

Supreme Court
of the
State of New York



DORIS M. GONZALEZ
JUSTICE OF THE SUPREME COURT

CHAMBERS
851 GRAND CONCOURSE
BRONX, NEW YORK 10451

FORECLOSURE AUCTIONS

Effective November 2, 2020, every Auction will now be scheduled by the Bronx Foreclosure Clerk. In order to schedule an auction, Plaintiff Attorneys must now contact the Bronx Foreclosure Part at: bxforeclosure@nycourts.gov, to schedule an auction. All emails must provide the following in order to schedule a foreclosure auction: (1) the title of the action with index number; (2) email address of the homeowner; (3) the Plaintiff's attorney email address and contact info; and (4) the Referee, email and contact info. Every Auction will be scheduled by the Bronx Foreclosure Part.

Prior to scheduling an auction, plaintiffs must confirm that the case in question has had a COVID-19 Assessment Conference. This includes cases where judgments of foreclosure and sale have already been issued (even prior to March 15, 2020). Pursuant to Administrative Order 232/20, a COVID-19 Assessment Conference need not be held where the foreclosing lender submits an affirmation to the court averring that, following diligent inquiry, it knows the property at issue to be currently abandoned and vacant. A COVID-19 Assessment Conference also need not be held on in-rem foreclosures except where the enforcing officer believes that such a conference would be in the public interest, for example, where the conference is likely to result in a settlement beneficial to all parties.

****** scheduling requirements apply to both outdoor and indoor auctions.**

The Court email address mailbox and associated calendar will be monitored by one clerk newly assigned to the Foreclosure Part, as well as by the Deputy Clerk. Depending on the volume of inquiries an additional clerk may be assigned, to handle all inquiries.

- 1. In light of the COVID-19 pandemic, and in order to ensure the implementation of safety measures including occupancy limitations and social distancing, foreclosure auctions will temporarily be held outside on the East 158st entrance stairs. It shall be the duty of the referee assigned to conduct the auction to make sure that all bidders, interested parties, and observers are wearing masks and observing proper social distancing.**

2. Only one auction may be scheduled at a time and auctions will be scheduled in twenty-five-minute blocks beginning at 2:00 p.m. and ending at 4:30 p.m., in order to avoid peak employee and general public entrance/exit times.
3. **All granted judgments of foreclosure and sale shall include the following language:**
“Attached are the auction rules of the Court which shall be followed by the referee assigned to conduct this sale.”
4. When it is determined that auctions can be held indoors, auctions will be scheduled every Monday (five on the calendar), in the ROTUNDA, beginning November 9th, 2020. Due to early voting, Monday October 19, and 26th, and November 1, 2020, the Rotunda is unavailable. On October 19, and 26th, and November 1, 2020, Auctions will be held in 709 with bidders for later auctions waiting in 711, as the auxiliary courtroom.
5. Consideration of an additional day of the week for Auctions or a morning and afternoon Monday auction calendar, depending on the number of requests made for any given Monday.
6. When using courtroom 709, the robing room in room 711 will be made available for the Referee to prepare the auction paperwork with the successful bidder. The table in the robing room will be cleaned appropriately after EVERY sale; the rear door to the robing room will be used as an ingress/egress instead of the front of the courtroom which is being used as the auxiliary room.

BRONX Foreclosure Auction Rules

The following rules shall be applicable for foreclosure auctions held within the 12TH Judicial District and shall be incorporated into the Judgment of Foreclosure and Sale for foreclosure auctions held within the Twelfth Judicial District

COVID-19 Health Emergency Rules:

1. During the COVID-19 health emergency, the Referee must require the observance of any requirements in effect at the time of the foreclosure auction and at any subsequent closing. Prior to scheduling any auctions, Plaintiff’s counsel shall contact the assigned Referee to ascertain whether the Referee wishes to continue to serve as a Referee during the COVID-19 health emergency. Should the Referee not wish to continue to serve as a Referee, the Plaintiffs attorney shall promptly make application to have a Successor Referee appointed.
2. All participants shall maintain appropriate social distancing (at least 6 feet) during the auction. The Referee, the successful bidder, and the Plaintiff’s agent shall maintain appropriate distancing (at least 6 feet apart) while executing the Memorandum of Sale and the tendering of the deposit.

3. All participants in the closing must comply with any face covering rule, regulation, or order in effect at the time of the closing. Should a bidder fail to comply, the Referee may cancel the closing and hold the bidder in default.

GENERAL:

1. The Referee and all interested parties must be present at the place indicated in the Order of the Court on the published date promptly at 2:00 PM.
2. The Terms of Sale, including any known encumbrances, must be posted outside of the Courtroom/Rotunda no later than 1:45 PM of the day of sale.
3. Referees shall announce any encumbrance on the property prior to bidding.
4. Referees will accept either 1) cash; or 2) certified or bank check, made payable to the Referee. No double-endorsed checks will be accepted.
5. A successful bidder must have in his/her possession at the time of the bid the full 10% of the sum bid, in cash or certified or bank check to be made payable to the Referee.
6. All bidders must have proof of identification and will be required to stand and state their names and addresses on the record at the time the bid is made.
7. No sale will be deemed final until the full 10% deposit has been paid to the Referee and a contract has been signed, which must be done in the courthouse immediately following the sale.
8. If a successful bidder fails to immediately pay the deposit and sign the Terms of Sale, the property will be promptly returned to auction the same day.
9. Bidders are cautioned that the failure to pay the full purchase price bid and appropriate closing costs at a closing to be scheduled within thirty (30) days following the auction may result in the forfeiture of the 10% deposit. The consent of the Court will be required for adjournment of the closing beyond ninety (90) days.
10. The amount of the successful bid, which will become the "purchase price," will be recorded by the court reporter.
11. If the successful bidder defaults in concluding the transaction at the purchase price, he/she may be liable for the difference if the property is subsequently sold at auction for a sum which is inadequate to cover all items allowed in the Final Order and Judgment.
12. It is the responsibility of the bidder to acquaint him/herself with the property, any encumbrances thereon, and the Terms of Sale before placing a bid and to be certain that adequate funds are available to make good the bid. The failure of the successful bidder to complete the transaction under the terms bid will presumptively result in the bidder's preclusion from bidding at auction for a period of sixty (60) days.

SURPLUS FUNDS:

1. A court clerk will be present at all court-ordered foreclosure auctions. If there is a potential for Surplus Funds, the clerk will record the sale price, amount awarded in the final

judgment of foreclosure and the upset price, and enter that information in CCIS (Foreclosure Surplus Screen).

2. When the sale price exceeds the greater of the judgement amount or upset price, the clerk will provide the referee conducting the sale a Surplus Monies Form at the auction to complete.
3. The form will include the following information: a case caption; name, address and telephone number of the referee; the plaintiff s representative and the purchaser; a judgement amount; and the upset and sale price.
4. The form must be signed by the referee, plaintiff representative and purchaser of the foreclosed property.
5. The referee will complete the form at the auction, and deliver the signed form to the court clerk, who will subsequently provide it to the County Clerk.
6. All cases with a potential for Surplus Funds will be calendared for a control date in the Surplus Funds Part, no later than six months after the auction. (This is a non-appearance part.) On the control date, the clerk will consult the County Clerk Minutes. If Surplus Funds have been deposited or the Report of Sale indicates a deficiency, the appearance will be appropriately marked. In the event, that no Report of Sale has been filed, but there are motions pending, the clerk will adjourn the case to a date beyond the motion return date in the Surplus Funds Part. If a Report of Sale has not been filed and no motions are pending, the case will be adjourned to the IAS Judge for further proceedings, as necessary, and the referee shall be notified.



Hon. Doris M. Gonzalez
Administrative Judge for Civil Matters
12th Judicial District