§ 1123. Petition of foreclosure. 1. Eighteen months after lien date, or as soon thereafter as is practicable, the enforcing officer shall execute a petition of foreclosure pertaining to those properties which remain subject to delinquent tax liens; provided, however, that in the case of property which is subject to a three or four year redemption period, such petition shall be executed thirty or forty-two months after lien date, respectively, or as soon thereafter as is practicable.

2. (a) The petition shall be filed with the clerk of the county in which the property is situated no later than two business days after the execution thereof and shall be in substantially the following form:

..... Court,..... County.

IN THE MATTER OF THE FORECLOSURE

OF TAX LIENS BY PROCEEDING IN

REM PURSUANT TO ARTICLE ELEVEN

OF THE REAL PROPERTY TAX LAW

BY.....
(insert name of tax district).

PETITION OF FORECLOSURE

The above-captioned proceeding is hereby commenced to enforce the payment of delinquent taxes or other lawful charges which have accumulated and become liens against certain property. The parcels to which this proceeding applies are as follows: (insert the descriptions and the names of the owners of record of each such parcel as of the date of the filing of the list of delinquent taxes).

(b) In addition to the information required by this section, the enforcing officer may incorporate into the petition of foreclosure the substance of the notice of foreclosure pursuant to section eleven hundred twenty-four of this article. Where this option is exercised, the document may serve as both a petition of foreclosure and as a notice of foreclosure for purposes of this article.

3. In lieu of placing in the body of the petition the descriptions and names of the owners of the parcels to which the proceeding applies, the enforcing officer may place such information in an attachment to the petition, in which case the content of the petition shall be revised accordingly.

4. The petition shall be dated and subscribed by the enforcing officer and affirmed by him or her as true under the penalties of perjury.

5. A duplicate copy of such petition shall be retained in the office of the enforcing officer.

6. Every person, including a tax district other than the one foreclosing, having any right, title or interest in, or lien upon, any parcel described in such petition may redeem such parcel in the manner provided by title two of this article, or may interpose an answer in the manner provided herein.

7. An answer to a petition of foreclosure shall be duly verified by the respondent and shall set forth in detail the nature and amount of his or her interest and any defense or objections to the foreclosure of the tax lien. Such answer shall be filed in the office of the county clerk and served on the attorney for the tax district foreclosing on or before the last day for redemption, as specified in the notice of petition. Whenever an answer has been interposed as herein provided, either party shall have an absolute right to a severance of the proceeding as to the parcel or parcels to which the answer relates.

8. In the event of failure to redeem or answer by any person having the right to redeem or answer, such person shall be in default and shall be barred and forever foreclosed from all his or her right, title and interest in and to the parcels described in such petition and a judgment in foreclosure may be taken by default as provided by this title.