

**PUBLIC AUCTION OF REAL PROPERTY**  
**BY THE PUBLIC ADMINISTRATOR OF KINGS COUNTY**

**TERMS AND CONDITIONS**

**SALE DATE: WEDNESDAY, OCTOBER 19, 2016**

**TIME: PUBLIC AUCTION COMMENCES PROMPTLY AT 1:00 P.M.**

ALL BIDDERS MUST PRE-REGISTER PRIOR TO THE AUCTION TO BID ON THE PROPERTIES OFFERED FOR SALE. ALL BIDDERS ARE REQUIRED TO PRE-REGISTER AT THE AUCTION LOCATION. PRE-REGISTRATION SHALL COMMENCE AT 11:30 A.M.

**AUCTION AND PRE-REGISTRATION LOCATION: KINGS COUNTY SUPREME COURT BUILDING, 360 ADAMS STREET, BROOKLYN, NEW YORK 11201.**

TO PARTICIPATE IN THE AUCTION A BIDDER MUST BE A "QUALIFIED BIDDER" MEANING AT THE TIME OF REGISTRATION, THE BIDDER MUST SHOW SATISFACTORY PROOF OF THE FOLLOWING:

1. CERTIFIED FUNDS LIMITED TO BANK CHECKS OR CERTIFIED CHECK(S) IN THE AMOUNT OF 10% OF THE OPENING BID PRICE OF THE PROPERTY THE BIDDER WISHES TO PURCHASE. ALL CERTIFIED FUNDS SHOULD BE MADE PAYABLE EITHER TO "THE PUBLIC ADMINISTRATOR OF KINGS COUNTY" OR YOURSELF AND TO BE ENDORSED OVER TO THE PUBLIC ADMINISTRATOR OF KINGS COUNTY IN THE EVENT THE BIDDER IS THE HIGHEST ACCEPTED QUALIFYING BID;

AND

2. EITHER A BLANK PERSONAL CHECK, ADDITIONAL BANK OR CERTIFIED CHECK(S) TO PAY THE BALANCE OF THE MINIMUM AMOUNT OF THE DOWN PAYMENT. THE MINIMUM AMOUNT OF THE DOWN PAYMENT ON A CONTRACT OF SALE IS 10% OF THE BIDDER'S FINAL BID.

**PLEASE NOTE:** NO ONE WILL BE PERMITTED TO BID WITHOUT SHOWING SATISFACTORY PROOF (AT THE TIME OF REGISTRATION) OF CERTIFIED FUNDS IN THE AMOUNT OF 10% OF THE OPENING BID PRICE OF THE PROPERTY THE BIDDER WISHES TO PURCHASE MADE PAYABLE EITHER TO "THE PUBLIC ADMINISTRATOR OF KINGS COUNTY" OR YOURSELF AND ENDORSED OVER TO THE PUBLIC ADMINISTRATOR OF KINGS COUNTY AND EITHER A BLANK CHECK OR ADDITIONAL CERTIFIED FUNDS TO PAY 10% OF THE DOWN PAYMENT AS SET FORTH IN POINT "2" ABOVE. UPON PROVIDING SATISFACTORY PROOF OF THE SAME, THE BIDDER WILL BE ISSUED A NUMBERED "PADDLE OR BIDDING CARD" TO BE RAISED AT SUCH TIME DURING THE AUCTION WHEN THE BIDDER WISHES

TO PLACE A BID ON A PROPERTY. ANYONE BIDDING WITHOUT PRE-REGISTERING PRIOR TO THE AUCTION WILL BE ASKED TO LEAVE THE AUCTION AND WILL NOT BE PERMITTED TO RETURN.

**THE OPENING BID PRICE** FOR THE AUCTIONED PROPERTIES IS THE PRICE AT WHICH THE BIDDING WILL COMMENCE FOR EACH PROPERTY. INFORMATION REGARDING THE PROPERTIES, INCLUDING THE OPENING BID PRICES, IS AVAILABLE ON THE INTERNET WEBSITE FOR THE PUBLIC ADMINISTRATOR OF KINGS COUNTY AT **WWW.NYC.GOV/KCPA**. INFORMATION MAY ALSO BE OBTAINED IN PERSON AT THE PUBLIC ADMINISTRATOR'S OFFICE LOCATED IN THE KINGS COUNTY SUPREME COURT BUILDING, ROOM 144A, 360 ADAMS STREET, BROOKLYN, NEW YORK 11201.

### **REAL ESTATE BROKERS**

REAL ESTATE BROKER PARTICIPATION IS PERMITTED; HOWEVER, THE TOTAL REAL ESTATE BROKERAGE COMMISSION PAYABLE BY THE SELLER AT A CLOSING ON A CONTRACT OF SALE SHALL BE IN THE AMOUNT OF 3% OF THE FINAL SALES PRICE. IN ORDER TO RECEIVE A BROKERAGE COMMISSION, PRIOR TO THE AUCTION A BROKER MUST FIRST REGISTER WITH THE SELLER BY FILING A DISCLOSURE FORM IDENTIFYING THE REAL ESTATE BROKER, THE BROKER'S CLIENT AND THE ADDRESS OF THE PROPERTY THE BROKER'S CLIENT WISHES TO PURCHASE. IN ADDITION, AT THE TIME OF REGISTRATION, A BROKER MUST PROVIDE THE SELLER WITH A COPY OF HIS/HER NEW YORK REAL ESTATE BROKER'S IDENTIFICATION CARD ALONG WITH WRITTEN PROOF SIGNED BY THE POTENTIAL PURCHASER THAT THE BROKER REPRESENTS THE PROPOSED PURCHASER. REGISTRATION FORMS WILL BE AVAILABLE AT THE OFFICE OF THE PUBLIC ADMINISTRATOR OF KINGS COUNTY LOCATED IN THE KINGS COUNTY SUPREME COURT BUILDING, ROOM 144A, 360 ADAMS STREET, BROOKLYN, NEW YORK 11201 AND ON THE PUBLIC ADMINISTRATOR'S WEBSITE. A BROKER MUST REGISTER PRIOR TO THE COMMENCEMENT OF THE AUCTION EITHER AT THE OFFICE OF THE PUBLIC ADMINISTRATOR OF KINGS COUNTY OR ON THE DATE OF THE AUCTION OUTSIDE THE AUCTION ROOM. NO BROKERAGE COMMISSION WILL BE PAID UNLESS THE BROKER FILES THE REGISTRATION FORM AND PROVIDES A COPY OF HIS/HER AFOREMENTIONED BROKER'S IDENTIFICATION CARD WITH THE PUBLIC ADMINISTRATOR OF KINGS COUNTY PRIOR TO THE AUCTION. IN ADDITION, AN ATTORNEY ADMITTED TO THE BAR IN THE STATE OF NEW YORK SHALL NOT BE PERMITTED TO PARTICIPATE IN THE AUCTION AS A REAL ESTATE BROKER UNLESS THE ATTORNEY IS LICENSED BY THE STATE OF NEW YORK AS A REAL ESTATE BROKER, PROVIDES A COPY OF HIS OR HER REAL ESTATE BROKER'S IDENTIFICATION CARD, REGISTERS AS A REAL ESTATE BROKER AS PROVIDED HEREIN, AND PROVIDES A WRITTEN STATEMENT TO THE PUBLIC ADMINISTRATOR THAT THE TOTAL FEE TO BE PAID TO THE ATTORNEY WILL BE LIMITED TO A BROKERAGE COMMISSION AND THAT THE ATTORNEY WILL NOT CHARGE ANY ADDITIONAL FEE IN THE EVENT HE OR SHE ALSO SERVES AS ATTORNEY FOR HIS CLIENT (THE PURCHASER) IN CONNECTION WITH REAL PROPERTY LISTED FOR SALE IN THE AUCTION. A BROKERAGE COMMISSION IS PAYABLE TO A REAL ESTATE BROKER UNDER THE TERMS SET

FORTH ABOVE ONLY IN THE EVENT THE REAL ESTATE BROKER PROCURES A THIRD PARTY PURCHASER. A REAL ESTATE BROKER WILL NOT QUALIFY TO BE PAID A BROKERAGE COMMISSION UNDER THE TERMS SET FORTH ABOVE IN THE EVENT SUCH REAL ESTATE BROKER IS ALSO THE PERSON, MEMBER, PARTNER, OFFICER, SHAREHOLDER OR MANAGING MEMBER OF AN ENTITY, SUCH AS A CORPORATION OR PARTNERSHIP, PURCHASING THE PROPERTY.

**PLEASE READ THE FOLLOWING TERMS AND CONDITIONS OF SALE VERY CAREFULLY!** IF YOU HAVE ANY QUESTIONS OR DO NOT UNDERSTAND THESE TERMS AND CONDITIONS YOU MAY WISH TO CONSULT AN ATTORNEY. THE FOLLOWING IS A LIST OF SOME OF THE TERMS AND CONDITIONS OF SALE. THE TERMS AND CONDITIONS OF THE SALE ARE NON-NEGOTIABLE AND MUST BE AGREED TO BY EVERY SUCCESSFUL BIDDER DESIROUS OF ENTERING INTO A CONTRACT OF SALE WITH THE PUBLIC ADMINISTRATOR. THERE WILL BE NO EXCEPTIONS.

A. THESE PROPERTIES ARE BEING OFFERED FOR SALE BY THE PUBLIC ADMINISTRATOR OF KINGS COUNTY IN AS IS PHYSICAL CONDITION SUBJECT TO ALL ENVIRONMENTAL CONDITIONS AND VIOLATIONS. THE CONDITIONS OF SALE ARE MORE FULLY SPECIFIED IN THE CONTRACT OF SALE WHICH SHALL PROVIDE IN PART THAT EACH PROPERTY IS BEING SOLD SUBJECT TO ALL VIOLATIONS, ANY STATEMENT OF FACTS AN ACCURATE SURVEY MAY SHOW, COVENANTS, RESTRICTIONS, EASEMENTS, AND AGREEMENTS OF RECORD AND ANY TENANTS AND/OR PERSONS IN POSSESSION. **THE PUBLIC ADMINISTRATOR MAKES NO WARRANTIES REGARDING THE STRUCTURES AT A PROPERTY AND/OR WHETHER SUCH STRUCTURES OR THEIR CURRENT USE COMPLY WITH LOCAL AND/OR MUNICIPAL BUILDING RULES AND/OR REGULATIONS, INCLUDING WHETHER THERE ARE CERTIFICATES OF OCCUPANCY FOR THE EXISTING STRUCTURES ON A PROPERTY OR WHETHER SUCH CERTIFICATES COMPLY WITH THE PRESENT STRUCTURES AND/OR THE CURRENT USE OF THE PROPERTY.** ANY PERSONAL PROPERTY, DEBRIS OR GARBAGE NOT REMOVED FROM THE PROPERTY BY THE PUBLIC ADMINISTRATOR OF KINGS COUNTY PRIOR TO A CLOSING ON THE CONTRACT OF SALE WILL BE THE RESPONSIBILITY OF THE PURCHASER TO REMOVE. THE PUBLIC ADMINISTRATOR MAKES NO REPRESENTATIONS OR WARRANTIES REGARDING ANY PERSONAL PROPERTY LOCATED ON THE PROPERTIES WHICH IS EXCLUDED FROM THE AUCTION UNLESS OTHERWISE SPECIFIED IN THE CONTRACT OF SALE. THE PUBLIC ADMINISTRATOR RESERVES THE RIGHT TO REMOVE ANY AND ALL SUCH PERSONAL PROPERTY PRIOR TO THE CLOSING. THE PUBLIC ADMINISTRATOR MAKES NO REPRESENTATIONS CONCERNING THE VALUE, INCOME POTENTIAL OR THE CURRENT AND/OR FUTURE USE OF THESE PROPERTIES. ALL PROPERTIES ARE LOCATED IN KINGS COUNTY UNLESS OTHERWISE SPECIFIED. ALL BIDDERS SHOULD COMPLETE THEIR DUE DILIGENCE IN CONNECTION WITH THE PURCHASE OF THE PROPERTIES PRIOR TO THE AUCTION. ACCORDINGLY, CONTRACTS OF SALE SHALL NOT BE MADE CONTINGENT ON THE BIDDERS COMPLETING A PERIOD OF FURTHER INVESTIGATION OR DUE DILIGENCE.

B. THE BIDDING FOR EACH PROPERTY WILL START WITH THE OPENING BID PRICE. FOR A QUALIFIED BIDDER TO ENTER INTO A CONTRACT OF SALE WITH THE PUBLIC ADMINISTRATOR, SUCH QUALIFIED BIDDER MUST HAVE BID THE HIGHEST PRICE FOR THE PROPERTY (REFERRED TO HEREINAFTER AS THE "HIGHEST QUALIFYING BID") AND THAT BID MUST BE ACCEPTED BY THE PUBLIC ADMINISTRATOR OF KINGS COUNTY. THE PUBLIC ADMINISTRATOR RESERVES THE RIGHT AND DISCRETION TO REJECT ANY AND ALL BIDS, INCLUDING THE HIGHEST QUALIFYING BID, AND/OR TO WITHDRAW ANY PROPERTY FROM THE AUCTION WITHOUT PRIOR NOTICE.

C. A DOWN PAYMENT OF 10% OF THE ACCEPTED HIGHEST QUALIFYING BID MUST BE PAID ON SIGNING OF THE CONTRACT OF SALE AT THE TIME OF THE AUCTION. IN ADDITION TO THE PAYMENT OF 10% OF THE OPENING BID PRICE BY CERTIFIED FUNDS, IF 10% OF THE ACCEPTED HIGHEST QUALIFYING BID EXCEEDS 10% OF THE OPENING BID PRICE, THE DIFFERENCE IN THESE AMOUNTS MUST ALSO BE PAID ON THE SIGNING OF THE CONTRACT. CERTIFIED CHECKS, BANK CHECKS AND/OR PERSONAL CHECKS ARE ACCEPTABLE FOR PAYING THIS DIFFERENCE AND MUST BE MADE PAYABLE EITHER TO "THE PUBLIC ADMINISTRATOR OF KINGS COUNTY" OR YOURSELF AND TO BE ENDORSED OVER TO THE PUBLIC ADMINISTRATOR OF KINGS COUNTY.

D. CONTRACTS OF SALE ARE NOT CONDITIONAL OR CONTINGENT ON THE PURCHASER OBTAINING MORTGAGE FINANCING, LOAN OR ANY FINANCIAL ASSISTANCE OF ANY KIND, INCLUDING GIFTS, FROM ANY THIRD PARTIES. AT THE CONCLUSION OF THE AUCTION, THE SUCCESSFUL BIDDER MUST IMMEDIATELY EXECUTE THE CONTRACT OF SALE PREPARED BY THE PUBLIC ADMINISTRATOR OF KINGS COUNTY. THE FAILURE TO DO SO WILL RESULT IN THE DISQUALIFICATION OF THE ACCEPTED HIGHEST QUALIFYING BID. THE CONTRACT OF SALE IS A LEGALLY BINDING DOCUMENT AND WILL PROVIDE FOR A TIME OF THE ESSENCE CLOSING DATE OF "ON OR BEFORE" 60 DAYS AFTER THE DATE OF THE AUCTION. FAILURE TO CLOSE ON OR BEFORE THE DATE SET FORTH IN THE CONTRACT OF SALE SHALL RESULT IN THE PURCHASER'S DEFAULT MEANING THAT THE TOTAL DOWN PAYMENT TENDERED THEREUNDER WILL BE SUBJECT TO FORFEITURE. THE PUBLIC ADMINISTRATOR IS UNDER NO LEGAL OBLIGATION TO EXTEND THE CONTRACT CLOSING DATE. MOREOVER, THE CONTRACT OF SALE IS NOT ASSIGNABLE TO A THIRD PARTY.

E. THE REAL ESTATE, WATER AND SEWER TAXES LISTED FOR THE PROPERTIES ARE THOSE BELIEVED TO BE CURRENTLY CHARGED. HOWEVER, NO REPRESENTATION IS MADE AS TO THE AMOUNT OF SUCH CHARGES, FUTURE USES AND RENTS, IF ANY, OR THE AMOUNT OF REAL ESTATE TAXES THAT WILL BE ASSESSED AFTER CLOSING. ALL BIDDERS ARE ENCOURAGED TO INVESTIGATE THESE AND OTHER RELEVANT MATTERS RELATED TO THE PROPERTIES PRIOR TO THE AUCTION. THE PUBLIC ADMINISTRATOR MAY BE REQUIRED TO OBTAIN APPROVAL OF THE SALE FROM THE SURROGATE'S COURT OF KINGS COUNTY. IN THE EVENT SUCH APPROVAL IS REQUIRED, THE PUBLIC

ADMINISTRATOR SHALL BE ENTITLED TO ADJOURN THE CLOSING FOR A REASONABLE PERIOD OF TIME NEEDED TO OBTAIN SUCH APPROVAL FROM THE SURROGATE'S COURT. IN THE EVENT THE SURROGATE'S COURT DOES NOT APPROVE THE SALE FOR ANY REASON, THE SOLE LIABILITY AND RESPONSIBILITY OF THE PUBLIC ADMINISTRATOR SHALL BE TO RETURN THE TOTAL CONTRACT DOWN PAYMENT TO THE PURCHASER. LIKEWISE, IN THE EVENT THAT THE PUBLIC ADMINISTRATOR IS UNABLE TO PERFORM ON THE CONTRACT OF SALE OR CONVEY TITLE TO A PURCHASER FOR ANY REASON, THE SOLE RESPONSIBILITY AND LIABILITY OF THE PUBLIC ADMINISTRATOR SHALL BE TO RETURN THE TOTAL CONTRACT DOWN PAYMENT TO THE PURCHASER.

**ATTENTION TO ALL SECOND HIGHEST QUALIFYING BIDDERS:**

IT IS AGREED AND UNDERSTOOD THAT THE SECOND HIGHEST QUALIFYING BIDDER FOR EACH AUCTIONED PROPERTY WILL REMAIN AT THE AUCTION TO ENTER INTO A CONTRACT OF SALE IN THE EVENT THAT THE ACCEPTED HIGHEST QUALIFYING BIDDER FAILS OR DECLINES TO EXECUTE A CONTRACT OF SALE AT THAT TIME. THE SECOND HIGHEST QUALIFYING BIDDER FOR EACH PROPERTY WILL ALSO PROVIDE THE PUBLIC ADMINISTRATOR WITH THEIR CONTACT INFORMATION. IN THE EVENT THE ACCEPTED HIGHEST QUALIFYING BIDDER DEFAULTS ON THE CONTRACT OF SALE, THE PUBLIC ADMINISTRATOR MAY CHOOSE TO CONTACT THE SECOND HIGHEST QUALIFYING BIDDER TO DETERMINE IF SUCH BIDDER IS WILLING TO ENTER INTO A CONTRACT OF SALE AT THE PRICE THE SECOND QUALIFYING BIDDER BID AT THE AUCTION. THE PUBLIC ADMINISTRATOR SHALL BE UNDER NO LEGAL OBLIGATION TO CONTACT THE SECOND HIGHEST QUALIFYING BIDDER IN THE EVENT THE ACCEPTED HIGHEST QUALIFYING BIDDER DEFAULTS ON THE CONTRACT.