

Exhibit C

Order to Vacate

At a Special Term of the Supreme Court of the State of New York, held in and for the County of Monroe, at the Hall of Justice in Rochester, New York on the 14th day of September, 2017.

PRESENT: HON. RICHARD A. DOLLINGER
SUPREME COURT JUSTICE

STATE OF NEW YORK
SUPREME COURT COUNTY OF MONROE

DIANE R. MARKHAM,

Plaintiff,

-vs-

MICHAEL D. MARKHAM,

Defendant.

Index #2015/9826

ORDER TO VACATE

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MONROE COUNTY CLERK

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Defendant, MICHAEL D. MARKHAM, having applied to this Court by Order to Show Cause, dated August 14, 2017, for relief as more specifically set forth in said Order to Show Cause; and

Plaintiff, DIANE MARKHAM, having submitted a Reply Affidavit in opposition to Defendant's Order to Show Cause, dated September 6, 2017, and Attorney Supplemental Affidavit, dated September 11, 2017, and Defendant's attorney having submitted Supplemental Attorney Affirmation and Defendant's Attorney Affirmation, both dated September 12, 2017; and

The Court having reviewed all the papers and reviewed all the Affidavits, Affirmations and exhibits submitted herewith by respective parties, through their counsel; and

All applications to this Court and opposition papers have been filed in the Monroe County Clerk's Office; and

The Court having heard oral argument at Special Term on September 6, 2017 and again on September 14, 2017 by respective counsel with respect to all applications to the Court on September 14, 2017 at the Hall of Justice in Rochester, New York, Gregory J. Mott, Esq. on behalf of Defendant and Timothy E. Ingersoll, Esq. on behalf of Plaintiff; and

The Court having rendered its decision in open court on September 14, 2017. The transcript of the Court's decision is annexed and incorporated herein as **Exhibit A**; and

NOW, upon motion of Defendant, MICHAEL D. MARKHAM, by and through his attorney, the relief sought in Defendant's Order to Show Cause, dated September 6, 2017, is granted to the following extent; it is hereby

ORDERED that the Judgment of Divorce, **Exhibit B**, is hereby vacated in all respects; and it is further

ORDERED that the Amended Judgment of Divorce, **Exhibit C**, is hereby vacated in all respects; and it is further

ORDERED that the Court hereby reserves on Plaintiff's application for attorney's fees; and it is further

ORDERED that any pendente lite Order in the above entitled divorce action shall remain in effect at this time until further order of this Court; and it is further

ORDERED that attorney Lisa Morris, Esq. shall be reappointed attorney for the two youngest children in this action, to wit: Rowan Mathews Markham d/o/b May 21, 2002 and Rory Patricia Markham d/o/b December 16, 2004; and it is further

ORDERED that this matter is hereby scheduled for Trial Day Certain starting March 26, 2018 at 10:00 a.m. and continuing each day thereafter until completion of the trial; and it is further

ORDERED that a copy of this signed and filed Order shall be delivered to Defendant, MICHAEL D. MARKHAM, by his attorney and, further, that Defendant, MICHAEL D. MARKHAM, shall execute an Admission of Service, signed and notarized, and return that to his attorney who, in turn, shall file the same with the Court, acknowledging by which terms Defendant acknowledges receipt of a copy of this Order and exhibits annexed hereto.

Dated: October 31, 2017
Rochester, New York



HON. RICHARD A. DOLLINGER
SUPREME COURT JUSTICE

ENTER: