

PASSAIC COUNTY SHERIFF'S OFFICE FORECLOSURE SALE INFORMATION BULLETIN
GENERAL PUBLIC BIDDERS

This is a public service information bulletin for General Public Bidders. Unless the Foreclosed Upon Defendant, Next of Kin, Tenant, Nonprofit Community Development Corporation exercises their Right of Refusal to be the purchaser. We hope this information is beneficial to those who would like to bid on properties but are unfamiliar with the conditions and manner of sale. Purchasing properties at a Sheriff's Sale is an involved legal matter that brings with it certain risks. We recommend you consult with an attorney who specializes in these matters, as we cannot provide legal advice. If you have any further questions, please contact your attorney. Foreclosure sales are for real property only. The Sheriff's Office does not know if any structures are on the property. Further, we cannot give permission for prospective bidders to enter and inspect any structure that may be located on the property to be sold.

All properties sold at auction by the Passaic County Sheriff's Office are advertised Friday in the Herald & News and local weekly newspapers. Advertisements appear once a week for four consecutive weeks prior to the initial date of sale. Should the sale be adjourned for any reason after it has been advertised, it will not be re-advertised in the newspaper again unless the case is completely closed and re-filed at a later date. As a result, you must independently keep track of the properties you are interested in purchasing. Please be advised that a sale can be adjourned, settled, cancelled, or stopped for a number of reasons.

The Sheriff's Office provides a list, for general distribution, that can be purchased, of the properties to be sold. Persons interested in properties can make their own lists from newspaper legal advertisements & our website. When calling the Sheriff's Office, please have the Sheriff's Control # or defendants last name available for the properties you have a question about. In addition to the newspaper advertising, you may view the current weeks sales as well as properties that were sold by logging on to our website: www.pcsheriff.org. Keep in mind the actual sales scheduled will change drastically as the date of sale draws closer. These changes will not necessarily be reflected on the web site.

Sales of property are "open type" auction sales (no sealed bids). The Plaintiff opens the bidding at \$100. All subsequent bids are made in increments of at least \$1000. each. The bidding will continue until the highest bid is reached, and the highest bidder will be the purchaser. All 3rd Party Purchasers and Plaintiff Buybacks are responsible for the \$350.00 Foreclosure Intervention Fund Fee as of March 9, 2021 when The New Jersey Foreclosure Prevention Act was signed into Law.

If you are the successful bidder, you are required to post a deposit of 20% of the total bid price, in Certified Check or Official Bank Check, or Money Order immediately following the signing of the Conditions of Sale. If a purchaser does not complete the sale, they can be liable for their deposit.

To determine what funds you may need as a deposit, you must ascertain what your highest bid will be and then make out the check (or checks in different denominations) for 20% of that amount. Check(s) should be made out to yourself and if you are the highest bidder, you would then endorse the check(s) over to the Sheriff in the presence of a representative of the Sheriff's Office. Proper identification is required. **You must check in with photo ID to show proof of funds on day of Sale prior to 2:00pm. No funds will be accepted after 2:00 p.m.**

The balance of the bid is payable at the end of the 10 day redemption period, but due no later than the 30th day from the date of sale. Lawful interest is charged on the balance due from the 13th day to the 30th day. If the balance is not paid in full on the 30th day, purchaser is held responsible for all losses and expenses, but receive no benefits from the second sale. The sale is not considered full completed until full payment is made. The Sheriff cannot refund your deposit without a Court Order or instructions from attorney for plaintiff.

The successful bidder, upon full payment of the bid, will receive a Deed. This Deed does not give clear title to the property. In order to obtain a clear title, one must satisfy all outstanding superior liens and encumbrances. All sales may be subject to a first or second mortgage, and also municipal, state or federal liens. A title search will reveal this information and should be conducted prior to the purchase of any property, as the purchaser may be liable for certain liens, taxes or other liabilities. You can do your own title search at the County Clerks Office or hire a private firm where an attorney will be able to advise as to title search procedures.

After the sale is completed, it is the purchaser's responsibility to record the Deed at the Passaic County Clerks Office. The purchaser is responsible for paying all realty transfer fees as well as deed recording fees. The Deed will allow you to apply to the Superior Court for a Writ of Possession, which is required in the event you need to have occupants evicted from the property. It is the responsibility of the purchaser to notify the prior owner and/or occupant, if any that the property has transferred title and the premises must be vacated. If an occupant does not voluntarily comply with the request, the purchaser must apply to NJ Superior Court for a Writ of Possession. Should there be a valid leaser or rental tenants occupying the property, the lease would bind the new owner. Any requests to have valid rental tenants removed will have to go through landlord/tenant court. If the property you purchased is occupied, it is your responsibility to obtain

a Writ of Possession from the Court directing the Sheriff to have the premises vacated. Your attention is directed to the Supreme Court's decision regarding the **Anti-Eviction Act of 4/14/94**.

Our office will serve the Writ of Possession upon the defendant after it is delivered to us along with the appropriate fees. At that time we will advise the occupants to vacate the premises within a particular period of time. If the defendant has not vacated by the stated date, the Sheriff's Office will then proceed with the eviction. The plaintiff is responsible for having a locksmith and moving truck at the property to have the locks changed and have the occupants personal belongings removed and stored in a place of safe keeping at the set time of eviction. The costs of moving, first 30 days storage, and the locksmith are the responsibility of the plaintiff. A typical eviction, the movers will transport the defendants belongings to a storage facility that is rented out in the defendant's name, and the plaintiff will pay for the first 30 days storage, after which it becomes the defendant's responsibility to pay the storage.

Rights of Defendants

Prior to the sale, the Sheriff has the discretionary right to make two adjournments of the sale for the defendant (at the defendant's request) and no more, not exceeding 30 days for each adjournment. The fee for such adjournment is \$28. This payment must be the form of a Money Order. This request for adjournment must be made in person at our office or prepared by fax/mail by defendant's attorney. Under the New Law 2A:17-36. Adjournments of Sale of Real Estate. Notwithstanding any other law or court rule to the contrary, a sheriff or other officer selling real estate by virtue of an execution may **make five adjournments of the sale, two at the request of the lender, two at the request of the debtor, and one if both the lender and debtor agree to an adjournment**, and no more, to any time, not exceeding **30 calendar days** for each adjournment. However, a court of competent jurisdiction may, for cause, order further adjournments. (cf P.L. 1995, c. 244, s. 14) The defendant has the right to sell their home privately prior to the Sheriff's sales and any arrangements made with them have to be done other than through our office. The owner also has the opportunity to redeem the property for a period of 10 days from the date of Sheriff's sale. The owner must call us to get a final payoff/redemption amount. You must call in advance of the expiration of the redemption period (at least 1-2 days) to allow our office time to reply with the redemption figure. Calling us at the last minute asking for the redemption amount will not change or delay the expiration of the redemption period.

Surplus Funds

Surplus funds are defined as the amount of funds collected from a sale over the judgment amount, fees, costs and commissions that are due to the plaintiff and Sheriff. Surplus funds are generated when a third party purchaser buys the property for more than the upset amount. The main function of surplus funds is to pay any junior lien holders. Any funds left over after these lien holders are paid would be available to the defendant. This can be ascertained by checking if the amount the property was sold for is more than the amount of the judgment. An example of this would be – Sold for is \$150,000. & Judgment is \$120,000. there would be a possibility that there is a surplus. The Sheriff's Office sends any surplus funds to the New Jersey State Superior Court, c/o Trust Fund Unit, after the purchaser has paid the balance of the purchase price, fees are deducted and all financial transactions are finalized. This means that the funds may not be readily available immediately following the sale, as there are instances when the Trust Fund Unit may not receive these funds for up to 2 months after the sale. If you are the homeowner with a foreclosure case docketed in our office and you believe there was a surplus from the sale of your home, you can contact our office or you can contact the Trust Fund Unit directly at (609) 421-6100 or email: SCCOTrustfund.mailbox@njcourts.gov. To speed your inquiry on a specific piece of property, it is helpful if you refer to the property by its Sheriff #/Control # and/or the defendant's last name, all of which appears in the legal advertisement. All fees and commissions that are collected by the Sheriff's Office are turned over to the General Treasury of the County of Passaic.

For further assistance please feel free to contact the Sheriff's Foreclosure Division at (973) 881- 4200, Monday through Friday between the hours of 8 a.m. to 4 p.m. Sheriff's Foreclosure sales are conducted every Tuesday at 2:00 p.m. and start promptly. We cannot delay sales for bidders who do not finalize showing proof of funds prior to 2:00 p.m.