

CIVIL FORECLOSURES

Mortgage Foreclosure Sale information can now be found on the web. To access this information, please click on the link below.

Foreclosure Sales are conducted by the Clerk's Office in conformance with Florida Statute 45.031. **All sales must be paid in full by cash, money order or cashier's check by 2:00 p.m. the same day as the sale.**

Register with the Clerk: Prior to the sale, you will need to report to the Clerk's Office to register for the sale by supplying your name, address and telephone number to the Clerk.

Verifying your 5% bid: At the time you register with the Clerk, it will be necessary for the Clerk to verify that you have with you 5% of the judgment amount including interest and Clerk's fees in the way of cash, money order or cashier's check.

All Money Received In A Foreclosure Case MUST Be Cash, Money Order or Cashier's Check. Under NO Circumstances Will the Clerk's Office Accept Personal or Business Checks.

The Sale: Beginning October 1, 2004, all sales shall be conducted in **Suite 2600/Room #2602 of the Osceola County Courthouse, 2 Courthouse Square at 11:00 a.m.** on the date advertised. A \$70.00 fee is charged by the Clerk for conducting each individual sale. **If the property is sold to someone other than the Judgment Holder, the bidder will be required to produce 5% of their bid immediately following the sale.** The final payment is due before 2:00 p.m. on the date of the sale. When the final payment is made, the bidder must also pay a registry of court fee in addition to the sale amount. This fee is made up of 3% of the first \$500 and 1.5% of the remaining balance. It is collected pursuant to section 28.24, Florida Statutes. If the bidder does not return within the prescribed period, the good faith deposit will be forfeited pursuant to Florida Statute 45.031(2). The property will then be resold at a later date by order of the court. This will be the responsibility of the Plaintiff's Attorney to reschedule with the Court. **PLEASE MAKE YOUR MONEY ORDER OR CASHIER'S CHECK PAYABLE TO MALCOM THOMPSON, Clerk OF THE COURT.**

FINAL PAYMENT: Purchase price must be paid in full by cash, money order or cashier's check no later than 2:00 p.m. on the day of the sale. It is the bidders responsibility to provide the Clerk with the Certificate of Sale, Certificate of Title. If you need assistance in preparing these forms, you will need to research at the law library located in the Public Library at 211 Dakin Avenue, Kissimmee, FL (407) 935-0777 or contact an attorney for assistance. The Certificate of Sale must be provided to the Clerk the same day as the sale. If no objections are filed within 10 days of the sale, the Clerk's Office will issue and record the Certificate of Title. However, if the 10th day falls on a Saturday or Sunday, the title will be issued on Tuesday; if Monday is a holiday, the title will be issued on Wednesday. You must provide doc stamps (.70 per \$100.00) to be sent to the Recording Department with the Certificate of Title for recordation.

For questions concerning Foreclosure Sales, please call the Civil Division of the Clerk's Office at (407) 742-3479, Monday - Friday, 8:00 a.m. - 5:00 p.m.

Once you have found a property that you are interested in, it is very important that a title search be obtained on the property since the Clerk's Office does not guarantee a clear title and is not responsible for any encumbrances on the property after the property is purchased at auction.

Florida Statutes / Chapter 45 / 45.031 Judicial Sales Procedure

45.031 Judicial sales procedure.--In any sale of real or personal property under an order or judgment, the following procedure may be followed as an alternative to any other sale procedure if so ordered by the court:

(1) SALE BY Clerk.--In the order or final judgment, the court shall direct the Clerk to sell the property at public sale on a specified day that shall be not less than 20 days or more than 35 days after the date thereof, on terms and conditions specified in the order or judgment. A sale may be held more than 35 days after the date of final judgment or order if the Plaintiff or Plaintiff's attorney consents to such time. Any sale held more than 35 days after the date of final judgment or order shall not affect the validity or finality of the final judgment or order or any sale held pursuant thereto. Notice of sale shall be published once a week for 2 consecutive weeks in a newspaper of general circulation, as defined in chapter 50, published in the county where the sale is to be held. The second publication shall be at least 5 days before the sale. The notice shall contain:

- (a) A description of the property to be sold.
- (b) The time and place of sale.
- (c) A statement that the sale will be made pursuant to the order or final judgment.
- (d) The caption of the action.
- (e) The name of the Clerk making the sale.

The Clerk shall receive a service charge of \$70 for the foreclosure sale. The court, in its discretion, may enlarge the time of the sale. Notice of the changed time of sale shall be published as provided herein.

(2) DEPOSIT REQUIRED.--At the time of the sale, the successful high bidder shall post with the Clerk a deposit equal to 5 percent of the final bid. The deposit shall be applied to the sale price at the time of payment. If final payment is not made within the prescribed period, the Clerk shall re-advertise the sale as provided in this section and pay all costs of the sale from the deposit. Any remaining funds shall be applied toward the judgment.

(3) CERTIFICATION OF SALE.-- After a sale of the property the Clerk shall promptly file a Certificate of Sale and serve a copy of it on each party not in default in substantially the following form:

CERTIFICATE OF SALE

The undersigned Clerk of the Court certifies that notice of public sale of the property described in the order or final judgment was published in _____, a newspaper circulated in _____ County, Florida, in the manner shown by the proof of publication attached, and on _____, (year) , the property was offered for public sale to the highest and best bidder for cash. The highest and best bid received for the property was submitted by _____, to whom the property was sold. The proceeds of the sale are retained for distribution in accordance with the Order or Final Judgment. WITNESS my hand and the seal of this court on _____, (year)