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K&L Gates team obtains Appellate Victory for mortgage lender in NY tax foreclosure case

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Gregory Blase

David Fine

Andrew Glass

A team of lawyers from K&L Gates LLP successfully represented mortgage lender James B. Nutter & Company in a tax foreclosure case before the New York Court of Appeals, with the Court, in a unanimous decision, adopting the firm's arguments regarding the interpretation of the state's Real Property Tax Law and remitting the case to the Appellate Division, Third Department.

The decision reverses two earlier rulings against the lender in the case, which centered around the rare instance of an unreceived notice of delinquent property taxes. Despite the required mailings having been sent and not returned as undeliverable, the plaintiff was able to provide evidence that the notice was never in fact received, helping to lead the Court of Appeals to determine that "an interested party is permitted to establish that a taxing authority failed to comply with the notice requirements..., even when the taxing authority submits proof that notice that was allegedly sent by both certified and first class mail is not returned."

Boston and New York partner Gregory Blase, Harrisburg partner David Fine, and Boston partner Andrew Glass made up the K&L Gates team that represented James B. Nutter & Company on the matter.

"We are delighted to have assisted James B. Nutter & Company on this case," said Blase. "We are pleased with the result, which we believe was the correct one, and which will protect property rights in New York."

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