

Supreme Court
of the
State of New York



DORIS M. GONZALEZ
ADMINISTRATIVE JUDGE
CIVIL TERM

CHAMBERS
851 GRAND CONCOURSE
BRONX, NEW YORK 10451

**AMENDED BRONX AUCTION PLAN
February 2023**

All auctions will be scheduled by The Bronx Foreclosure Department.

To schedule an auction, plaintiffs' attorneys must email the Foreclosure Department at: bxforeclosure@nycourts.gov. All emails must provide: (1) the title of the action and index number; (2) email address of the owner; (3) the plaintiff's attorney's email address and other contact information; and, (4) the Referee's name, email address and other contact information.

The foreclosure email will be monitored by the Foreclosure Department.

1. Effective Term II of the Court, all scheduled auctions will be held in courtroom 711 at the Supreme Court, Bronx County, 851 Grand Concourse.
2. Every Monday, one auction will be scheduled at a time, in twenty-five-minute blocks beginning at 2:15 p.m. and ending at 4:15 p.m.
3. All published notices of auction sale **MUST** be republished with the new date designated by the Foreclosure Department (see RPAPL 231[2][a]).
4. Only bidders for the specific property auctioned at the specific time will be permitted in the courtroom with the Referee and court personnel.
5. The Referee and the successful bidder will utilize the robing room of courtroom 711 to prepare the post-auction paperwork. They shall employ the rear door of the robing room for ingress and egress instead of the front of the courtroom.
6. The Referee will post the Terms of Sale outside of courtroom 711 with copies to be distributed, no later than 1:45 p.m. on the date of sale.

BRONX FORECLOSURE AUCTION RULES

The following rules apply to 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. The Referee must require the observance of all requirements in effect at the time of the foreclosure auction and at any subsequent closing.

All courtroom occupants are encouraged to wear masks and maintain social distancing. The Clerk shall limit courtroom occupancy as may be required for security and health reasons.

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 fifteen minutes before the time scheduled by the Auction Clerk for the sale.
2. The Terms of Sale, including any known encumbrances, must be posted outside of the Courtroom/gathering location no later than 1:45 PM of the day of sale.
3. Referees shall disclose 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 bank check to be made payable to the Referee.
6. All bidders must have proof of identification and will be required to state their name and address on the record when 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 initial bidding will be deemed void and the property will be re-auctioned either immediately, if sufficient time remains in the previously allotted 25-minute interval, or if not, at the end of the calendar of scheduled auctions for that same day. Bidders are advised not to leave until the Clerk announces that the sale is finalized.
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 is required for any adjournment of the closing beyond ninety (90) days.

10. 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.
11. 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 on the property. The failure of the successful bidder to complete the transaction under the terms of the bid will presumptively result in the bidder's preclusion from bidding at any other auction for a period of at least sixty (60) days.
12. A court clerk will be present at all auctions, and shall record the sale price and the amount awarded in the final judgment of foreclosure. The information shall be entered in UCMS (Foreclosure Surplus Screen).

SURPLUS FUNDS:

When the sale price exceeds the greater of the judgment amount or upset price, the Referee, plaintiff's representative and the purchaser of the foreclosed property will immediately complete a Foreclosure Action Surplus Monies Form (<https://www.nycourts.gov/forms/SurplusMoniesFormFillable.pdf>). The Referee will submit the completed form to the court clerk with a copy to the Administrative Judge, who will subsequently provide it to the County Clerk.

All cases resulting in surplus funds will be calendared for a non-appearance control date no later than six months after the auction. On the control date, the clerk will consult the County Clerk Minutes to determine if the Surplus Funds have been deposited and the Report of Sale filed. In the event Surplus Funds have not been deposited, or the Report of Sale is not filed, the matter will be referred to the Master Foreclosure Part to take such action as may be required.