

COUNTY COURT OF THE STATE OF NEW YORK
COUNTY OF ULSTER

In the Matter of Foreclosure of Tax Liens by
Proceedings In Rem Pursuant to Article Eleven of
the Real Property Tax Law by Ulster County of

**ORDER OF REFERENCE
APPOINTING REFEREE IN
SURPLUS MONEY
PROCEEDING**

Index #: _____

SBL #: _____

The Real Property Tax Foreclosure Auction Report of Sale of the Ulster County Commissioner of Finance dated _____ was duly filed in the Ulster County Clerk's Office on _____ and it appearing from the report that there is a surplus of \$ _____ arising from the sale of the above-referenced subject premises at public auction, which was thereafter paid into the account of the Ulster County Commissioner of Finance, and said Report having been confirmed by the Decision and Order of this Court,

Upon reading and filing the Notice of Claim to Surplus Monies of _____, filed on _____, asserting a claim to the surplus monies as a former owner of the equity of (Date) redemption or as a creditor of the former owner ;

Now, upon application of _____, claimant, to adjudicate the claims of the respective claimants, it is hereby

ORDERED that _____ be and they hereby are appointed Referee to ascertain and report the amount due to claimants noted above or any other person who has a lien on the surplus monies, and to ascertain the priorities of liens, and that the referee report thereon with all convenient speed but not later than _____, so that a further order may be made for the distribution of the surplus monies as may be just.

The Referee " may inquire into and determine all questions of law and fact, and consider the equities of the claimants in a surplus money proceeding to the end that it may be decided in such proceedings finally and on the merits to whom such surplus monies belong" (Chase Manhattan Mortg. Corp. v Hall, 18 AD3d413, 414 [2d Dept 2005] [internal quotation marks and citation omitted]), and it is further

ORDERED that in the event any of the named parties other than the former homeowners shall claim the right to any portion of the surplus monies, they shall submit detailed claims in writing, under oath, to the Referee so appointed no later than _____, and it is further

ORDERED that should a hearing be necessary, the Referee shall hold the hearing of the issue to be reported upon at his office or other location to be determined by him, at a date and time to be determined by him, but not later than _____, and it is further

ORDERED that the Referee shall be paid the total sum of \$350.00 to be paid by each of the claimants in equal shares from the surplus funds, within 10 days after service of a copy of the Referee's report upon the claimants' attorneys. If a hearing is necessary, the Referee may seek an additional fee. In addition, any distribution of surplus funds shall be subject to the payment of the County Commissioner of Finance's administrative fee as set forth in §8010 of the NYS Civil Practice Laws and Rules.

The foregoing constitutes the Decision and Order of the Court.

Dated:
Kingston, New York

_____, 20 ____

ENTER:

HON. _____

Pursuant to CPLR §5513, an appeal as of right must be taken within thirty days after service by a party upon the appellant of a copy of the judgment or order appealed from and written notice of its entry, except that when the appellant has served a copy of the judgment or order and written notice of its entry, the appeal must be taken within thirty days thereof.