

UPDATED Richmond County Auction Rules

Conferences are no longer required as of the expiration on January 15, 2022 of the Covid19 Emergency Eviction and Foreclosure Prevention Act of 2021.

Unless extreme circumstances arise there will be no adjournments or conferences and no court orders delaying the process. A party must make a motion to vacate should circumstances warrant such.

All OCA guidelines with respect to COVID19 screening must be adhered to. See guideline as indicated here and on the website.

Furthermore, please be advised that, in light of the COVID-19 pandemic, and in order to ensure the implementation of safety measures, foreclosure auctions are being scheduled and will be held on the steps outside of 26 Central Avenue. It shall be the duty of the assigned referee to conduct and supervise the auction to make sure that all bidders, interested parties, and observers are wearing masks and observing proper social distancing. Please note that all of the rules listed below apply regardless of whether the auction takes place indoors or outdoors. In particular, the date and time of all auctions **MUST** be scheduled with the court before publishing may commence.

When it is determined that auctions can be reconvened indoors, they shall be held in the Central Jury Room, and the following rules shall apply. (*The courtroom will be appropriately cleaned and arranged for appropriate social distancing. Masks must be worn at all times.*)

All other general rules remain in force.

Should there be a need, you may contact the Foreclosure Clerks at 718 675-8632.

Thank you. Be Well & Stay Healthy!

General

1. All auctions shall take place at Richmond County Supreme Court, Central Jury Room at 26 Central Avenue, Staten Island New York 10301. A Court Clerk and Court Officer will be present. All present must wear a mask and be socially distanced.
2. Auctions must be scheduled every other Thursday of every month.
3. To schedule the auction, Referee/Bank/Service must Email RichmondSIAuctions@nycourts.gov with such request. Auction schedule is posted on the court website. Auctions that have not been scheduled with the court will not be allowed to proceed.
4. 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.

5. Auctions start promptly at 2:00pm and the properties will be scheduled in five (5) minute increments. If there are no bids on the calendared property, the property goes back to the bank, unless Referee/Bank/Servicer makes a request to re-calendar the property for another date.
6. Kindly note that if for some reason, Referee declines the appointment Referee must inform the movant in the action so that they may move the court to appoint a substitute. Courtesy notice to the court is appreciated.
7. 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 the time the property is scheduled.
8. All electronic devices must be turned off.
9. The Terms of Sale, including any known encumbrances, must be posted INSIDE of the courtroom no later than 1:45 PM of the day of sale.
10. Referees shall announce any encumbrance on the property prior to bidding.
11. Referees will comply with terms of sale.
12. A successful bidder must have in his/her possession at the time of the bid the full 10% of the sum bid, in certified or bank check to be made payable to the Referee.
13. All bidders must have proof of identification. If winning bidder does not have required funds in hand, they will be prohibited from bidding for sixty (60) days and will be required to stand and state their names and addresses on the record at the time the bid failed for insufficient funds.
14. 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.
15. 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.
16. 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.***

17. 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.
18. *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 of the bid will presumptively result in the bidder's preclusion from bidding at auction for a period of sixty (60) days. (also see item 16 above)*

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. The form must be signed by the referee, plaintiff representative and purchaser of the foreclosed property.
4. 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.
5. All cases with a potential for Surplus Funds will be calendared for a control date, no later than six months after the auction. 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, the case will be adjourned to the IAS Judge for further proceedings, as necessary, and the referee shall be notified.

Cancellations

Motions to re-calendar must be submitted to the court, for any foreclosure auction/sale dates that has been canceled without sufficient cause, prior to the new sale being re-calendared, unless the initial sale date was canceled due to a Court imposed stay, such as a Bankruptcy filing, death of a party or Order to Show Cause.

COVID-19 SCREENING QUESTIONS

To All Courthouse Visitors:

If you ---

- Have traveled outside the country, or traveled to another state on New York's COVID-19 travel advisory watchlist (see <http://coronavirus.health.ny.gov/covid-19-travel-advisory>) within the last two weeks; or
- Reside or have had close contact with anyone who has been outside the country or in a State on the advisory watchlist within the last two weeks; or
- Have been directed to quarantine, isolate or self-monitor at home for the coronavirus by any doctor, hospital or health agency within the last two weeks; or
- Have been diagnosed with, or have had close contact with anyone diagnosed with, COVID-19 within the last two weeks; or
- Have flu-like symptoms (including cough, shortness of breath, fever [100 degree F. or higher], chills, headache, etc.
- Kindly check the court's website, CDC, NYC Department of Health for any other relevant health and safety guidance.

YOU SHOULD NOT ENTER THE COURTHOUSE

We thank you for your cooperation in this effort to prevent the spread of COVID-19 (coronavirus) to others in the community.