

**SHARON R. BOCK**  
Clerk & Comptroller  
Palm Beach County

### **ADMINISTRATIVE POLICY 93-5**

**TO:** Our Tax Deed Sale Customers  
**EFFECTIVE DATE:** June 1, 2012  
**SUBJECT:** **CLERK'S TAX DEED SALES PROCEDURE**  
(Note: this policy supersedes and revises Policy 93-5, effective 3/1/12)

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The Clerk & Comptroller of Palm Beach County, Florida (hereinafter referred to as "Clerk") holds Tax Deed sales pursuant to Florida Statute Chapter 197 and Florida Administrative Code Rule 12D-13. Florida Statutes and Administrative Codes take precedence over the Clerk's policy. To the extent any changes in Florida law or the Administrative Code result in a conflict with any section of this Policy, such conflict shall be resolved in favor of Florida law or the Administrative Code. All participants are deemed to have knowledge of the Florida Statutes and Administrative Code. The following information is provided to assist you in becoming familiar with tax deed sales in Palm Beach County. Should you still have questions after reading this policy, please call the Tax Deed Department at (561) 355-2962. The Tax Deed Department is located in Room 3.2300 in the Main Courthouse, 205 North Dixie Highway, West Palm Beach, Florida.

**There are certain risks associated with bidding at tax deed sales. The Clerk makes no representations or warranties of any kind, express or implied, with respect to the property, including but not limited to, the condition of the property being sold, the marketability or state of the title to the property, the existing or potential use of the property or the existence of other liens or encumbrances which may survive the sale of the property.**

**In addition, the Clerk makes no representations or warranties of any kind, express or implied, regarding the legal effect of a tax deed sale on the property's title or marketability or the effect of the sale on any liens, encumbrances or mortgages that may exist on a property.**

The properties are sold subject to any outstanding taxes which may or may not be included in the opening bid. It is the sole responsibility of interested bidders to determine if there are additional taxes that may be due. The Clerk does not maintain the tax records and cannot provide you with this information.

Information on the Property Appraiser's and Tax Collector's websites are not verified nor maintained by the Clerk. Links to such websites are provided for bidder convenience only.

The tax laws are complicated and you should not bid on a tax sale property unless you have thoroughly researched the property, understand the taxation and related real property laws, and understand what liens or encumbrances may survive the tax deed sale. You should consult with an attorney if you have questions regarding the applicable laws. The Clerk cannot provide legal advice.

**IT IS THE SOLE RESPONSIBILITY OF THE INTERESTED BIDDER TO THOROUGHLY RESEARCH THE PROPERTY PRIOR TO BIDDING. THE CLERK'S OFFICE SELLS THE PROPERTY PURSUANT TO FLORIDA STATUTE CHAPTER 197 AND CANNOT GUARANTEE A CLEAR OR MARKETABLE TITLE.**

1. **LOCATION OF SALE:** Tax deed sales are conducted online at: [www.mypalmbeachclerk.clerkauction.com](http://www.mypalmbeachclerk.clerkauction.com). Access to the electronic online auction is available at public computer terminals located in the Record Services Department, Room 4.2500 in the Main Courthouse.
2. **DATES OF SALE:** Sales are held once to twice per month on Wednesdays, as advertised in the Palm Beach Daily Business Review. The first property will be auctioned at 9:30 am. You may place your bids beginning at 8:00 am. Check the electronic online auction calendar located at [www.mypalmbeachclerk.clerkauction.com](http://www.mypalmbeachclerk.clerkauction.com) for exact dates of upcoming sales.
3. **PROPERTIES FOR SALE:** The properties available for sale can be viewed by sale date on the electronic online auction website, [www.mypalmbeachclerk.clerkauction.com](http://www.mypalmbeachclerk.clerkauction.com). The status of a particular property is subject to change without notice. The electronic online auction website is updated nightly. Accordingly, the most current information regarding the status of a property or the sale date can only be obtained from the Tax Deed public records (<http://www.mypalmbeachclerk.com/taxdeedsearch.aspx>). If you are an interested party, you are advised to check the public records as often as necessary to determine whether any filings may impact the sale or the sale date.
4. **VIEWING THE FILES:** All tax deed documents received by the Clerk are maintained in the public files by certificate number. Tax deed files are

maintained in electronic format and are available to view at <http://www.mypalmbeachclerk.com/taxdeedsearch.aspx>.

THE CLERK'S OFFICE DOES NOT HAVE ANY ADDITIONAL INFORMATION REGARDING A PROPERTY OR CERTIFICATE OTHER THAN THAT MAINTAINED IN THE PUBLIC FILES.

5. **REGISTRATION:** To be eligible to bid at an auction, you must register online prior to the auction at [www.mypalmbeachclerk.com/clkrauction.com](http://www.mypalmbeachclerk.com/clkrauction.com) and satisfy the advance deposit requirements (see paragraph 7, "Deposit at Time of Sale"). You must register for yourself and any and all corporations, non-profits, partnerships, businesses, etc. that you may represent as a bidder. Bidders must register using proper names. Use of fictitious names and initials for bidding purposes will be deemed to constitute bad faith bidding. The Clerk reserves the right to require proof of a bidder's name and/or affiliation. There is no fee for registration. You do not need to register solely to view an auction.

You only need to register one time to bid at both the Clerk's online tax deed and foreclosure auctions. The same registration and deposit account can be used to bid at both auctions.

Certificate holders will not be required to register unless they intend to place a bid higher than the opening bid. The opening bid will be entered by the Clerk prior to the sale. If certificate holders choose to place a bid higher than the opening bid, they must register prior to the auction and satisfy the advance deposit requirements (see paragraph 7, "Deposit at Time of Sale").

6. **BIDDING:** The first bid after the statutory opening bid will be the nearest \$100 over the opening bid. Thereafter, bidding is done by proxy in increments of \$100.00 up to the bidder's maximum bid.

Pursuant to section 197.542(2), Florida Statute and Florida Administrative Code Section 12D-13.063(8), the Clerk may refuse to recognize the bid of any person who has previously bid and refused, for any reason, to honor such bid. Accordingly, if you or an entity or party listed as an "affiliate" on your registration do not make your final payment in a timely manner (see paragraph 8, "Full Payment of Bids and Related Costs"), you and your affiliated entities and parties may be barred from bidding for no less than three years. Failure to honor your bid a second time will result in permanently being barred from the Clerk's tax deed sales.

7. **DEPOSIT AT TIME OF SALE:** The successful bidder must post with the Clerk a deposit equal to the greater of five percent (5%) of the final bid or \$200 (see section 197.542(2), Fla. Stat.). The deposit shall be applied to the sale price immediately after the auction closes. All bidders will be required to ADVANCE funds sufficient to satisfy the deposit requirement, should they be the successful

bidder. Deposit funds may be used for the purchase of online Foreclosure sales or online Tax Deed sales. If you intend to bid at both auctions, your deposit funds will be allocated in the order in which the bids are placed.

Advance deposits may be made online through the electronic auction website via ACH transfer at least three (3) full business days before the auction. Funds will clear on the fourth (4<sup>th</sup>) business day, which must be on or before the scheduled sale day. (For example, to bid in a Wednesday auction, an ACH/electronic check payment transfer equal to the greater of five percent (5%) of the anticipated final bid or \$200 must be completed by 5 pm on the preceding Thursday.)

In addition, the deposit may be paid by cash or certified check, presented to the Tax Deed Department by 4 pm the business day before the scheduled auction. Deposits received on the day of an auction may not be available for bidding that day. If a deposit is made at the Clerk's office by certified check, the name and address of the person or entity shown as the remitter on the check will be the person or entity that will receive the credit for the deposit online. That person or entity must be the registered bidder with the same name and address on the online system. For example, if the check shows a corporate name and address as the remitter, that corporation must be the registered user on the online system under the same name and address to be given the credit for the deposit. If a bidder wishes to submit and receive credit for deposits from various sources they must make their deposits via ACH. Personal checks will not be accepted under any circumstances.

If you are the successful bidder, the advance deposit will be automatically applied to your final payment. If the property is redeemed prior to the issuance of the Tax Deed (see paragraph 12, "Redemption"), the successful bidder's deposit account will automatically be replenished. **No other repayment of the successful bidder's deposit will be given.**

If you are not the successful bidder, you may request a refund of your deposit on the electronic online auction site. Refunds of non-ACH deposits will be processed through the Clerk's ordinary course of business. A refund of unused ACH deposits will be automatically initiated on the 85<sup>th</sup> day following a deposit. Bidders will need to timely submit a new deposit if they wish to bid after the 85<sup>th</sup> day in accordance with this policy. Any deposits not refunded will be retained by the Clerk for the bidder's use in subsequent electronic online auctions.

8. **FULL PAYMENT OF BIDS AND RELATED COSTS:** The successful bidder's deposit will be retained by the Clerk and the difference between the deposit and the total amount due must be received by the Clerk by 2 pm on the next business day after the sale. If final payment is not made by such time, the entire deposit will be forfeited. The Clerk will deduct from the forfeited deposit a non-refundable sale fee, a non-refundable electronic online auction fee and re-

advertising costs. Any remaining funds from the forfeited deposit shall be applied toward the opening bid on the rescheduled sale.

Pursuant to section 197.542, Florida Statute, the successful bidder must pay the following costs: the documentary stamp taxes (\$.70 per \$100, or fraction thereof, of the amount bid) and recording fees. Failure to pay these costs by 2:00 pm the business day following the sale will result in the sale being forfeited.

Final Payment may be made by Cash, Certified Check or Wire Transfer. Such wire transfer must be received by the Clerk's bank by 2 pm the next business day after the sale and clearly indicate the certificate number for which payment is being made. If payment is made by certified check, a separate check must be received by the Clerk for each property purchased. **The Clerk cannot accept final payment for multiple properties on one check.** Final Payment may not be made by ACH/electronic check. Final payment cannot be made from your deposit account.

**No final payments will be accepted after 2 pm the next business day following the sale. Payments received after 2 pm will be returned to the bidder and the sale will be forfeited. A successful bidder's final payment made by wire (which can have varying processing times) must allow enough time for the wire to be processed and received in the Clerk's bank account by the 2 pm deadline. A final payment made by wire that is initiated by the successful bidder's bank prior to the 2 pm deadline, but not received in the Clerk's bank account by the 2 pm deadline, will be returned to the bidder and the sale will be forfeited.**

9. **NO BIDS:** On county held certificates, if there are no bids higher than the opening bid, the property shall immediately be placed on a List of Lands Available for Taxes. See paragraph 13, "List of Lands Available for Taxes".

On non-county held certificates, if no bids are received for a property higher than the opening bid, the property shall be struck off to the certificate holder, who shall pay to the Clerk any amounts included in the opening bid which the certificate holder has not already paid, the documentary stamp tax and the recording fees due. **Payment from the certificate holder must be received by 2 pm the next business day after the sale and must be made by Cash, Certified Check or Wire Transfer.** Upon payment, a tax deed shall be issued and recorded by the Clerk.

If payment is not received from the certificate holder by 2 pm the next business day after the sale, the Clerk will re-advertise the sale to be held within 30 days. The certificate holder must immediately remit by certified funds an additional \$60 sale fee, an additional \$60 online auction fee and a \$55 re-advertising fee, which fees will be added to the opening bid. Payment of the re-auction costs may not be made by ACH or wire. If there are no bids at the next auction, the Clerk shall

place the property on the “List of Lands Available for Taxes”. See paragraph 13, “List of Lands Available for Taxes”.

**10. FORMS OF PAYMENT:** The Clerk accepts the following forms of payment:

FOR DEPOSITS: CASH, CERTIFIED CHECK and ACH/electronic check. Payments made through ACH/electronic check payment shall be effectuated through the Clerk’s online electronic auction site.

FOR FINAL PAYMENTS: CASH, CERTIFIED CHECK and WIRE TRANSFER. If final payment is made by Certified Check, a separate certified check must be given for each property. The Clerk cannot accept final payments for multiple properties on one check. Wire transfers shall be made pursuant to the instructions provided on the electronic online auction website, [www.mypalmbeachclerk.clerkauction.com](http://www.mypalmbeachclerk.clerkauction.com).

**The Clerk’s Office reserves the right to refuse tender of a check if the check does not appear to be legally sufficient in the Clerk’s sole discretion.** All checks must be drawn upon a U.S. or Canadian banking institution, made payable to Sharon R. Bock, Clerk & Comptroller. If drawn on a Canadian bank, the funds must be in U.S. dollars. Under no circumstances will the Clerk accept credit card, personal checks or third party checks.

**NO OTHER FORMS OF PAYMENT WILL BE ACCEPTED.**

**11. ISSUANCE OF TAX DEED:** Upon receipt of final payment including applicable documentary stamp taxes and recording fees, the Clerk will issue a Tax Deed to the successful bidder. The Tax Deed will be mailed via first class mail, U.S. Postal Service, to the successful bidder.

**12. REDEMPTION:** Pursuant to section 197.472, Florida Statutes, any person may redeem a tax certificate at any time after the certificate is issued and before a tax deed is issued or the property is placed on the list of lands available for sale. A Tax Deed is deemed to be “issued” when all necessary signatures are included and the Clerk’s seal is affixed to the Tax Deed.

Payment for redemption must be made in U.S. funds drawn on a U.S. bank. Redemptions can be made by cash, bank draft, certified check, money order, U.S. Postal order or a cashier’s check payable to **Tax Collector, Palm Beach County**, in the amount shown on the Notice of Application for Tax Deed. The Tax Collector will accept certified checks from a Canadian Bank drawn on a U.S. Bank in U.S. dollars. Personal checks will not be accepted.


Redemptions prior to the sale day should be made at the Tax Collector’s office, 301 North Olive Ave. third floor, West Palm Beach. If mailing the payment, the

redemption payment should be mailed to: Tax Collector, Palm Beach County, Attn: Pat Bradley, Director Tax Services, 301 N. Olive Ave., 3<sup>rd</sup> Floor Governmental Center, West Palm Beach, FL 33401. On the day of the sale, full payment made payable to the Tax Collector, Palm Beach County may be delivered to the Clerk & Comptroller's office, 205 North Dixie Highway, Main Courthouse, Room 3.2300, West Palm Beach.

- 13. LANDS AVAILABLE FOR TAXES:** Properties are placed on the "List of Lands Available for Taxes" when there are no bids on the property at the tax sale on county held certificates or when there are no bids on a non-county held certificate and the certificate holder failed to pay the monies due. (See paragraph 9, "No Bids".) During the first ninety (90) days after a property is placed on the List of Lands Available for Taxes, only the county may purchase the property. Thereafter, anyone may purchase the property. Lands Available properties cannot be purchased online and payment can only be made by cashier check.

The List of Lands Available for Taxes can be viewed online at: <http://www.mypalmbeachclerk.com/taxdeedsearch.aspx>. Interested purchasers should file a "Request for Lands Available Information" form with the Clerk. The form is available to download from the Clerk's website, [www.mypalmbeachclerk.com](http://www.mypalmbeachclerk.com) under "Tax Deed Sales".

6/6/12  
Date

  
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