

## NJ A5664 COMMUNITY WEALTH PRESERVATION PROGRAM

NJ A5664, signed into effect January 12th, 2024, established the Community Wealth Preservation Program expanding access for certain buyers to purchase property from sheriff's sales. All properties sold utilizing this program are sold subject to the New Jersey Bill A5664 Conditions of Sale. Additional information regarding our Sheriff's Sales can be found on our website at [www.salemcountysheriff.com](http://www.salemcountysheriff.com).

We encourage interested buyers to submit a Bidder Pre-Registration Form to our office, prior to attending the Sheriff's Sale. Once completed please send the form to [Renee.Finlaw@salemcountynj.gov](mailto:Renee.Finlaw@salemcountynj.gov)

Per the requirements set forth in NJ A5664, the following documents must be provided to the Sheriff's Office in order to purchase property at Sheriff Sales utilizing the Community Wealth Preservation Program. Please be advised these parties are listed in the correct order of the right of refusal. If the purchaser fails to provide the following documents by the time of sale the Sheriff shall resell the property without further notice by public advertisement.

Please be advised the utilization of this program shall exclude those purchasing property for investment purposes.

Our office strongly suggests you notify us if you plan to utilize the program. We are happy to assist in this process and want to make sure anyone attempting to purchase is fully educated and prepared to complete a sale.

### 1. **Named Defendant:**

A defendant utilizing this program will not have to competitively bid for the property. Under this bill they are able to purchase the property for the pre-sale upset price, or the upset price provided the day of sale; whichever is less. Please come prepared with the following:

- Plaintiff's Counsel's consent in writing

Our office will accept this consent in writing on letterhead from plaintiff's counsel.

We will allow plaintiff's counsel to email this letter to us ahead of the sale date, or in the physical form presented at the time of sale. You can find the attorney's information on the publication notice or on the Sheriff's Sales website.

- Photo ID & Second form of ID presented at the time of sale.

- Pre-Approval (If financing)

Per NJ A5664, if you choose to advise our office that you plan to finance this purchase, you must provide our office with a pre-approval letter advising that you are pre-approved for the original upset price listed in the publication notice.

- 3.5 % deposit of the purchase price is required in the form of certified check, cashier's check, or cash not exceeding \$1,000.00.

## 2. Named Defendant's Next of Kin:

A defendant's next of kin utilizing this program will not have to competitively bid for the property. Under this bill they can purchase the property for the pre-sale upset price, or the upset price provided the day of sale; whichever is less. If more than one eligible person appears at Sheriff's sale to utilize their right of refusal under this party, our office must accept the first right of refusal from the individual that registered or signed-in to sales first. Please come prepared with the following:

Plaintiff's Counsel's consent in writing

Our office will accept this consent in writing on letterhead from plaintiff's counsel. We will allow plaintiff's counsel to email this letter to us ahead of the sale date, or in the physical form presented at the time of sale. You can find the attorney's information on the publication notice or on the Sheriff's Sales website.

Official document proving kinship of a named defendant on the writ of execution in the form of:

Surrogate Document (Salem County Surrogate's Office (856) 935-7510)  
Court Document

Photo ID & Second form of ID

Pre-Approval (If financing)

Per NJ A5664, if you choose to advise our office that you plan to finance this purchase, you must provide our office with a pre-approval letter advising that you are pre-approved for the original upset price listed in the publication notice.

3.5 % deposit of the purchase price is required in the form of certified check, cashier's check, or cash not exceeding \$1,000.00.

## 3. Tenant:

An individual identified as a tenant of the foreclosed property will not have to competitively bid for the property. A valid tenant with intent to purchase must provide the following:

Photo ID & Second form of ID

Physical copy of a valid written lease

Proof they are not in arrears of rent payments.

Receipts of payments to the landlord

A notary may be present at the time of the sale if the landlord wishes to appear in person alongside the tenant.

Utility Bill or bank statement in their name proving residency.

Pre-Approval (If financing)

Per NJ A5664, if you choose to advise our office that you plan to finance this purchase, you must provide our office with a pre-approval letter advising that you are pre-approved for the original upset price listed in the publication notice.

3.5 % deposit of the purchase price is required in the form of certified check, cashier's check, or cash not exceeding \$1,000.00.

#### **4. Non-Profit Community Development Corporation:**

A non-profit corporation seeking to participate in this program will not have to competitively bid on the property. A non-profit corporation with the intent to purchase must provide:

Their most recent form 1023 filing provided to the United States Internal Revenue Service, stating the corporation's mission includes community revitalization and the creation or preservation of affordable housing through restoration of vacant and abandoned property.

If the non-profit corporation is entering into an agreement with any of the previous parties mentioned above, they must provide that agreement in writing.

A Non-profit corporation that successfully purchases a property through Sheriff's sale utilizing this program is subject to further conditions set forth in the legislation. Failure to abide by said conditions may be punishable by fines.

3.5 % deposit of the purchase price is required in the form of certified check, cashier's check, or cash not exceeding \$1,000.00.

#### **5. Bidder Residing at Property for 84 mo. Minimum:**

An individual(s) planning to reside in the property for a minimum of 84 mos. may participate in the bidding process of a Sheriff's sale upon providing the following documents:

These individuals include tenants and 3<sup>rd</sup> party buyers who are not purchasing the property for investment purposes.

Photo ID

HUD Certificate: Proof of having completed, or proof of enrollment for, 8 hours of homebuyer education and counseling through HUD certified counseling agency. Certificate will have the HUD Logo

Pre-Approval (If financing)

Per NJ A5664, if you choose to advise our office that you plan to finance this purchase, you must provide our office with a pre-approval letter advising that you are pre-approved for the original upset price listed in the publication notice.

3.5 % deposit of the purchase price is required in the form of certified check, cashier's check, or cash not exceeding \$1,000.00.

This type of purchaser is subject to further conditions set forth in the legislation. Failure to abide by the conditions may be punishable by fines.