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STATE OF NEW YORK
COUNTY COURT

COUNTY OF ALBANY

2020 MAR 10 PM 1:17

ALBANY COUNTY CLERK

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

The Parcels of Real Property included in the LIST OF
DELINQUENT TAXES filed on June 11, 2012
covering the CITY OF ALBANY, Albany County

**ORDER
VACATING, NULLIFYING
AND CANCELLING OF
RECORD *NUNC PRO TUNC*
BOTH FINAL JUDGMENT OF
FORECLOSURE BY DEFAULT,
EXECUTION AND WRIT OF
ASSISTANCE AND DEED BY
ASSIGNMENT GIVEN BY TAX
DISTRICT TO ALBANY COUNTY
LAND BANK CORPORATION
solely to the extent that
Exhibit "A" annexed to both
said Judgment and Deed
include therein "PARCEL No.
ALBANY 3088-12-1628 (36 Ten
Broeck Place, City of Albany)"**

Index No. 3088-12

RJI No. CC-16-00001

**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
Acting Albany County Attorney Eugenia Koutelis Condon (Gregory A. Rutnik, Esq., Assistant
Albany County Attorney, of counsel) applied to this Court for the hereinafter specified relief 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 Albany County Attorney Gregory
A. Rutnik, Esq. sworn to on February 20, 2020 in support of said Application satisfactorily
establishing the excusable mistake and error of the Tax District in having obtained said
Foreclosure Judgment and subsequently given said Deed by Assignment to the Albany County
Land Bank Corporation solely to the extent that Exhibit "A" annexed to both said Foreclosure
Judgment and Deed by Assignment include therein the abovesaid parcel "PARCEL No.
ALBANY 3088-12-1628 (36 Ten Broeck Place, City of Albany)" and due deliberation having

been had thereon, pursuant to this Court's inherent authority to in the interest of justice and in the exercise of its inherent discretion, it is hereby

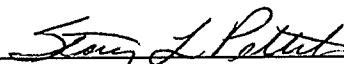
UPON said Application by said attorney for the Tax District,

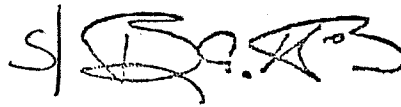
ORDERED that both the Order of this Court dated October 18, 2017 and entered in the Albany County Clerk's Office on October 30, 2017 granting the Tax District a Final Judgment of Foreclosure by Default, Execution and Writ of Assistance in this proceeding ("Foreclosure Judgment") and the Deed by Assignment subsequently given by the Tax District to the Albany County Land Bank Corporation dated October 26, 2018 recorded in the Albany County Clerk's Office as Instrument No. R2018-24157 on October 30, 2018 ("Deed by Assignment") are hereby pursuant to this Court's inherent authority to at any time vacate its own judgments in the interest of justice and the exercise of its inherent discretion based upon the excusable mistake and/or error of a party thereto vacated, declared null and void and cancelled of record nunc pro tunc nunc solely to the extent that Exhibit "A" annexed to both said Foreclosure Judgment and Deed by Assignment include therein the abovesaid parcel "PARCEL No. ALBANY 3088-12-1628 (36 Ten Broeck Place, City of Albany)", and it is further hereby

ORDERED that the Albany County Clerk shall and is hereby directed to make an appropriate notation of the entry of this Order upon the filed original of and the electronic Index entries with respect to both said Foreclosure Judgment and Deed by Assignment solely to the extent that Exhibit "A" annexed to both said Foreclosure Judgment and Deed by Assignment include therein the abovesaid parcel "PARCEL No. ALBANY 3088-12-1628 (36 Ten Broeck Place, City of Albany)".

Signed this 5th day of March, 2020, at Albany, New York.

ENTER


STACY L. PETTIT, SURROGATE
ACTING ALBANY COUNTY COURT JUDGE

 ms
3-10-20