§ 1125. Personal notice of commencement of foreclosure proceeding. 1. (a) Parties entitled to notice. The enforcing officer shall on or before the date of the first publication of the notice above set forth cause a notice to be mailed to (i) each owner and any other person whose right, title, or interest was a matter of public record as of the date the list of delinquent taxes was filed, which right, title or interest will be affected by the termination of the redemption period, and whose name and address are reasonably ascertainable from the public record, including the records in the offices of the surrogate of the county, or from material submitted to the enforcing officer pursuant to paragraph (d) of this subdivision, (ii) any other person who has filed a declaration of interest pursuant to section eleven hundred twenty-six of this title which has not expired, and (iii) the enforcing officer of any other tax district having a right to enforce the payment of a tax imposed upon any of the parcels described upon such petition.

(b) Notification method. (i) Such notice shall be sent to each such party both by certified mail and ordinary first class mail, subject to the provisions of subparagraph (iv) of this paragraph. The notice shall be deemed received unless both the certified mailing and the ordinary first class mailing are returned by the United States postal service within forty-five days after being mailed. In that event, the enforcing officer or his or her agent shall attempt to obtain an alternative mailing address from the United States postal service. When notice is required to be sent to the commissioner of taxation and finance, an alternative notice may be used by the enforcing officer, in accordance with instructions prescribed by the commissioner of taxation and finance.

(ii) If an alternative mailing address is found, the enforcing officer shall cause the notice to be mailed to such owner at such address both by certified mail and by ordinary first class mail. Notwithstanding any provision of law to the contrary, such owner may redeem the parcel in question or serve a duly verified answer to the petition of foreclosure until either the thirtieth day after such mailing, or the date specified by the notice of foreclosure as the last day for redemption, whichever is later.

(iii) If no alternative mailing address can be found, then in the case of an owner, the enforcing officer shall cause a copy of such notice to

be posted as provided herein on the property to which the delinquent tax lien relates; in the case of a non-owner, the enforcing officer shall cause a copy of such notice to be posted in his or her office and in the office of the clerk of the court in which the petition of foreclosure has been filed. Notwithstanding any provision of law to the contrary, the party to whom such notice is directed may redeem the parcel in question or serve a duly verified answer to the petition of foreclosure until either the thirtieth day after such posting or delivery, or the date specified by the notice of foreclosure as the last day for redemption, whichever is later.

(iv) Where an owner is listed as "unknown" on the tax roll and the name of such owner cannot be found in the public record, the notice shall be mailed to the property address by ordinary first class mail addressed to "occupant" and a copy thereof shall be posted on the property to which the tax lien relates.

(c) Posting of notice. When a notice is required to be posted on the property to which the delinquent tax lien relates pursuant to this section, the posting shall be deemed sufficient if it is either (i) affixed to a door of a residential or commercial structure on the premises, or (ii) attached to a vertical object, such as a tree, post or stake, and plainly visible from the road. Provided, that if, when visiting the premises for this purpose, the enforcing officer or his or her agent should find thereon an occupant of suitable age and discretion, he or she may deliver such notice to such occupant in addition to or in lieu of posting it. The process of so posting or delivering such notice shall warrant the imposition of an extra charge of one hundred dollars against the parcel, in addition to any other charges authorized by section eleven hundred twenty-four of this title and without regard to any limitations set forth therein.

(d) Changes of address. It shall be the responsibility of any party entitled to notice pursuant to this section to notify the enforcing officer when his, her or its address changes. Such notification need not be in any particular form as long as it is in writing, affirmatively states that such party's address has changed or uses language to that effect, and sets forth the new address. It shall not suffice to submit to the enforcing officer an item that merely displays the new address, such as a check upon which the new address has been imprinted, or a

letter or envelope which uses the new address as the return address, unless such submission includes language clearly indicating that such address is that party's new address. In the event that a foreclosure proceeding is challenged on grounds of lack of notice, and the party raising this issue failed to provide a current address to the enforcing officer pursuant to this paragraph, the court having jurisdiction may take such failure into account when evaluating whether reasonable notice was given.

(e) Public record. For purposes of this section, the public record shall be deemed to consist of the books maintained by the recording officer of the county in which the property is located pursuant to section three hundred fifteen of the real property law, the books kept by the clerk of the surrogate's court of the county in which the property is located pursuant to section twenty-five hundred two of the surrogate's court procedure act, the tax rolls in the possession of the enforcing officer dated from the applicable lien date forward.

2. The notice to be so mailed shall consist of (a) a copy of the petition and, if not substantially the same as the petition, the public notice of foreclosure, provided that such copies need not include the descriptions or the names of the owners of any parcels in which the addressee does not have an interest, and (b) a statement substantially as follows:

To the party to whom the enclosed notice is addressed:

You are presumed to own or have a legal interest in one or more of the parcels of real property described on the enclosed petition of foreclosure.

A proceeding to foreclose on such property based upon the failure to pay real property taxes has been commenced. Foreclosure will result in the loss of ownership of such property and all rights in that property.

To avoid loss of ownership or of any other rights in the property, all unpaid taxes and other legal charges must be paid prior to..... (insert the last date to redeem) or you must interpose a duly verified

answer in the proceeding. You may make payment to..... (insert name, title and address of the official to whom such payments are to be made) in the amount of all such unpaid taxes and legal charges prior to that date. You may wish to contact an attorney to protect your rights.

After..... (insert the last date to redeem), a court will transfer the title of the property to the..... (Name of the tax district) by means of a court judgment.

Should you have any questions regarding this notice, please call..... (insert the name of the enforcing officer) at..... (insert telephone number).
Dated,..... (Insert date).

2-a. In the case of residential property as defined by section eleven hundred eleven of this article, such notice shall also either include or be accompanied by the homeowner warning notice described by section eleven hundred forty-four of this article.

3. (a) An affidavit of mailing of such notice shall be executed.

(b) The failure of an intended recipient to receive any such notice shall not invalidate any tax or prevent the enforcement of the same as provided by law.

(c) The service of the notice required by this section shall be deemed to be equivalent to the service of a notice of petition pursuant to section four hundred three of the civil practice law and rules.

4. (a) Nothing contained herein shall be construed to preclude the enforcing officer from issuing, at his or her discretion, a duplicate of any such notice, clearly labeled as such, through means other than ordinary first class mail, including but not limited to personal service, registered or certified mail, facsimile transmission, or electronic mail.

(b) Nothing contained herein shall be construed to preclude the enforcing officer from issuing, at his or her discretion, one or more informal notices to an owner or other party prior to issuing the notice

required by this section.

(c) The failure of the enforcing officer to mail any such discretionary notice, or the failure of an intended recipient to receive such a notice, shall not invalidate any tax or prevent the enforcement of the same as provided by law.

5. Any notice mailed by ordinary first class mail pursuant to subdivision one of this section may also be mailed in duplicate by certified mail at the option of the enforcing officer.