surrogate

FILED

JUL 21 2022

SURROGATE'S COURT
MONROE COUNTY