

STATE OF NEW YORK
COUNTY COURT

COUNTY OF ALBANY

ALBANY COUNTY

APR 23 2020

ATTORNEY'S OFFICE

In the Matter of the "In Rem" Delinquent Tax Lien
Foreclosure Proceeding brought pursuant to Article
Eleven, Title 3 of the Real Property Tax Law

by

THE COUNTY OF ALBANY, NEW YORK, TAX
DISTRICT,

against

Those Parcels of Real Property described in the
LIST OF DELINQUENT TAXES filed on April 2, 2014
covering the TOWNS of BERNE, BETHLEHEM,
COEYMANS, COLONIE, GREEN ISLAND,
GUILDERLAND, KNOX, NEW SCOTLAND,
RENSSELAERVILLE and WESTERLO, Albany
County

**ORDER
VACATING, NULLIFYING
AND CANCELLING OF
RECORD *NUNC PRO TUNC*
MULTIPLE PARCEL FINAL
JUDGMENT OF FORECLOSURE
BY DEFAULT, EXECUTION AND
WRIT OF ASSISTANCE
GRANTED IN THIS PROCEEDING
ON MAY 20, 2018 ONLY IN SO
FAR AS IT INCLUDED PARCEL
No. BETHLEHEM 1579-14-54
(56 Harrison Avenue, Town of
Bethlehem)**

Index No. 1579-14

RJI No. CC-19-00002

IAS Judge: Surrogate Stacy L. Pettit
Acting Albany County Court Judge

The County of Albany, New York Tax District ("Tax District") having by its attorney
Albany County Attorney EUGENIA KOUTELIS CONDON (Gregory A. Rutnik, Esq., Assistant
County Attorney, of counsel) duly moved this Court *ex parte* for the relief hereby granted and
for such other, further and different relief as to the Court may seem just and proper,

NOW after reading and filing the affidavit of Assistant County Attorney Gregory A.
Rutnik, Esq. sworn to on April 18, 2020 in support of the Tax District's said Motion
satisfactorily establishing the mistake of the Tax District in having putatively unlawfully
"fraudulently" obtained so much of the multiple parcel Final Judgment of Foreclosure by
Default, Execution and Writ of Assistance of this Court in this proceeding dated May 20, 2019
and entered in the Albany County Clerk's Office on May 22, 2019 as granted said relief as to
the abovesaid parcel ("Foreclosure Judgment") as putatively having been obtained by the

Tax District in violation of Section 548 of the U.S. Bankruptcy Code in order to effectuate the U.S. Bankruptcy Court Order approving the sale of the above said parcel and due deliberation having been had thereon, pursuant to this Court's inherent discretionary equitable power to at any time vacate its own Order or Judgment made in an action or proceeding for sufficient reason shown based upon the mistake of a party thereto, it is hereby

UPON said Motion of said attorney for the Tax District,

ORDERED that so much of said multiple parcel Foreclosure Judgment in this proceeding dated May 20, 2019 and entered in the Albany County Clerk's Office on May 22, 2019 as granted said relief as to the above said parcel is on the basis of said U.S. Bankruptcy Court Order is hereby vacated, declared null and void and cancelled of record *nunc pro tunc* on the ground that it was putatively mistakenly unlawfully obtained by the Tax District in violation of section 548 of the Bankruptcy Code, and further

ORDERED that, any other provision hereof notwithstanding, this Order shall not take effect and be entered unless and until the full amount of the delinquent taxes owing to the Tax District on the above said parcel at the time of entry of said Foreclosure Judgment the full amount of the delinquent taxes owing to the Tax District on the above said parcel at the time of entry of said Foreclosure Judgment totaling the sum of \$69,129.58 are paid in full in one lump sum at the closing of the sale of the above said parcel, and further

ORDERED that the Albany County Clerk shall and is hereby directed to make an appropriate notation of the entry of this Order upon both the original of said filed multiple parcel Foreclosure Judgment and the electronic Index entry with respect thereto located within the Albany County Clerk's Office.

Signed this 20th day of April, 2020, at Albany, New York.

ENTER


HON. STACY L. PETTIT, SURROGATE
ACTING ALBANY COUNTY COURT JUDGE