S T A T E  O F  N E W  Y O R K

7953--A

2013-2014 Regular Sessions

I N  A S S E M B L Y

June 11, 2013

Introduced by M. of A. WEINSTEIN -- read once and referred to the Committee on Judiciary -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property actions and proceedings law, in relation to reports of the sales of foreclosed real property

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 1354 of the real property actions and proceedings law is amended by adding a new subdivision 5 to read as follows:

5. ON A QUARTERLY BASIS, EACH COUNTY CLERK SHALL SUBMIT, TO THE OFFICE OF COURT ADMINISTRATION, STATEMENTS OF DEPOSIT FOR SURPLUS MONEYS ARISING FROM JUDGMENT FORECLOSURES AND SALES OF REAL PROPERTY IN THE COUNTY AND PAID INTO THE COURT PURSUANT TO SUBDIVISION FOUR OF THIS SECTION DURING THE PREVIOUS THREE MONTH PERIOD. SUCH STATEMENTS OF DEPOSIT SHALL INCLUDE THE AMOUNT OF SURPLUS MONEYS PAID INTO THE COURT FOR EACH FORECLOSURE OR SALE, THE INDEX NUMBER ASSOCIATED WITH THE RELATED FORECLOSURE ACTION, THE NAMES OF THE PARTIES IN THE RELATED FORECLOSURE ACTION, AND THE NAME OF THE REFEREE THAT CONDUCTED THE SALE.

S 2. Subdivision 1 of section 1355 of the real property actions and proceedings law, as added by chapter 312 of the laws of 1962, is amended to read as follows:

1. Within thirty days after completing the sale and executing the proper conveyance to the purchaser, unless such time be extended by the court within said thirty days, the officer making the sale shall file with the clerk, THE COUNTY CLERK OF THE COUNTY IN WHICH THE REAL PROPERTY IS LOCATED, THE FORMER OWNER OF THE REAL PROPERTY, AND THE ATTORNEY OF RECORD OR REPRESENTATIVE OF THE FORMER OWNER OF THE REAL PROPERTY his OR HER report under oath of the disposition of ALL the proceeds of the sale, accompanied by the vouchers of the persons to whom payments were made, AND INCLUDING ANY INFORMATION ON SURPLUS OR POTENTIAL SURPLUS

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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MONIES THAT WERE PAID TO OR SHOULD BE RETAINED BY SUCH FORMER OWNER OF THE REAL PROPERTY AFTER ALL OTHER LIENS HAVE BEEN SATISFIED. THE PROVISION OF SUCH REPORT TO THE FORMER OWNER OF THE REAL PROPERTY AND TO HIS OR HER ATTORNEY OF RECORD OR REPRESENTATIVE SHALL BE BY MEANS OF FIRST CLASS MAIL AND ELECTRONIC TRANSMISSION REQUIRING ACKNOWLEDGEMENT OF RECEIPT BY THE RECIPIENT; PROVIDED, FURTHER, THAT SUCH REPORT TO THE FORMER OWNER AND ATTORNEY OF RECORD SHALL CONTAIN A CLEAR AND PLAIN STATEMENT THAT PROMINENTLY DISCLOSES THAT SURPLUS MONIES ARE OR MAY BE OWED TO OR AVAILABLE TO SUCH FORMER OWNER AFTER SUCH FORECLOSURE SALE HAS BEEN FINALIZED.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.