

**Nachstehend finden Sie eine Übersetzung der Allgemeinen Versteigerungsbedingungen in die englische Sprache. Bitte beachten Sie, dass die Übersetzung nicht die aktuelle Fassung der Versteigerungsbedingungen wiedergeben muss. Maßgeblich sind ausschließlich die Versteigerungsbedingungen in der jeweiligen deutschsprachigen Fassung.**

## **Special Conditions of Sale for the Justice Authorities Auction (Effective: January 2012)**

By registering (please refer to no. 3) you agree to the conditions for the participation in a justice authorities auction as provided below:

### **1. Organizer of the Justice Authorities Auction**

The Administration of Justice conducts a permanent publicly accessible justice authorities auction at [www.justiz-auktion.de](http://www.justiz-auktion.de). The auction is conducted by German justice authorities and bailiffs.

### **2. Items sold in Auctions:**

a) under the provisions of the public law:

moveable property and rights for which the federal state during the execution of duties it is required to perform by statutory provisions has acquired the right of lien or any other right,

b) under the provisions of private law (§ 156 German Civil Law Code (BGB)):

aa) rejected items used in administrative offices,

bb) moveable property for which the federal state during the execution of duties it is required to perform by statutory provisions has acquired property rights,

cc) lost property (§§ 965, 978, 979 BGB) including undeliverable items (§ 983 BGB) and

dd) items that are sold by bailiffs under the provisions of § 885 subsection 4 of the German Civil Procedure Rules (ZPO) in connection with §§ 383 and the following sections of the BGB by way of disposal sales.

c) under the provisions of the foreclosure law (§§ 814 and the following sections of the ZPO) and under the provisions of statutory instruments of the state according to § 814 ZPO: items that have been seized during any enforcement proceedings under the provisions of the Civil Procedure Rules.

**Items that are deemed capable of causing damage to the reputation of the justice, particularly weapons of any kind (including knives, lances and swords), pornographic and violent literature or data storage devices, shall not be sold in any auction.**

**Auctions in which any such items are sold nonetheless, may be – without**

**prejudice to the provisions in no. 4 b) sentence 3 and 4 – discontinued by the Administration of the Justice immediately.**

### **3. Registration and Eligibility to Participate**

a) Basically, any person has free access to the auction at [http://www.justiz- auktion.de](http://www.justiz-auktion.de) . Only natural persons of full legal capacity and any legal entity may get access to the auction. Natural persons with limited legal capacity or individuals whose actions are subject to consent by their legal representatives shall have access to the auction to the extent the legal representatives will agree to them submitting bids in an auction. Any person who has been denied the right of disposal over the respective items by a court decision in criminal proceedings shall be excluded from participating in the auction. In any auction conducted under the provisions in no. 2 c), the bailiff, the assistants used by the bailiff (§ 450 BGB) as well as any other person related to or employed by the bailiff shall be excluded from participation.

b) For the registration a freely chosen user name, a password as well as the name (company) and address, an e-mail address and the birthdate must be provided. Should any such information provided by the participating person at the registration change in the course of time, these data needs to be updated immediately. This applies also to the change in the e-mail address.

c) Any participating person may demand, in writing or by e-mail, to cancel his or her registration. Such writing, providing the first and the last name of the person, e-mail address and user name, should be sent to:

Kompetenzzentrum Justiz-Auktion Nordrhein-Westfalen bei dem Generalstaatsanwalt  
Hamm  
Heßlerstraße 53  
59065 Hamm, Germany  
([cc-justiz-auktion@gsta-hamm.nrw.de](mailto:cc-justiz-auktion@gsta-hamm.nrw.de))

Should a bid for an item be successful, the particulars of the justice organization offering the respective item or the competent bailiff will be disclosed to the bidder. The data shall be deleted as soon as such data will not be required for the completion and execution of existing legal relationships or in case the participating person had not logged in to the auction platform for two years. When the registration is cancelled any commitment to any highest bids that may have been submitted and effective for the rest of the auction shall be cancelled as well.

d) In case of violation against the provisions in letter a) or no. 4 c) sentence 2 any participating person can be banned from the auction. We refer to the special conditions in no. 5 resulting in banning a person from bidding (failure to pay and receive the item bought). The justice organization or the bailiffs who are conducting the respective auction

decide with respect to banning issues. The respective person receives an appropriate notice hereof by e-mail. The ban shall be reported to the Justice Authorities Auction of North-Rhine Westphalia c/o General Public Prosecutor in Hamm.

In case of multiple violations against the provisions in letter d) participating persons can be banned from any auction conducted by the justice authorities. The Justice Authorities Auction of North-Rhine Westphalia c/o General Public Prosecutor in Hamm makes a decision in the banning issue having heard the respective person. The hearing can be executed by means of e-mail statement. The respective person receives an appropriate notice on the issue by e-mail.

#### **4. The Auction Procedure**

a) Items uploaded to the Justice Authorities Auction platform are offered in the auction. They are identified by a unique item number and by the description (including the shipment and payment conditions) and can be accompanied by one or more pictures. **Most significant is always the description. There is no right to withdrawal or to return.** To the extent the auction is conducted under the provisions of the public and private law according to no. 2 a) and b) the Special Conditions of Sale shall apply. This shall also apply to the liability and warranty claims. For the auctions under the provisions of the foreclosure law according to no. 2 c) the provisions of the respective offer shall apply. Therefore, the successful bidder shall not be entitled to warranty claims under § 806 ZOP.

b) The auction begins and ends at the time determined by the justice authorities or by the bailiffs. The beginning and the end of the auction offer is made public in the description of the item. Auctions conducted under the provisions of no. 2 a) and b) can be discontinued any time. For the discontinuation of the auction conducted under the provisions of no. 2 c) the respective statutory instruments are applicable according to § 814 subsection 3 ZPO. When an auction is discontinued the registered bids are cancelled.

c) Bids can only be submitted by registered persons. Submission of bids by way of data processing tools that have not been authorized by the Justice Authorities Auction (for instance, using the so-called "sniper" programmes) is forbidden. For each item the auction begins with a minimum bidding price offer. The incremental increase of the bid has to be conducted at least in the steps defined for the respective minimum bid. The next step of bid increase will be displayed automatically. Nonetheless, you can submit a higher bid. A bidding agent is provided which will automatically and step by step increase the bid of the person who agreed to using the bidding agent to the extent that this person's bid will again become the highest bid in the auction. The bidder shall be bound by his or her bid until the bid is annulated by a higher bid. The person who has provided the highest bid at the end of the auction shall, in case the offered bid is sold under the provisions of no. 2 a) and b), win the auction. In case of an auction conducted under no. 2 c) herein above, the bidder with the highest bid shall win the auction who at the end of the bidding procedure will have

submitted at least the minimum bidding price according to § 817a subsection 1 sentence 1 ZPO. The person who has submitted the highest bid at the end of the auction will be notified thereof by e-mail. In auctions that are conducted under the provisions of the public law (no. 2 a)) such notification shall be deemed an official confirmation of the winner in the bid by the competent authority. In auctions conducted under the provisions of the private law (no. 2 b)) and the foreclosure law (no. 2 c)) the bidder shall be notified that he or she has been awarded the bid.

d) The highest bidder will be notified on the shipment und payment conditions by e-mail. The amount of the highest bid and the due shipment costs shall be paid immediately onto the account determined by the seller, though such payment should not be made later than 10 days after the e-mail has been sent according to sentence 1. The shipment or – when collecting by the buyer – handing over of the items bought in an auction as well as the transfer of the rights awarded in a bidding procedure shall not take place before the amount of the highest bid and the shipment costs have been paid.

e) In case the parties have agreed that the sold items will be collected by the buyer, the latter shall produce identification documents or a passport as well as a hard copy of the notification on the highest bid/confirmation when collecting the items and shall provide any further documents if required (for instance, documents confirming his or her age if collecting spirits).

## **5. Renewed Offer**

In case an auction has been conducted under no. 2 a) and b), the respective item shall be offered again, if the highest bidder upon expiration of the period determined in no. 4 d) above and upon expiration of additional period of time provided by the seller has not paid the due amount and has not taken possession of the item. The previous highest bidder is not allowed to submit bids again in the renewed offer. He or she shall be liable for any loss that might accrue in the renewed offer, but he or she shall not be eligible to any possible surplus proceeds. In case an auction is conducted under no. 2 c), § 817 subsection 3 of the ZPO shall apply.

## **6. Exclusion of Availability and Quality**

All services provided through this website are made available under exclusion of any guarantee with respect to availability and quality.

## **7. System Integrity**

The contents of the Justice Authorities Auction may not be copied, distributed or used or reproduced in any way, unless prior consent has been acquired from the Justice Authorities Auction.

It is forbidden to employ mechanisms, software or any other routines in connections with the use of the Justice Authorities Auction that may in any way affect or destroy the functionality.

## **8. Changes to the General Auction Terms**

The Justice Authorities Auction can change the General Auction Terms any time without stating the reasons. The modified provisions are disclosed prior to becoming effective. Within two weeks upon disclosure any participating person can file an objection against the modified provisions. Fails the person to do so, the modified provisions shall be deemed accepted. The Justice Authorities Auction will refer to the two-week period separately.

## **9. Special Conditions of Sale**

Value added tax will not be indicated. In addition to the provisions provided herein above, for auctions conducted under no. 2a) and b) the Special Conditions of Sale shall apply.

## **10. Severability Clause**

Should individual provisions of these Terms for the Justice Authorities Auction be wholly or partially ineffective, this shall not affect the effectiveness of the remaining provisions hereof. The ineffective provision shall be replaced by a legal regulation.