

RESOLUTION NO. 2014214

RE: PUBLIC AUCTION OF PROPERTIES ACQUIRED BY THE COUNTY THROUGH IN REM PROCEDURE AND AUTHORIZATION TO EXECUTE QUITCLAIM DEEDS RETURNING THE PROPERTY BACK TO FORMER LANDOWNERS PURSUANT TO THE DUTCHESS COUNTY LAND DISPOSITION POLICY

Legislators BORCHERT, MICCIO, and SAGLIANO offer the following and move its adoption:

WHEREAS, pursuant to Article 11 of the Real Property Tax Law in the matter of the foreclosure of tax liens by proceeding In Rem, the County of Dutchess has acquired title to certain parcels of real property as listed and annexed hereto on Exhibit "A", and

WHEREAS, by Resolution No. 244 of 1997 the Dutchess County Legislature adopted a Land Disposition Policy, and

WHEREAS, the Land Disposition Policy grants to the former landowner an exclusive right to repurchase their former parcels for the payment of all outstanding taxes, interests, penalties and fees authorized by law, and

WHEREAS, the Commissioner of Finance has recommended the public sale of the remaining parcels at a public auction to be conducted pursuant to the Terms of Sale in essentially the form annexed hereto as Exhibit "B" and the provisions of this resolution, and

WHEREAS, Legislative approval is required for the transfer of real property owned by the County of Dutchess, now, therefore, be it

RESOLVED, that the Commissioner of Finance be and she hereby is authorized and empowered to sell the parcels listed and annexed hereto, at a public auction to be conducted at the Poughkeepsie Grand Hotel, Poughkeepsie, New York on or about October 8, 2014, by an auctioneer under the direction of the Commissioner of Finance, and be it further

RESOLVED, that the Commissioner of Finance shall have the discretion to waive the fee authorized by RPTL 1102 where deemed economically desirable for the County, and be it further

RESOLVED, that the Commissioner of Finance shall give public notice of such sale as she may deem appropriate, and be it further

RESOLVED, that the County Executive and the Clerk of the County Legislature be and they hereby are authorized and empowered to execute quitclaim deeds on behalf of the County of Dutchess conveying the parcels of real property which are either sold at public auction to the purchasers thereof or repurchased by former landowner thereof.

CA-127-14 KPB/ca/R-0324-C
7/16/14 Fiscal Impact: See attached statement

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 11th day of August 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 11th day of August 2014.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ _____

Total Current Year Revenue \$ _____
and Source

Source of County Funds *(check one)*: Existing Appropriations, Contingency,
 Transfer of Existing Appropriations, Additional Appropriations, Other *(explain)*.

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: Favorable - Parcels will be put back on tax rolls.

Net County Cost (this year): _____
Over Five Years: _____

Additional Comments/Explanation:

Prepared by: Heidi Seelbach, Commissioner of Finance

Revised
2014214

<u>Assessed Owner(Prior)</u>	<u>Grid Number</u>
<u>Town of Amenia</u>	
1 CARMAN ANTHONY CARMAN CARRIE	132000-7064-02-580820-0000
2 VOORHEES DOLORES	132000-7165-00-725673-0000
3 HENRY WILLIAM	132000-7166-00-138325-0000
4 MANDEL JESSE M	132000-7166-00-770871-0000
5 VOORHEES DOLORES	132000-7264-00-269468-0000
6 ESPANA CONSTRUCTION INC	132000-7265-00-511805-0000
<u>Town of Beekman</u>	
7 PEREIRO RAMON	132200-6558-00-847802-0000
8 FORTE JOHN	132200-6558-12-982657-0000
9 KORWATCH JAMES KORWATCH JENNIFER	132200-6558-12-991574-0000
10 OTTO WILLIAM JR	132200-6659-00-025548-0000
11 ATRIUM EQUITY GROUP INC	132200-6659-00-669171-0000
12 BUKOVICH FRANKLIN S	132200-6756-01-264958-0000
13 BAEZ FRANCES MONAHAN MONAHAN ELLEN	132200-6757-00-307095-0000
14 PEREIRO RAMON	132200-6757-00-346170-0000
15 AMY SUSAN TASSONE GRAZIANO'	132200-6757-00-409174-0000
16 PLACE MARY L PLACE WILLIS R	132200-6858-00-001867-0000
17 HALBRO HOLDING CORP	132200-6858-00-320048-0000
<u>Town of Clinton</u>	
18 KHOO YU-PIN	132400-6568-00-094956-0000
<u>Town of Dover</u>	
19 PEREIRO RAMON	132600-6960-00-741021-0000
20 DELMAZIO JOSEPHINE G MACARI JAMES	132600-7059-00-356504-0000
21 DELMAZIO JOSEPHINE G MACARI JAMES	132600-7059-00-374509-0000
22 METRO DEVELOPMENT OF NY LLC	132600-7062-00-722433-0000
23 GRECKE SUZANNE A	132600-7062-08-873967-0000
24 KOPELMAN FRED M KOPELMAN STEPHEN H	132600-7160-00-097857-0000
25 JANUM MANAGEMENT LLC	132600-7160-00-616152-0000
26 FUENTES LUIS T SANCHEZ-FUENTES ESMERALDA	132600-7160-01-380915-0000
27 VOORHEES DOLORES J	132600-7160-03-342328-0000
28 DAVIDSON CHARLES A II	132600-7264-00-280072-0000

Town of East Fishkill

29	LOMALA LAND DEVELOPMENT CORP	132800-6356-01-413831-0000
30	ZENO CATHI	132800-6356-02-623519-0000
31	FARMER CECILY FARMER ROBERT	132800-6356-02-866627-0000
32	YACONO TINA ZENO ETAL ZENO ANGELO JR ZENO ANTHONY	132800-6356-04-511494-0000
33	VIVIANI CATELLO	132800-6357-01-132793-0000
34	HAMILTON DENNIS	132800-6357-04-565178-0000
35	WEAVER BONNIE L EXEC	132800-6358-02-990512-0000
36	JEAN-PAUL PERRAULT	132800-6358-03-472470-0000
37	ZANETTI DANIEL J ZANETTI MICHAEL E	132800-6455-02-735845-0000
38	GIONTA JESSE K	132800-6456-02-580819-0000
39	CONLON KAREN CONLON MICHAEL J	132800-6457-01-250849-0000
40	PEREIRO RAMON	132800-6457-03-157442-0000
41	MC SHEA MARY M MC SHEA THOMAS F	132800-6458-07-715990-0000
42	AHMED MASUD	132800-6459-20-801088-0000
43	PEREIRO RAMON	132800-6556-00-724179-0000
44	SZALYGO LUDWIG	132800-6556-00-831407-0000
45	CARVER DOUGLAS L	132800-6556-00-908257-0000
46	MCDONALD JAMES S STAUDO HAR KEITH C	132800-6558-02-830784-0000
47	CARDOZA ANGEL	132800-6656-00-557186-0000
48	SUYDAM EDWARD	132800-6657-03-364231-0000
49	HAMILTON DENNIS L	132800-6755-01-114985-0000
50	TOMPKINS JAMES H	132800-6755-01-345578-0000
51	PEREIRO RAMON	132800-6755-04-586415-0000
52	STAUDO HAR KEITH C	132800-6755-04-616152-0000
53	KARDIAS JAMES	132800-6755-04-627365-0000
54	GARAY DANIEL E JR O'MARA PATRICK L	132800-6755-04-844237-0000

Town of Fishkill

55	COUNTY CONDUIT CORP.	133089-6155-01-461583-0000
56	PILAPIL MARIALUIS C	133089-6155-01-487580-0000
57	PEPPER ESTHER LT STEVENS JENNIFER JO RM	133089-6156-17-191098-0000
58	BYRNES BONNIE BYRNES ROBERT	133089-6255-05-165945-0000
59	BROOKLYN LLC	133089-6256-01-130642-0000

60 PENTZ KAREN A SEE ALAN 133089-6356-01-224617-0000

Town of Hyde Park

61 SAJNANI RAM SAJMAMI RANI 133200-6065-20-752194-0000
62 ALLT SEITH 133200-6067-04-972416-0000
63 LE BEOUF CAROLYNN D LE BEOUF ROBERT H JR 133200-6163-02-608516-0000
64 KITOVAS SPIRO 133200-6165-04-855221-0000
65 LEARY WILLIAM 133200-6165-04-903494-0000
66 KITOVAS SPIRO 133200-6166-03-477077-0000
67 KITOVAS SPIRO 133200-6166-03-486105-0000
68 KITOVAS SPIRO 133200-6166-04-502122-0000
69 CAROTHERS SANDRA 133200-6166-04-562101-0000
70 WINDING ROAD FARMS LLC 133200-6166-04-798098-0000
71 LOPEZ CHRISTINE 133200-6167-03-258373-0000
72 PENSCO TRUST COMPANY CUSTODN 133200-6167-03-424418-0000
73 WHITE JUNE S WHITE ROBERT J SR 133200-6167-04-616304-0000
74 TAYLOR JOAN K 133200-6167-04-702247-0000
75 HARRIS AUDREY H HARRIS WILLIAM 133200-6263-04-515372-0000
76 DELGADIO TODD R 133200-6264-04-773349-0000
77 HOAGLAND KENNETH A 133200-6265-04-539445-0000
78 RODRIGUEZ HONORIO 133200-6266-19-621073-0000

Town of LaGrange

79 JEAN-PAUL PERRAULT 133400-6259-02-581943-0000
80 BAGNALL ROBERT 133400-6260-02-658517-0000
81 LAWRENCE ROBERT 133400-6360-01-147952-0000
82 POLUZZI PATRICIA M POLUZZI ROBERT T 133400-6360-02-527833-0000
83 TEDESCO PAUL 133400-6360-02-581685-0000
84 SOUTHVIEW FARM INC 133400-6360-03-351478-0000
85 MATOS ALISON 133400-6361-01-035820-0000
86 BUECHELE ALVIN BUECHELE VIRGINIA A 133400-6361-03-408492-0000
87 SPIAK WILLIAM 133400-6361-04-883005-0000
88 MARTINEZ REYNALDO 133400-6459-01-313916-0000
89 SENDZIMIR BERTHE 133400-6460-03-420199-0000
90 SENDZIMIR BERTHE 133400-6460-03-451161-0000

91 ELLIOTT ERNEST F 133400-6460-04-646485-0000
 92 CATALIC VICTOR 133400-6461-01-073869-0000
 93 SPADAFORA RONALD 133400-6560-02-501748-0000
 93A CEBALLOS MORAYAMA CEBALLOS JUAN 133400-6560-02-593546-0000
 94 GUNN JOHN C 133400-6560-02-966597-0000
 95 RW THEW TRUST 133400-6560-03-458092-0000
 96 DEMICHEL MICHAEL J DEMICHEL SUSAN K 133400-6562-03-456442-0000
 97 DENNIS MARTHA M 133400-6562-04-725301-0000

Town of Milan

98 WINDSOR DEVELOPMENT CORP 133600-6470-00-519153-0000
 99 WERN ROBERT 133600-6571-04-848370-0000
 100 WERN ROBERT 133600-6571-04-858393-0000

Town of North East

101 ROSAS MICHAEL P ROSAS TRINA M 133801-7271-15-572294-0000
 102 TROTTA ROBERT B 133801-7271-15-592287-0000
 103 EISERMANN GERALDINE L 133889-7269-00-625824-0000
 104 ROSAS MICHAEL P ROSAS TRINA M 133889-7271-00-569274-0000
 105 TROTTA ROBERT B 133889-7271-00-590270-0000
 106 LA MORTE VINCENT LA MORTE VITO 133889-7271-00-758530-0000
 107 BEILKE JOHN A REGAN CHRISTOPHER 133889-7273-00-332040-0000

Town of Pawling

108 SCOTT WILLIAM R 134001-7056-05-165901-0000
 109 BROWN CHRISTINE A 134001-7057-13-098420-0000
 110 SCHMITZ EDDIE H SCHMITZ KIM M 134001-7057-18-401131-0000
 111 COLBERT WILLIAM R HUGHES BUILDING CORP 134089-6855-00-464888-0000
 112 BECKMANN ALICE 134089-6856-00-125547-0000
 113 O'CONNOR STEPHEN 134089-6857-00-348393-0000
 114 METTLER MELVA J 134089-6955-00-456808-0000
 115 WERN ROBERT 134089-7057-00-259650-0000
 116 HOB-NAIL ANTIQUES INC 134089-7058-00-501519-0000
 117 COLBERT WILLIAM R PHILIP BISSONETTE 134089-7158-00-545568-0000

Town of Pleasant Valley

118 LOCICERO STEVE 134400-6363-12-960591-0000

119 I B M N Y METRO EMPLOYEES 134400-6463-01-370785-0000
120 ALBRECHT KEVIN B ALBRECHT TERESA 134400-6464-01-426598-0000
121 BANEY STEVEN W TONIA MARKS BANEY 134400-6464-01-429507-0000
122 WILLIAMS MARJORIE E 134400-6564-03-155424-0000
123 KARA EDWARD KARA JOSEPH 134400-6565-03-081479-0000

Town of Poughkeepsie

124 MCCLOSKEY JOSEPH 134601-6158-14-283434-0000
125 FLACCAVENTO NUNZIO FLACCAVENTO ROSEANN 134689-6057-07-673958-0000
126 BLASSE JASLYN BLASSE NETHELBERT 134689-6058-20-865090-0000
127 SAMMARCO PATRICIA K SAMMARCO THOMAS R 134689-6059-08-995756-0000
 128 KUSTAS BESS C 134689-6161-07-659944-0000
129 EKWEREKWU VERONA A 134689-6162-05-093887-0000
130 PINES SIDNEY 134689-6162-05-098868-0000
131 BLACKSTAR THUNDARR 134689-6162-09-168737-0000
132 CLARKE BONNIE R CLARKE WALTER A 134689-6162-15-658473-0000
133 CROMWELL JAMES E JR 134689-6163-04-573300-0000
134 MUFTI ASAD 134689-6260-01-073995-0000
135 WERN ROBERT 134689-6261-01-370943-0000
136 MAKAN LAND DEVLPMNT-ONE LLC 134689-6262-02-934714-0000
137 MAKAN LAND DEVLPMNT-ONE LLC 134689-6262-02-936823-0000
138 MAKAN LAND DEVLPMNT-ONE LLC 134689-6262-02-938687-0000
139 MAKAN LAND DEVLPMNT-ONE LLC 134689-6262-02-939798-0000
140 MAKAN LAND DEVLPMNT-ONE LLC 134689-6262-02-941778-0000
141 MAKAN LAND DEVLPMNT-ONE LLC 134689-6262-02-956884-0000
142 MAKAN LAND DEVLPMNT-ONE LLC 134689-6262-02-982746-0000
143 MAKAN LAND DEVLPMNT-ONE LLC 134689-6262-02-985783-0000
144 MAKAN LAND DEVLPMNT-ONE LLC 134689-6262-02-987833-0000
145 SHUKLA NIRAV 134689-6262-03-226265-0000
146 BURDINE BARBARA JANE BURDINE HENRY W 134689-6263-04-665066-0000
147 NIETERS DOUGLAS J 134689-6363-03-030060-0000
148 NIETERS DOUGLAS J 134689-6363-03-048027-0000

Town of Red Hook

149 WHITE LANCE D 134803-6174-02-643925-0000

150 REDFIELD ROCHELLE 134803-6174-07-512991-0000
151 VANETTEN BRENDA A ZIETZ CHRISTOPHER A 134889-6373-00-028540-0000
152 SCHRADER HEATHER DOUGLAS 134889-6373-00-967710-0000
153 MOSCONI ANTONIO MOSCONI ROBERTO 134889-6373-01-190589-0000
154 HANTOUT MELISSA HANTOUT MICHAEL 134889-6374-00-214120-0000

Town of Rhinebeck

155 ARNOLD EMMA B ARNOLD ROBERT JAMES 135001-6170-15-585354-0000
156 RIOJAS LYDIA E 135089-6171-00-526657-0000
157 LATTIN CLARENCE 135089-6269-00-739233-0000

Town of Stanford

158 BROWN EMMA M 135200-6668-04-804151-0000
159 MAGNUSON JAMES P RM MAGNUSON JANE M LT 135200-6767-00-750830-0000
160 PURDY JEANNE J 135200-6768-03-358465-0000
161 BIRD-BURLINGAME JEAN M 135200-6768-03-499188-0000
162 MC CARTHY RAYMOND J 135200-6869-00-687243-0000
163 MC CARTHY JEANNE J MC CARTHY RAYMOND 135200-6869-15-577499-0000
164 MC CARTHY CHRIS MC CARTHY MARY 135200-6869-15-587490-0000
165 MC CARTHY CHRIS MC CARTHY MARY 135200-6869-15-588479-0000

Town of Union Vale

166 KRISTOFERSON LEE A KRISTOFERSON PATRICIA A 135400-6662-00-492661-0000

Town of Wappinger

167 HESSLER-NORMAN JEAN M 135601-6158-14-298275-0000
168 MYERS JOSEPHINE 135601-6158-17-189175-0000
169 SCHWALL JEAN T SCHWALL MICHAEL A 135689-5956-12-955655-0000
170 SCHWALL JEAN T SCHWALL MICHAEL A 135689-5956-12-956661-0000
171 SCHWALL JEAN T SCHWALL MICHAEL A 135689-5956-12-958667-0000
172 SCHWALL JEAN T SCHWALL MICHAEL A 135689-5956-12-967671-0000
173 MASET ELISABETH BETHEL 135689-6156-02-822808-0000
174 MASET ALVIN J 135689-6156-02-825772-0000
175 MASET ALVIN J 135689-6156-02-830781-0000
176 RODRIGUEZ HONORIO 135689-6156-02-903617-0000
177 DAGNONE NICHOLAS 135689-6157-01-276805-0000
178 BARRY BRENDAN 135689-6157-01-289851-0000

179 G & S DREAMWORK HOMES LLC
180 LOPEZ CHRISTINE
181 RUSH SUSAN A
182 WHITE JUNE S WHITE ROBERT J SR

Town of Washington

183 BOOTH DOROTHY A
184 JAYSON JARROD MANFRO MAUREEN G
185 RUARK RICHARD
186 CASTRO ANNE CASTRO JOSE

135689-6157-03-157248-0000
135689-6256-02-718747-0000
135689-6258-02-717643-0000
135689-6356-01-085825-0000

135801-6764-02-911834-0000
135889-6764-00-919760-0000
135889-7063-06-408847-0000
135889-7063-06-431871-0000

TERMS AND CONDITIONS OF SALE

TERMS FOR INTERNET BIDDING (in addition to standard terms below):

1. **Registration.** All bidders are required to register and to provide suitable I.D. (photo copy acceptable) prior to the auction. Auctioneer reserves the right to decline registration if I.D. is not sufficient. Notarized copy of bidder's signature on copy of bidder's valid driver's license or passport must be provided to auctioneer. **NO EXCEPTIONS.**
2. **Bidder Approval.** Download the "Internet Bidder Registration Packet" from the website (<http://www.nysauctions.com/auctions/IbidReg/Dutchess.pdf>). Complete all required information where highlighted by printing or signing legibly and return all completed documents with the funds described in paragraph two below to auctioneer/broker no later than 12:00 PM (noon) on Tuesday, October 7, 2014, Eastern Standard Time. **NO EXCEPTIONS.**
3. **No Recourse.** Internet bidding through our Provider is offered as a service to our customers, and bidders shall not hold Dutchess County and/or Haroff Auction and Realty, Inc. and/or Absolute Auctions & Realty, Inc., responsible for any failure due to the loss of the internet connection supplied to Haroff Auction & Realty Inc. and Absolute Auctions & Realty, Inc. by the Provider.

STANDARD TERMS:

1. **Buyer's Premium.** Purchaser shall pay an **eleven percent (11%) buyers premium (a 1% buyer's premium discount will be given for cash or guaranteed funds)** in addition to the accepted bid price.
2. **Down Payment.** \$250 or 20% of the total contract price (contract price is the bid price + buyer's premium), whichever is higher, shall be paid as a down payment upon execution of a contract of sale immediately upon being declared the successful high bidder. **ONLY CASH, CREDIT CARD (MASTERCARD, VISA or DISCOVER CARD ONLY), MONEY ORDER OR BANK CHECK (Tellers/Cashiers Check) MADE PAYABLE TO "DUTCHESS COUNTY COMMISSIONER OF FINANCE" WILL BE ACCEPTED. NO EXCEPTIONS.**
3. **Closing Costs.** Purchaser shall pay the following closing costs: Filing Fee for Combined Gains Transfer Tax Affidavit of \$5, Filing Fee of \$5 for Town of Red Hook Transfer Tax, and all recording and other fees required by the Dutchess County Clerk. Fees are subject to change by law without further notice.
4. **Balance Due.** The balance due, including closing costs and the **2014-2015 School Tax**, and Village Tax if any, shall be paid by **cash, money order or bank check** made payable to "Dutchess County Commissioner of Finance" on or before **November 7, 2014. Credit Card payment is NOT acceptable for balance due. TIME IS OF THE ESSENCE.** Failure to timely pay balance due shall constitute default and forfeiture of down payment.
5. **Recording Information.** Purchaser shall provide all information necessary for recording the deed and shall execute all required documents prior to close of auction.
6. **Deed.** Conveyance shall be by quitclaim deed, with the description of the property to be by tax grid number. The deed shall be recorded by the County after payment in full, and returned to purchaser by the County Clerk's Office.
7. **No Warranty.** (a) All real property, including any buildings thereon, is sold "AS IS", without any representation or warranty whatsoever, and is subject to: 1) any facts a survey or inspection of the parcel would disclose; 2) applicable zoning/land use/building regulations/**easements of record or matters of public record**; 3) all federal or state taxes, liens, delinquent water and/or sewer rents, other local charges, mortgages or judgments not extinguished from the parcel by foreclosure proceedings.

(b) All informational material such as slides, tax maps, deeds, photos, auction listings, auction catalogs, auction signs, property record cards, and verbal descriptions are for identification purposes only and represent no warranty or guarantee as to accuracy or otherwise.

(c) There is no representation, express or implied, as to condition of parcel, warranty of title, right of access, or suitability for a particular use. **RESEARCH BEFORE YOU BID.**

8. **No Recourse.** All sales shall be final and without recourse, and in no event shall Dutchess County and/or Haroff Auction & Realty, Inc. and/or Absolute Auction & Realty, Inc., be liable for any defects in title for any cause whatsoever. No claim, demand or suit of any nature shall exist in favor of the purchaser, its heirs, successors or assigns, against Dutchess County and/or Haroff Auction & Realty, Inc. and/or Absolute Auction & Realty, Inc., arising from this sale.

9. **Right of Withdrawal:** By Resolution No. 244 of 1997, the County of Dutchess adopted a Land Disposition Policy which provides that the former landowner has the exclusive opportunity to reacquire his/her property through the payment of all back taxes, fees and incurred interest cost after the conclusion of the *in rem* proceedings but only until 5:00 P.M. on the day prior to the next county auction of properties. After that time the County shall not remove any properties from auction absent a direction to do so from a court of competent jurisdiction.

10. **Confirmation of Sale.** A bid shall be considered an offer to purchase subject to the acceptance of the County. If the bid is accepted, a contract of sale will be forwarded to the bidder for their records. No bid shall be considered unless the bidder fully complies with the Terms and Conditions of Sale. The following criteria will be used to determine the adequacy of the bid: (a) If the high bid on the parcel at auction meets or exceeds the outstanding taxes, costs, fees, due and owing, and the high bid is not substantially less than the assessed value of the parcel, it shall be accepted, (b) If the high bid fails to meet this standard it may still be accepted by the county after consideration of past auction history, results of the current auction and state of the housing market in the county. (c) If the high bid fails to meet the standards described above it shall be rejected. In all cases, written notice shall be given to the bidder by the Dutchess County Commissioner of Finance. **All balances are due on or before November 7, 2014.**

11. **Personal Property.** No personal property is included in the sale of any parcel by Dutchess County. The disposition of any personal property located on any parcel sold shall be the sole responsibility of the purchaser following the recording of the deed.

12. **Auctioneer.** The auctioneer's decision regarding any disputes is final and the auctioneer reserves the right to reject any bid not considered an appreciable advance over the preceding bid.

13. **Evictions.** Evictions, if necessary, are the sole responsibility of the purchaser following the recording of the deed.

14. **Possession and Entry.** The purchaser shall not take possession of nor enter upon the parcel until recording of the deed by Dutchess County.

15. **Prohibitions.** (a) The owner of a particular parcel immediately prior to the foreclosure action shall not be allowed to bid on that parcel at auction. (b) No person (or spouse) employed in the offices of the County Executive, County Attorney, Finance, Real Property Tax or who is a member of the Dutchess County Legislature or who is an auctioneer, member of his family or his employee shall be allowed to bid upon or purchase a parcel at auction.

16. **No Assignment.** The successful bidder shall have no right to assign the right to complete the purchase. Any attempted assignment shall be void and given no effect by the County.

17. **Risk of Loss Provision.** Buyer assumes risk of loss as of the date final payment is made.

18. **Right to Maintain Order and Decorum.** The auctioneer reserves the right to revoke permission to bid and remove any individual from the auction whose behavior is deemed disruptive to the safe and efficient administration of the auction.

19. **Disqualification for Failure to Execute Bid.** Any bidder including back-up bidders who refuse to execute their bid for a particular parcel, shall be prohibited from bidding for that same parcel in any subsequent round of bidding for said parcel.

I accept these Terms and Conditions of Sale:

Bidder Number

Bidder's Printed Name
Dated:

Bidder's Signature

C-5186 7/17/14

McKinney's Consolidated Laws of New York Annotated
Real Property Tax Law (Refs & Annos)
Chapter 50-A. Of the Consolidated Laws
Article 11. Procedures for Enforcement of Collection of Delinquent Taxes (Refs & Annos)
Title 3. Foreclosure of Tax Lien by Proceeding in Rem (Refs & Annos)

McKinney's RPTL § 1120

§ 1120. Foreclosure by proceeding in rem

Currentness

1. A proceeding to foreclose a tax lien shall be commenced in the manner provided in this title.
2. The supreme court and the county court shall have concurrent jurisdiction over such proceedings.

Credits

(L.1958, c. 959. Amended L.1978, c. 636, § 2; L.1993, c. 602, § 5; L.1994, c. 532, § 6.)

Notes of Decisions (15)

McKinney's R. P. T. L. § 1120, NY RP TAX § 1120

Current through L.2014, chapters 1 to 90.

End of Document

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RESOLUTION NO. 244 OF 1997

RE: ADOPTING THE RECOMMENDATIONS OF THE AD HOC COMMITTEE ON LAND DISPOSITION AS COUNTY POLICY

Legislators KENDALL, KLOSE, and KNAPP offer the following and move its adoption:

WHEREAS, on April 22, 1997, the Dutchess County Legislature formed a committee known as the Ad Hoc Committee on Land Disposition, and

WHEREAS, said committee consists of Dutchess County Legislators and elected and appointed officials, and

WHEREAS, on June 10, 1997, said committee filed a report with the Dutchess County Legislature with respect to land disposition outlining a policy with respect thereto, and

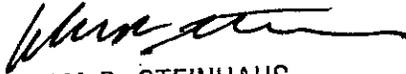
WHEREAS, the Dutchess County Legislature has examined the policy as outlined in said report, now, therefore, be it

RESOLVED, that the land disposition policy of Dutchess County with respect to property acquired by the county through *in rem* tax proceedings is as follows:

- 1) The county will extend to the former landowner an exclusive opportunity to reacquire his/her property by payment of all back taxes, fees, and accrued interest costs after the conclusion of the *in rem* proceedings, but only until 5:00 p.m. on the day prior to the next county auction of properties, subject to approval of the Legislature.
- 2) Following the completion of the *in rem* proceedings, the Department of Real Property Tax shall circulate, to all municipal entities of Dutchess County, a list of all available properties, along with a copy of this policy, in order to provide an opportunity for municipalities to acquire county-owned property for legitimate public purpose. The municipality must notify, by resolution, the Commissioner of Finance and the Clerk of the Legislature by 5:00 p.m. on the day prior to the auction of its interest. The resolution must set forth the purpose or municipal need for the property. Upon receipt of the resolution, the Commissioner of Finance shall withdraw the property from the auction. Within 60 days of the receipt of the resolution from the municipality, the municipality must provide payment in full to the Commissioner of Finance. Transfer of the property shall be subject to the approval of the Legislature. If transfer does not occur, the property will be held until the next available auction. Withdrawal from the auction for municipal interest shall not extend the former landowner's exclusive right to reacquire.

- 3) Subsequent to the auction the Commissioner of Finance may negotiate a private sale of property that was not sold at auction. The Economic Development Corporation shall notify the Commissioner of Finance and the Clerk of the Legislature of any interest it may have in marketing any property that may have economic development potential. The Commissioner of Finance shall inform the Clerk of the Legislature of all reasonable and appropriate written offers for county-owned property along with the outstanding liabilities of the county on said parcel. Any private sale is subject to the approval of the Legislature.
- 4) Notwithstanding the above policy, the county may continue to retain parcels acquired through the *in rem* procedure in order to further its legitimate municipal purposes. The county may also transfer title of acquired property to duly constituted public authorities in order to further municipal purposes, subject to the approval of the Legislature.

APPROVED


WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date 7/21, 1997

A: RES. 127 6/26/97 js

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess, have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 14th day of July, 1997, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 14th day of July, 1997.


CAROLYN MORRIS, ACTING CLERK OF THE LEGISLATURE