

AMENDED
NEW AUCTION RULES FOR THE NINTH JUDICIAL DISTRICT
EFFECTIVE OCTOBER 15, 2020

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 large ceremonial courtroom of the Putnam Historic Courthouse. If additional space is needed, bidders can participate remotely, using audiovisual technology, from the juror's lounge in the Putnam County Courthouse. Foreclosure paperwork may be completed in a jury deliberation 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. 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.

Westchester County: Auctions will be held in Courtroom 200. If Courtroom 200 is not available, auctions will be held in the Central Jury Room, located on the first floor on Thursday and Friday afternoons (2:30pm and 3:30pm). 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.

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.
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.
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 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

Westchester County: WestchesterAuctions@NYCourts.gov

11. CONFERENCE REQUIREMENT

A status or settlement conference is required prior to the scheduling of any auction (including matters where a judgement of foreclosure issued or an auction was scheduled prior to March 17), set forth in AO/157/20 shall remain in effect, with two modifications:

- (i) Vacant and abandoned property: No conference need be held in a foreclosure matter 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.

- (ii) In Rem Foreclosures: The conference requirement shall apply to in rem foreclosure proceedings only where the enforcing officer (e.g., the county attorney or other person filing the proceeding) deems such a conference to be in the public interest (for example, the conference is likely to result in a settlement beneficial to all parties).

12. 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.**
13. The Referee and all interested parties 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.
14. 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.
15. The Referee shall accept either (1) cash, or (2) certified bank check made payable to the Referee.
16. At the conclusion of the auction, the Referee shall notify the Clerk's Office of the outcome of the sale.
17. If the Referee conducting the auction or the Administrative Judge's Office determines that the auction cannot proceed safely in compliance with COVID-19 courthouse protocol, the Referee has the authority to cancel and reschedule the auction according to law.

SURPLUS FUNDS

18. 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.

19. 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.
20. 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.
21. 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.
22. 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.

ATTENTION COURT VISITORS

Pursuant to Governor Cuomo's Executive Order 202.17, for the safety of all court users and court personnel, you must wear a mask or face covering while inside the courthouse. Persons without such a mask or face covering will not be permitted to enter.

Also, see www.nycourts.gov for more information.