

Misc. Tax Determinations A-2
Mortgage & Land Tax
Binghamton Brick Company, Inc.

Mr. Edward Rook
Lawrence Newman
Mortgage Recording Tax
Art. 11 Secs. 251/255
Instrument Executed by
Binghamton Brick Company, Inc. to
DeAngelis Supreme Anthracite, Inc.

August 20, 1969
Hearing Room

A hearing was held by Mr. Sam Lorvan on February 27, 1968.

The instrument was recorded without payment of tax on November 14, 1966. However on April 9, 1969 a mortgage tax was paid to the Broome County Clerk in the sum of \$500 with additional amount pursuant to Section 258 in the sum of \$72.50, because of late payment.

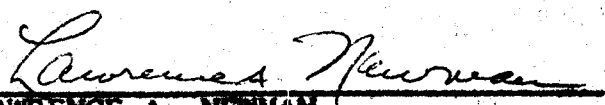
Binghamton Brick Company Inc. has brought an Article 78 proceeding, returnable before September 12, 1969, for the return of the mortgage tax and additional amount.

The instrument purports to be a consolidation of three pre-existing mortgages of the same mortgagor and mortgagee aggregating \$100,000 in face value. The original mortgages were issued to serve as collateral security for sales on credit of coal from the mortgagee to the mortgagor. The records of the parties show a series of advances and repayments over a period of years. Actually the amounts advanced under the original mortgages had, through a series of transactions, been repaid prior to the purported consolidation.

The Miscellaneous Tax Bureau correctly concluded that the new instrument was for the purpose of advancing new funds to the mortgagor, and as such was subject to the mortgage recording tax. Authority for their position can be found in Section 255 of the Tax Law and an opinion of the Attorney General dated December 28, 1953.

An order of determination has been drafted for the Commission which sustains the position of the operating bureau.

Credit should be noted for the notes of Mr. Arthur Maxwell of the Mortgage Tax Section which clarify a rather complex series of transactions, and helped considerably in the drafting of the determination.


LAWRENCE A. NEWMAN
Hearing Officer

LAN/jw

/s/ OK ER

[illegible]

1. The first of these is the fact that the
2. Government has not been able to secure
3. the necessary funds to carry out its
4. policy of non-interference in the
5. internal affairs of the country.
6. The second is the fact that the
7. Government has not been able to secure
8. the necessary funds to carry out its
9. policy of non-interference in the
10. internal affairs of the country.

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

[illegible][illegible][illegible][illegible][illegible]

• The following information is being furnished to you for your information only. It is not intended to be used for any other purpose.

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

1. The following information was obtained from the file of the
2. Internal Security - Communist Party, U.S.A. - Chicago, Illinois
3. Division, Chicago, Illinois, dated 10/10/50, and is being
4. furnished to you for your information.

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

100

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of an Instrument executed by
BINGHAMTON BRICK COMPANY, INC.

to

DE ANGELIS SUPREME ANTHRACITE, INC.

ORDER OF
DETERMINATION

This proceeding is pursuant to Sections 251 and 255 of the Tax Law to review the act of the recording officer of Broome County in recording on November 14, 1966, an instrument in the form of a mortgage consolidation and extension agreement dated November 14, 1966, executed by Binghamton Brick Company, Inc. (hereinafter called Binghamton) to DeAngelis Supreme Anthracite Inc., (hereinafter called DeAngelis) the determination of the recording officer, if any, and the application of Article Eleven of the Tax Law thereto:

Upon notices duly mailed to all interested parties, a hearing was held in the Broome County Court House in the City of Binghamton on February 27, 1968. The Binghamton Brick Company Inc. appeared and was represented by Hinman, Howard and Kattell, Esqs. (A. Edward Hill, Esq. of Counsel).

On the basis of the record, the proofs and documents submitted in the proceeding, the State Tax Commission hereby finds:

1. On March 25, 1961 Binghamton executed its mortgage to DeAngelis covering real property in the City of Binghamton and Town of Dickinson, County of Broome. Said mortgage was recorded in the office of the Clerk of Broome County on March 30, 1961 in Book 743 of Mortgages page 801.

Mortgage recording tax of \$250 was paid at recording under mortgage Serial No. BD-4056.

STATE OF NEW YORK
SEAL OF THE COMMISSIONER

In the matter of an application for a license
to sell and distribute in this State

the following

to

BEVERLY H. BROWN, Applicant.

The following is presented to the Commission for its consideration

The Commission has received the application of the above-named person

for a license to sell and distribute in this State

the following articles, to-wit:

November 11, 1935, pursuant to the provisions of the

(hereinafter called "the act") in force in this State

inc. (hereinafter called "the act") in force in this State

provisions of the act, and the Commission has

of the act, and the Commission has

Such notice has been given to all persons

meeting was held in the City of New York

in the City of New York, and the Commission has

has appeared and has been heard by the Commission

and (A. Edward Hill, Jr. of counsel).

On the basis of the record, the Commission has

in the proceedings, the Commission has

1. On March 11, 1936, the Commission has

the following covering the subject of the application

form of the license, and the Commission has

in the office of the State of New York on March 11, 1936

book of the Commission has

Reference is made to the fact that the Commission has

reference is made to the fact that the Commission has

2. Simultaneously with the execution of this mortgage an agreement was entered into between Binghamton and DeAngelis which agreement is referred to in the mortgage and is part of the same transaction under which the mortgage was executed. The mortgage and agreement being simultaneously executed as part of one transaction must be read together.

When read together these instruments evidence the following:

On March 25, 1961 the date the mortgage and agreement were executed, Binghamton was indebted to DeAngelis for the amount of \$35,693.26. Additional indebtedness was later secured by the mortgage so that on or about June 30, 1961 the amount of indebtedness owed by Binghamton to DeAngelis exceeded \$50,000 and the full amount of \$50,000 had become secured by the mortgage.

The agreement recites on pages 2 and 3 paragraph No. 4:

"..... it being intended that on December 15th of each year the balance owing by the Brick Co. to the Coal Co., for all coal shipped by the Coal Co. to the Brick Co. prior to November 15th of such year shall not exceed the sum of \$12,000 but that monies owing by the Brick Co. to the Coal Co. for coal shipped by the Coal Co. to the Brick Co. during the period from each November 15th to the following June 15th shall be an open account, and shall be, to the extent permitted above, secured by the mortgage above referred to and repaid as above provided, provided, however, that the total amount owing by the Brick Co. to the Coal Co. shall not, at any time, exceed the sum of \$50,000."

3. Additional advances were made by DeAngelis to Binghamton and payments made by Binghamton to DeAngelis. On October 31, 1961 the amount owing by Binghamton to DeAngelis was \$50,707.39 On November 1, 1961 Binghamton executed another mortgage to DeAngelis

2. The following is a summary of the results of the investigation:

The investigation was conducted by the Special Agent in Charge, who was assisted by the following personnel: [names]. The investigation was conducted from [date] to [date]. The results of the investigation are as follows:

On [date], [name] was interviewed and advised of the results of the investigation. [name] advised that [details]. On [date], [name] was interviewed and advised of the results of the investigation. [name] advised that [details]. On [date], [name] was interviewed and advised of the results of the investigation. [name] advised that [details]. On [date], [name] was interviewed and advised of the results of the investigation. [name] advised that [details].

On [date], [name] was interviewed and advised of the results of the investigation. [name] advised that [details]. On [date], [name] was interviewed and advised of the results of the investigation. [name] advised that [details]. On [date], [name] was interviewed and advised of the results of the investigation. [name] advised that [details]. On [date], [name] was interviewed and advised of the results of the investigation. [name] advised that [details].

On [date], [name] was interviewed and advised of the results of the investigation. [name] advised that [details]. On [date], [name] was interviewed and advised of the results of the investigation. [name] advised that [details]. On [date], [name] was interviewed and advised of the results of the investigation. [name] advised that [details].

recorded in said office on November 1, 1961 in Book 751 of Mortgages at page 916.

Mortgage recording tax of \$50 was paid at recording and entered under mortgage Serial No. BE-2725.

4. Advances and re-payments continued to be made between the parties until January 1, 1963 at which time the indebtedness owed by Binghamton to DeAngelis was \$86,315.68. On January 26, 1963 Binghamton executed another mortgage to DeAngelis recorded in said office on February 8, 1963 in Book 767 of Mortgages at page 873.

Mortgage recording tax of \$200 was paid at recording and entered under mortgage Serial No. BF-3944.

5. Advances and re-payments continued to be made by the parties. On October 31, 1966 Binghamton owed DeAngelis \$114,741.56. On November 14, 1966 Binghamton and DeAngelis entered into an agreement entitled Consolidation and Extension Agreement, recorded in said office on November 14, 1966 on Book 814 of Mortgages at page 817. Mortgage tax was not paid at the time of recording the said instrument.

On or about April 9, 1969 mortgage tax in the sum of \$500 with additional amounts of \$72.50 as provided in section 258 of the Tax Law was paid to the recording officer of Broome County. Said addition amount one half percent per month on tax due of \$500 from November 14, 1966.

6. On or before August 31, 1962 Binghamton had re-paid to DeAngelis the entire \$50,000 loaned or advanced on the March 25, 1961 mortgage.

On or before October 31, 1962 Binghamton had re-paid to DeAngelis the entire \$10,000 loaned or advanced on the November 1, 1961 mortgage.

On January 26, 1963, no part of the indebtedness secured by the two mortgages remained unpaid. The sum of not less than

received in said office on November 1, 1951 in book 11 of

page 211.

Receipts recorded in said office on November 1, 1951

entered under receipt number 11-11-11.

Receipts and payments recorded in said office on

the period until November 1, 1951 of which the index

made by the office on November 1, 1951, the index

1951 index was made on November 1, 1951 in book 11 of

in said office on November 1, 1951 in book 11 of

page 211.

Receipts recorded in said office on November 1, 1951

entered under receipt number 11-11-11.

Receipts and payments recorded in said office on

November 1, 1951, the index was made on November 1, 1951.

On November 1, 1951, the index was made on November 1, 1951.

Receipts recorded in said office on November 1, 1951

in said office on November 1, 1951 in book 11 of

page 211. Receipts and payments recorded in said office

made on November 1, 1951.

On or about April 1, 1951, the index was made on

with additional receipts of 1951. In addition to the

the tax was paid to the office on November 1, 1951.

Additional receipts and payments recorded in said office

1951 from November 1, 1951.

On or about April 1, 1951, the index was made on

Receipts recorded in said office on November 1, 1951

1951 receipts.

On or about April 1, 1951, the index was made on

Receipts recorded in said office on November 1, 1951

1951 receipts.

On or about April 1, 1951, the index was made on

the two receipts recorded in said office on November 1, 1951.

\$86,315.68 was new indebtedness, \$40,000 of which became secured by the mortgage dated January 26, 1963.

7. Advances and re-payments continued to be made by the parties. The entire \$40,000 secured by the January 26, 1963, mortgage was re-paid by Binghamton on or about October 31, 1963.

On October 31, 1966 there was owing by Binghamton to DeAngelis the sum of \$114,741.56 none of which was secured by the three mortgages.

The agreement of November 14, 1966 evidences new indebtedness in the principal sum of \$100,000.

8. Even though re-advances are provided for by the original mortgage they create a further debt than the original principal amount although they can never increase the outstanding debt secured by the mortgage beyond that total sum. Under such circumstances the amount which may be secured is always determinable and the re-advance agreement is a taxable supplemental instrument. (Opinion of Attorney General, December 28, 1953).

Now therefore, after due consideration, it is DETERMINED BY THE COMMISSION that:

At recording on November 14, 1966, of the consolidation and extension agreement mortgage, recording tax in the sum of \$500 was due and was properly collected by the recording officer on or about April 9, 1969 with additional tax as provided in Section 258 of the Tax Law in the sum of \$72.50 for the following reasons:

1. That the full amount of \$100,000 had been advanced under the prior mortgages.
2. That the full amount of \$100,000 had been repaid under the prior mortgages.

[illegible]

0001 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1

and the absence of substantial evidence - see page 10.

1. The amount of the deposit is \$100,000.

• 60% are covered by the so-called "unemployment insurance" system

DATE: 10/10/2013 TIME: 10:10:10 AM

...and will be pleased to hear from you at any time.

• 202-222-0371

continued but also non-compliance with all rules and to the contrary effect.

000,0000 To this date is not yet

Printed on 100% recycled paper with soy-based inks. 50% recycled content, including 15% post consumer waste. FSC® C049242

1. 1. The following information is taken from the financial statements of ABC Company:

of the United States and the world before the great American people.

-The following information was obtained from the records of the Bureau:

older individuals and that it is likely to have a greater impact on older individuals.

...from which I believe I can get some more information about it.

(CIVIL RIGHTS) (CIVIL RIGHTS)

[illegible]

100-10304-17-10

Barrett, William, 1970, *Journal of the Philosophy of Education Society of Great Britain* 1, 1-12.

0017 16 APR 81 01 51Z OTHS HQ AFMPC 001200Z APR 81

10-10-1962, 10-11-1962, 10-12-1962, 10-13-1962, 10-14-1962, 10-15-1962, 10-16-1962, 10-17-1962, 10-18-1962, 10-19-1962, 10-20-1962, 10-21-1962, 10-22-1962, 10-23-1962, 10-24-1962, 10-25-1962, 10-26-1962, 10-27-1962, 10-28-1962, 10-29-1962, 10-30-1962, 10-31-1962, 11-1-1962, 11-2-1962, 11-3-1962, 11-4-1962, 11-5-1962, 11-6-1962, 11-7-1962, 11-8-1962, 11-9-1962, 11-10-1962, 11-11-1962, 11-12-1962, 11-13-1962, 11-14-1962, 11-15-1962, 11-16-1962, 11-17-1962, 11-18-1962, 11-19-1962, 11-20-1962, 11-21-1962, 11-22-1962, 11-23-1962, 11-24-1962, 11-25-1962, 11-26-1962, 11-27-1962, 11-28-1962, 11-29-1962, 11-30-1962, 12-1-1962, 12-2-1962, 12-3-1962, 12-4-1962, 12-5-1962, 12-6-1962, 12-7-1962, 12-8-1962, 12-9-1962, 12-10-1962, 12-11-1962, 12-12-1962, 12-13-1962, 12-14-1962, 12-15-1962, 12-16-1962, 12-17-1962, 12-18-1962, 12-19-1962, 12-20-1962, 12-21-1962, 12-22-1962, 12-23-1962, 12-24-1962, 12-25-1962, 12-26-1962, 12-27-1962, 12-28-1962, 12-29-1962, 12-30-1962, 12-31-1962, 1-1-1963, 1-2-1963, 1-3-1963, 1-4-1963, 1-5-1963, 1-6-1963, 1-7-1963, 1-8-1963, 1-9-1963, 1-10-1963, 1-11-1963, 1-12-1963, 1-13-1963, 1-14-1963, 1-15-1963, 1-16-1963, 1-17-1963, 1-18-1963, 1-19-1963, 1-20-1963, 1-21-1963, 1-22-1963, 1-23-1963, 1-24-1963, 1-25-1963, 1-26-1963, 1-27-1963, 1-28-1963, 1-29-1963, 1-30-1963, 1-31-1963, 2-1-1963, 2-2-1963, 2-3-1963, 2-4-1963, 2-5-1963, 2-6-1963, 2-7-1963, 2-8-1963, 2-9-1963, 2-10-1963, 2-11-1963, 2-12-1963, 2-13-1963, 2-14-1963, 2-15-1963, 2-16-1963, 2-17-1963, 2-18-1963, 2-19-1963, 2-20-1963, 2-21-1963, 2-22-1963, 2-23-1963, 2-24-1963, 2-25-1963, 2-26-1963, 2-27-1963, 2-28-1963, 2-29-1963, 2-30-1963, 3-1-1963, 3-2-1963, 3-3-1963, 3-4-1963, 3-5-1963, 3-6-1963, 3-7-1963, 3-8-1963, 3-9-1963, 3-10-1963, 3-11-1963, 3-12-1963, 3-13-1963, 3-14-1963, 3-15-1963, 3-16-1963, 3-17-1963, 3-18-1963, 3-19-1963, 3-20-1963, 3-21-1963, 3-22-1963, 3-23-1963, 3-24-1963, 3-25-1963, 3-26-1963, 3-27-1963, 3-28-1963, 3-29-1963, 3-30-1963, 3-31-1963, 4-1-1963, 4-2-1963, 4-3-1963, 4-4-1963, 4-5-1963, 4-6-1963, 4-7-1963, 4-8-1963, 4-9-1963, 4-10-1963, 4-11-1963, 4-12-1963, 4-13-1963, 4-14-1963, 4-15-1963, 4-16-1963, 4-17-1963, 4-18-1963, 4-19-1963, 4-20-1963, 4-21-1963, 4-22-1963, 4-23-1963, 4-24-1963, 4-25-1963, 4-26-1963, 4-27-1963, 4-28-1963, 4-29-1963, 4-30-1963, 5-1-1963, 5-2-1963, 5-3-1963, 5-4-1963, 5-5-1963, 5-6-1963, 5-7-1963, 5-8-1963, 5-9-1963, 5-10-1963, 5-11-1963, 5-12-1963, 5-13-1963, 5-14-1963, 5-15-1963, 5-16-1963, 5-17-1963, 5-18-1963, 5-19-1963, 5-20-1963, 5-21-1963, 5-22-1963, 5-23-1963, 5-24-1963, 5-25-1963, 5-26-1963, 5-27-1963, 5-28-1963, 5-29-1963, 5-30-1963, 5-31-1963, 6-1-1963, 6-2-1963, 6-3-1963, 6-4-1963, 6-5-1963, 6-6-1963, 6-7-1963, 6-8-1963, 6-9-1963, 6-10-1963, 6-11-1963, 6-12-1963, 6-13-1963, 6-14-1963, 6-15-1963, 6-16-1963, 6-17-1963, 6-18-1963, 6-19-1963, 6-20-1963, 6-21-1963, 6-22-1963, 6-23-1963, 6-24-1963, 6-25-1963, 6-26-1963, 6-27-1963, 6-28-1963, 6-29-1963, 6-30-1963, 7-1-1963, 7-2-1963, 7-3-1963, 7-4-1963, 7-5-1963, 7-6-1963, 7-7-1963, 7-8-1963, 7-9-1963, 7-10-1963, 7-11-1963, 7-12-1963, 7-13-1963, 7-14-1963, 7-15-1963, 7-16-1963, 7-17-1963, 7-18-1963, 7-19-1963, 7-20-1963, 7-21-1963, 7-22-1963, 7-23-1963, 7-24-1963, 7-25-1963, 7-26-1963, 7-27-1963, 7-28-1963, 7-29-1963, 7-30-1963, 7-31-1963, 8-1-1963, 8-2-1963, 8-3-1963, 8-4-1963, 8-5-1963, 8-6-1963, 8-7-1963, 8-8-1963, 8-9-1963, 8-10-1963, 8-11-1963, 8-12-1963, 8-13-1963, 8-14-1963, 8-15-1963, 8-16-1963, 8-17-1963, 8-18-1963, 8-19-1963, 8-20-1963, 8-21-1963, 8-22-1963, 8-23-1963, 8-24-1963, 8-25-1963, 8-26-1963, 8-27-1963, 8-28-1963, 8-29-1963, 8-30-1963, 8-31-1963, 9-1-1963, 9-2-1963, 9-3-1963, 9-4-1963, 9-5-1963, 9-6-1963, 9-7-1963, 9-8-1963, 9-9-1963, 9-10-1963, 9-11-1963, 9-12-1963, 9-13-1963, 9-14-1963, 9-15-1963, 9-16-1963, 9-17-1963, 9-18-1963, 9-19-1963, 9-20-1963, 9-21-1963, 9-22-1963, 9-23-1963, 9-24-1963, 9-25-1963, 9-26-1963, 9-27-1963, 9-28-1963, 9-29-1963, 9-30-1963, 10-1-1963, 10-2-1963, 10-3-1963, 10-4-1963, 10-5-1963, 10-6-1963, 10-7-1963, 10-8-1963, 10-9-1963, 10-10-1963, 10-11-1963, 10-12-1963, 10-13-1963, 10-14-1963, 10-15-1963, 1

Author: Robert M. La Follette Date: 1912

Approved: _____ Date: _____

100,000 to 1,000,000

100

[illegible]

• 2014-2015: 100% (100%)

3. That a new or further indebtedness in the amount of \$100,000 is created by the consolidation and extension agreement of November 14, 1966 pursuant to the provisions of Section 250, to suit, "....." A contract or agreement by which the indebtedness secured by any mortgage is increased or added to shall be deemed a mortgage of real property for the purpose of this article and shall be taxable as such upon the amount of such increase or addition.
4. That a new or further indebtedness is created by said consolidation and extension agreement pursuant to the provisions of Section 255, to suit "....., such additional instrument or mortgage shall not be subject to taxation under this article, unless it creates or secures a new or further indebtedness or obligation other than the principal indebtedness or obligation secured by or which under any contingency may be secured by the recorded primary mortgage, in which case, a tax is imposed as provided by Section 253, of this chapter on such new or further indebtedness or obligation,.....!.

Dated: Albany, New York, this 3rd day of Sept. , 1969 .

STATE TAX COMMISSION

Norman Gallucci
PRESIDENT

Bruce Massey
COMMISSIONER

Melvin Kravitz
COMMISSIONER

10. The above information is being furnished to you for your information.

[illegible]

analysis of the data, the results are as follows:

amounting to \$10000 plus of 9% interest.

U. S. DEPARTMENT OF THE ARMY, WASHINGTON, D. C.

to the date of the report of April 14, 1964, to the following:

[illegible]

the Government does not intend to change the law as it stands at

001/1055

Also, the boys' enrollment declined to less than

ALL of interest have been added to the list.

[illegible]

and the other copies of the letter should be destroyed.

NOT A REPLY TO QUESTION OF 11/11/60, RE: "GOLDEN GLOBE" CO.

on further investigation of the above cases.

Division of Human Resources Management, Washington, D.C.

1. Proceder a la lectura de los documentos que se adjuntan para el efecto.

to support the use of the word "and" in the word "and"

14. FOR INFO TO PROSECUTOR AND TO THE POLICE OF DENVER

....., 1974, to the present day.

• Ed. : 1992 To get her all your love : 5003

DATE: 12/20/2014

1. *Journal of the American Medical Association*, 1997; 277: 1039-1043.

[illegible][illegible]

Mr. Edward Rook
Lawrence Newman
Mortgage Recording Tax
Art. 11 Secs. 251/255/258
Mortgage executed by
Champlain Brick Company
of Mechanicville to
DeAngelis Supreme Anthracite, Inc.

August 25, 1969
Hearing Room

A hearing was held by Mr. Sam Lorvan on February 27, 1968.

The mortgage was recorded without payment of tax on December 15, 1966 based upon two affidavits submitted to the Recording Officer by the president of DeAngelis.

Champlain is a wholly owned subsidiary of the Binghamton Brick Co., Inc. A related matter concerning the identical facts and the Binghamton Company should be considered at the same time.

In each case the parties have purported to have consolidated three pre-existing mortgages executed by Binghamton to DeAngelis. The results are an alleged consolidation agreement executed by Binghamton and filed in Broome County, and a mortgage executed by Champlain and filed in Rensselaer County.

Based upon a review of a complex series of transactions enumerated in the determination, I have concluded that the mortgage here in question represents a new indebtedness and subject to the mortgage recording tax.

Therefore, the order of determination being submitted for the approval of the Commission orders the Clerk of Rensselaer County to impose the tax and penalties on the recording.

LAWRENCE NEWMAN
Hearing Officer

LN:jw

/s/ OK ER

STATE OF NEW YORK

STATE TAX COMMISSION

In the Matter of an Instrument executed by
CHAMPLAIN BRICK COMPANY OF MECHANICVILLE, a
CORPORATION

to

DE ANGELIS SUPREME ANTHRACITE, INC.

:
:
:
: ORDER OF
: DETERMINATION
:

This proceeding is pursuant to Sections 251, 255 and 258 of the Tax Law to review the act of the recording officer of Rensselaer County in recording on November 14, 1966, an instrument in the form of a mortgage dated November 14, 1966, executed by Champlain Brick Company of Mechanicville, (hereinafter called Champlain) to DeAngelis Supreme Anthracite Inc., (hereinafter called DeAngelis) the determination of the recording officer, if any, and the application of Article Eleven of the Tax Law thereto:

Upon notices duly mailed to all interested parties, a hearing was held in the Broome County Court House in the City of Binghamton on February 27, 1968. The Champlain Brick Company of Mechanicville appeared and was represented by Hinman, Howard and Kattell, Esqs. (A. Edward Hill, Esq. of Counsel).

On the basis of the record, the proofs and documents submitted in the proceeding, the State Tax Commission hereby finds:

1. On March 25, 1961, Binghamton Brick Company Inc. (hereinafter called Binghamton) executed its mortgage to DeAngelis covering real property in the City of Binghamton and Town of Dickinson, County of Broome. Said mortgage was recorded in the office of the Clerk of Broome County on March 30, 1961 in Book 743 of Mortgages page 801.

REPORT OF THE
COMMISSIONERS OF THE LAND OFFICE
IN RESPONSE TO A RESOLUTION
PASSED BY THE SENATE
JANUARY 15, 1913.

This document is a report of the
Commissioners of the Land Office
in response to a resolution
passed by the Senate on January 15, 1913.
The report contains a detailed
account of the land holdings of the
State of New York, and of the
proceedings of the Land Office
during the year 1912. It also
contains a list of the names of
the persons who have been
granted land by the State, and
the amount of land granted to each.
The report is divided into two
parts. The first part contains
a general statement of the
land holdings of the State, and
the second part contains a
detailed account of the
proceedings of the Land Office
during the year 1912.

Mortgage recording tax of \$250 was paid at recording under mortgage Serial No. BD-4056.

2. Simultaneously with the execution of this mortgage an agreement was entered into between Binghamton and DeAngelis which agreement is referred to in the mortgage and is part of the same transaction under which the mortgage was executed. The mortgage and agreement being simultaneously executed as part of one transaction must be read together.

When read together these instruments evidence the following:

On March 25, 1961 the date the mortgage and agreement were executed, Binghamton was indebted to DeAngelis for the amount of \$35,693.26. Additional indebtedness was later secured by the mortgage so that on or about June 30, 1961 the amount of indebtedness owed by Binghamton to DeAngelis exceeded \$50,000 and the full amount of \$50,000 had become secured by the mortgage.

The agreement recites on pages 2 and 3 paragraph No. 4:

"..... it being intended that on December 15th of each year the balance owing by the Brick Co. to the Coal Co., for all coal shipped by the Coal Co. to the Brick Co. prior to November 15th of such year shall not exceed the sum of \$12,000 but that monies owing by the Brick Co. to the Coal Co. for coal shipped by the Coal Co. to the Brick Co. during the period from each November 15th to the following June 15th shall be an open account, and shall be, to the extent permitted above, secured by the mortgage above referred to and repaid as above provided, provided, however, that the total amount owing by the Brick Co. to the Coal Co. shall not, at any time, exceed the sum of \$50,000."

3. Additional advances were made by DeAngelis to Binghamton and payments made by Binghamton to DeAngelis. On October 31, 1961 the amount owing by Binghamton to DeAngelis was \$50,707.39. On November 1, 1961 Binghamton executed another mortgage to DeAngelis

1. The first step in the process of the investigation is the selection of the area to be studied. This is done by the investigator, who chooses the area based on the objectives of the study. The area should be representative of the population being studied and should be accessible for data collection.

2. The second step is the selection of the sample. This is done by the investigator, who chooses the sample based on the objectives of the study. The sample should be representative of the population being studied and should be accessible for data collection.

3. The third step is the collection of data. This is done by the investigator, who collects data from the sample. The data should be collected in a systematic and unbiased manner.

4. The fourth step is the analysis of data. This is done by the investigator, who analyzes the data to determine the results of the study. The analysis should be done in a systematic and unbiased manner.

5. The fifth step is the interpretation of results. This is done by the investigator, who interprets the results of the study. The interpretation should be done in a systematic and unbiased manner.

6. The sixth step is the reporting of results. This is done by the investigator, who reports the results of the study. The report should be done in a systematic and unbiased manner.

7. The seventh step is the evaluation of the study. This is done by the investigator, who evaluates the study to determine its strengths and weaknesses. The evaluation should be done in a systematic and unbiased manner.

8. The eighth step is the dissemination of results. This is done by the investigator, who disseminates the results of the study. The dissemination should be done in a systematic and unbiased manner.

9. The ninth step is the conclusion of the study. This is done by the investigator, who concludes the study. The conclusion should be done in a systematic and unbiased manner.

10. The tenth step is the final report. This is done by the investigator, who writes the final report. The final report should be done in a systematic and unbiased manner.

recorded in said office on November 1, 1961 in Book 751 of Mortgages at page 916.

Mortgage recording tax of \$50 was paid at recording and entered under mortgage Serial No. BE-2725.

4. Advances and re-payments continued to be made between the parties until January 1, 1963 at which time the indebtedness owed by Binghamton to DeAngelis was \$86,315.68. On January 26, 1963 Binghamton executed another mortgage to DeAngelis recorded in said office on February 8, 1963 in Book 767 of Mortgages at page 873.

Mortgage recording tax of \$200 was paid at recording and entered under mortgage Serial No. BF-3944.

5. Advances and re-payments continued to be made by the parties. On October 31, 1966 Binghamton owed DeAngelis \$114,741.56. On November 14, 1966 Binghamton and DeAngelis entered into an agreement entitled Consolidation and Extension Agreement, recorded in said office on November 14, 1966 of Book 814 of Mortgages at page 817. Mortgage tax was not paid at the time of recording the said instrument..

On or about April 9, 1969 mortgage tax in the sum of \$500 with additional amounts of \$72.50 as provided in section 25B of the Tax Law was paid to the recording officer of Broome County. Said addition amount one half percent per month on tax due of \$500 from November 14, 1966.

6. On or before August 31, 1962 Binghamton had re-paid to DeAngelis the entire \$50,000 loaned or advanced on the March 25, 1961 mortgage.

On or before October 31, 1962 Binghamton had re-paid to DeAngelis the entire \$10,000 loaned or advanced on the November 1, 1961 mortgage.

On January 26, 1963, no part of the indebtedness secured by the two mortgages remained unpaid. The sum of not less than

recorded in said office on November 1, 1961 in Book 131 of mortgages.

at page 814.

Mortgage recording tax of \$500 was paid at recording time.

entered under mortgage Serial No. 10-7744.

4. Advances and payments continued to be made between

the parties until January 1, 1962 at which time the indebtedness

owed by Defendant to Plaintiff was \$66,016.44. On January 20,

1962 Plaintiff executed another instrument in which he released

in said office on February 8, 1962 in Book 131 of mortgages at

page 873.

Plaintiff recording tax of \$500 was paid at recording time.

entered under mortgage Serial No. 10-7744.

5. Advances and payments continued to be made by the

parties. On October 21, 1962 Plaintiff owed Defendant \$114,741.21.

On November 14, 1962 Plaintiff and Defendant entered into an

agreement entitled Consolidation and Extension Agreement, recorded

in said office on November 14, 1962 at Book 134 of Mortgages at

page 814. Mortgage tax was not paid at the time of recording the

said instrument.

On or about April 1, 1962 mortgage tax in the sum of \$500

with additional amount of \$30.58 as provided in section 288 of

the Tax Law was paid to the recording officer of Travis County.

Said addition amount one half percent was paid on tax due of

\$700 from November 14, 1962.

6. On or before August 21, 1962 Plaintiff and Defendant to

Defendant the entire \$65,000 loan or advance of the parcel 25.

1962 mortgage.

On or before October 21, 1962 Plaintiff and Defendant to

Defendant the entire \$10,000 loan or advance on the parcel 1.

1961 mortgage.

On January 20, 1963, no part of the indebtedness remained

the two mortgages remained unpaid. The sum of \$10,000

\$86,315.68 was new indebtedness, \$40,000 of which became secured by the mortgage dated January 26, 1963.

7. Advances and re-payments continued to be made by the parties. The entire \$40,000 secured by the January 26, 1963, mortgage was re-paid by Binghamton on or about October 31, 1963.

On October 31, 1966 there was owing by Binghamton to DeAngelis the sum of \$114,741.56 none of which was secured by the three mortgages.

8. On November 14, 1966, Champlain executed a mortgage to DeAngelis covering real property in the Town of Schaghticoke, County of Rensselaer. Said mortgage was recorded in the office of the Clerk of Rensselaer County on December 15, 1966 in Book 1043 of mortgages, page 468.

The mortgage states that Binghamton is the owner of all the stock of Champlain and in addition, a business affiliate. The mortgage also states that it is given and intended as additional security for the indebtedness due upon the three mortgages previously executed by Binghamton dated March 25, 1961, November 1, 1961 and January 26, 1963 which have been filed in the Broome County Clerk's Office.

The mortgage was accepted and filed by the Recording Officer of Rensselaer County without payment of Mortgage Recording tax based upon affidivits submitted to the County Clerk on December 5, 1966 and January 10, 1967 by the president of DeAngelis.

The mortgage of November 14, 1966 executed by Champlain to DeAngelis evidences new indebtedness in the principal sum of \$100,000.

9. Even though re-advances are provided for by the original mortgage they create a further debt than the original principal amount although they can never increase the outstanding debt secured by the mortgage beyond that total sum. Under such circum-

250,000.00 was not introduced, 250,000.00 of which was secured by the mortgage dated January 26, 1931.

7. Changes and transfers in the mortgage were made in the parties. The mortgage was dated January 26, 1931, and the mortgage was recorded in the County of Hamilton, New York, on October 22, 1931. The mortgage was for the sum of \$100,000.00 and was secured by a first mortgage on the premises.

8. On January 14, 1932, the mortgage was assigned to the County of Hamilton, New York, and the mortgage was recorded in the County of Hamilton, New York, on January 14, 1932. The mortgage was for the sum of \$100,000.00 and was secured by a first mortgage on the premises.

9. The mortgage was assigned to the County of Hamilton, New York, and the mortgage was recorded in the County of Hamilton, New York, on January 14, 1932. The mortgage was for the sum of \$100,000.00 and was secured by a first mortgage on the premises. The mortgage was assigned to the County of Hamilton, New York, and the mortgage was recorded in the County of Hamilton, New York, on January 14, 1932. The mortgage was for the sum of \$100,000.00 and was secured by a first mortgage on the premises.

10. The mortgage was assigned to the County of Hamilton, New York, and the mortgage was recorded in the County of Hamilton, New York, on January 14, 1932. The mortgage was for the sum of \$100,000.00 and was secured by a first mortgage on the premises. The mortgage was assigned to the County of Hamilton, New York, and the mortgage was recorded in the County of Hamilton, New York, on January 14, 1932. The mortgage was for the sum of \$100,000.00 and was secured by a first mortgage on the premises.

11. The mortgage was assigned to the County of Hamilton, New York, and the mortgage was recorded in the County of Hamilton, New York, on January 14, 1932. The mortgage was for the sum of \$100,000.00 and was secured by a first mortgage on the premises. The mortgage was assigned to the County of Hamilton, New York, and the mortgage was recorded in the County of Hamilton, New York, on January 14, 1932. The mortgage was for the sum of \$100,000.00 and was secured by a first mortgage on the premises.

stances the amount which may be secured is always determinable and the re-advance agreement is a taxable supplemental instrument. (Opinion of Attorney General, December 28, 1953).

Now therefore, after due consideration, it is DETERMINED
BY THE COMMISSION that:

At recording on December 15, 1966 of the mortgage, recording tax in the sum of \$500 was due and payable for the following reasons:

1. That the full amount of \$100,000 had been advanced under the prior mortgages.
2. That the full amount of \$100,000 had been repaid under the prior mortgages.
3. That a new or further indebtedness in the amount of \$100,000 is created by the mortgage of November 14, 1966' pursuant to the provisions of Section 250, to suit, "...." A contract or agreement by which the indebtedness secured by any mortgage is increased or added to shall be deemed a mortgage of real property for the purpose of this article and shall be taxable as such upon the amount of such increase or addition.
4. That a new or further indebtedness is created by said mortgage pursuant to the provisions of Section 255, to suit "..... such additional instrument or mortgage shall not be subject to taxation under this article, unless it creates or secures a new or further indebtedness or obligation other than the principal indebtedness or obligation secured by or which under any contingency may be secured by the recorded primary mortgage, in which case, a tax is imposed as provided by Section 253, of this chapter on such new or further indebtedness or obligation,"

the first of these is the fact that the
the second is the fact that the
the third is the fact that the

the fourth is the fact that the

the fifth is the fact that the

the sixth is the fact that the
the seventh is the fact that the
the eighth is the fact that the

the ninth is the fact that the

the tenth is the fact that the

the eleventh is the fact that the

the twelfth is the fact that the

the thirteenth is the fact that the

the fourteenth is the fact that the

the fifteenth is the fact that the

the sixteenth is the fact that the

the seventeenth is the fact that the

the eighteenth is the fact that the

the nineteenth is the fact that the

the twentieth is the fact that the

the twenty-first is the fact that the

the twenty-second is the fact that the

the twenty-third is the fact that the

the twenty-fourth is the fact that the

the twenty-fifth is the fact that the

the twenty-sixth is the fact that the

the twenty-seventh is the fact that the

the twenty-eighth is the fact that the

the twenty-ninth is the fact that the

.....

NOW, THEREFORE, IT IS ORDERED:

(1) Pursuant to Section 253 of the Tax Law, the Recording Officer of Rensselaer County shall impose the Mortgage Recording tax upon the recording of the said mortgage executed by Champlain Brick Company of Mechanicville to DeAngelis Supreme Anthracite Inc., dated November 14, 1966, and filed with the Clerk of Rensselaer County on December 15, 1966 at Book 1043 of mortgages at page 468.

(2) The said tax shall be computed at fifty cents for each hundred dollars on a principal obligation of \$100,000, or the sum of \$500.

(3) Pursuant to Section 258, of the Tax Law, an additional amount shall be added to the tax equal to one-half of one per cent per month from the filing date until the said tax is paid.

(4) Pursuant to Section 258, of the Tax Law, the said mortgage shall not be released, discharged of record, or received in evidence, nor shall any assignment or agreement extending any such mortgage be recorded unless the taxes imposed herein have been paid.

Dated: Albany, New York, this 3rd day of September , 19 69 .

STATE TAX COMMISSION

Norman Gallivan
PRESIDENT

Bruce Mauley
COMMISSIONER

Wilton Koerner
COMMISSIONER

Mr. Edward Rook
Lawrence Newman
Mortgage Recording Tax
Article 11, Sections 251 and 256
An instrument executed by Binghamton
Brick Co., Inc. to Coal Brook Iron
and Metal Co., Inc.

August 25, 1969
Hearing Room

A hearing was held by Mr. Sam Lorvan on February 27, 1968.

The instrument was recorded on November 14, 1966. At the time a mortgage tax of \$30.00 was paid to the Broome County Clerk.

In drafting the provisions of the mortgage in question, Binghamton Brick Co., Inc. has created ambiguous language which has, in turn, made the security intended by this mortgage to be indeterminable.

Pursuant to Section 256 of the Tax Law, the alternative value upon which the mortgage tax may be based is an appraised valuation of the property covered by the instrument.

The Recording Officer had determined the valuation of the property to be \$289,400.00. As a result, additional mortgage tax and penalties in the amount of \$1622.47 was received from Binghamton Brick Co., Inc. on April 7, 1969.

An order of determination has been drafted for the Commission which sustains the determination and action of the Recording Officer in collecting this additional amount.

Binghamton Brick Co., Inc. has brought an Article 78 proceeding, returnable before September 12, 1969 for the return of the additional mortgage tax and penalty.

LAWRENCE NEWMAN

LN:jw

/s/ OK ER

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of an Instrument in
the form of a Mortgage Executed by

BINGHAMTON BRICK COMPANY, INC.

to

COAL BROOK IRON & METAL COMPANY, INC.

ORDER OF
DETERMINATION

This proceeding is pursuant to Sections 251 and 256 of the Tax Law to review the Act of the Recording Officer of Broome County in recording on November 14, 1966 an instrument in the form of a mortgage dated November 14, 1966, executed by Binghamton Brick Co., Inc. (hereinafter called Binghamton), to Coal Brook Iron & Metal Company, Inc. (hereinafter called Coal Brook), the determination of the Recording Officer, if any, and the application of Article 11 of the Tax Law thereto.

Upon notices duly mailed to all interested parties, a hearing was held in the Broome County Court House in the City of Binghamton on February 27, 1968. Binghamton appeared and was represented by Hirman, Howard and Kattell, Esqs. (A. Edward Hill, Esq., of Counsel).

On the basis of the record, the proofs and documents submitted in the proceeding, the State Tax Commission hereby finds:

1. On November 14, 1966, an instrument in the form of a mortgage was executed by Binghamton to Coal Brook and recorded in the office of the Clerk of Broome County on November 14, 1966 in Book 814 of mortgages at page 764. Mortgage recording tax of thirty dollars was paid at recording under mortgage Serial No. BJ-2555.

2. The following is quoted therefrom:

"WITNESSETH: That to secure the payment of indebtedness in the sum of \$6,000 lawful money of the U.S., or such portion

1. The following is a list of the names of the persons who have been appointed to the various committees of the Board of Directors of the United States National Bank, for the year ending December 31, 1900.

2. The following is a list of the names of the persons who have been appointed to the various committees of the Board of Directors of the United States National Bank, for the year ending December 31, 1900.

3. The following is a list of the names of the persons who have been appointed to the various committees of the Board of Directors of the United States National Bank, for the year ending December 31, 1900.

4. The following is a list of the names of the persons who have been appointed to the various committees of the Board of Directors of the United States National Bank, for the year ending December 31, 1900.

5. The following is a list of the names of the persons who have been appointed to the various committees of the Board of Directors of the United States National Bank, for the year ending December 31, 1900.

6. The following is a list of the names of the persons who have been appointed to the various committees of the Board of Directors of the United States National Bank, for the year ending December 31, 1900.

7. The following is a list of the names of the persons who have been appointed to the various committees of the Board of Directors of the United States National Bank, for the year ending December 31, 1900.

8. The following is a list of the names of the persons who have been appointed to the various committees of the Board of Directors of the United States National Bank, for the year ending December 31, 1900.

9. The following is a list of the names of the persons who have been appointed to the various committees of the Board of Directors of the United States National Bank, for the year ending December 31, 1900.

10. The following is a list of the names of the persons who have been appointed to the various committees of the Board of Directors of the United States National Bank, for the year ending December 31, 1900.

thereof as may now or hereafter from time to time be due and owing by the mortgagor to the mortgagee on the account of the mortgagor with the mortgagee, the mortgagor hereby mortgages to the mortgagee: ALL THOSE CERTAIN PIECES OR PARCELS OF LAND ***."

"FIRST: This mortgage is intended to secure and does secure the payment of all claims, accounts, charges, liens, encumbrances, and other sums, including interest thereon, if any, whether now existing or hereafter created; and whether now or hereafter due or payable owing by the mortgagor to the mortgagee."

The maximum indebtedness which by any contingency may be secured by mortgage is not determinable by the terms of the mortgage.

3. Where such maximum amount is not ascertainable from the terms of the mortgage, Section 256 becomes applicable. This statute permits the filing at recording of a statement of maximum amount secured by the mortgage, and provides that such amount shall, at all times, be binding and conclusive against the mortgagee and its assigns and shall create an estoppel in any proceeding for foreclosure or enforcement.

Neither Binghamton nor Coal Brook had filed the permitted statement under Section 256 of the Tax Law at the time of the recording of the mortgage.

Binghamton concedes that at the time of the recording of the mortgage, its Officer charged with said responsibility, knew that said instrument was in the nature of a mortgage and said recording was subject to Article 11 of the Tax Law.

4. Pursuant to Section 258 of the Tax Law, the alternative method of determining the tax computed upon the value of the property covered as of the date of recording was followed.

Based upon appraisals of the property by two competent, disinterested persons, the recording officer of Broome County computed the value of the property covered to be \$289,400.

thereof as may now or hereafter from time to time be due and owing
by the mortgagor to the mortgagee on the account of the mortgage
with the mortgagee, the mortgagee hereby agrees to the mortgagee
in whose certain favor of parties it shall be.
"FURTHER" This mortgage is intended to secure and to
secure the payment of all claims, accounts, charges, fees, and
expenses, and other sums, including interest thereon, if any,
whether now existing or hereafter created; and whether now or
hereafter, and of payment owing to the mortgagee by the mortgagor.
The certain indebtedness which by any condition may be
secured by mortgage is not determined by the terms of the mortgage.
F. Where such condition is not essential to the
the terms of the mortgage, section 55 becomes applicable. This
statute declares the title of the mortgage to be a lien on the
amount secured by the mortgage, and provides that such amount shall,
at all times, be binding and conclusive against the mortgagee and
its assigns and shall create an encumbrance in favor of the mortgagee
for enforcement or enforcement.
Neither Birmingham nor any other town or city is mentioned
in the mortgage under section 55 of the act, and at the time of the
recording of the mortgage.
Birmingham certifies that at the time of the recording of the
mortgage, the Officer thereof with said responsibility, under the
said instrument was in the nature of a mortgage and said recording
was subject to Article II of the act.
H. Pursuant to section 55 of the act, the mortgagee
has the duty of determining the value of the property at the time of the mortgage
covered by the act of recording was followed.
Based upon appraisal of the property by two competent, dis-
interested persons, the recording officer of the county court found
the value of the property covered to be \$25,000.00.

5. Pursuant to Section 253 of the Tax Law, the mortgage tax was recomputed as follows:

Tax on \$289,400 at 50¢ per \$100 equals	\$1477.00
Less previously paid upon filing of the instrument	<u>30.00</u>
Balance of Tax due and payable	\$1447.00
Plus additional amount by reason of late payment (Sec. 258).	205.47
Total amount due and payable	<u>\$1652.47</u>

On or about April 7, 1969, Binghamton paid in to the Clerk of Broome County the sum of \$1622.47 under protest.

Now therefore, after due consideration, it is DETERMINED BY THE COMMISSION THAT:

(A) The mortgage executed by Binghamton to Coal Brook, dated November 14, 1966 is for an indeterminate amount.

(B) At the time of the recording of the mortgage, the parties failed to file a statement of the maximum amount secured by the mortgage.

(C) Pursuant to Section 258 the tax has been correctly determined based upon the value of the property covered in the amount of \$289,400.

(D) The amounts of Mortgage Tax and additional amounts due by reason of late payment, all aggregating \$1652.47 were correctly collected by the recording officer of Broome County as follows:

November 14, 1966	\$30.00
April 7, 1969	<u>1622.47</u>
TOTAL	<u>\$1652.47</u>

(E) Now therefore, the aforesaid determinations of the Recording Officer are found to be correct and are hereby sustained.

Dated, Albany, New York this 3rd day of September, 1969 .
STATE TAX COMMISSION

Norman Gallman
PRESIDENT

Bruce Masley
COMMISSIONER

Milton Krerner
COMMISSIONER

(1) Now therefore, the aforesaid administration of the
According to the form to be filled out and are hereby submitted.

Witness my hand and seal of office this 1st day of September, 1969.

UNITED STATES OF AMERICA

[Signature]

SPECIAL AGENT IN CHARGE

[Signature]

SPECIAL AGENT IN CHARGE

[Signature]

SPECIAL AGENT IN CHARGE

DEPARTMENT OF TAXATION AND FINANCE

EDWARD ROOK

Mr. Rook:

Re: BINGHAMTON BRICK CO.
(Art. 11 Hearing Matter)

Mr. Schapiro is very anxious to talk with you on the above case which has been assigned to Larry Newman. It seems that an Art. 78 proceeding is being brought on later this month, so Mr. Schapiro feels there is some urgency in the situation.

His Ext. is 73697.

Grace

8/13/69

P.s. He has spoken with Larry Newman who is prepared to discuss the case with you.