

AUCTION OF MOVABLES

What is a Movable?

Anything that is not real estate is considered a moveable or chattel property. Examples include, but are not limited to, automobiles, airplanes, boats, furniture, jewelry, business inventories, artwork, musical instruments and registered animals.

Where is the Movables Auction held?

Automobiles are auctioned every Wednesday at 1 p.m. at Rudy Smith's Garage located at 425 N. Claiborne Ave., unless otherwise advertised. Automobiles may be viewed there on Mondays and Tuesdays from 9 a.m. to 5 p.m. and on Wednesdays from 9 a.m. to noon. Other movables are sold "on site" within the city limits as advertised in *The New Orleans Advocate's* Wednesday edition fourteen (14) days before the auction.

What is the opening bid?

The opening bid is two thirds (2/3) of the appraised amount (if required), plus the Sheriff's commission and costs, or Sheriff's cost if no appraisal is involved.

How is the appraisal established?

The foreclosing creditor and the defendant each provide their own appraisal within three (3) days of the auction. If the amounts differ, the Sheriff appoints a referee who establishes the appraisal amount.

What costs are included in the minimum bid?

Costs included in the minimum bid are appraisal (if required), advertising, certificates, docket fees, locksmith, towing, storage, plus the Sheriff's commission of six percent (6%).

When do I pay if I am the successful bidder?

Once you are a successful bidder you must present guaranteed funds of ten percent (10%) of the final purchase price in either cash, or funds drawn on a bank in the form of a certified check or money order made payable to yourself, plus your driver's license, name, address, phone number, and marital status. The balance must be paid by 4 p.m. of the same day. Failure to complete the transaction by 4 p.m. may result in the moveable being reset for auction and the subsequent loss of some or all of the deposit.

AUCTIONS

The information in this brochure is provided to the public as a free service. It is not warranted and is subject to change by acts of the *Louisiana Legislature* and/or by decisions of the *Louisiana courts*.

For specific information on the auction of real estate or movables, call the *Office of the Sheriff* at **504-523-6143** or visit our website, www.opso.us to view our sales lists which often include pictures and maps.
To contact us by fax, dial **504-525-4912** or **504-679-6383**.

Office of the Sheriff
421 Loyola Avenue, Rm. 403
New Orleans, LA 70112

Office of the Sheriff

Guide to

AUCTIONS



Susan Hutson
Sheriff

AUCTIONS



Going once . . .

Going twice . . .

SOLD to the highest bidder!

Ownership of property, either real estate or movables, can be jeopardized by a money judgment or by a delinquent payment on a loan. When the interests of a buyer and/or other defendants in a property are foreclosed, the property is sold to satisfy the debt at a sale called a public auction.

The Office of the Sheriff is the official auctioneer for *Civil Court-ordered* sales in Orleans Parish.

Prospective bidders should note the following regarding the sale of real estate and movables: The Sheriff collects a commission of three percent (3%) for real estate and six percent (6%) for movables. If a sale is stopped, the Sheriff's commission collected is based on the amount actually received by the creditor. For example, if the creditor stopped the sale and collected \$20,000, then the commission collected would be based upon the \$20,000, or \$600. The law does not provide an opportunity to enter the property or start the engine of a vehicle that is being auctioned. However external viewing of the property before bidding should give the prospective bidder some indication of its condition. All property is sold "as is where is" with no refunds, redemptions or warranties of the title or condition.

AUCTION OF REAL ESTATE

What is Real Estate?

Real estate is land -- or land with its improvements -- and the right to own and use it.



Where is the real estate auction held?

The real estate auction is held at Civil District Court located at 421 Loyola Avenue in New Orleans, every Thursday at noon, unless otherwise advertised. Each property and its auction date are advertised in *The Louisiana Weekly* and *The New Orleans Advocate's* Wednesday edition thirty (30) days before the auction. Lists of upcoming properties available for sale are in the Office of the Sheriff three (3) weeks prior to the auctions. The lists are also on our website, www.opso.us six (6) weeks prior to the auction. Along with the online listings, there are pictures and a map locator for most properties.

What is Due Diligence?

Due diligence is the care used to review a property and its title ownership before bidding. When attending the auction, due diligence is very important. Due diligence varies from person to person. Minimum due diligence requires bidders not to purchase a property at auction without seeing it first.

Due Diligence Rule of Thumb

Never, ever buy merely from viewing the pictures. Pictures may be wrong or outdated.

A buyer's highest bid may dictate the degree of diligence:

- Bidding more equates to more due diligence.
- Bidding less equates to less due diligence.

How many days does it take before a foreclosed property goes to auction?

It takes a minimum of forty-five (45) day from receipt of the writ to the date of the auction. During this time, the foreclosure may be stopped for reasons such as bankruptcy or the complete or partial payment of the balance owed, up until the actual auction proceedings begin. The Sheriff by law cannot proceed with the auction unless the representative of the foreclosing lender is present.

What are the usual costs of foreclosure?

The winning bid is the total that will be paid by the bidder, as all costs and the Sheriff's commission are subtracted from the amount paid to the foreclosing lender. Costs include: advertising, appraisal, certificates, curator's fee, deed, docket and a three percent (3%) commission on the sale price. Thirty (30) days are allowed to complete the sales transaction or the bidder risks having it reset for auction and losing some or all of the deposit.

Do I need to register before I can bid on auction property?

No, anyone may attend the auction and bid on a piece of property. Once you are a successful bidder, you must present guaranteed funds of ten percent (10%) of the final purchase price in either cash or funds drawn on a bank in the form of a **certified check, cashier's check or money order** made payable to yourself, plus your driver's license, name, address, phone number, marital status and the name in which you want the deed vested. No personal checks, corporate checks, credit cards, debit cards or lines of credit are accepted. *Bring ten percent (10%) of what you are prepared to spend. No change will be given if your check is more than the ten percent (10%) required for deposit. Occasionally, one hundred percent (100%) of the bid amount must be paid at the time of the auction, but this is rare and will be specified in the advertisement prior to auction.*

What is a Writ?

A Writ is a court order requiring the Sheriff to perform a certain function. In the case of foreclosure, the Writ requires the Sheriff to serve the debtor with a notice of seizure, and to seize and sell the property. The Writ amount, which is noted on the sales list in dollars, next to the foreclosed property description, is the amount owed to the lender on a piece of property as of the date the foreclosure was filed. It is **not** the opening bid.

What is the minimum opening bid?

There are two categories for a minimum opening bid.

1. A sale "with appraisal" opens with a bid that must be two thirds (2/3) of the appraisal and it must satisfy any superior claims. If 2/3 of the appraisal is insufficient to cover the costs, commissions and superior claims, then the opening bid will be raised to reflect these expenses.
2. When the sale is "without appraisal," the opening bid must cover any superior claims plus the usual costs of foreclosure which is usually a nominal amount.

How much should I bring to the Sheriff's auction?

Bring ten percent (10%) of what you are prepared to bid. No change will be given if your check is more than the ten percent (10%) required for deposit. Occasionally, one hundred percent (100%) of the bid amount must be paid at the time of the auction, but this is rare and will be specified in the advertisement prior to auction.

To whom should I make out the certified check, cashier's check or money order?

Make the check payable to yourself. If you are the successful bidder, you endorse the check to the Sheriff's Office.

How much must my deposit be if I am the winning bidder?

Upon successfully bidding on a property, the bidder must provide the Sheriff with ten percent (10%) of the purchase price at the time of bidding. Know the amount you want to bid (your highest bid). All monies must be within the possession of the bidder. Bidders are not allowed to leave the room in order to obtain additional funds. *Occasionally, one hundred percent (100%) of the bid amount must be paid at the time of the auction, but this is rare and will be specified in the advertisement prior to auction.*

When must I pay the balance due?

After paying the minimum ten percent (10%) deposit, a successful bidder must pay the balance due within thirty (30) days of the sale. Failure to meet this deadline may result in the property being reset for public auction. Should the second auction result in a lesser sales price, the first bidder may lose all or part of his/her deposit. *Occasionally, one hundred percent (100%) of the bid amount must be paid at the time of the auction, but this is rare and will be specified in the advertisement prior to auction.*

How soon can I enter the property after I am the successful bidder?

After one hundred percent (100%) of the bid amount is paid and a deed is recorded, you may enter the property.

NOTE: The law does not permit the successful bidder to enter the property after the 10% deposit is paid. The successful bidder must wait until the full purchase price is paid and the deed recorded before entering the property.

When will I receive the property deed?

You will receive a Sheriff's deed within four to six weeks after you have paid your balance due.