

## CPLR 2003: Amendment

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## ARTICLE 12 — INFANTS AND INCOMPETENTS

*CPLR 1210(e): Amendment.*

This section provides that upon the appointment of a general guardian of an infant's person or property, the guardian will file a certified copy of his appointment with the clerk of the surrogate's court of the county in which he has been appointed.

ARTICLE 20 — MISTAKES, DEFECTS, IRREGULARITIES AND  
EXTENSIONS OF TIME*CPLR 2003: Amendment.*

This section, which gives the court power to set aside a sale made pursuant to a judgment or order, has been amended so as not to be applicable to judicial sales made pursuant to Article 9 of the Uniform Commercial Code, the article dealing with secured transactions.

Section 9-501(1) of the UCC permits a secured creditor, after default, either to sell the collateral himself or to reduce his claim to a judgment and sale. Section 9-504(4) of the UCC provides that the purchaser at such sale takes a good title despite the failure of the creditor to comply with all relevant provisions of the UCC or the requirements of "any judicial proceeding." Thus, there was a possible conflict with UCC policy respecting sales under secured transactions and the CPLR's policy in judicial sales generally. The amendment seeks to avoid such a conflict.

## ARTICLE 26 — PROPERTY PAID INTO COURT

*CPLR 2604: Amendment.*

This amendment drops specific mention of certain tables and instead includes them only by reference to RPAPL Article 4.

## ARTICLE 30 — REMEDIES AND PLEADINGS

*CPLR 3014: CPLR 3024(a) motion held applicable.*

Recently, the first and second departments of the appellate division conflicted over the appealability of an order based on CPLR 3014 to separately state and number the claims alleged in a cause of action. While there is no specific authority in the CPLR for this precise corrective pleading motion,<sup>43</sup> CPLR 3024(a) provides that an order may issue where a party moves for a more definite statement because the pleading is vague or ambiguous.

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<sup>43</sup> See 3 WEINSTEIN, KORN & MILLER, NEW YORK CIVIL PRACTICE ¶ 3014.09 (1965); 7B MCKINNEY'S CPLR 3014, commentary 78 (1965).