



David Yohay

Counsel

david.yohay@offitkurman.com

New York, NY – 929.476.0050

David Yohay is a seasoned civil litigator with over ten years of experience representing clients in New York state and federal courts. His litigation practice focuses on real estate disputes and commercial litigation, including high-stakes matters involving contested foreclosures of multifamily buildings, retail centers and other commercial properties. David regularly represents lenders and financial institutions in loan enforcement, guaranty and promissory note recovery, contract disputes and judgment enforcement cases.

David also handles complex litigation involving title issues, lien priority disputes, title insurance coverage, UCC claims and lender liability. In addition, David assists financial institutions with non-judicial resolutions such as loan forbearance agreements, loan workouts, and note sales. His broad experience in commercial real estate litigation and lender representation makes him a trusted resource for navigating legal challenges in the financial and property sectors.

Education

- University of Miami School of Law (J.D., *magna cum laude*)
- Emory University Goizueta Business School (B.B.A.)

State Bar Admissions

- New York

Court Admissions

- United States District Court for the Southern District of New York
- United States District Court for the Eastern District of New York
- United States District Court for the Northern District of New York
- United States Court of Appeals for the Second Circuit

Services

- Commercial Litigation
- Real Estate Disputes and Litigation
- Distressed Real Estate

Representative Matters

Mortgage Foreclosure

- Secured appellate affirmance of an order denying the borrower's motion to vacate a prior order restoring the foreclosure action to the active calendar and to dismiss the foreclosure complaint insofar as asserted against him as time-barred. (*Wells Fargo Bank, N.A. v Laporte*, 235 AD3d 936 [2d Dept 2025])
- Obtained full-debt payoff of commercial mortgage loan at foreclosure sale held less than one year after commencement of foreclosure action. (*Cathay Bank v R46 LLC* (Sup Ct, Queens County, Index No. 703933/2024, Feb. 7, 2025)
- Achieved appellate reversal of an order sua sponte dismissing the foreclosure complaint based on the lender's alleged failure to comply with a status conference order. (*U.S. Bank N.A. v Narain*, 223 AD3d 853 [2d Dept 2024])
- Won appellate reversal of an order sua sponte dismissing the foreclosure complaint pursuant to CPLR 3215(c). (*Deutsche Bank Natl. Trust Co. v Campbell*, 219 AD3d 701 [2d Dept 2023])
- Prevailed on appeal, obtaining affirmance of an order denying the titleholder's motion to vacate the judgment of foreclosure and sale and to dismiss the foreclosure complaint as time-barred. (*Deutsche Bank Natl. Trust Co. v Neuman*, 214 AD3d 952 [2d Dept 2023])
- Successfully dismissed a tenant's claims challenging the validity of a foreclosure sale. (*Maucha v Bank of New York Mellon as Trustee for CWHEQ Revolving Home Equity Loan Trust, Series 2007-E*, 2023 WL 348348 [SD NY 2023])
- Defended appellate affirmance of an order denying the borrower's motion to dismiss the foreclosure complaint for lack of personal jurisdiction based on improper service of process. (*U.S. Bank N.A. v Hawthorne*, 207 AD3d 590 [2d Dept 2022])
- Upheld on appeal an order granting the lender's motion to lift the stay of a foreclosure sale. (*HSBC Bank USA, N.A. v Sage*, 196 AD3d 1016 [3d Dept 2021])
- Secured dismissal of borrowers' appeal from an order denying their motion for a preliminary injunction and granting the lender's cross-motion to dismiss the complaint. (*Helm v PHH Mtge. Corp.*, 193 AD3d 420 [1st Dept 2021])

Quiet Title

- Obtained reversal on appeal of a quiet title judgment that improperly prioritized a competing lienholder's money judgment over the lender's mortgage. (*Baldeo v HSBC Bank USA, N.A.*, 229 AD3d 591 [2d Dept 2024])
- Successfully moved to dismiss a foreclosure purchaser's RPAPL 1501(4) quiet title action seeking cancellation and discharge of the lender's mortgage. (*East Fork Funding, LLC v Deutsche Bank Natl. Trust Co. as Trustee for Certificate Holders for Argent Sec. Inc., Asset Backed Certificates, Series 2006-1*, 729 F Supp 3d 346 [ED NY 2024])
- Defended appellate affirmance of an order dismissing the borrower's RPAPL 1501(4) quiet title action to cancel and discharge the lender's mortgage. (*Hawthorne v New Century Mtge. Corp.*, 207 AD3d 528 [2d Dept 2022])

Consumer Lending / Protection

- Obtained summary judgment dismissing a borrower's claim alleging failure to provide notice of mortgage transfer in violation of the Truth in Lending Act, 15 U.S.C. § 1641(g). (*Sage v HSBC Bank USA N.A. as Trustee for Ace Sec. Corp., Home Equity Loan Trust Series 2006-0P2 Asset-Backed Pass-Through Certificates*, 2021 WL 1062590 [ND NY 2021])

Featured Works

- "Beware the 'Hidden' Notice of Entry," The New York Law Journal, Author, April 8, 2026