

(as of 8/19/7)

**The DeLanos' String of Eight Known Mortgages  
and the Valuation of their Only Real Property  
and its Real Market Value**

David Gene DeLano, born on September 1, 1941, and his wife, Mary Ann DeLano, born on September 21, 1944, bought on July 16, 1975, the property on 1262 Shoecraft Road, Town of Penfield, by taking out a mortgage for \$26,000. That was the first of eight known mortgages that the DeLanos took on that same property and through which they obtained a known total of \$382,187.

Preparing for retirement, they filed a bankruptcy petition on January 27, 2004, when Mr. DeLano was a 39-year veteran of the banking and financing industries, working precisely as an officer in the bankruptcy department of M&T Bank, and Ms. DeLano was a Xerox technician. They listed that property in [Schedule A](#) as their only real property, had it appraised two months earlier at \$98,500, and declared that their mortgage was still \$77,084 and their equity only \$21,416...after making monthly mortgage payments for 30 years!

**Question 1:** Where did \$382,187, the proceeds of those eight mortgages, and their mortgage payments go, particularly since the DeLanos listed in [Scheduled B](#) that they had in cash and on account only \$535, although they reported in their [Statement of Financial Affairs](#) and their [1040 IRS forms](#) for the three years preceding their filing that they had earned \$291,470? Were assets concealed and, if so, which and where?

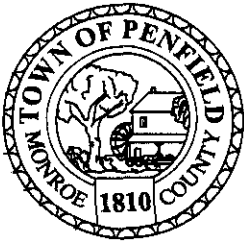
Moreover, a public record obtained through [WestLaw](#) puts the value of the same property at 1262 Shoecraft Road, Webster, NY 14580-8954, assessed by the County of Monroe and updated as of May 4, 2007, at \$116,000.

**Question 2:** How could that property increase in value in 3.5 years by \$17,500, i.e., 18%, in a market going down for years? Was the valuation declared in Schedule A fraudulent?

The DeLanos have submitted some [mortgage documents](#), though incomplete. They can be found below together with their [bankruptcy petition](#), their [1040 IRS forms](#), the [WestLaw](#) public record, and an [Equifax credit report](#) concerning what are deemed to be two of the eight mortgages. The most salient data on these documents is presented on the [table](#) of their income, receipts, and borrowings below.

Nevertheless, those documents contain with respect to both that property and the mortgages some technical references that may be useful in searching the property records to find the answer to the above questions. A summary of those references is as follows: (D:# is the page number of the documents in this file.)

1. (D:345) property on Shoecraft Road, Liber 3679 of Deeds, page 489;
2. (D:342) sold by the Church of the Holy Spirit of Penfield, NY, to David Gene and Mary Ann DeLano by warranty deed on July 16, 1975, Liber 4865 of Deeds, page 122;
3. (D:342) mortgaged on July 16, 1975, Liber 4000 of Mortgages, page 196;
4. (D:343, 345) mortgaged on November 30, 1977, Liber 4488 of Mortgages, pages 152;
5. (D:346-347) mortgaged on March 29, 1988, Liber 8682 of Mortgages, page 81, Mortgage # CE033444;
6. (D:176/9) the DeLanos borrowed \$59,000 in March 1988 from Manufacturers & Traders Trust Bank;
7. (D:176/10) the DeLanos obtained \$59,000 in March 1988 from ONODAGA Bank/Overdraft;
8. (D:348) mortgaged on September 13, 1990, Liber 10363 of Mortgages, page 38, Mortgage # CH016334;
9. (D:348) mortgage assigned on November 26, 1991, Liber 893 of Assignment of Mortgages, page 402;
10. (D:349) mortgaged on December 13, 1993, Liber 12003 of Mortgages, page 507, Mortgage # CK039604;
11. (D:350-352) mortgaged on April 23, 1999, Liber 14410 of Mortgages, page 132, Mortgage # CQ002917
12. (D:353-354) involvement of the U.S. Department of Housing and Urban Development in a settlement dated April 23, 1999



# TOWN OF PENFIELD

## Assessor's Office

1587 Jackson Road, Penfield, NY 14526

August 16, 2007

Dr. Richard Cordero, Esq.  
59 Crescent Street  
Brooklyn, NY 11208-1515

Dear Dr. Cordero:

Pursuant to our telephone conversation, I am sending you the information we have on file for 1262 Shoecraft Road, i.e.:

- the assessed value of the property is \$116,000 as of the 2005 town-wide revaluation
- the property sold April 23, 2007, for \$135,000

In reference to your questions (Nos. 1 through 12) regarding mortgages, we do not carry mortgage filing here. For that you will need to contact the County Clerk's Office:

Cheryl Dinolfo, County Clerk  
101 County Office Building  
39 West Main Street  
Rochester, NY 14614

tel: (585) 753-1600  
fax: (585) 753-1624

If you have any questions, please feel free to contact this office at (585) 340-8610.

Respectfully,

Ann Buck, IAO  
Sole Assessor

AB:ja

cc: Cassie Williams, Town Clerk

APN:264200-094-020-0001-012-000

**REAL PROPERTY TAX ASSESSOR RECORD**

Tax Roll Certification Date:07-01-2006  
Owner Information Current Through:04-12-2007  
County Last Updated:05-04-2007  
Current Date:05/31/2007  
Source:TAX AS-  
SESSOR

MONROE, NEW YORK

**OWNER INFORMATION**

Owner(s): **DELANO DAVID G**  
**DELANO MARYANN**  
Property Address:**1262 SHOECRAFT RD**  
WEBSTER, NY 14580-8954  
Mailing Address:**1262 E SHOECRAFT S RD**  
WEBSTER, NY 14580  
Phone:585-671-8833

**PROPERTY INFORMATION**

County:MONROE  
Assessor's Parcel Number:264200-094-020-0001-012-000  
Property Type:SINGLE FAMILY RESIDENCE - TOWNHOUSE  
Land Use:SINGLE FAMILY RESIDENCE  
Zoning:2  
Homestead Exempt:HOMEOWNER EXEMPTION  
Lot Size (acres or square feet):20037  
Lot Acreage:0.4600  
Width Footage:100  
Depth Footage:200  
Municipality:PENFIELD  
Legal Description:0045-13-04 ROMAN CR 1 L9  
01360000000018162  
Block Number:1  
Lot Number:12

**TAX ASSESSMENT INFORMATION**

Tax Year:0000  
Land Value:\$36,700.00  
Improvement Value:\$79,300.00  
Total Value:\$116,000.00  
Valuation Method:ASSESSED  
Tax Code Area:264200

**BUILDING/IMPROVEMENT CHARACTERISTICS**

Number of Buildings:1  
Year Built:1956  
Living Square Feet:1249  
Number of Bedrooms:3  
Number of Bathrooms:1.00  
Full Baths:1  
Fireplace:YES  
Garage Type:ATTACHED  
Number of Stories:100  
Style/Shape:RAN  
Exterior Wall Type:ALUMINUM/VINYL  
Electricity:TYPE UNKNOWN  
Heat:HA0  
Fuel:OIL  
Water:COMMERCIAL  
Sewer:PRIVATE

ADDITIONAL PROPERTIES POSSIBLY CONNECTED TO OWNER have been located. The owner's mailing address is associated with other properties as indicated by tax assessor records. Additional charges may apply.

Call Westlaw CourtExpress at 1-877-DOC-RETR (1-877-362-7387)  
to order copies of documents related to this or other matters.  
Additional charges apply.

END OF DOCUMENT

Blank