

**OFFICE OF THE CLERK
ADMINISTRATIVE ORDER**

DATE: November 2, 2009

AO – 2009 - 07

SUBJECT: ELECTRONIC JUDICIAL SALES PROCEDURES

In concurrence with AO-2008-05, this Administrative Order hereby addresses electronic on-line sales of foreclosure property conducted by the Clerk of Courts pursuant to Florida Statute 45.031(10).

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:

Effective December 7, 2009, designated Judicial Mortgage Foreclosure Sales may be conducted online via the internet at www.miamidade.realforeclose.com.

Electronic sales may be conducted Monday thru Friday beginning at 9:00 AM EST on the specified date (except legal holidays) pursuant to judicial order or final judgment.

The Clerk will provide public access to the electronic sales by making available computer terminals with online access at the Foreclosure Unit located at 140 W. Flagler Street, Room 1502, Miami, Florida. Foreclosure files may be viewed in person Monday through Friday 9:00 AM EST to 3:00 PM EST at the same location.

In order to bid on a property, bidders must register at the www.miamidade.realforeclose.com website and place an advance deposit equal to 5% of their anticipated high bid for each item to be bid on.

The advance deposit can be made in person at 140 W. Flagler Street, Rm. 1502, Miami, Florida 33130 by cash or cashier's check. Deposits made in person must be made by 3:00 PM EST the day prior to the sale. Advanced deposits may also be made by wire transfer or on the website via electronic check (ACH). ACH and wire deposits may require 3 full business days to be processed. The funds will not be available for bidding until such funds have cleared.

If a bidder is successful, 5% of the final bid will be deducted from the advance deposit and applied towards the sale price.

The bidder must pay the balance of the final bid plus the court registry fee, electronic service charge, publication fee(s), clerk's service charge, if applicable, by 12:00 PM EST

the next business day following the sale. Documentary stamp and surtax for the transfer of title to the successful bidder are also due at the time that the balance is paid.

Final payment may only be made by wire transfer or in person at 140 W. Flagler Street, Rm. 1502, Miami, Florida 33130 by cash or cashier's check. In the event that the sale is set aside or vacated, the court registry fee is non refundable.

Failure to pay the balance of the final bid plus all fees due by 12:00 PM EST the next business day following the sale will result in forfeiture of the deposit and nullification of the sale. The forfeited deposit will be reduced by the registry fee and used to re-advertise and pay all cost of the sale. Any remaining funds from the deposit shall be applied towards the judgment. The Clerk will issue a Certificate of Incomplete Sale.

Prospective bidders are responsible for conducting their own research regarding the property being sold. The Clerk's Office makes no representation about the condition, marketability, existing or potential uses, title, encumbrances, zoning regulations or laws that may affect current or future uses of the property, or existence of any conditions regarding any property and structures or fixtures thereon offered for sale by the Clerk.

All bids must be at least in increments of \$100.00 more than the previous bid. All bid increments must be made in multiples of \$100.00

Bidders who disrupt the Clerk's online sales, as well as the corporation, partnership, business or nonprofit organization under whose name they bid, will be barred from future internet sales for two consecutive auction dates. Bidders continuing to engage in disruptive behavior may result in the bidder being permanently banned from the auction process.

All sales are final and will not be reopened.

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