

OFFICE OF THE ADMINISTRATIVE JUDGE
10TH Judicial District - Nassau County



MEMORANDUM

To: Nassau County Legal Community

From: Hon. Norman St. George, District Administrative Judge

Date: October 15, 2020

Re: Foreclosure Auction Return to In-Person Operations in Nassau County

As part of the continued evolution of the Nassau County Courts' Return to In-Person Operations Plan, we have been approved to recommence Foreclosure Auctions in Nassau County. This memo details some of the necessary operational changes to the Foreclosure Auction process in Nassau County. As always, Nassau County's Legal Community has my sincere thanks for their patience with the Return to In-Person Operations process and for their tremendous cooperation throughout these challenging times.

Safety Precautions

For the return of Foreclosure Auctions, all General Safety Protocols that have been implemented throughout the phased reopening of the Courts to help protect the health and safety of all individuals coming into the Courthouses in Nassau County will remain in effect.

Masks must be worn at all times by anyone participating in a Foreclosure Auction. Public spaces in Supreme Court have all been configured to maintain appropriate social distancing. Plexiglass has been installed around all magnetometers, security posts, the Central Jury Counter and essential Courtrooms. Content specific social distancing signage provided by OCA has been posted in both English and Spanish in elevators, restrooms and water coolers. Court Officers will supervise the Foreclosure Auctions to monitor foot traffic into the Courthouse and ensure social distancing. In the event that a Foreclosure Auction participant is required to enter the Courthouse, that person, will be screened for Covid-19 pursuant to the protocols developed by the Office of Court Administration.

OPERATIONAL CONSIDERATIONS:

Foreclosure Auction Procedures

As a threshold matter, the Court will take responsibility for calendaring Foreclosure Auctions. Prior to the pandemic, Foreclosure Auctions were scheduled by the plaintiff banks assigning the date in the Notice of Sale. During the return of Foreclosure Auctions the Nassau County Supreme Court will be introducing a multi-step process for the scheduling of Foreclosure Auctions. First, prior to the issuance of the Notice of Sale, banks will be required to contact the Foreclosure Clerk's office to schedule a pre-Auction sale status conference to ensure there are no further judicial concerns with the pending sale. Following the conclusion of the conference the Foreclosure Auction date will be assigned by the Foreclosure Clerk. The order directing the Auction Sale will include in it all the Foreclosure Rules so the Referee and parties are informed of all procedures. The Foreclosure Rules, which include instructions for the banks on how to follow this new process for scheduling Foreclosure Auctions in Nassau County, can be found on the 10th Judicial District, Nassau County, Foreclosures home page located at <http://ww2.nycourts.gov/COURTS/10JD/nassau/foreclosure.shtml>.

Due to the insurmountable post-pandemic operational challenges of conducting the Foreclosure Auctions in the Supreme Court Central Jury Room, the Foreclosure Auctions themselves will be moved from inside the Central Jury Room of Supreme Court to outside the Supreme Court building on the North Side Steps. Auctions will occur on the North Side Steps regardless of the weather. The change in location to the North Side Steps will be stated in all future Notices of Sale which will also include the notification of "Rain or Shine." Conducting the Auctions from the Courthouse steps will permit maximum social distancing for all Foreclosure Auction attendees. The Notice of Sale will also specify that if proper social distancing cannot be maintained or there are other health or safety concerns then the Referee will cancel the Foreclosure Auction. The Bank Referee will conduct the Foreclosure Auction on the courthouse steps.

Court Officers will be assigned to supervise and maintain safety during the use of the courthouse steps for Foreclosure Auctions. Following a Foreclosure Auction, once the property is sold, the referee, bank representative and winning bidder must execute a form memorializing the sale which shall include the Index Number of the Foreclosure matter, name and address of the purchaser, address of the property, name of the Parties and Referee, the upset price, final bid and final sales price, amount of down payment and an indication if any surplus money may be realized. The information will be submitted promptly to the Clerk's office at the conclusion of each day's sales. Our clerks will continue the practice of confirming submission of surplus monies with the County Treasurer.

Stay Safe and Be Well.