

NEW AUCTION RULES FOR THE NINTH JUDICIAL DISTRICT

EFFECTIVE July 1, 2024

GENERAL FORECLOSURES

1. The foreclosure rules currently in place will remain in effect. Please note the following rules with respect to auctions. These new auction rules shall be attached to all Judgments of Foreclosure and Sale issued by the court.

NOTICE TO BIDDERS

2. Auctions will be conducted in the following locations:

Dutchess County: Auctions will be held in the rear lobby of the Dutchess County Courthouse. Foreclosure paperwork may be completed in the rear lobby when the sale is completed.

Orange County: Auctions will be held in the lobby area of Floor 2, Div. 3 of the Orange County Courthouse. Room 3212 is available if additional space is needed. Foreclosure paperwork may be completed in Conference Room 3209 when the sale is completed.

Putnam County: Auctions will take place in the jury assembly room located in the Putnam County Courthouse. Foreclosure paperwork may be completed in the jury lounge room following the sale.

Rockland County: Auctions will take place in the Rockland County Courthouse in the landing above the vestibule between Courtrooms One and Two. Pursuant to Administrative Order 54/24, remote bidding has been authorized for Rockland County. However, all auctions, even remote-eligible auctions, will still take place in-person, at the location designated herein, and will still be conducted and supervised by the Referee.

In a remote bidding eligible auction, where remote bidding has been requested by plaintiff in the proposed Judgment of Foreclosure and Sale-REMOTE BIDDING [See template at <https://www.nycourts.gov/forms/foreclosure/pdfs/JFS-with-Remote-Bidding.docx>] and authorized by the court in the Judgment of Foreclosure and Sale, plaintiff may retain the services of a remote bidding technology provider for those properties scheduled to be auctioned on or after July 1, 2024.

Remote bidding will be available for properties where the foreclosing party has engaged such a remote bidding technology provider to provide marketing and auction services. 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.

Where a plaintiff seeks to retain a remote bidding technology provider, the proposed Judgment of Foreclosure and Sale shall make the necessary references to remote bidding, as set forth more fully in the UCS' Judgment of Foreclosure and Sale for Remote Bidding template, [which can be found at <https://www.nycourts.gov/forms/foreclosure/pdfs/JFS-with-Remote-Bidding.docx>] or as otherwise ordered by the court. No remote-bidding eligible auction may take place unless authorized by the Judgment of Foreclosure and Sale.

Once the sale concludes, the successful bidder and Referee may gather in Conference Room 206 on the second floor next to the Chief Clerk's Office to complete the foreclosure paperwork. If the highest bid comes from a remote bidder, the remote bidding provider shall facilitate the winning bidder's execution of all required documentation.

Westchester County: Auctions will be held in the lobby area located on the first floor of the Courthouse. A courtroom will be made available if additional space is needed. Foreclosure paperwork may be completed in the same location following the sale.

3. There shall be a maximum of five auctions daily: three (3) in the morning and two (2) in the afternoon. The first shall commence at 9:30am, the second at 10:30am, the third at 11:30am, the fourth at 2:30pm and the fifth at 3:30pm. (The number of auctions per day and the time of day may differ by County).
4. It is the responsibility of the bidder to acquaint himself/herself with the property, any encumbrances thereon, and the Terms of the Sale before placing a bid and to be certain that adequate funds are available to make good the bid.
5. All bidders must have proof of identification and will be required to state their names and addresses on the record at the time the bid is made.
6. 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.

In Rockland County only, if the highest bid comes from a remote bidder in a remote-eligible auction, the Referee shall defer collection of a deposit as long as the remote bidding provider provides proof of sufficient funds thereof. This proof of funds may 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. No auction will be deemed final until the full 10% deposit has been paid to the

Referee and the Terms of Sale Documents have been signed, which must be done in the courthouse immediately following the auction, except as set forth above for a winning remote bidder in a remote-eligible auction.

8. After the auction is completed, the Referee and successful bidder, if needed, shall be allowed to use designated court space to complete the necessary paperwork.
9. If a successful bidder fails to immediately pay the deposit or in the event of a winning remote bidder in a remote-eligible auction, within one (1) business day of the conclusion of the auction, and sign the Terms of Sale documents, the property shall be returned to auction immediately.

NOTICE TO REFEREES

10. Auctions shall be scheduled by appointment only utilizing the following applicable email address:

Dutchess County: DutchessAuctions@NYCourts.gov

Orange County: OrangeAuctions@NYCourts.gov

Putnam County: PutnamAuctions@NYCourts.gov

Rockland County: RocklandAuctions@NYCourts.gov

If remote bidding is authorized by the court, when seeking to schedule a remote-bidding eligible auction (via email to RocklandAuctions@NYCourts.gov), the Referee and/or plaintiff's representative must notify the court of their intention to retain a remote bidding technology provider.

Westchester County: WestchesterAuctions@NYCourts.gov

11. The Referee shall not schedule any foreclosure sale without prior approval from the Clerk's Office. All auction sales shall be scheduled through the clerk's office. The auction calendar shall be published on OCA/the Court's website. **The Clerk's Office shall be solely responsible for scheduling, and the Referee shall coordinate the date and time of the auction with the Clerk's Office. If the auction is canceled for whatever reason, the Referee shall promptly notify the Clerk's Office.**
12. The Referee and all interested parties, including a representative from a remote bidding provider in a remote-eligible auction in Rockland County, must be present at the designated auction location indicated in the Order of the Court on the published date promptly at the scheduled time. At the completion of the auction, the Referee shall direct all attendees at that auction to vacate the auction location promptly upon confirmation of the sale.
13. The Referee shall conspicuously post the Terms of Sale, including any known

encumbrances, in a designated area of the auction location at least 30 minutes before the auction commences.

14. The Referee shall accept either (1) cash, or (2) certified bank check made payable to the Referee. In the case of a remote-eligible auction where the winning bidder is a remote bidder, a deposit MUST be transferred into the Referee's trust account within one (1) business day of the conclusion of the auction.
15. At the conclusion of the auction, the Referee shall notify the Clerk's Office of the outcome of the sale.

SURPLUS FUNDS

16. If there is a potential for Surplus Funds, the Referee shall notify the clerk who shall enter the following information into UCMS (Foreclosure Screen): the sales price, amount awarded in the final Judgment of Foreclosure, and upset price.
17. When the sales price exceeds the greater of the judgment amount or upset price, the clerk will provide the Referee conducting the sale a Surplus Money Form to be completed.
18. The form shall include the following information: a case caption, name, address and telephone number of the Referee, the plaintiff's representative and the purchaser, a judgment amount, and the upset and sale price. The form must be signed by the Referee, plaintiff's representative and purchaser of the foreclosed property.
19. 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.
20. All cases with a potential for Surplus Funds will be calendared for a control date before the IAS Judge or his/her designee, 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 in the IAS Part. If a Report of Sale has not been filed and no motions are pending, the case will be adjourned to the IAS Judge for further proceedings, as necessary, and the Referee shall be notified.