



IN REM TAX LIEN FORECLOSURE

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Summary: In Rem 165

If you received a Petition and Notice of Foreclosure of Tax Liens by the County of Erie by Action In Rem (“Notice”) you are the titled owner, a presumptive lienor and/or you otherwise have an interest in the property listed at the bottom of the Notice.

The property listed in the Notice is subject to the In Rem 165 Tax Lien Foreclosure Proceeding.

If the property is not redeemed from In Rem 165, your interest in the property will be extinguished and the property will be sold at public auction on September 28, 2017.

In Rem 165 was commenced by Erie County on May 8, 2017 by the filing of the List of Delinquent Taxes (“List”) at the Erie County Clerk’s Office. The filing of such List constitutes and has the same force and effect as the filing in the office of the County Clerk of both an individual Notice of Pendency of a tax foreclosure action and an individual complaint by the County against the owners of the real property proceeded against and described in the List. The List is available for viewing at the Erie County Clerk’s Office and at the Erie County Office of Real Property Tax Services.

Erie County is entitled to foreclose upon tax lien certificates when the same have been outstanding, unredeemed and unpaid for a period of two (2) years. The property owners of the parcels set forth on the List have failed to pay taxes, as evidenced by the existence of tax lien certificates for the years enumerated on such List up to and including year 2014, prior to the expiration of the applicable redemption period as prescribed by law. As such, those liens are subject to In Rem Foreclosure Proceeding.

The Notice, mailed to each titled owner, presumptive lienor and/or other interested party, provides legal notice of the In Rem 165 tax lien foreclosure proceeding and includes information concerning the RIGHT OF REDEMPTION, the LAST DAY OF REDEMPTION and SERVICE OF ANSWER.



First, the RIGHT OF REDEMPTION sets forth your right to redeem the property from In Rem 165 and avoid Judgment of Foreclosure and Sale and/or public auction.

Second, the LAST DAY OF REDEMPTION provides the date by which payment of the outstanding tax lien certificates must be received in order to avoid Judgment of Foreclosure and Sale and/or public auction. In order to avoid Judgment of Foreclosure and Sale and/or public auction, payment must be received by **July 3, 2017**.

In order to redeem a property from In Rem 165 and avoid Judgment of Foreclosure and Sale and/or public auction, payment of the 2014 *and prior* tax lien certificates along with the \$500.00 statutory foreclosure fee must be received by Erie County on or before **July 3, 2017**.

Payoff amounts and payment history can be found online at <http://www2.erie.gov/ecrpts/index.php?q=real-property-parcel-search> or by contacting the Erie County Office of Real Property Tax Services at 716-858-8333 or ec-rpts@erie.gov.

Payment must be made payable to the Director of Real Property Tax Services, Rath Building, 95 Franklin Street, Room 100, Buffalo, New York, 14202, by CASH, CERTIFIED CHECK, BANK CHECK or MONEY ORDER.

Should the property remain unredeemed, Judgment of Foreclosure and Sale will issue and the property will be sold at public auction scheduled for September 28, 2017. The bid proceeds from the sale of the property will be used to satisfy the outstanding taxes, liens and/or assessments. In the event the property, though offered, is not sold at the public auction scheduled for September 28, 2017, it will be eligible to be sold at a future In Rem auction.

Please note that while timely payment of the 2014 and prior Tax Lien Certificates will redeem the property from In Rem 165 and prevent the sale of the property on September 28, 2017, failure to pay any outstanding 2015-2017 County taxes will render the property eligible for future In Rem Foreclosure proceeding(s) and will result in the accumulation of additional interest and statutory fees.

Payment may be accepted at the County's discretion during the time period after the date of redemption, July 3, 2017, and prior to the public auction scheduled for September 28, 2017.

Third, SERVICE OF ANSWER provides the deadline by which a verified Answer must be filed and served. The Answer must set forth in detail any defense to the foreclosure proceeding and must contain reference to the serial number(s) of the subject property. The Answer must be filed in the office of the County



Clerk and served upon the attorneys for In Rem 165, Jennifer C. Persico, Esq. and/or Margaret A. Hurley, Esq., Lippes Mathias Wexler Friedman, LLP, 50 Fountain Plaza, Suite 1700, Buffalo, New York, 14202, (716) 884-3135, on or before **July 24, 2017**.

If you have received a Notice in the mail and you are not the property owner, our records indicate that you may have interest in and/or lien (i.e. mortgage/judgment) against the property. Should the outstanding tax liens on the particular property remain unpaid, your interest and/or lien may get extinguished with the sale of property. In order to protect your interest, we recommend that you contact your attorney to explain your options. Please note that paying the outstanding tax liens on someone else's property does not make you the owner. If you do not own the property and have no interest in the property, you are not required to take action. We cannot advise you in this regard and you should consult with an attorney so that you understand your rights.

Neither the attorneys for In Rem 165 nor the Erie County Office of Real Property Tax Services are able to provide legal advice. Whether you are the title property owner, presumptive lienor and/or otherwise have an interest in the property, **you should contact an attorney as soon as possible to ascertain your rights.**

If you are unable to afford an attorney, Legal Aid (716-853-9555), Western New York Law Center (716-855-0203), Volunteer Lawyers Project (716-847-0662) or Legal Services for the Elderly (over 60 years of age), Disabled and Disadvantaged (716-853-3087) may be able to help. Additionally, the Bar Association of Erie County (716-852-3100) maintains a Lawyer Referral Service.

The attorneys for Erie County in connection to In Rem 165 are Lippes Mathias Wexler Friedman, LLP, Jennifer C. Persico, Esq., and/or Margaret A. Hurley, Esq., located at 50 Fountain Plaza, Suite 1700, Buffalo, New York, 14202.

To obtain further information, please call the Lippes Mathias Wexler Friedman, LLP In Rem 165 Foreclosure hotline at (716) 884-3135 and leave a detailed message that includes the property address and/or serial number located at the bottom of the Notice. A representative of Lippes Mathias Wexler Friedman, LLP will return your call as soon as possible. Due to large call volume, please refrain from leaving multiple messages.



FAQ FOR IN REM 165

When is the In Rem Auction scheduled?

The In Rem Auction is scheduled for **September 28, 2017**.

I received a letter in the mail stating my property is going to be foreclosed on, what do I do?

Pay the outstanding taxes.

Seek legal advice as to how to respond to the notice.

Do not ignore the notice or your property will be sold at public auction on **September 28, 2017**.

What property taxes are due?

All taxes through 2017 are due now.

What taxes must be paid in order to avoid sale of my property?

All taxes from 2014 and prior (including interest and \$500.00 foreclosure fee) must be paid in order to avoid sale of the property.

I want to pay my taxes but I don't know how much they are?

The amount of taxes that are owed can be found online at <http://www2.erie.gov/ecrpts/index.php?q=real-property-parcel-search> or by contacting Real Property Tax Services at 716-858-8333 or ec-rpts@erie.gov for the most accurate amount that is due. Please keep in the mind that monthly interest will continue to accrue and will be applied on the 1st of each month.

How do I pay my taxes?

Pay by cash, certified check or money order payable to the Department of Real Property Tax Services via mail or hand delivery to: 1st Floor, Rath Building, 95 Franklin Street, Buffalo, New York 14202.

The Foreclosure Fee of \$500 should be issued as a separate check.

When is the last date by which I must pay the outstanding taxes?

Redemption date is **July 3, 2017**. All 2014 and prior taxes plus foreclosure fee must be paid by this date in order to avoid foreclosure.



The County, at its discretion, may accept payments after this date, but before the auction scheduled for September 28, 2017.

What if I do not pay the taxes or otherwise respond to the Notice I received?

Your property will be sold at public auction on **September 28, 2017**.

What if I only pay the minimum amount to avoid sale of the property?

While payment of the 2014 and prior liens, plus interest and statutory fee, will redeem the property from In Rem 165, failure to pay any outstanding 2015-2017 County taxes will render the property eligible for future In Rem proceedings and you will be required to pay additional interest and fees in order to avoid future foreclosure and sale of your property.

Are payment plans available?

Payment plans may be available to certain property owners upon substantial down payment. Payment plans are determined on a case by case basis by the Department of Real Property Tax Services exclusively. The Department of Real Property Tax Services can be reached at 716-858-8333 or by email at ec-rpts@erie.gov

What do I do if I cannot pay the taxes?

Contact a Lawyer to get legal advice as to how to avoid foreclosure. Then have your lawyer contact LIPPES MATHIAS WEXLER FRIEDMAN, LLP at (716) 884-3135.

What if I cannot afford a lawyer?

Call the following to see if they can help you:

Legal Aid – (716) 853-9555 only Buffalo office does tax foreclosure

Western New York Law Center (716) 855-0203 ext. 118

Volunteer Lawyers Projects (716) 847-0662

Legal Services for the Elderly (716) 853-3087 over 60 for Tax Foreclosures

The Bar Association of Erie County maintains a Lawyer Referral Service which can be reached at 716-852-3100.



What if I do not own the property?

If you have received a Notice of In Rem Foreclosure and the Petition and Notice of Foreclosure in the mail and you are not the property owner, our records indicate that you may have interest in and/or lien (i.e. mortgage/judgment) against the property. Should the outstanding tax liens on the particular property remain unpaid, your interest and/or lien may get extinguished with the sale of property. In order to protect your interest, we recommend that you contact your attorney to explain your options. Please note that paying the back taxes on someone else's property does not make you the owner. If you do not own the property and have no interest in the property, you are not required to take action. We cannot advise you in this regard and you should consult with an attorney so that you understand your rights.

Is there a list of properties that are included in In Rem proceeding?

The List of Delinquent Taxes is on file with the Erie County Clerk's Office and the Department of Real Property Tax Services.

Should you have any additional questions, please call the Lippes Mathias Wexler Friedman, LLP In Rem hotline at 716-884-3135 and leave a detailed message including the property address and/or serial number located at the bottom of the Notice. Please note that the attorneys and/or representatives of Lippes Mathias Wexler Friedman, LLP and/or the County of Erie are prohibited from providing legal advice and recommend you contact your own attorney to determine your legal rights. Due to large call volume, please refrain from leaving multiple messages. Thank you.