

COUNTY CIVIL MORTGAGE FORECLOSURE PROCEDURES

County Civil foreclosure files are kept in the County Civil Division located at the South County Courthouse Annex, 250 N.W. Country Club Drive, Port St Lucie, Florida until the day prior to the sale. The office is open to the public from 8:00 a.m. until 5:00 p.m., Monday through Friday. Files are available for review on the day of the sale in the Circuit Civil Division located at 201 South Indian River Drive, Fort Pierce, until 10:00 a.m. Images of all documents in a case are available in the Research Department located on the 4th floor of the Clerk's Office (Ft Pierce) or on public access computers located at the South County Annex in Port St. Lucie.

Notices of Sale are published once a week for two consecutive weeks in a newspaper of general circulation in the county where the sale is to be held.

YOU MUST DO YOUR OWN RESEARCH FOR THE PROPERTY INVOLVED

The Foreclosure Clerks use only the legal description, however, with this description, you can find street address information at the Property Appraiser's Office, 2300 Virginia Avenue, Fort Pierce, FL (www.paslc.org). The status of the county property tax may be checked at the Tax Collector's Office, 2300 Virginia Avenue, Fort Pierce, FL (www.tcslc.com).

The Clerk's Office assumes no responsibility for any encumbrances (judgments, mortgages, taxes, and other liens) on any property offered for sale. It is in your best interest to have a title search done by an attorney or title company. You may also search the Clerk's Official Records at the Clerk's office, 201 S. Indian River Drive, 4th Floor, Fort Pierce, FL 34950.

It is possible you will have to take legal action to obtain possession of the property. Until this is granted by the court, you may not have access to the property without permission of the owner. The Clerk's office assumes no responsibility for the availability of any personal property offered for sale.

Foreclosure sales may be held any weekday at 11:00 AM in the Jury assembly room of the St. Lucie County Courthouse located at 218 S. Second Street, First Floor, Fort Pierce, FL. Bidding is done in increments of \$100.00 or more. The purchaser of the property will be issued a deed called a Certificate of Title. This deed contains no warranties.

Terms of the Clerk's Sale Joseph E. Smith, Clerk of Circuit Court St. Lucie County, Florida

THE TERMS OF THE CLERK'S SALE, UNLESS OTHERWISE SPECIFIED BY FINAL JUDGMENT, ARE AS FOLLOWS:

Location of Sale: Foreclosure Sales are conducted in the Jury Assembly Room of the Main Courthouse, 218 South Second Street, First Floor, Fort Pierce, FL 34950.

Dates of Sale: Foreclosure sales may be held any weekday at 11:00 AM.

Conditions of Sale: The purchaser takes title to the property subject to all defects, liens, encumbrances and matters of which he/she has or could obtain knowledge. It is the responsibility of the interested party to research the property involved, including whether any of the defendants have filed for bankruptcy protection. The Clerk's office does not know where the property is located. The Clerk's file reflects only the legal description of the property. Information regarding the property may be obtained through the Official Records Department of the Clerk's office; St. Lucie County Property Appraiser's office; and St. Lucie County Tax Collector's office.

TERMS:

Proof of publication must be filed prior to 10:30AM the day of the sale in the Circuit Civil Department located at 201 S. Indian River Drive, Second Floor, Fort Pierce, FL 34950. Proofs will not be accepted at sale. Sale will not be held unless proof of publication has been filed.

REGISTRATION: All bidders must register with the Clerk's office, in the Circuit Civil Department, prior to 10:30 AM on the day of the sale. You may pre-register for the calendar year of 2010 during the month of December. Pre-registration for this year will be valid from December, 2009 through December 31, 2010. Pre-registration will be held in the month of December each year and will be effective January through December of the upcoming year. Said form may be secured from the Circuit Civil Department at 201 South Indian River Drive, Second Floor, Fort Pierce, FL (Or may be printed from this website - [click here](#)). You may pre-register with the Clerk's office the day before the foreclosure sale in the Circuit Civil Department, Monday through Friday, 8AM to 5PM, excluding court-observed holidays. **A bidder may not register for a day's sale after 10:30 AM the day of the sale.** Bidder must register for him/herself and any and all corporations, non-profits, partnerships, businesses, etc. that he/she may represent as a bidder. Proof of the bidder's affiliation with any entities he/she intends to represent may be required. If a bidder fails to register, his/her bid will not be recognized and he/she will be disqualified from all further bidding that day. There is no fee for registration. To view current Bidder Registration Forms on file with the Clerk [click here](#).

All Plaintiff's sale packets, including the \$70 sale fee, must be turned in prior to 10:30 AM on the day of the sale in the Circuit Civil Department located at 201 South Indian River Drive, Second Floor, Fort Pierce, FL 34950.

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. Each bidder acting in a representative capacity shall state whom he/she represents at the time of bidding.

During the bidding, all registered bidders and observers are expected to treat each other and the Clerks with respect. Any disruptive behavior (talking aloud while a sale is being conducted, using a cellular phone while a sale is being conducted, arguing with another bidder or the Clerks, etc.) may result in your disqualification to bid on or observe the remainder of the sales that day. *An initial warning will be issued by the Clerks to any bidder or observer engaging in disruptive behavior. If the disruptive behavior continues, the bidder or observer will be disqualified in accordance with the Disqualification paragraph, and may be removed from the bidding room. The Clerk conducting the sale shall be the sole determiner of "disruptive behavior".*

DISQUALIFICATION: All bidding must be done in good faith. If a bidder submits a bid in bad faith, he/she will be disqualified from all further bidding that day. This includes disqualification

from making bids on behalf of the bidder and the disqualification of all corporations, non-profits, partnerships, businesses, etc., he/she is representing at the sale that day. Examples of bad faith bidding includes, but are not limited to: (a) rescinding a bid prior to the property being sold; (b) rescinding a bid after the property is sold; (c) failing to register as a bidder and bidding on a property; (d) failing to post the required deposit; or (e) continual disruptive behavior (see paragraph BIDDING). If a bidder is disqualified from bidding due to bad faith bidding on three occasions in any thirty (30) day period or on six occasions in one year, he/she will be disqualified from bidding for one year from the date of the last disqualification.

DEPOSIT AT TIME OF SALE : Unless otherwise ordered by Court, the successful bidder must post with the Clerk a deposit equal to five percent (5%) of the final bid (see Section 45.031F.S.). The deposit shall be applied to the sale price at the time of final payment.

If the successful bidder does not post the deposit as set forth above at the time of sale, the bidder will be disqualified for that day (see DISQUALIFICATION paragraph), the bid will be considered invalid and the bidding will continue from the last highest bid.

If a judgment holder is the successful bidder, credit for the judgment amount shall be applied to the bid. The judgment holder thus does not need to pay funds for the deposit unless he/she bids above the amount of his/her judgment. If he/she bids above the amount of his/her judgment, he/she must pay a deposit on the portion of the bid which exceeds the judgment amount.

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 paid by 3:00 P.M. on the day of the sale unless otherwise ordered by Court. If final payment is not received in a timely manner, the successful bidder must pay the following costs; The Clerk's fee of \$70.00 for conducting the sale, documentary stamps (\$.70 per \$100.00, or fraction thereof, of the amount bid); and registry fees (pursuant to Section 28.24, F.S.) of three percent (3%) of the first \$500.00 and one and a half percent (1.5%) of the balance of the amount of bid or as otherwise set forth in the judgment.

IF THE SALE IS SET ASIDE, THE CLERK WILL RETAIN THE SALES FEE AND REGISTRY FEES AS ENTITLED BY LAW.

FORMS OF PAYMENT: The Clerk accepts payments in the form of cash, official bank checks, and cashier's checks for payment of bids and deposits. An Official Bank Check is defined, for the purpose of this paragraph, as a check drawn upon a financial institution, which certifies that the check is backed with guaranteed funds and will not be returned due to insufficient funds. **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. banking institution, made payable to "Joseph E. Smith, Clerk". If you are an attorney and you (or your client) are the successful bidder, you may pay by a trust account check (clearly delineated as such on the check), or law firm account check, drawn upon a U.S. banking institution. **NO OTHER FORM OF PAYMENT WILL BE ACCEPTED FOR BIDS OR DEPOSITS.** Under no circumstances will the Clerk accept personal checks or third party checks.

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, the Clerk will not sell the property unless one of the following is filed in the foreclosure action along with an Order to Reset the

Foreclosure Sale:

- A. Order lifting Stay
- B. Notice of Abandonment of Property
- C. Voluntary Dismissal or order dismissing bankruptcy case
- D. Order Discharging Debtor
- E. Other Types of orders or pleadings as may be appropriate

If a petition or Suggestion of Bankruptcy is filed the morning of a scheduled foreclosure sale, the defendant shall deliver a copy to the Clerk conducting the sale in the Jury Assembly room of the Main Courthouse, First Floor.

For legal advice, please consult an Attorney. Please do not ask the Clerks for legal advice as they are not qualified to answer any legal questions.