



**UNIFIED COURT SYSTEM
OFFICE OF DISTRICT ADMINISTRATIVE JUDGE
SUFFOLK COUNTY**

**ADMINISTRATIVE ORDER OF THE
ADMINISTRATIVE JUDGE OF SUFFOLK COUNTY**

AMENDED ORDER NO. 104 - 20

Pursuant to the authority vested in the undersigned as District Administrative Judge, and pursuant to Pursuant to 22 NYCRR § 202.1(c), Administrative Order 41-13 is hereby rescinded and the following rules are promulgated for the filing of the Foreclosure Action Surplus Monies form to track surplus monies as a result of a foreclosure sale, effective October 15, 2020. These requirements are in addition to those found in CPLR § 2609 and RPAPL § 1355.

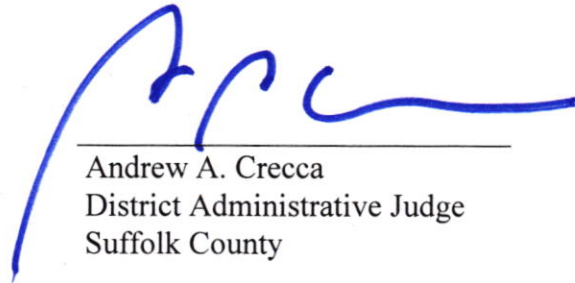
(1) Plaintiffs in foreclosure actions are required to serve the notice of sale and any adjournments or cancellations upon the Supreme Court Fiduciary Office.

(2) At the foreclosure sale, the referee appointed to conduct the sale is required to fill out the Foreclosure Action Surplus Monies form. It must be signed by plaintiff's representative (bank) and any third party purchaser, and filed by the referee with both the Suffolk County Clerk and the Supreme Court Fiduciary Office within 30 days of the close of title. The Foreclosure Action Surplus monies form is not to be filed with individual Justice's chambers.

(3) If the foreclosure sale does not yield surplus funds, the form should so indicate and be filed with the Suffolk County Clerk and the Suffolk County Supreme Court Fiduciary Office, no further action or appearance is necessary.

(4) If the sale results in surplus funds, in addition to filing the form, the referee must file proof of deposit with the County Comptroller with both the County Clerk and Supreme Court Fiduciary Office within 30 days of closing title.

(5) If the Foreclosure Action Surplus Monies form and proof of deposit, if any, are not timely filed, the Fiduciary Clerk will notify the assigned Justice within 90 days and the matter will be calendared at the direction of the Justice for whatever action he or she deems appropriate.



Andrew A. Crecca
District Administrative Judge
Suffolk County

DATED: October 14, 2020
 Central Islip, New York

Amended Order No. 104 - 20 Distributed to:

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