



# **ESSEX COUNTY**

## **OFFICE OF THE MANAGER**

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**TO:** All Bidders

**FROM:** Linda Wolf, CPA, Purchasing Agent

**DATE:** September 21, 2016

**SUBJECT:** Addendum #1 RFP ABSTRACTORS FOR TAX SALE PROPERTIES

**This Addendum, issued to bid document holders of record, indicates changes to the bid documents for the RFP for *ABSTRACTORS FOR TAX SALE PROPERTIES* Opening September 30, 2016.**

**Please replace Sections B and C of the Request for Proposals with the attached Sections B and C. Changes are in *Italics***

END OF ADDENDUM # 1

## **B. Term of Engagement**

The contract term will cover from the time of execution of the contract for one full year, with the option to renew. The County reserves the right to cancel any and all reports requested without there being any cost or charge to the County, provided the cancellation request is prior to the commencement of any work performed.

The title reports for these real property tax foreclosure proceedings will be completed and emailed to the Essex County Treasurer, no later than *April 1, 2017*.

## **C. Scope of Work**

Essex County is seeking proposals from qualified professional firms to provide preparation of stub search abstracts for the County's annual Article 11 Real Property Tax Law tax foreclosure sales for the tax years 2013, 2014 and 2015. It is expected that between *800* and *1,000* files will be submitted for this work. *Because of the volume of the searching, the County will accept and award to the three (3) to five (5) lowest responsible bidders an equal share of the exiting searches (800-1,000 searches) which will approximate between 200-300 searches per bidder/awardee.* Contractor warrants and represents that it is fully familiar with Article 11 of the New York State Real Property Tax Law including but not limited to, Section 1125 and it is knowledgeable in the preparation of stub searches for all purposes required by Article 11 of the NYS RPTL.

The objective is to secure the professional services of a title company to provide title and abstract services and data processing services related to parcels of real property in tax foreclosure auctions, or in which the County has some other interest.

The purpose of the title search is to ensure that the owner is the sole and actual titleholder to the property, or identify other persons with a property interest, and to ensure that the title is clear. This means that there are no mortgages or liens outstanding upon sale of the property. In addition, there may not be incompatible easement or other encumbrances to the property that would make it either ineligible for acquisition.

The contractor shall provide the standard abstract certification with respect to these properties, that they have been thoroughly searched and that the names of the owners of record and mortgagees, creditors and other entities entitled to notice under Section 1125 of the RPTL have been searched and are listed.

The parcels will be identified by Parcel Number, Tax Map Number (SBL Number), Town and the owner's name as it appears on the County tax records and other pertinent information which will be provided to the contractor no later than October 15, 2016.

A copy of the latest deed of record shall be provided for each parcel.

The contractor shall search the title of each parcel in a town by town manner and compile the data into electronic form to be submitted to the County.

The title search will consist of conducting a specific search to determine the names and addresses recorded and/or filing information, nature of, and if applicable, dollar amount of the interest and a certificate of title which shall include:

A. General

1. Each owner and any other person or entity, including but not limited to recorded mortgagee, creditors, lien holders, whose right, title or interest was a matter of public record as of the date of the list of delinquent taxes was filed which right, title or interest will be effected by the termination of the redemption period, and whose names and addresses are reasonably ascertainable from the public record, including the records of the office of the Surrogates of the County of Essex, the United States Post Office or from material submitted to tax enforcing officer of the County of Essex regarding change of address and any declarations of interest.
2. All owners of record and other interested parties required by Article 11 of the RPTL to be given Notice of the present tax foreclosure proceedings, including, but not limited to, owners of record, creditors, mortgagees, life lessees and life tenants and trusts.
3. The names and current addresses, including mailing addresses if different from a resident address, of all property owners, heirs, trustees, administrators, executors, mortgagees, lien holders, creditors, bankruptcies, lis pendens, tax liens, and to the extent actually known, any party having or claiming to have any interest in the property.
4. Copies of any open mortgages must be provided for each parcel and include the mortgage, the first page, recording page, signatory page and description of the parcel.
5. Record of bankruptcy proceedings will include the bankruptcy case number and the names of the petitioner and trustee.
6. Any pending bankruptcy proceedings that would impair the County's legal ability to take the property in foreclosure.
7. Lien and judgment searches, the full name and address of all unsatisfied lien holders of record shall be supplied for each parcel, liens shall include judgments, lis pendens, federal tax liens, tax liens.
8. Surrogates Court search will provide all information relative to the chain of title, including full name and address of any heirs, executors or administrators of assessed owner for each parcel.
9. Verification that the record owner shown on the County's list was in fact the record owner of the parcel on the date the List of Delinquent Taxes was filed, and documentation of any subsequent change of ownership during the search period.
10. All present creditors of the property, whether by mortgage, judgment lien, tax lien or other lien, plus the address of each such creditor as shown on the public record.

11. Any other party having a legal interest in the property, whether such party's identity is discoverable from a search of public records, including the records in the offices of the surrogate, plus the address of each such party, where available.
12. Provide for purposes of Notice, **current** addresses for all owners, heirs, lien holders, mortgagees, creditors and any party having a claim or interest in the property.
13. In the event that the name and address of an owner does not appear in the public record, the search shall so state.

**B. Search Requirements**

*1. Acceptable starting point requirements for searches:*

- a. Minimum of 10 years; and*
- b. 100% fee ownership.*

*2. Unacceptable starting points:*

- a. Family-to-family.*

*3. Liens:*

- a. Outstanding mortgages and assignments (30 years);*
- b. Deeds with mortgage assumptions should be marked "open" or "satisfied" with date satisfied;*
- c. County Clerk and State filed UCCs attached to real property, including 30-year filings, for parcels classified as commercial or manufactured housing;*
- d. Federal tax liens (10 years);*
- e. Federal tax judgments (20 years);*
- f. Judgments (10 years);*
- g. Mechanics liens/court-ordered extensions; and*
- h. Environmental liens.*

*4. Miscellaneous:*

- a. Rights of first refusal;*
- b. Lis Pendens and judgments of foreclosure;*
- c. Summons and complaints for civil actions pending judgment;*
- d. Powers of attorney;*
- e. Land contracts (search of all parties);*
- f. Leases (search off all parties);*
- g. Surrogate's Court records for possible estates; and*
- h. Life lease, rights of reverter.*

*5. Not Required:*

*a. Utilities easements.*

The Contractor will provide the County with one original and one copy of a properly certified certificate of title covering each parcel at the completion of the work.

The Contractor shall provide a Certificate to the County whereby, the Contractor will be liable to the County for all errors and omissions therein and will certify to the accuracy, correctness and completeness of the research as to all parties having any claim to the property.

After the initial transmission of the property list to the vendor, the County will periodically identify to the vendor any parcels that have been redeemed or withdrawn from foreclosure, for which the title searches are no longer needed. If the vendor has not yet commenced work for such a parcel, the vendor shall remove the parcel from its active list, and shall not bill the County for work on such parcel.

During the period when the vendor is compiling title and creditor information, the vendor shall identify to the County any properties for which the title search has disclosed:

- (a) one or more bankruptcy proceedings affecting the property
- (b) the possibility of an interested party whose identity cannot be ascertained
- (c) any federal lien

The information transmitted shall include sufficient detail to permit the staff of the Essex County Treasurer to investigate the matter disclosed.

During the period when the vendor is compiling the title and creditor information, the vendor shall consult with the County's staff for guidance and assistance in verifying mailing addresses for the various creditors, with the goal of obtaining an accurate, current mailing address for each creditor.

All records and reports required of the vendor under this agreement will be provided to the Essex County Treasurer, or to such other person(s) or entity as that officer may designate during the term of this agreement.