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MUST BE COMPLETED WITHIN 30 DAYS OF SALE

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**FORECLOSURE ACTION – REFEREE’S REPORT OF SALE**

SUPREME COURT/COUNTY COURT OF THE STATE OF NEW YORK: COUNTY OF \_\_\_\_\_

Index No. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff,

-against-

**MORTGAGED PROPERTY:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SBL #: \_\_\_\_\_

\_\_\_\_\_  
Defendant.

I, [NAME], \_\_\_\_\_, the Referee appointed in this action by Judgment dated [DATE] \_\_\_\_\_ to sell all rights, title, and interest in the mortgaged premises known as [PROPERTY ADDRESS] \_\_\_\_\_ (the Mortgaged Premises), do hereby report as follows:

**FIRST**, that I duly noticed the sale of said Mortgaged Premises at public auction on [DATE], \_\_\_\_\_ in [NAME OF COUNTY] \_\_\_\_\_ at [LOCATION/ADDRESS OF AUCTION] \_\_\_\_\_ as set forth in the attached affidavits of publication and posting;

**SECOND**, that at the time and place of sale, I attended in person, and offered the Mortgaged Premises for sale to the highest bidder, and sold same to [NAME], \_\_\_\_\_ for the sum of [INSERT BID AMOUNT], \_\_\_\_\_ that being the highest sum bid;

**THIRD** (CHECK AND COMPLETE ALL APPLICABLE BOXES):

- the amount of [INSERT AMOUNT], \_\_\_\_\_ representing 10% of the bid price, was deposited with me as directed in the judgment of foreclosure and sale; or
- since the bid of the Plaintiff was not in excess of the amount due, payment of the ten percent deposit and further payments were not required, in accordance with the provisions of the judgment of foreclosure and sale;
- The successful bidder then assigned, transferred, and set over all his/her/its rights, title, and interest in and to the Terms of Sale, the Judgment of Foreclosure and Sale, and the Bid to Purchase the Mortgaged Premises to [INSERT NAME OF ASSIGNEE]; \_\_\_\_\_

**FOURTH**, that I have received from the attorney for Plaintiff herein the sum of [INSERT AMOUNT], \_\_\_\_\_ as and for the fees and commission to which I am entitled upon sale, and have attached my receipt hereto;

**FIFTH**, that I have allowed to the attorneys for the Plaintiff out of the purchase money for publication and posting expenses the sum of [INSERT AMOUNT]; \_\_\_\_\_

**SIXTH**, that I have allowed to the attorneys for the Plaintiff the sum of [INSERT AMOUNT] \_\_\_\_\_ for the costs and additional allowance, if any, awarded to the Plaintiff in accordance with the judgment of foreclosure and sale;

**SEVENTH**, that I have allowed for the Plaintiff all of the sum due on the bond/note and mortgage upon which this action was brought, and directed said amount to be paid pursuant to the judgment of foreclosure and sale, and as set forth in the statement of sale;

**EIGHTH**, that I have made, executed and delivered to the purchaser a good and sufficient deed of conveyance for the mortgaged premises;

**NINTH**, that after making payments of all sums due:

[CHECK ONE and COMPLETE]

- There remains a deficiency judgment in the amount of [INSERT AMOUNT]; \_\_\_\_\_ or
- There is a surplus in the amount of [INSERT AMOUNT] \_\_\_\_\_.

**STATEMENT OF SALE**

<b>SALE PRICE</b> .....	\$ _____
Taxes due at time of Sale .....	\$ _____
Water due at time of Sale .....	\$ _____
<b>AMOUNT REMAINING TO DISBURSE FROM SALE PROCEEDS</b> .....	\$ _____
<i>Disbursed as Follows:</i>	
Amount Due Plaintiff per Judgment .....	\$ _____
Attorney Fees awarded per Judgment .....	\$ _____
Plaintiff's Costs and Advances awarded per Judgment .....	\$ _____
Additional Allowance awarded per Judgment .....	\$ _____
Interest on principal balance pursuant to the Note/Mortgage from date of Referee's computation to date of Judgment Entered [INSERT DATE RANGE] _____ at [ENTER INTEREST RATE] _____ .....	\$ _____
Interest from date of Judgment entered to date of sale [INSERT DATE RANGE] _____ at [ENTER INTEREST RATE] _____ .....	\$ _____
Referee's Fee for sale .....	\$ _____
Advertising Expenses .....	\$ _____
Escrow Advanced .....	\$ _____
Tax Search .....	\$ _____
Taxes Due through Sale Date .....	\$ _____
Property Preservation .....	\$ _____
Inspection .....	\$ _____
Business Process Outsourcing .....	\$ _____
Other Amount Due .....	\$ _____
<b>TOTAL DUE</b> .....	\$ _____
<b>[SURPLUS/DEFICIENCY] ARISING FROM SALE PROCEEDS</b> .....	\$ _____

DATED: \_\_\_\_\_ [SIGNATURE OF REFEREE] \_\_\_\_\_

Additional Copies of this Form can be found at <https://www.nycourts.gov/forms/foreclosure/>