



## **First American Title Insurance Company of New York CURRENT DEVELOPMENTS**

**Condominiums/New York City** - New York City's Department of Finance has announced a revised procedure to obtain its approval of applications submitted for new condominiums and the related issuance of tax lot numbers to be effective on June 1, 2009. This will involve the following:

- 1. Completion of a new "Condominium Apportionment Worksheet". This will be an Excel spreadsheet to be downloaded from the Department's website at [nyc.gov/finance](http://nyc.gov/finance). The Worksheet will be emailed to a specified email address at Finance. A confirmation of submission will be printed and included with the completed Condominium application being submitted to Finance's Tax Map Unit. The online Worksheet will include a tab for Explanatory Notes.**
- 2. The completed "Condominium Package" being submitted is to include Form RP-602C (Revised 5/8/09), an "Application for Condominium Apportionment and Approval", two copies of signed, sealed and notarized floor plans, two copies of the condominium declaration and floor plans signed and notarized and with exhibits, the Attorney General's Office's acceptance letter or no-action letter, and confirmation of the electronic submission of the Condominium Apportionment Worksheet.**
- 3. The Tax Map Unit will only accept legible Condominium Floor Plans on 11" X 17" paper suitable for scanning. Mylar floor plans will no longer be accepted.**
- 4. New tax lot numbers will be issued instead of tentative and final tax lot numbers. A single fee of \$73.00 will be charged for the issuance of new tax lot numbers. (This will apply to the issuance of new tax lot numbers, whether or not involving condominium units).**

**"Finance's New Condominium Apportionment & Approval Process", issued by the Division of Land Records (formerly the office of the City Register), NYC Finance, is posted at <http://www.titlelaw-newyork.com/CondoProcessOverview.pdf>.**

**The Division of Land Records has also issued the following, posted at <http://www.titlelaw-newyork.com/NewDOFForms.pdf>.**

- 1. "Condominium Apportionment and Approval Process" (Draft)**
- 2. "Application for Condominium Apportionment and Approval" (Draft)**
- 3. "Condo Apportionment Worksheet"**

4. May 1, 2009 Bulletin (Revised May 14, 2009), "Submission of Condominium Floor Plans"
5. Requirements For Tax Map Updates (Draft)
6. Application For Mergers Or Apportionments (Draft)
7. Bulletin on Tax Map Unit Fees

**Judgments** - Under Civil Practice Law and Rules ("CPLR") Section 5203 ("Priorities and liens upon real property"), a judgment is a lien for ten years on real property of the debtor in the county in which the judgment is docketed. The judgment may be renewed for an additional ten years pursuant to CPLR Section 5014 ("Action upon judgment"), which provides that "[a]n action may be commenced...during the year prior to the expiration of ten years since the first docketing of the judgment. The judgment in such an action shall be designated a renewal judgment. The lien of a renewal judgment shall take effect upon the expiration of ten years from the first docketing of the original judgment".

In a case decided by the New York State Court of Appeals on May 12, 2009, the Plaintiff's judgment was docketed in New York County on October 23, 1991. Before the ten year lien period expired, the judgment creditor brought an action to obtain a renewal judgment. An Order renewing the judgment *nunc pro tunc* dated as of October 23, 2001 was docketed in 2005. In 2003, however, after the ten year lien period for the judgment had run and before the renewal judgment was docketed, the judgment debtor executed two mortgages on a condominium unit he owned in Manhattan. The mortgagees sought an order either vacating the *nunc pro tunc* treatment of the renewal judgment or declaring that the liens of their mortgages were prior to the lien of the renewal judgment.

The Supreme Court, New York County, in a decision reported at 2007 WL 2119748, denied the mortgagees' petition. The Appellate Division, in a decision reported at 854 N.Y.S. 2d 10, reversing the Order of the lower court, granted the petition, held that the renewal judgment was entered as of the date it was granted, and declared that the liens of the mortgages were prior to the judgment. The Court of Appeals affirmed the decision of the Appellate Division. "Because CPLR 5014 does not provide for a renewal judgment to have retroactive effect to the original lien's expiration date and because *nunc pro tunc* treatment is inappropriate where, as here, additional lenders relying on the public record acquired rights in the property, we hold that the renewal lien becomes effective when granted by the Supreme Court". The Court of Appeals decision in *Gletzer v. Harris* is reported at 2009 WL 1285970.

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