



**UNIFIED COURT SYSTEM
OFFICE OF DISTRICT ADMINISTRATIVE JUDGE
SUFFOLK COUNTY**

**ADMINISTRATIVE ORDER OF THE
ADMINISTRATIVE JUDGE OF SUFFOLK COUNTY**

ORDER NO. 41-13

Pursuant to 22 NYCRR § 202.1(c), as Suffolk County District Administrative Judge, I hereby order the following rule be promulgated in the Suffolk County Supreme Court to enact procedures for the filing of the Foreclosure Action Surplus Monies form to track surplus monies as a result of a foreclosure sale, effective November 1, 2013. These requirements are in addition to those found in CPLR § 2609 and RPAPL § 1355.

(1) Plaintiffs in foreclosure actions are required to serve the notice of sale and any adjournments upon the Supreme Court Calendar Clerk.

(2) At the foreclosure sale, the referee appointed to conduct the sale is required to fill out the Foreclosure Action Surplus Monies form. It must be signed by plaintiff's representative (bank) and any third party purchaser, and filed by the referee with both the Suffolk County Clerk and the Supreme Court Calendar Clerk within 30 days. The Foreclosure Action Surplus monies form is not to be filed with individual Justice's chambers.

(3) If the foreclosure sale does not yield surplus funds, the form should so indicate and, upon filing with the Suffolk County Clerk and the Suffolk County Supreme Court Calendar Clerk, no further action or appearance is necessary.

(4) If the sale results in surplus funds, in addition to filing the form, the referee must



file proof of deposit with the County Treasurer both with the County Clerk and Supreme Court Calendar Clerk within 30 days of closing title. No further appearances or action will be required and the sale and the surplus amounts will be recorded.

(5) If the Foreclosure Action Surplus Monies form and proof of deposit, if any, are not timely filed, the Calendar Clerk will notify the assigned Justice within 90 days and the matter will be calendared at the direction of the Justice for whatever action he or she deems appropriate.

C. RANDALL HINRICHS
District Administrative Judge
Suffolk County

DATED: October 21, 2013
Central Islip, New York

Order No. 41 -13

Distributed to: Honorable A. Gail Prudenti
Honorable Lawrence K. Marks
Honorable Michael V. Coccoma
John W. McConnell, Counsel
Warren G. Clark, Esq., District Executive
Michael Scardino, Chief Clerk, Supreme Court