

**STATE OF NEW YORK  
COUNTY COURT                      COUNTY OF ALBANY**

*SETTLEMENT AGREEMENT*

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

**MOTION FOR ORDER  
GRANTING SUMMARY  
JUDGMENT DISMISSING  
ANSWER, FINAL JUDGMENT  
OF FORECLOSURE,  
EXECUTION AND WRIT OF  
ASSISTANCE AS TO  
AFFIDAVIT IN SUPPORT  
OF MOTION FOR ORDER  
GRANTING SUMMARY  
JUDGMENT DISMISSING  
ANSWER, FINAL JUDGMENT  
OF FORECLOSURE,  
EXECUTION AND WRIT  
OF ASSISTANCE AS TO  
PARCEL Nos. ALBANY  
9130-08-1380 (75 Clinton  
Avenue, City of Albany),  
9130-08-1381 (77 Clinton  
Avenue, City of Albany),  
9130-08-1382 (79 Clinton  
Avenue, City of Albany),  
9130-08-1383 (81 Clinton  
Avenue, City of Albany) and  
9130-08-1384 (83 Clinton  
Avenue, City of Albany)**

by

THE COUNTY OF ALBANY, NEW YORK, TAX  
DISTRICT,

against

The Parcels of Real Property included in the LIST OF  
DELINQUENT TAXES filed on January 6, 2009  
covering the CITY OF ALBANY, Albany County

**Index No. 9130-08  
RJI No. CC-12-00002  
IAS Judge: Surrogate Stacy Pettit  
Acting Albany County Court Judge**

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**SETTLEMENT AGREEMENT**

**AS TO**

**75 CLINTON AVENUE, CITY OF ALBANY (PARCEL NO. 9130-08-1380)  
AND 77 CLINTON AVENUE, CITY OF ALBANY (PARCEL NO. 9130-08-1381)**

WHEREAS the County of Albany, New York, Tax District ("Tax District") has  
pursuant to Article 11, Title 3 of the Real Property Tax Law brought the above captioned  
Motion against 75,77,79,81 and 83 Clinton Avenue in the City of Albany, and

WHEREAS said Motion has been resolved as to 79, 81 and 83 Clinton Avenue,  
and

WHEREAS the U.S. Supreme Court decision in May 2023 in the matter of Tyler v Hennepin County resulted in moratoria and amendments pending with respect to the NYS RPTL, and

WHEREAS in light of said U.S. Supreme Court decision the Tax District seeks to avoid potential costly litigation” in State and Federal Courts regarding the “market value” of a longstanding cornerstone funeral home business located at 75 and 77 Clinton Avenue, and

WHEREAS the Tax District will as the result of this Settlement Agreement subsequently receive payment in full of the \$84,084.65 delinquent real property tax bill on 77 Clinton Avenue, together with statutory interest due on the date of payment (currently an additional \$70,519.21 in interest accrued through April 30, 2024), thus resolving the above captioned pending proceeding against 75 and 77 Clinton Avenue, and

WHEREAS the Tax District and the Estate of the owner of record of 75 Clinton Avenue (Parcel No. 9130-08-1380) and 77 Clinton Avenue (Parcel No. 9130-08-1381) parcels (“parties”) have agreed by and through their undersigned attorneys to resolve said proceeding as to said parcels as follows:

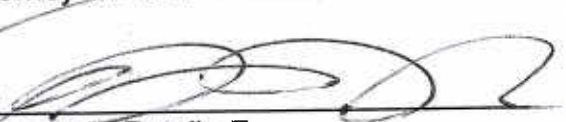
1. With respect to 75 Clinton Avenue, upon receipt from the Estate of the former owner of record of the sum of \$200,000.00 in certified funds, the Tax District will request that this Court grant Judgment against 75 Clinton Avenue in this proceeding;
2. The Tax District will when said Judgment has been granted request legislative action by the County Legislature to convey 75 Clinton Avenue back to the Estate of its former owner. This conveyance will provide the Estate of its former owner with equity to secure a conventional mortgage to make needed repairs and redeem the delinquent real property taxes on 77 Clinton Avenue then owing to the Tax District;
3. The Tax District will not object to the Court adjourning this matter to June 6, 2024 to allow the County Legislature time to consider and potentially approve this Settlement Agreement; and
4. If this settlement proposal is not approved by the County Legislature, it will become null and void and the full sum of \$200,000.00 will be returned to the Estate of the former owner of record of 75 Clinton Avenue via its undersigned attorney.

Attorney for the Estate of the former  
Owner of Record of 75 and 77 Clinton  
Avenue

  
Bernard Bryan, Esq.

Date signed: April 18, 2024

EUGENIA KOUTELIS CONDON  
Albany County Attorney  
Attorney for the Tax District

By   
Gregory A. Rutnik, Esq.  
Assistant Albany County Attorney

Date signed: April 17, 2024

THE ABOVE SETTLEMENT AGREEMENT OF THE PARTIES  
IS HEREBY SO ORDERED

  
SURROGATE STACY L. PETTIT  
Acting Albany County Court Judge

Signed on April 25, 2024 at Albany New York