

ERIE COUNTY IN REM 172 TAX LIEN FORECLOSURE INFORMATION

If you received a Petition and Notice of Foreclosure of Tax Liens by the County of Erie by Action In Rem (“Notice”), you should contact an attorney 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), Center for Elder Law and Justice (716-853-3087), Consumer Credit Counseling Services of Buffalo, Inc. (1-800-926-9685 OR 716-712-2060), Buffalo Urban League (716-250-2400), or Belmont Housing Resources (716-884-7791 ext. 330) may be able to help. Additionally, the Bar Association of Erie County (716-852-3100) maintains a Lawyer Referral Service.

Note - The information contained in this notice pertains to the Erie County In Rem Tax Lien Foreclosure, only. The offices of Lippes Mathias LLP and/or Erie County Real Property Tax Services make no representations concerning the City of Buffalo In Rem Foreclosure and/or City of Buffalo Tax Department.

Contents

SUMMARY: IN REM 172	1
IN REM 172 PETITION AND NOTICE	5
NOTICE OF SURPLUS	8

Summary: In Rem 172 Tax Lien Foreclosure

If you received a Petition and Notice of Foreclosure of Tax Liens by the County of Erie by Action In Rem (“Notice”) – please be aware that public records indicate that you are the titled owner, a presumptive lienor and/or you otherwise have an interest in the property listed in the Notice.

The property listed in the Notice is subject to the County’s In Rem 172 Tax Lien Foreclosure of 2021 (and prior, if applicable) County taxes.

If the 2021 (and prior, if applicable) tax liens remain unpaid and the property is not redeemed from In Rem 172 by July 8, 2024 (the last day of redemption), your interest in the property will be extinguished and the property will be offered for sale at public auction (date to be determined).

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 Sara.Hart@erie.gov or ec-rpts@erie.gov

In Rem 172 was commenced by Erie County on May 7, 2024 upon 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 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, the Erie County Clerk’s Office website, the Erie County Office of Real Property Tax Services, and the Erie County Office of Real Property Tax Services website.

Erie County is entitled to foreclose upon tax liens that have been outstanding, unredeemed and unpaid for a period of two (2) or more 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 2021. As such, the 2021 (and prior, if applicable) liens are now subject to foreclosure.

The Notice, mailed to each titled owner, presumptive lienor and/or other interested party, provides legal notice of In Rem 172 and includes information concerning the RIGHT OF REDEMPTION, the LAST DAY OF REDEMPTION and SERVICE OF ANSWER.

The RIGHT OF REDEMPTION sets forth a Notice recipient’s right to redeem the property from In Rem 172 to avoid Judgment of Foreclosure and Sale and/or public auction.

The LAST DAY OF REDEMPTION provides the date by which payment of the outstanding tax liens must be received in order to avoid Judgment of Foreclosure and Sale and/or public auction.

The last day of redemption for In Rem 172 is **July 8, 2024**. If the Erie County Office of Real Property Tax Services does not receive payment of 2021 (and prior, if applicable) tax liens along with the statutory foreclosure fee of \$500.00, a Judgment of Foreclosure and Sale directing the sale of the property at public auction will be issued.

Payment must be made payable to the County 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. Payments will be accepted in-person or via mail. Additionally, for a limited time, payments may be made online at <https://paytax.erie.gov/>. No personal checks will be accepted.



Should the 2021 (and prior, if applicable) tax liens remain unpaid and the property remain unredeemed, Judgment of Foreclosure and Sale will issue and the property will be offered for sale at public auction. The bid proceeds from the sale of the property will be used to satisfy the outstanding taxes. In the event the property is offered at public auction, but not sold, it will be eligible to be offered for sale at a future In Rem auction.

Please note that while timely payment of the 2021 (and prior, if applicable) tax liens will redeem the property from In Rem 172 and prevent the sale of the property at the next scheduled public auction, failure to pay any outstanding 2022, 2023 and 2024 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.

The deadline for the filing and SERVICE OF ANSWER is **July 29, 2024**. The Answer must set forth in detail any defense to the foreclosure proceeding and must contain reference to the serial number(s) of the property. The Answer must be filed in the office of the County Clerk and served upon the attorneys for In Rem 172, Margaret A. Hurley, Esq., Lippes Mathias, LLP, 50 Fountain Plaza, Suite 1700, Buffalo, New York, 14202, (716) 884-3135, on or before July 29, 2024.

If you received a Notice in the mail and you are not the property owner, please note that public 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 subject property remain unpaid, your interest and/or lien may be extinguished. In order to protect your interest and understand your rights, we recommend that you contact an attorney. Please note that paying the outstanding tax liens of the subject property does not make you the titled owner. If you do not own the subject property and have no interest in the property, you are not required to take action.

Neither the County nor the attorneys of Lippes Mathias LLP are able to provide legal advice. Whether you are the titled owner of the subject property, 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 Center for Elder Law and Justice (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 Erie County In Rem 172 are Lippes Mathias, LLP, Attn: Margaret A. Hurley, Esq. and/or Jennifer C. Persico, Esq., located at 50 Fountain Plaza, Suite 1700, Buffalo, New York, 14202.

To obtain further information, please call the Lippes Mathias, LLP In Rem 172 Foreclosure hotline at (716) 884-3135 and leave a detailed message that includes the subject property address and/or serial number located at the bottom of the Notice. A representative of Lippes Mathias, LLP will return your telephone call as soon as possible. Due to a large volume of telephone calls, please refrain from leaving multiple messages.



FAQ FOR COUNTY IN REM 172 PETITION AND NOTICE

What if I previously submitted a Hardship Declaration?

The stay provisions of the New York State Covid-19 Emergency Eviction and Foreclosure Prevention Act of 2020 (CEEFPFA) and/or the Covid-19 Emergency Protect Our Small Businesses Act of 2021 (CEPOSBA) expired on January 15, 2022, and new tax lien foreclosures may be commenced without a municipality having to provide notice of the CEEFPFA and/or CEPOSBA.

Accordingly, if you previously submitted a hardship declaration form in connection to an Erie County In Rem tax lien Foreclosure proceeding, there is no longer a stay of the proceeding(s), and the County may proceed with tax lien foreclosure at this time.

When will the Erie County In Rem Auction take place?

The Erie County In Rem Auction is anticipated to take place this fall, 2024.

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

Pay the outstanding 2021 (and prior, if applicable) taxes.

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

Do not ignore the communication or your property will be sold at public auction.

What property taxes are due?

All Erie County property taxes through 2024 are due.

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

All 2021 and prior County taxes (including interest and \$500.00 foreclosure fee) must be paid in order to avoid sale of the property.

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

The amount of County taxes due can be found online at <http://www2.erie.gov/ecrpts/index.php?q=real-property-parcel-search> or by contacting Erie County Real Property Tax Services at (716)-858-8333 or Sara.Hart@erie.gov or ec-rpts@erie.gov. Please note that monthly interest is applied on the 1st of each month.

How do I pay my taxes?

Payments by cash, certified check or money order payable to the Erie County Department of Real Property Tax Services are accepted via mail or hand delivery at 1st Floor, Rath Building, 95



Franklin Street, Buffalo, New York 14202. Additionally, for a limited time payments may be made online at <https://paytax.erie.gov/>. Personal checks are NOT accepted. The statutory Foreclosure fee of \$500 should be issued as a separate check.

What is the deadline to pay the outstanding County taxes?

The redemption date is July 8, 2024. All 2021 and prior taxes, plus foreclosure fee, must be paid by this date in order to avoid foreclosure.

What if I do not pay the County taxes or otherwise respond to the notice?

The property listed in the notice will be offered for sale at public auction.

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

While timely payment of the 2021 (and prior, if applicable) tax liens will redeem the property from In Rem 172 and prevent the sale of the property at the next scheduled public auction, failure to pay any outstanding 2022, 2023 and 2024 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.

Are payment plans available?

Payment plans may be available to owners of certain residential and owner-occupied property. Payment plans are determined on a case-by-case basis by the County Department of Real Property Tax Services. The County Department of Real Property Tax Services can be reached at (716)-858-8333 or by email at Sara.Hart@erie.gov or ec-rpts@erie.gov

What do I do if I cannot pay my County taxes?

Contact a lawyer as soon as possible for legal advice. Your lawyer may contact Lippes Mathias, LLP at (716) 884-3135.

What if I cannot afford a lawyer?

The following may be able to assist you if you do not have your own attorney or cannot afford one:

Legal Aid (716) 853-9555;

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

Volunteer Lawyers Project (716) 847-0662;

Center for Elder Law and Justice (716) 853-3087;



Consumer Credit Counseling Services of Buffalo, Inc. 1-800-926-9685 or (716) 712-2060;

Buffalo Urban League (716) 250-2400;

Belmont Housing Resources (716) 884-7791 ext. 330;

New York State Office of the Attorney General's Homeowner Protection Program (HOPP) 1-855-HOME-456 (1-855-466-3456) <https://homeownerhelpny.org/>; and/or

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

What if I do not own the property?

If you received a Notice of In Rem Foreclosure and the Petition and Notice of Foreclosure in the mail and you are not the owner of the subject property, 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 subject property remain unpaid, your interest and/or lien may be extinguished. In order to protect your interest and understand your rights, we recommend that you contact an attorney. Please note that paying taxes due upon a property does not make you the titled owner. If you do not own the property and have no interest in the property, you are not required to take action.

What if I did not own the property at the time the delinquent taxes were due?

The tax liens remain outstanding and enforceable against the subject property regardless of whether or not you owned the subject property at the time the tax liens accrued. We suggest that you contact the attorney who handled your closing for more information.

Is there a list of properties that are included in In Rem 172?

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

Should you have any additional questions, please call the Lippes Mathias, 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, 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 a large volume of telephone calls, please refrain from leaving multiple messages. Thank you.



FAQ FOR ERIE COUNTY IN REM NOTICE OF SURPLUS

Why did I receive a notice of surplus money?

According to public records, you were the tax delinquent owner of a property that has been sold at a County foreclosure auction.

What is surplus money?

Surplus money is money left over after sale proceeds are used to pay property taxes and/or other municipal assessments. As the prior owner of a property sold at County foreclosure auction, you may be entitled to some or all of the surplus money.

Where is the surplus money?

Surplus money is deposited with the Erie County Comptroller's Office by Court order.

How much surplus money has been deposited with the County Comptroller?

The amount of surplus money available can be found by visiting the Erie County Comptroller's website <https://www4.erie.gov/comptroller/> or by calling the Erie County Comptroller's office at (716) 858-8400.

How do I obtain the surplus money?

In order to claim surplus money, one must file a Notice of Claim in the Erie County Clerk's Office and commence a legal proceeding on notice to any other individuals/entities who may have an interest in the surplus money. You do not need an attorney to file a claim for surplus. Our office cannot provide a surplus money claimant with legal advice or assist with this legal process.

Who else is eligible to claim the surplus money?

Any entity with a judgment or lien against the property at the time of the County's foreclosure sale may claim surplus money.

Will I receive all of the surplus money?

There is no guarantee that you will get some or all of the surplus money. There may be other lienors who are entitled to some or all of the surplus money. This issue will be decided by a judge.



Do I need to use a lawyer?

No, an attorney is not required to submit a claim for surplus money.

Is there a list of lawyers who handle surplus money claims?

The following legal service agencies may be able to assist with a surplus money claim if you do not have your own attorney or cannot afford one:

Legal Aid (716) 853-9555;

Western New York Law Center (716) 855-0203;

Volunteer Lawyers Project (716) 847-0662;

Center for Elder Law and Justice (716) 853-3087; and/or

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