Ellis M. Oster, Sr.

New York, NY

He/Him

212-655-3849

eoster@hinshawlaw.com

About Ellis

Ellis is a seasoned attorney with nearly two decades of experience in foreclosure and real estate matters. He focuses on helping clients navigate complex litigation, real estate transactions, and distressed property issues within the consumer finance, mortgage lending, and loan servicing sectors.

Among other areas, Ellis advises clients with respect to settlement negotiations, evictions, and appeals, the impact of new and emerging foreclosure, consumer-protection laws, and the development of effective compliance policies.

Over the course of his career, Ellis has earned dozens of appellate victories. Prior to joining Hinshaw, he served as the director of litigation in the New York office of a full-service financial services law firm. He began his legal career working in-house for a title insurance company in Western New York.

Ellis's Affiliations

- New York State Bar Association

Areas of Focus

Industries: Banking & Financial Institutions; Consumer Financial Services; Financial Services

Services: Appellate; Complex Commercial Litigation ; Consumer & Class Action Defense; Financial Services Litigation ; Financial Services Regulatory & Compliance; Litigation & Trial; Mortgage Lending & Servicing Litigation ; Real Estate Transactions & Lending; Regulatory & Compliance

Experience

- Persuaded an appellate court to deny a current owner's attempt to dismiss a foreclosure action as abandoned.
- Secured affirmance of an order denying the defendant's motion to cancel and set aside the referee's deed. While the judgment of foreclosure and sale was reversed after the foreclosure sale was held, the appellate court found that the defendant could not seek vacatur of the foreclosure sale and referee's deed to a bona fide purchaser.
- Obtained an affirmation of an order denying the defendants' motion that sought vacatur of the judgment of foreclosure and sale and dismissal action in an attempt to render enforcement of the mortgage to be time-barred. The appellate court found that the appellant lacked standing to challenge whether borrower was properly served with process.
- Persuaded an appellate court to deny a current owner's attempt to dismiss the foreclosure action as abandoned despite a judgment of over $955,000 in a foreclosure and sale already entered in favor of the plaintiff.
- Secured dismissal of three appeals and affirmance of a judgment of foreclosure and sale exceeding $626,000 in favor of the mortgagee.
- Successfully represented a bank in a foreclosure action involving a $592,000 mortgage and secured affirmance of an order granting summary judgment in favor of the client. The appellate court determined that the bank had proven its standing as the noteholder to start the foreclosure process. Additionally, the court upheld the trial court's decision to deny the borrowers' motion to compel the bank to produce the original note for discovery and inspection.
- Secured affirmance of a judgment of foreclosure and sale exceeding $1.6 million in favor of the mortgagee.
- Successfully persuaded the appellate court to deny the current owner's attempt to dismiss a foreclosure action despite a judgment of over $682,000 in a foreclosure and sale already entered in favor of the plaintiff.
- Obtained an affirmation of an order denying the borrowers' motion to stay a foreclosure sale in a New York appellate court. The court definitively held that the alleged violations did not provide a basis to stay the foreclosure sale.
- Obtained a dismissal of an appeal where a foreclosure judgment of over $734,000 was entered in favor of the mortgagee.
- Secured a rare reversal of a trial court's denial of summary judgment in favor of a mortgagee where the original mortgage amount was $624,000.
- Obtained a rare reversal of an order that compelled the mortgagee to accept the borrowers' late answer. The deadline to answer had lapsed by three days. The appellate court held that the borrowers' proposed statute of

limitations defense lacked merit in a $735,000 consolidated mortgage foreclosure action.

- Persuaded an appellate court to reject a borrower's fraud allegations and uphold the foreclosure and sale judgment in favor of a bank.
- Secured affirmance of a judgment of over $662,000 in a foreclosure and sale in favor of a bank, with the appellate court rejecting the borrower's arguments that he was entitled to a computation hearing on amounts owed prior to the issuance of the judgment.
- Obtained affirmance of an order rejecting the borrower's attempt to vacate the foreclosure sale on alleged fraud grounds in a case involving a foreclosure and sale judgment of over $1.9 million.
- Successfully obtained a rare reversal of a trial court's decision to deny the mortgagee's pre-answer dismissal action in a quiet title case. The current owner was seeking to discharge a mortgage as time-barred but successfully persuaded the appellate court that the statute of limitations to enforce the mortgage had not expired.
- Successfully defended a court order granting summary judgment in favor of government-sponsored enterprise (GSE) upon renewal. This case involved one of the most hotly contested issues in New York foreclosure law, Real Property Actions & Proceedings Law section 1304. The appellate court found that an affidavit by GSE's sub servicer demonstrated strict compliance with the state's 90-day notice requirement.
- Persuaded the appellate court to affirm the denial of the borrower's motion to vacate the judgment and dismiss the foreclosure action due to lack of personal jurisdiction. The New York Supreme Court Appellate Division upheld the trial court's decision after a post-traverse hearing, stating that the borrower's testimony was unpersuasive despite his estimated height and weight being inaccurately stated in the service affidavit.
- Obtained a rare reversal of a trial court's denial of a motion to vacate stay and for a default judgment in favor of the mortgagee. The foreclosure action involved a $557,000 mortgage.
- Upheld a judgment of foreclosure and sale exceeding $859,000 in favor of the bank. The appellate court determined that the bank demonstrated strict compliance with New York's 90-day notice requirement (RPAPL § 1304) and substantial compliance with the mortgage's default notice provisions.
- Proved in the trial court following the appellate court's prior reversal of summary judgment that the mortgagee assignee had the standing to bring the foreclosure action as the noteholder at the time the case commenced. This was accomplished through the trial testimony of an officer of its loan servicer and attorney-in-fact.
- Obtained a rare reversal of a trial court's denial of summary judgment upon re-argument in favor of the mortgagee. The appellate court found that the mortgagee had proven its standing to bring a foreclosure action as the noteholder at the time the case commenced.
- Secured affirmance of an order granting summary judgment in favor of a government-sponsored enterprise (GSE) upheld on re-argument, with the appellate court finding that the GSE had proven its standing to commence the foreclosure action as the noteholder.
- Opposed an appeal from a foreclosure judgment in favor of a government-sponsored enterprise (GSE) and upheld denial of the new owner's intervention.
- Obtained affirmance of the order granting summary judgment in favor of a mortgagee in a foreclosure action involving a $618,000 mortgage. The appellate court found that the mortgagee had proven its standing to

commence the action as the noteholder.

- Successfully persuaded the New York Supreme Court Appellate Division to affirm a judgment dismissing Article 78 proceeding against a town's zoning board of appeals. Additionally, the judgment was modified to expressly declare that the town's commercial sign law was constitutional. The decision involved the First Amendment and commercial speech and was cited favorably in 2020 by the Court of Appeals, New York's highest court.

Recognition

- *Marquis' "Who's Who"* Directory, 2025
- Cornell Law School, *Cornell Journal of Law and Public Policy*, Events Editor

Credentials

Education

Cornell Law School, JD, 2006
The Catholic University of America, MA, 2003
The Catholic University of America, BA, *magna cum laude*, 2003

Bar Admissions

New York

Court Admissions

US District Court for the Northern District of New York
US District Court for the Western District of New York

Interests

Did you know...

In addition to attending his kids' sporting events and music concerts and participating in his local community, Ellis enjoys cooking, traveling, spending time at the lake, and rooting for the Buffalo Bills.

Thought Leadership

Press Releases

- Ellis Oster Honored Among Leaders in Law by *Marquis Who's Who*, Apr 1, 2025
- Hinshaw Adds Experienced Financial Services Partner Ellis Oster in New York, May 29, 2024