

Tax Lien & Mortgage Foreclosure

For investors, lenders, and servicers managing tax liens or mortgages, the ability to foreclose is a key tool for protecting their interests. The foreclosure process is complex, however, and any delays or missteps can be costly. If foreclosure becomes the best strategy, it's critical to act quickly and decisively, with help from an attorney experienced in these matters.

The attorneys in our **Tax Lien & Mortgage Foreclosure Practice Group** have successfully litigated thousands of matters, giving us the experience necessary to guide clients through the foreclosure minefield to a satisfactory, cost-effective resolution. We represent entities involved in the purchase of tax liens from New York City, tax lien servicers, and investors. We have also represented a diverse group of lenders, financial institutions, servicers, individuals, and title companies in foreclosure actions and other adversary proceedings.

Our attorneys handle tax lien, mortgage, and in rem foreclosure actions. The group prevailed in litigation of clouded title, strict foreclosure, and deed forgery actions involving claims of invalid referees' deeds. We represent parties in foreclosure proceedings involving real estate, limited liability companies, cooperative apartments, condominiums, and personal property under the Uniform Commercial Code (UCC). We undertake every aspect of a case - from commencement through redemption, sale, or other disposition. We have successfully disposed of a variety of defenses and claims, including those involving deceased, missing, or incapacitated defendants; constitutional arguments (working in conjunction with the New York City Law Department); jurisdictional and service contests; landlord and tenant issues; and adverse possession and bankruptcies.

In addition to prosecuting foreclosure actions, we are equipped to handle a wide range of legal issues that commonly arise in connection with foreclosures, including compliance with the Fair Debt Collection Practices Act and state consumer protection laws. We also help clients maintain databases; implement state-of-the-art case management software; and develop client-specific reporting, engineering, and reengineering of the case management process.

Underlying all of our work is a practical, business-minded approach and a deep commitment to achieving our clients' business objectives quickly and efficiently.

Representative Matters

- *NYCTL 1998-1 Trust v. Oneg Shabbos, Inc.*, 37 A.D.3d 789, 830 N.Y.S.2d 763, (2nd Dept. 2007) - Second Department overruled the

TAX LIEN & MORTGAGE FORECLOSURE LAWYERS

Partners

[ROBERT J. MALATAK](#)

[MICHAEL M. MORIARTY](#)

trial court's decision to drastically reduce an award of attorney's fees and costs in favor of the Trust in order to allow the owner to redeem the lien, noting that such reduction would be in contravention of the underlying purpose of the Administrative Code's section regulating foreclosure of tax liens.

- *NYCTL 1996-1 Trust v. Westmoreland Associates*, 33 A.D.3d 900, 822 N.Y.S.2d 465 (2nd Dept. 2006) - Second Department agreed with Trust's argument that there was no need for a hearing before the referee on the issue of computation of the amount due in view of its prior ruling that the tax lien foreclosure action was not a proper forum for challenging the underlying tax assessments.
- *NYCTL 1996-1 Trust v. Moore*, 51 A.D.3d 885, 859 N.Y.S.2d 212 (2nd Dept. 2008) - Second Department affirmed the trial court's denial of the owner's motion to stay the transfer of a deed to the subject property to the successful bidder at a foreclosure sale and, in effect, to permit him to redeem the property. The Court held that, even though the owner had the right to redeem the property at any time prior to the actual sale, the owner failed to do so notwithstanding a temporary stay granted by the trial court.
- *NYCTL 1997-1 Trust v. Vila*, 19 A.D.3d 382, 796 N.Y.S.2d 138 (2nd Dept. 2005) - Second Department affirmed the trial court's refusal to vacate the owner's default due to lack of meritorious defenses, even though the owner tendered a partial payment during the foreclosure action.

Attorneys in the Tax Lien & Mortgage Foreclosure Practice Group work closely with colleagues in the Firm's other Practice Groups, including Real Estate, Real Estate Tax Certiorari/Tax Appeals, Tax, and Workouts & Restructurings, providing clients with comprehensive representation.