

**OFFICE OF THE CLERK
ADMINISTRATIVE ORDER**

DATE: April 23, 2008

**AMENDED
AO-2008-03**

SUBJECT: JUDICIAL SALES PROCEDURES

This Administrative Order amends and replaces Administrative Orders numbered AO-1984-08 and AO-1985-07 and AO-1994-17 and AO-2004-01 and AO-2004-02 and Amended AO-2004-02 and Amended AO-2008-01 which are hereby rescinded and held for naught.

Where not otherwise provided by an Order or Final Judgment, the Clerk may set up any reasonable criteria and procedures in conducting judicial sales that he may deem advisable which would have the purpose of selling the property for cash at public sale to the highest and best bidder for the highest and best bid.

Therefore, the following criteria and procedures are hereby established:

All bidders shall fill out a Registration Form for each sale, prior to bidding.

At 11:00 a.m. on the day of a sale, the Auctioneer will read the terms of the sale which are contained in the Registration Form.

If time allows, canceled sales will be posted. However in any event, they will be announced before the start of all sales, or when received during or after the sales.

The Auctioneer will announce each sale by case number, Plaintiff's name, Defendant's name and legal description of the property. The Auctioneer will request that the Plaintiff or his representative make an opening bid. If the Plaintiff or his representative makes an opening bid, the bidding shall continue until there is a successful high bidder.

If the Plaintiff or his representative states that an opening bid will not be forthcoming, the Auctioneer repeats that the Plaintiff is not making a bid at this time and asks any interested parties if there are any opening bids. A deputy clerk documents on the bid sheet that the plaintiff no bid at this time. If no bids are received from anyone, a Certificate of No Sale is filed by the Clerk. If bids are received, the bidding continues until there is a successful high bidder.

When the Plaintiff or his representative is not present, a deputy clerk will read the Final Judgment to see if there is a clause that states that the sale cannot be held unless there is a representative of the plaintiff present at the sale. The deputy clerk will also check the case in the computer to see if there is anything else that will stop the sale. If there is no reason to stop the sale, the Auctioneer will proceed to sell the property to the highest bidder.

When the property is sold, a deputy clerk documents on the bid sheet that the Plaintiff or his representative was not present.

All those bidding on a particular piece of property, with the exception of the plaintiff, will be told that they must stand in the area immediately in front of and visible to the auctioneer but behind the stanchion poles. Plaintiff may stand at the designated podium. Sale attendees not bidding on the property must remain in the rear or on the sides of the room and may not approach the other bidders during the sale. Bidders or observers who do not comply with this policy will be disqualified from bidding or attending the sales for the remainder of that day as well as the sales conducted on the next auction date.

✓ All registration forms for a particular sale must be submitted to the clerk at the auctioneer's table prior to the commencement of bidding. Prior to the Plaintiff submitting the opening bid, the auctioneer will ask if there are any registration forms to be submitted for this sale. After pausing for forms to be submitted, the auctioneer will announce that no more registration forms will be submitted. Registration forms not submitted at this time will not be honored. If the Auctioneer determines that there were no registration forms submitted for a particular sale, the Plaintiff will submit their opening bid. At that time, the Auctioneer will announce "Since there were no registration forms submitted, the Plaintiff is the successful bidder for the amount of _____."

✓ With the exception of the aforementioned cases that are sold to the Plaintiff, all final bids are repeated three times. When the last bid appears to have been made, the auctioneer will make an announcement using language substantially the same as the following. The Auctioneer will call "Going once to (name of successful bidder) for (the amount of last offer)", call "Going twice to (name of successful bidder) for (the amount of the last offer)", pause, and call "Your attention please, I am about to make the third and final call. Are there any other bids?", call "Going three times to (name of successful bidder) for (the amount of the last offer)." If no other bids are placed, the Auctioneer will announce "Sold to (name of successful bidder) for (the amount of the winning bid)."

The Auctioneer will only accept bids that are at least in increments of \$100.00 more than the previous bid. All bid increments must be made in multiples of \$100.00. All bids announced by a bidder and repeated by the Auctioneer are written on a bid sheet by a deputy clerk. The auctioneer will acknowledge an invalid bid and state why the bid is invalid by making an announcement using language substantially the same as the following example: "That is not a valid bid. A valid bid must be a minimum of \$100.00 above the previous bid." A bidder who consistently bids in increments less than \$100.00 will be disqualified from bidding as well as the corporation, partnership, business or nonprofit organization under whose name they bid for the remainder of that date's sales as well as the sales conducted on the next auction date.

During the bidding process, all bidders and observers are expected to treat each other and Clerk's Office employees with respect. Any disruptive behavior (e.g. engaging in

conversation or using a cellular phone while a sale is being conducted, arguing with a clerk or another bidder etc) will result in disqualification from bidding or attending the sales for the remainder of that day as well as the sales conducted on the next auction date.

All bidding must be done in good faith. If any bidder fails to immediately make the required deposit, rescinds a bid after a property has been declared sold or engages in disruptive behavior, the individual bidding as well as the corporation, partnership, business or nonprofit organization under whose name they bid will be disqualified from bidding for the remainder of that date's sales as well as the sales conducted on the next auction date. Disruptive attendees will also be disqualified from attending the remainder of that date's sales as well as the sales conducted on the next auction date. If a bidder is disqualified from bidding due to bad faith bidding and/or disruptive behavior on three occasions in any thirty (30) day period or on six occasions in one year, the individual bidder as well as the corporation, partnership, business or nonprofit organization under whose name they bid will be disqualified from bidding for one year from the date of the last disqualification.

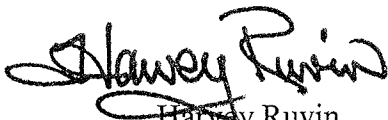
A deposit, as required by law or court order is immediately requested from the successful bidder. This deposit shall be payable in cash or cashier's check only, in U.S. funds made payable to the Clerk of the Courts.

If the successful bidder does not post the deposit as set forth above at the time of the sale, the bidder will be disqualified for that day as well as the sales conducted on the next auction day, the bid will be considered invalid and the bidding will continue from the last highest bid.

All sales are final and will not be reopened.

All successful bidders shall pay the balance of their bid and the costs of the sale (Clerk's fee, registry fee, publication cost, stamps) in cash or cashier's check only, in U.S. funds payable to the Clerk of the Court by 3:00 p.m. the day of the sale. Only the costs of the sale may be paid by attorney's trust account check. If final payment is not made by 3:00 p.m., the Clerk shall re-advertise the sale and pay all costs of the sale from the deposit. Any remaining funds shall be applied towards the judgment as set forth in F.A. 45.031(2).

The Mortgage Foreclosure Unit will maintain and make available for viewing, upon request, copies of the Clerk's Administrative Order.


Harvey Ruvin
Clerk of Circuit Court