

Warren County Board of Supervisors

RESOLUTION NO. 547 OF 2014

Resolution introduced by Supervisors Conover, Taylor, Sokol, Monroe, Wood, Kenny, Merlino, Frasier and Dickinson

**SUPPORTING REQUEST OF THE NEW YORK STATE
ASSOCIATION OF COUNTIES FOR CONTRIBUTIONS IN ORDER TO
ASSIST NEW YORK STATE ASSOCIATION OF COUNTIES AND WAYNE
COUNTY WITH LEGAL EXPENSES IN A PENDING LAWSUIT**

WHEREAS, the New York State Association of Counties (“NYSAC”) is requesting a contribution of Two Thousand Dollars (\$2,000) from Counties throughout New York State to assist NYSAC and Wayne County with legal expenses in a pending lawsuit in the United States Bankruptcy Court for the Western District of New York wherein the legal challenge is whether a transfer of real property pursuant to an auction conducted by Wayne County under Article 11 of the Real Property Tax Law is voidable as a fraudulent conveyance if it is conducted within two (2) years prior to the property owner filing for bankruptcy and the transfer receives “less than reasonably equivalent value for the property”, and

WHEREAS, a Court decision rendered adverse to Wayne County, will have serious consequences to Warren County and all other Counties in New York State that employ Article 11 of the Real Property Tax Law for their tax foreclosure proceedings, and

WHEREAS, Federal Legislators should be urged to make necessary modifications to the Federal Bankruptcy laws to ensure that sales and conveyances of real property through the Article 11 Real Property Tax Law process are not considered fraudulent conveyances, and likewise New York State Legislators should be urged to make necessary modifications to New York State law to ensure that sales and conveyances of real property through the Article 11 Real Property Tax Law process are not considered fraudulent conveyances, and be it further

RESOLVED, that the Warren County Board of Supervisors hereby approves the request from NYSAC for financial assistance to assist NYSAC and Wayne County in covering legal expenses in the

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pending lawsuit in the United States Bankruptcy Court for the Western District of New York, and authorizes payment to NYSAC in the sum of Two Thousand Dollars (\$2,000) for such purpose with funding to be transferred from the Contingent Fund to Budget Code A.1010 439 Legislative Board, Misc. Fees & Expenses, and be it further

RESOLVED, that the Warren County Board of Supervisors hereby urges Federal Legislators and New York State Legislators to make necessary modifications to the Federal Bankruptcy laws and New York State laws to ensure that sales and conveyances of real property through Article 11 Real Property Tax Law proceedings are not considered fraudulent conveyances, and be it further

RESOLVED, that the Clerk of the Board of Supervisors be, and hereby is, authorized and directed to forward copies of this resolution to the New York State Association of Counties; Governor Andrew M. Cuomo; Senator Charles E. Schumer; Senator Kirsten E. Gillibrand; Congressman William Owens; Senator Elizabeth O’C. Little; and Assemblyman Daniel G. Stec.