ADMINISTRATIVE POLICY 21-02
CLERK'S JUDICIAL SALES PROCEDURE

The Clerk of the Circuit Court & Comptroller, Palm Beach County (hereinafter referred to as "Clerk") holds foreclosure sales pursuant to Section 45.031, Florida Statutes, Administrative Orders Series 3.300 *(which may be viewed at http://15thcircuit.co.palm-beach.fl.us/web/guest/adminorders)*, and the Final Judgment of Foreclosure entered in each case. Florida Statutes, Administrative Orders and specific court judgments or orders concerning a case, take precedence over the Clerk's policy. To the extent any changes in Florida law or the Administrative Orders result in a conflict with any section of this Policy, such conflict shall be resolved in favor of Florida law or the Administrative Order. All participants are deemed to have knowledge of the Florida statutes and Administrative Orders. The following information is provided to assist you in becoming familiar with judicial sales in Palm Beach County. Should you still have questions after reading this policy, please call the Foreclosure Department at (561) 355-6240. The Foreclosure Department is located in Room 3.2300 (in the Circuit Civil Department) in the Main Courthouse, 205 North Dixie Highway, West Palm Beach, Florida.

THE CLERK'S OFFICE SELLS THE PROPERTY PURSUANT TO COURT ORDER AND THE BIDDER SHOULD NOT ASSUME THE SALE WILL RESULT IN A TITLE FREE AND CLEAR OF ANY AND ALL LIENS, ENCUMBRANCES OR DEFECTS.

THE CLERK'S OFFICE MAKES NO WARRANTIES OR REPRESENTATIONS OF ANY KIND, EXPRESS OR IMPLIED, WITH RESPECT TO THE PROPERTIES BEING SOLD AND/OR, THE RESULTS OF THE SALE, INCLUDING BUT NOT LIMITED TO, THE VALUE OF, OR THE TITLE TO, THE PROPERTY FOLLOWING A SALE. It is the responsibility of the interested party to do all research regarding the property, including whether any of the defendants have filed for bankruptcy protection, whether there are taxes due or any liens, or encumbrances or defects in title, and the value of the property.

There are certain risks associated with bidding at foreclosure sales. One of them is the possibility of a foreclosure sale being set aside because a defendant has filed for bankruptcy protection. If that is the case, even where the plaintiff and the Clerk are unaware that a

defendant has filed for bankruptcy protection, the foreclosure sale can be set aside, or be considered to be null and void. Absent Clerk error, if the sale is set aside, the Clerk will retain the Clerk's sale fee, the electronic online auction fee and the registry fees earned.

Foreclosure laws are complicated and thorough research of the property, understanding the foreclosure and related real property laws, and understanding what liens or encumbrances may survive the foreclosure sale is suggested. Attorneys and Title Companies may be able to provide you with information regarding the liens on a given property. Be advised that you are solely responsible for researching foreclosure properties and you assume sole responsibility for making any bid at the online foreclosure auction.

1. **LOCATION OF SALE:** Unless otherwise provided by Court Order, foreclosure sales are conducted online at: "https://palmbeach.realforeclose.com". Access to the electronic online auction will be available at public computer terminals located in the Record Services Department, Room 4.2500 in the Main Courthouse.

2. **DATES OF SALE:** Sales are generally held Monday through Thursday except legal holidays and any day designated by Administrative Order as a sale holiday. If ordered by the court, sales may be held on Friday. Auctions begin at 10:00 a.m. Bidding begins as soon as available for sale online. Check the electronic online auction calendar located at https://palmbeach.realforeclose.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 https://palmbeach.realforeclose.com. The sale date of a particular property is subject to change without notice. The most current information regarding the status of a property or the sale date can only be obtained from the official court file. If you are an interested party, it is your responsibility to check the court file as often as necessary to determine whether any pleadings, motions, or orders may impact the sale or the sale date.

   The Clerk's office does not know the address of the property. The street address provided on the electronic auction site is provided by the Judgment Holder or Real Auction and is not verified by the Clerk. The Clerk is not responsible for the accuracy of any such address. The street address alone should not be relied on by a bidder to identify the property.

   In addition, the information on the Property Appraiser's website is not verified nor maintained by the Clerk. The link to such website is provided by the online auction vender (Real Auction) for bidder convenience only.

4. **VIEWING THE FILES:** Foreclosure files are generally available for viewing at public viewers between the hours of 8:00 a.m. and 4:00 p.m. in the Circuit Civil File Room, Room 3.2300 in the Main Courthouse, though no guaranteed. In addition, the foreclosure files can generally be accessed online under eCaseView from the "Court Records" section on the Clerk's website, www.mypalmbeachclerk.com.

5. **CONDITIONS OF SALE:** The purchaser takes title to the property subject to all defects, liens, encumbrances and other matters which by law survive the foreclosure auction. Bidders should not assume a foreclosure sale terminates or releases any and all liens, encumbrances or defects in title.

6. **CLUB MEMBERSHIPS:** Properties located within common interest communities, such as gated communities, condominium associations and cooperatives may be subject to certain covenants including MANDATORY CLUB MEMBERSHIPS requiring an initial membership equity fee and annual dues. These fees can be significant and are in addition to the purchase price paid to the Clerk at the auction. IT IS THE BIDDERS' SOLE RESPONSIBILITY TO DETERMINE WHETHER PROPERTIES ARE SUBJECT TO ANY COVENANTS, CONDITIONS OR RESTRICTIONS, INCLUDING MANDATORY CLUB MEMBERSHIPS, PRIOR TO PLACING THEIR BID. The Clerk sells properties pursuant to statute or court order and does not have this information.

7. **REGISTRATION:** To be eligible to bid at an auction, you must register online prior to the auction at https://palmbeach.realforeclose.com and satisfy the advance deposit requirements (see paragraph 12, "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 is prohibited. Business entities and affiliates must be active entities at the time of registration. The Clerk reserves the right to require proof of a bidder's name, affiliation, corporate existence, and/or authority to bid. No changes can be made to the bidder's name once registered. There is no fee for registration. You do not need to register solely to view an auction. Judgment holders and/or their representatives must also register prior to the auction.

   The plaintiff shall pay the following costs in advance to the Clerk prior to the sale: $70.00 service charge for making, recording and certifying the sale and title, and $70.00 service charge in conducting or contracting for the electronic sale, as provided by sections 45.031 and 45.035, Florida Statutes. These Clerk fees must be paid no later than 5:00 p.m. the day before the auction. A plaintiff represented by counsel may pay the sale fee when e-filing the Notice of Sale through the e-portal by entering the number 1 in the field that states "Enter 1 for Foreclosure one Time Clerk fee" ($70.00) and then selecting "Notice of Sale with On-line Sale Fee" ($70.00). These fees may also be paid by cashier's check or cash. **The Clerk will not issue a certificate of title to the property unless these fees have been paid.**

8. **PROOF OF PUBLICATION REQUIRED:** Proof that a notice of sale was published in accordance with section 45.031(2) and Chapter 50, Florida Statutes together with the publisher's affidavit of such publication, must be filed with the Clerk's Foreclosure Department no later than 3 business days prior to the scheduled sale date. Pursuant to court instructions regarding foreclosure summary judgment proceedings in Circuit Civil foreclosure cases, the judgment holder shall prepare and provide the Notice of Sale to the newspaper for publication and file a copy with the Clerk's office.

Pursuant to Administrative Order 3.301-11/12, failure to file a proof of publication will not cause the sale to be canceled. If no proof of publication is filed with the Clerk, the Clerk will proceed with the scheduled sale of the property, but no Certificate of Sale will be issued until a proof of publication is filed.

9. **CANCELLATION OF SCHEDULED SALE:** Pursuant to Administrative Order 3.301-11/12, the Clerk is prohibited from canceling a scheduled foreclosure sale without a court order except in cases where a bankruptcy petition has been filed (see paragraph 18, "Effect of Bankruptcy"), a Notice of Dismissal and Release of Lis Pendens has been filed, or the Plaintiff provides proof that the Plaintiff was paid in full. Failure to provide proof of publication or pay the Clerk's sale fee prior to the sale will not result in the cancellation of a sale; however, no Certificate of Sale will be issued without proof of publication and no Certificate of Title will be issued without payment of all Clerk fees.

   Filing a Motion to Cancel Sale will NOT cause the sale to be cancelled. The motion must be heard by a judge and an order issued to cancel a sale.

   Any Order to Cancel Sale that is received by the Clerk after the sale has already occurred, may result in the imposition of the Clerk's sale fee and will result in the imposition of another online auction fee.

10. **BIDDING:** Bidding is done in increments of $100.00 or more. By court order, the judgment holder usually receives credit up to the amount of the judgment including interest. Judgment holders must enter their bid on the electronic auction site. The Clerk cannot enter a bid for the judgment holder.

    All bidding must be done in good faith. If the court finds your bid is in bad faith, you may be subject to sanctions for costs and/or expenses incurred as a result of your bad faith bid, and you and any entities or corporations associated with you, may in the Clerk's office's sole discretion, be barred from bidding on foreclosure sales for one year.

11. **ASSIGNMENTS:** Assignments by a judgment holder will only be permitted if the Final Judgment specifically provides that the judgment holder can assign, or a Court Order allows the assignment. The Foreclosure Department must be notified of the assignment, in writing, no later than three business days before the scheduled sale date for the bidding to be conducted in the assignee's name. Assignments filed less than 3 business days before a sale may result in the sale being conducted and the Certificate of Sale being issued in the assignor's name.

    Successful non-judgment holders bidding on behalf of an affiliated person or entity included in their online registration must designate such affiliate on the electronic auction site before making their final payment. Once the final payment is made, no changes will be made to the Certificate of Sale or Title without a court order.

12. **DEPOSIT AT TIME OF SALE:** Unless otherwise ordered by the Court, the successful bidder must post with the Clerk a deposit equal to five percent (5%) of the final bid (see sect. 45.031, 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 (see sect. 45.031(10), Fla. Stat.)

Advance deposits may be made online through the electronic auction website via ACH transfer at least three (3) full business days before the auction they intend to participate in. Funds will clear on the fourth (4^{th}) business day, which must be on or before the scheduled sale day. (For example, to bid in a Thursday auction, an ACH/electronic check payment transfer equal to five percent of the anticipated final bid must be completed by 4:00 p.m. on the preceding Friday.)

In addition, the deposit may be paid by cash, certified check and if represented by an attorney, by attorney trust account check (clearly delineated as such on the check) and presented to the Foreclosure Department by 4:00 p.m. the business day before the scheduled auction. Deposits received on the day of an auction may not be available for bidding that day. 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. **No refund of the deposit will be given to the successful bidder** without a court order. 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. Any deposits not refunded will be retained by the Clerk for the bidder's use in subsequent electronic online auctions.

If a judgment holder is the successful bidder, credit for the judgment amount is applied to the bid.

13. **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 2:00 p.m. the next business day after the sale or by the deadline stated in the judgment. If final payment is not made by such time, the deposit is forfeited. The Clerk will assess a non-refundable registry fee from the forfeited deposit. Any remaining funds from the forfeited deposit shall be applied toward the judgment.

Pursuant to sections 28.24(10), 45.035, 201.02, Florida Statutes, the successful bidder must pay the following costs unless otherwise provided in the Judgment: documentary stamp taxes ($.70 per $100.00); and registry fees of three percent (3%) of the first $500.00, and one and a half percent (1½ %) of each subsequent $100.00 of the balance of the amount bid; and any other costs as set forth in the Judgment.

Final Payment may be made by Cash, Certified Check or Attorney Trust Account check. Additionally, final payment may be made by wire transfer. Such wire transfer must be received by the Clerk's bank by 2:00 p.m. the next business day after the sale and clearly indicate the case number for which payment is being made. Any deposit funds that are in

excess of your minimum 5% deposit for each awarded property cannot be applied to offset your final payment remaining balance if you are awarded a property at auction.
If a judgment holder represented by counsel is the successful bidder and the final bid does not exceed his or her judgment credit, the attorney for the judgment holder may pay the documentary stamp tax online by ACH/electronic check payment, in addition to the forms of final payment discussed above with respect to bidders.

No final payments will be accepted without a court order after 2:00 p.m. the next business day following the sale. Payments received after 2:00 p.m. 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 by the Clerk's bank by the 2:00 p.m. deadline. A final payment made by wire that is initiated by the successful bidder's bank prior to the 2:00 p.m. deadline, but not received by the Clerk's bank by the 2:00 p.m. deadline, will be returned to the bidder and the sale will be forfeited.

THE ON-LINE AUCTION FEE IS ASSESSED AND DUE TO THE VENDOR EACH TIME A SALE IS SET.

IF A SALE IS SET ASIDE, THE CLERK WILL RETAIN THE SALE FEE, THE ELECTRONIC ONLINE AUCTION FEE AND REGISTRY FEES AS AUTHORIZED BY LAW.

14. **FORMS OF PAYMENT**:

Please note: Even in cases where an order states that the property will be sold for cash, the Clerk is legally authorized to accept payments for bids, deposits, costs and fees at sales as follows:

The Clerk accepts payments in the form of CASH, CERTIFIED CHECK and ATTORNEY TRUST ACCOUNT CHECK (clearly delineated as such on the check) for payment of bids and deposits. **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 Joseph Abruzzo, Clerk of the Circuit Court & Comptroller. If drawn on a Canadian bank, the funds must be in U.S. dollars. If you are an attorney and you (or your client) are the successful bidder, you may pay by a law firm trust account check (clearly delineated as such on the check). Under no circumstances will the Clerk accept credit card, personal checks or third party checks.

When permitted under this Policy, wire transfers shall be made pursuant to the instructions provided on the electronic online auction website, https://palmbeach.realforeclose.com

NO OTHER FORMS OF PAYMENT WILL BE ACCEPTED.

15. **POST JUDGMENT CREDIT FOR INTEREST, COSTS AND FEES:** If the judgment holder has been awarded interest accrued after judgment, the Clerk will calculate the interest earned before the sale. The Clerk calculates post-judgment interest pursuant to section 55, Florida Statute unless otherwise provided in the final judgment.

    In order to receive credit at the time of the sale for publication costs incurred after judgment, each judgment holder must provide to the Clerk no later than three (3) business days before the sale an affidavit stating the amounts incurred along with the invoice for publication.

    Pursuant to Administrative Order, all other post judgment costs and fees must be approved by court order to receive credit.

16. **DOCUMENTS REQUIRED TO BE SUBMITTED BY JUDGMENT HOLDER:** A judgment holder in whose favor a Final Judgment of Foreclosure is issued, shall be required to submit to the Clerk prior to the sale date the following:

    Three (3) sets of postage paid envelopes addressed to all parties in the case if no email address is provided for such party for the Clerk to mail the Certificates of Sale, Title and Disbursements.

17. **REDEMPTION:** Pursuant to section 45.0315, Florida Statutes, the mortgagor (defendant) or the holder of any subordinate interest may cure the indebtedness and prevent a foreclosure sale by paying the amount of monies specified in the judgment at any time before the filing of a certificate of sale by the eClerk of eCourt or the time specified in the judgment, whichever is later. Payment for redemption must be made by cash or certified check drawn upon a U.S. or Canadian banking institution made payable to Joseph Abruzzo, Clerk of the Circuit Court & Comptroller, in the amount of the judgment, plus both Clerk sale and electronic sale fees (if redemption occurs after the sale), registry fee, interest and all related costs of the sale. If drawn on a Canadian Bank, the funds must be in U.S. dollars. Call the Foreclosure Department for an updated amount at (561) 355-6240.

18. **EFFECT OF BANKRUPTCY:** If a Suggestion of Bankruptcy or a copy of a bankruptcy petition is filed by a defendant in the foreclosure case prior to the sale, and is still pending at the time of the scheduled sale, the Clerk will not sell the property. An Order to Reschedule the Foreclosure Sale and one of the following documents must be filed with the Clerk before the Clerk will sell the property:

    a. Order Lifting the Stay,
    b. Voluntary Dismissal or order dismissing bankruptcy case,
    c. Order Discharging Debtor, or,
    d. Other types of orders or pleadings as may be appropriate.

    If a Suggestion of Bankruptcy or a copy of a bankruptcy petition is filed by a defendant in the foreclosure case prior to the sale but is dismissed or an order is entered lifting the

bankruptcy stay prior to the time of the scheduled sale, then absent a court order to the contrary, the foreclosure sale will take place as scheduled if ALL of the following conditions are satisfied:

a. Proof of the dismissal of bankruptcy or order lifting the stay is filed with the Clerk, and
b. All other statutory requirements for the sale have been met.

In accordance with Administrative Order 3.303, the defendant shall deliver a copy of the bankruptcy petition or Suggestion of Bankruptcy to the Foreclosure Department prior to the date and time of the scheduled foreclosure sale.

IF YOU INTEND TO FILE A DOCUMENT WHICH WILL AFFECT THE CLERK'S ABILITY TO SELL THE PROPERTY, YOU MUST NOTIFY THE FORECLOSURE STAFF BY PHONE, IN PERSON, OR EMAIL IMMEDIATELY TO ALERT THEM THAT EXPEDITED PROCESSING MAY BE NECESSARY.

Shannon Ramsey-Chessman

Clerk Ad Interim **Palm Beach County**

Date: August 18, 2026