

Amended Foreclosure Auction Plan - Eighth Judicial District

Summary:

In Allegany, Genesee, Cattaraugus, Orleans, and Wyoming Counties, only one auction at a time may be conducted if more than one happens to be scheduled.

Erie, Niagara, and Chautauqua Counties may hold one auction every 10 minutes between the hours of 10:00 AM and 3:30 PM. No more than one auction can be conducted at any particular time.

Erie County

Foreclosure auctions shall be conducted in the “Closing Room” of the Erie County Clerk’s Office located on the first floor of 92 Franklin Street, Buffalo, New York.

In order to schedule an auction, Plaintiff’s attorney must contact the Erie Foreclosure Part at 8jdForeclosures@nycourts.gov

The email and associated calendar will be monitored by the clerks assigned to the Erie Foreclosure Part, as well as by the Chief Clerk and Deputy Chief Clerk. Following the completion of a conference, the Plaintiff’s attorney may request an auction be scheduled.

Only one auction at a time may be conducted and auctions may only be scheduled in 10-minute blocks beginning at 10:00 AM and ending at 3:30 PM in order to avoid peak employee and general public entrance/exit times.

If the Erie Foreclosure Part becomes aware of parties appearing for an auction which conflicts with an auction scheduled through the Erie Foreclosure Part, the following rules shall apply:

- 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;
- 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 will either a) hold the auction on the steps of 92 Franklin Street; or b) re-schedule the auction.
- Granted judgments of foreclosure and sale shall incorporate and require compliance with the “Foreclosure Auction Rules for the 8th Judicial District.”

Niagara County

All foreclosure auctions shall be conducted in the area known as the Jury Assembly/Hearing Room (Part 8) located in the basement of the DelSignore Building 775 3rd Street, Niagara Falls, New York.

In order to schedule an auction, Plaintiff’s attorney must contact the Niagara Foreclosure Part at NiagaraCountyForeclosure@nycourts.gov

For auctions in Niagara County, the following procedures will apply:

- The email and associated calendar will be monitored by the clerks assigned to the Niagara Foreclosure Part, as well as by the Chief Clerk and Deputy Chief Clerk.
- Following the completion of a conference the Plaintiff’s attorney may request an auction be scheduled.
- Only one auction at a time may be conducted and auctions may only be scheduled in ten-minute blocks beginning at 10:00 AM and ending at 3:30 PM in order to avoid peak employee and general public entrance/exit times.
- If the Niagara Foreclosure Part becomes aware of parties appearing for an auction which conflicts with an auction scheduled through the Niagara Foreclosure Part, the following rules shall apply:
 - o 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;
 - o If the conflicting auctions need to go forward, the auction that was scheduled through the Niagara Foreclosure Part shall occur in the Lobby of the DelSignore Building.
 - o For the auction that was not properly scheduled, the Referee will either: a) hold the auction in the steps of the DelSignore Building; or b) re-schedule the auction.
- Granted judgments of foreclosure and sale shall incorporate and require compliance with the “Foreclosure Auction Rules for the 8th Judicial District.”

Chautauqua County

Foreclosure auctions will be held at the Rotunda of the Chautauqua County Courthouse, Mayville, New York.

For auctions in Chautauqua County the following procedures will apply:

- In order to schedule an auction, Plaintiff’s attorney must contact the Chautauqua Foreclosure Part at ChautauquaForeclosure@nycourts.gov
- The email and associated calendar will be monitored by the clerks assigned to the Chautauqua Foreclosure Part, as well as by the Chief Clerk and Deputy Chief Clerk.
- Following the completion of a conference, the Plaintiff’s attorney may request an auction be scheduled.
- Only one auction at a time may be conducted and auctions may only be scheduled in ten-minute blocks beginning at 10:00 AM and ending at 3:30 PM in order to avoid peak employee and general public entrance/exit times.
- If the Chautauqua Foreclosure Part becomes aware of parties showing up for an auction which conflicts with an auction scheduled through the Chautauqua Foreclosure Part, the following rules shall apply:
 - 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;
 - If the conflicting auctions need to go forward, the auction that was scheduled through the Chautauqua Foreclosure Part shall occur under the Rotunda of the Chautauqua County Courthouse. For the auction that was not properly scheduled, the Referee will

either have to: a) hold the auction on the steps of the Chautauqua County Courthouse; or b) re-schedule the auction.

- Granted judgments of foreclosure and sale shall incorporate and require compliance with the “Foreclosure Auction Rules for the 8th Judicial District.”

Allegany County

Foreclosure auctions will be held in the Allegany County Courthouse at 7 Court Street in Belmont, New York, 14813. Granted judgments of foreclosure and sale shall incorporate and require compliance with the “Foreclosure Auction Rules for the 8th Judicial District.”

In addition, the following procedures will apply:

- In preparation of conducting a foreclosure auction, Plaintiff’s attorney must contact the court at AlleganySupreme@nycourts.gov.
- As stated above, only one auction may be conducted at a time.

Cattaraugus County

Foreclosure auctions shall be held in the Lobby of the Courthouse in Little Valley, New York. Only one auction at a time may be conducted if more than one happens to be scheduled. Granted judgments of foreclosure and sale shall incorporate and require compliance with the “Foreclosure Auction Rules for the 8th Judicial District.”

In addition, the following procedures will apply:

- In preparation of conducting a foreclosure auction, Plaintiff’s attorney must contact the court at CattaraugusSupreme@nycourts.gov.
- As stated above, only one auction may be conducted at a time.

Genesee County

Foreclosure auctions shall be held at the Genesee County Courts Facility, One West Main Street, Batavia, New York to provide adequate space for social distancing. Only one auction at a time may be conducted if more than one happens to be scheduled. Granted judgments of foreclosure and sale shall incorporate and require compliance with the “Foreclosure Auction Rules for the 8th Judicial District.”

In addition, the following procedures will apply:

- In preparation of conducting a foreclosure auction, Plaintiff’s attorney must contact the court at GeneseeSupreme@nycourts.gov
- As stated above, only one auction may be conducted at a time.

Orleans County

Foreclosure auctions are held on the steps of the Orleans County Courthouse in Albion, New York. Only one auction at a time may be conducted if more than one happens to be scheduled. Granted judgments of foreclosure and sale shall incorporate and require compliance with the “Foreclosure Auction Rules for the 8th Judicial District.”

In addition, the following procedures will apply:

- In preparation of conducting a foreclosure auction, Plaintiff’s attorney must contact the court at OrleansSupreme@nycourts.gov

- As stated above, only one auction may be conducted at a time.

Wyoming County

Foreclosure auctions will be held under the Rotunda of the Wyoming County Courthouse in Warsaw, New York. Only one auction at a time may be conducted if more than one happens to be scheduled. Granted judgments of foreclosure and sale shall incorporate and require compliance with the “Foreclosure Auction Rules for the 8th Judicial District.”

In addition, the following procedures will apply:

- In preparation of conducting a foreclosure auction, Plaintiff’s attorney must contact the court at WyomingSupreme@nycourts.gov
- As stated above, only one auction may be conducted at a time.

Foreclosure Auction Rules - Eighth Judicial District

The following rules shall be applicable for foreclosure auctions held within the Eighth Judicial District and shall be incorporated into the Terms of Sale for foreclosure auctions held within the Eighth Judicial District

1. Except where the successful bidder is a remote bidder, the 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.
2. No sale will be deemed final until the full 10% deposit has been paid to the Referee and a Memorandum of Sale has been signed, which must be completed immediately following the sale. Where the successful bidder is a remote bidder, the deposit transfer and Memorandum of Sale may be completed within one business day
3. Except where the successful bidder is a remote bidder, if a successful bidder fails to immediately pay the deposit and sign the Memorandum of Sale, the Referee will strike the bid and the second-highest bidder shall be permitted to tender the 10% deposit and sign the Memorandum of Sale.
4. Bidders are cautioned that the failure to pay the full purchase price bid and appropriate closing costs at a closing to be scheduled no later than thirty (30) days following the auction (unless otherwise stipulated by all parties to the sale) may result in the forfeiture of the 10% deposit.
5. 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 lower price in a subsequent sale.
6. 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.

Remote Auctions Rules (For Niagara County ONLY)

1. Pursuant to Administrative Order 90/23, the Unified Court System has approved a technology-assisted process that will allow remote bidding by persons not physically present at auctions. Remote bidding will be available ONLY for properties where the foreclosing party has engaged such a remote bidding technology provider to provide foreclosure sale marketing and auction services.
2. Plaintiffs may retain the services of a remote bidding technology provider only for those properties scheduled to be auctioned on or after September 8, 2023.
3. ALL Auctions will still take place in person, in the location designated above (basement of the DelSignore Building) and will still be conducted and supervised by the referee.
4. When contacting the Niagara foreclosure department (NiagaraCountyForeclosure@nycourts.gov) to schedule an auction date, the referee and/or plaintiff's representative must also notify the court whether the plaintiff intends to retain a remote bidding technology provider.
5. In those cases where a remote bidding provider has been retained, a representative thereof will appear at the courthouse for the auction and shall be permitted to use an electronic tablet to collect, verify, and relay bids in real time during the auction.
6. After an auction has been completed, if the highest bid is from a remote bidder, the Referee shall defer collection of a deposit so long as the remote bidding provider provides proof of sufficient funds thereof. This proof of funds can be in the form of a winning remote bidder's escrow account statement as of the date of the auction. The deposit MUST then be transferred into the Referee's trust account within one (1) business day of the conclusion of the auction. The Referee shall make available their wire transfer information to the remote bidding provider for this purpose.
7. After an auction has been completed, if the highest bid is from a remote bidder, the remote bidding provider shall assist in facilitating the winning bidder's execution of the Terms of Sale, Memorandum of Sale, and Surplus Monies Form (if applicable) within one (1) business day of the auction.