

At special Term of the County Court, held in Part  
\_\_\_\_, and for the City of Buffalo, County of Erie, at  
New York on the \_\_\_\_ day of \_\_\_\_\_ 2015

Present: Hon. Kenneth F. Case  
Erie County Judge

STATE OF NEW YORK  
COUNTY COURT : COUNTY OF ERIE

IN THE MATTER OF FORECLOSURE OF TAX, USER  
FEES AND SEWER LINES, BY PROCEEDING IN REM  
PURSUANT TO ARTICLE ELEVEN OF THE REAL  
PROPERTY TAX LAW BY THE CITY OF BUFFALO  
AND THE BUFFALO SEWER AUTHORITY AFFECTING  
DISTRICT NOS. 1 THROUGH 14, INCLUSIVE,

**ORDER TO SHOW CAUSE  
WITH TEMPORARY  
RESTRAINING ORDER**

Index No.  
In Rem. No  
Serial No.

CITY OF BUFFALO, ET AL.

Petitioner

v.

\$ \_\_\_\_\_ **In Rem Fee**  
\$ \_\_\_\_\_ **City Tax**  
\$ \_\_\_\_\_ **Sewer Rent**  
\$ \_\_\_\_\_ **Water**  
\$ \_\_\_\_\_ **User Fee**  
\$ \_\_\_\_\_ **Estimated interest**

Respondent

**Premises**

Buffalo, New York 14 \_\_\_\_\_

UPON THE APPLICATION OF THE LEGAL AID BUREAU OF BUFFALO, INC., PAUL B. CURTIN, ESQ. OF COUNSEL, AND UPON THE AFFIDAVIT OF \_\_\_\_\_, sworn to on \_\_\_\_\_, 2015, attached thereto, and this Court having taken judicial notice that the proceedings in which this stay is being sought is CITY OF BUFFALO, ET AL., v. \_\_\_\_\_, in Rem Tax Foreclosure Action Index No. \_\_\_\_\_ in which judgment of foreclosure and sale against the subject property previously having been granted by this Court, and upon all prior proceedings, it is:

ORDERED, that the CITY OF BUFFALO, ET AL., show cause at a Special Term of this court to be held at the Erie County Courthouse, 25 Delaware Avenue, Part 10, 1<sup>st</sup> Floor, City of Buffalo, New York, on the \_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, at \_\_\_\_:\_\_\_\_ AM/PM, therefore, or as soon thereafter as counsel can be heard, why this Court should not invalidate the tax foreclosure sale held on October \_\_\_\_, 2015, by the Petitioner pertaining to \_\_\_\_\_, Buffalo, New York 14\_\_ by granting a temporary restraining order preventing transfer of the deed, and allowing \_\_\_\_\_, Respondent, to pay off the taxes due.

ORDERED, that the consummation of the sale of the abovementioned property at the In Rem Tax Foreclosure Auction that took place on October \_\_\_\_, 2015 is hereby temporarily stayed and the City of Buffalo is directed not to execute a deed pending the return date of this application; and it is further

ORDERED, that service of a copy of the Order to Show Cause and the papers upon which it had been granted, shall be made by serving Ilo Noble, Acting Corporation Counsel, Attorney for the City of Buffalo at 1100 City Hall, Buffalo, New York 14202 and \_\_\_\_\_, the successful bidder on October \_\_\_\_, 2015, on or before \_\_\_\_\_, 201\_\_\_\_, such service shall be deemed good and sufficient.

Dated:

\_\_\_\_\_  
Kenneth F. Case  
Erie County Court Judge

Granted:

STATE OF NEW YORK  
COUNTY COURT : COUNTY OF ERIE

IN THE MATTER OF FORECLOSURE OF TAX, USER  
FEES AND SEWER LINES, BY PROCEEDING IN REM  
PURSUANT TO ARTICLE ELEVEN OF THE REAL  
PROPERTY TAX LAW BY THE CITY OF BUFFALO  
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DISTRICT NOS. 1 THROUGH 14, INCLUSIVE,

CITY OF BUFFALO, ET AL.,

Petitioner,

v.

Respondent

**AFFIDAVIT OF  
RESPONDENT**

Index No.  
In Rem. No.  
Serial No.

\$ \_\_\_\_\_ **In Rem Fee**  
\$ \_\_\_\_\_ **City Tax**  
\$ \_\_\_\_\_ **Sewer Rent**  
\$ \_\_\_\_\_ **User Fee \$**  
\$ \_\_\_\_\_ **Water**  
\$ \_\_\_\_\_ **Estimated Interest**

**Premises**

Buffalo, New York 14\_\_\_\_

State of New York )  
County of Erie ) ss:

I, \_\_\_\_\_, being duly sworn, deposes and says:

1. I am the owner of \_\_\_\_\_, Buffalo, New York 14\_\_\_\_.
2. I am \_\_\_\_\_ years old and have owned the aforementioned property for \_\_\_\_\_ years.
3. I owe \_\_\_\_\_ mortgage on the property and it is my primary residence.
4. **MEDICAL HARDSHIP:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. **FINANCIAL HARDSHIP:** I receive social security in the amount of seven hundred and eighty seven dollars (\$787) per month.
6. I became aware of the foreclosure after receiving a letter from the City of Buffalo, dated \_\_\_\_\_ 2015, informing that my house was sold on October \_\_\_\_\_, 2015, and I immediately sought legal assistance.

7. Upon information and belief, I currently owe approximately twenty three thousand and eighty seven dollars (\$23,087), which includes the estimated interest.
8. Due to my income, I am able to pay an \$800 down payment and \$200 per month thereafter, toward the delinquent amount owed on my account.
9. The loss of this property would create a tremendous hardship to my physical, mental and financial wellbeing.

WHEREFORE, it is respectfully requested this Court overturn the sale of the Respondent's home that occurred on October \_\_\_\_ 2015, and allow \_\_\_\_\_ to pay off the delinquent arrears owed to the City of Buffalo on the aforementioned premises.

Dated: \_\_\_\_\_ 2015

\_\_\_\_\_

Respondent

Sworn to before me this \_\_\_\_ day of \_\_\_\_\_ 2015

\_\_\_\_\_  
Notary Public