

Erie Supreme and County Courts

FORECLOSURE AUCTION PROCEDURES

(Covid-19 Period)

In an Administrative Order of the Chief Administrative Judge of the Courts dated July 23, 2020 (AO/157/20), Chief Administrative Judge Lawrence Marks required each judicial district to assess auction practices within the district and to develop “appropriate procedures and protocols for the safe and healthful conduct of such auctions within their districts in light of the COVID-19 pandemic” (AO/157/20). The policies and procedures set forth below for scheduling of Foreclosure Auctions have been approved for the 8th Judicial District and will take effect immediately. They shall remain in effect during the COVID-19 health emergency or until further direction.

1. **In order to schedule an auction**, Plaintiffs’ attorneys must now contact the **Erie Foreclosure Part** at 8jdforeclosures@nycourts.gov to **schedule an appointment**. The email and associated calendar will be monitored by court staff and they will contact you with available dates and times.

LOCATION OF ALL AUCTIONS: Erie County Clerk’s “Closing Room”
92 Franklin Street, 1st Floor
Buffalo, NY

2. **Only one auction at a time** may be conducted and auctions may only be scheduled in **half-hour blocks** between the hours of **10:00 AM** and **3:30 PM** in order to avoid peak employee and general public entrance/exit times.

3. If the Erie Foreclosure Part becomes aware of parties **showing up for an unscheduled auction** which conflicts with an auction properly scheduled through the Erie Foreclosure Part, the following rules shall apply:

a. The Plaintiffs’ attorneys and Referees involved in the conflicting sales will be directed to check with their clients and/or other principals to ensure that their auction is set to continue and their file is not on a loss mitigation hold or some other stay;

b. If the conflicting auctions need to go forward, the auction that was scheduled through the Erie Foreclosure Part shall occur in the Erie County Clerk’s “Closing Room”.

For the auction that was not properly scheduled, the Referee must either:

- 1)** hold the auction outside on the **steps of 92 Franklin Street**; or
- 2)** properly **re-schedule** the auction with the court.

4. Granted judgments of foreclosure and sale shall incorporate directions consistent with the above and shall require compliance with the “Foreclosure Auction Rules for the 8th Judicial District” and the “Covid 19 Health Emergency Rules”.