



STATE OF NEW YORK UNIFIED COURT SYSTEM

TWELFTH JUDICIAL DISTRICT

SUPREME COURT, CIVIL DIVISION

851 GRAND CONCOURSE

BRONX, NEW YORK 10451

DORIS M. GONZALEZ

Administrative Judge – Civil Term

AMENDED BRONX AUCTION PLAN 2021

Every Auction will be scheduled by the Bronx Foreclosure Clerk. In order to schedule an auction, Plaintiff Attorneys must contact the Bronx Foreclosure Part at: **bxforeclosure@nycourts.gov**, commencing January 17, 2022. 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 Department. There will be no interaction with the email address regarding anything other than auctions.

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

The Court email address mailbox and associated calendar will be monitored by one clerk assigned to the Foreclosure Department, as well as by the Chief Clerk or their designee. Depending on the volume of inquiries an additional clerk may be assigned, to handle all auction requests.

- 1. Given 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 158th street 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. There will be no clerk, or court officer assigned to the exterior of the building. An area on the first floor at or near the 158th street entrance will be set up for the referee and clerk to finalize all paperwork. The terms of the sale will be posted on the exterior doors of the 158th street entrance with copies to be distributed by the referee.**
- 2. Only one auction may be scheduled at a time and auctions will be scheduled every Monday in twenty-five-minute blocks beginning at 2:15 p.m. and ending at 4:15 p.m., in order to avoid peak employee, juror 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. All previously published notice of auctions MUST be republished with the new date designated by the auction/foreclosure clerk.
5. When it is determined that auctions can be held indoors, auctions will continue every Monday (four on the calendar), in courtroom 711. The only persons permitted in the courtroom will be the Clerk, the referee for the property to be auctioned and up to a maximum of twenty-five (25) bidders. All other referees and bidders awaiting later scheduled auctions will wait in the auxiliary courtroom which will be determined each Monday.
6. Consideration of an additional day of the week for auctions or a morning and afternoon Monday auction calendar will depend on the number of requests made for any given Monday.
7. When using courtroom 711, 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 auction room.
8. The terms of the sale will be posted on the outside of courtroom 711 and the auxiliary courtroom with copies to be distributed, when auctions are returned indoors.

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

1. 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/gathering location 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 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 indoor 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 UCMS (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 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. If a Report of Sale has not been filed and no motions are pending, the case will be adjourned to the MFJ Judge for further proceedings, as necessary, and the referee shall be notified.