



MICHELLE R. MILLER
CLERK OF THE CIRCUIT COURT & COMPTROLLER
ST. LUCIE COUNTY, FLORIDA

CIRCUIT CIVIL DEPARTMENT

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ADMINISTRATIVE POLICY

TO: Foreclosure Sale Customers
EFFECTIVE DATE: October 29, 2025
SUBJECT: Clerk's Judicial Sales Procedure

The Clerk of the Circuit Court & Comptroller of St. Lucie County, Florida, (hereinafter referred to as "Clerk") holds foreclosure sales pursuant to Fla. Stat. §45.031; Administrative Order No. [2010-09.pdf](#) ; and the Final Judgment of Foreclosure entered in each case. 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 St. Lucie County. Should you still have questions after reading this policy, please call the Circuit Civil Department at (772) 462-6938. The Circuit Civil Department is at the Clerk's Downtown Fort Pierce Office, located at 201 South Indian River Drive in Fort Pierce, FL 34950 [hereinafter "Main Office"].

There are certain risks associated with bidding on foreclosed properties. One of them is the possibility of a foreclosure sale being set aside due to bankruptcy protection. If that is the case, the foreclosure sale may be set aside or ordered 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. If document stamps have been released to the State, the party will have to seek a refund directly from the Department of Revenue.

The foreclosure laws are complicated, and you should not bid on a foreclosed property unless you have thoroughly researched the property, understand the foreclosure and related real property laws, and understand what liens or encumbrances may survive the foreclosure sale. 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 foreclosed properties, and you assume sole responsibility for bidding and participating in the online foreclosure auction.

1. LOCATION OF SALE: Unless otherwise ordered by the Court, foreclosure sales are conducted online at [RealForeclose- St. Lucie County](#). Access to the online electronic auction is available at public terminals located in the Clerk's Main Office, Research Department - 4th Floor.

2. DATES OF SALE: Sales are held Tuesdays and Wednesdays, as advertised in the Scripps Treasure Coast Newspaper/St. Lucie News Tribune/Hometown News/Trader Jake's/Local IQ. Bids may be placed as soon as the property is listed on the Auction website and during the live auction. Check the electronic online auction calendar located at [RealForeclose- St. Lucie County](#) for exact dates of upcoming sales.

3. PROPERTIES FOR SALE: The properties available for sale may be viewed by sale date on the electronic online auction website at [RealForeclose- St. Lucie County](#). 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 interested in a particular property, you are advised 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.

4. VIEWING FILES: Foreclosure case files are available for electronic viewing online through our website, or at any of our locations.

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

THE CLERK'S OFFICE MAKES NO WARRANTIES OR REPRESENTATIONS OF ANY KIND, EXPRESSED 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 STATUS OF TITLE TO THE PROPERTY FOLLOWING A SALE.

It is the responsibility of the interested party to conduct all research regarding the property, including whether any of the defendants have filed for bankruptcy protection, whether there are any liens or encumbrances or defects in the title, and what the value of the property may be.

6. REGISTRATION: To be eligible to bid at an auction, you must register online before the auction at [RealForeclose- St. Lucie County](#) and satisfy the advance deposit requirements (see paragraph 14, "Deposit Prior to Sale"). You must register for yourself and list all affiliates, corporations, entities, non-profits, partnerships, businesses, etc. that you may represent as a bidder. Bidders must register using proper names. Use of fictitious names and/or initials for bidding purposes is prohibited. The Clerk reserves the right to require proof of a bidder's name and/or affiliation. There is no fee for registration. You do not need to register solely to view an auction.

7. JUDICIAL SALE FEES: Plaintiffs and/or their representatives must register for the sale before the auction and pre-pay the Clerk's \$70.00 sale fee and the \$70 online sale fee as provided in Fla. Stat. §45.031 and §45.035. BOTH FEES MUST BE PAID AT LEAST FIVE (5) BUSINESS DAYS BEFORE THE ONLINE SALE, OR THE SALE WILL NOT BE HELD BY THE CLERK. These fees can be paid via the [Florida Courts E-filing Portal](#); through our [Clerk Online Payment Portal](#); or by money order, check or cash at either of our locations. Third-party bidders must also register before the auction. The Clerk will cancel the sale if all fees have not been paid.

8. OUTSTANDING FILING FEES: For any difference between the estimated amount in controversy and the actual value of the claim that requires the filing fee to be adjusted, the Clerk will adjust the filing fee. In determining whether the filing fee needs to be adjusted, the graduated filing fee scale in Fla. Stat. §28.241(1)(a)2.d. controls. If any additional filing fee owed is not paid prior to the judicial sale, the Clerk will cancel the judicial sale without further order of the Court.

9. PROOF OF PUBLICATION REQUIRED: Proof that a Notice of Sale for active listing was published in accordance with Fla. Stat. §45.031(2) and Chapter 50, together with the publisher's affidavit of such publication, must be filed with the Clerk's Circuit Civil Department **no later than five (5) business days before the scheduled sale date.** Pursuant to court instructions regarding foreclosure summary judgment proceedings in Circuit Civil foreclosure cases, **the judgment holder must prepare and provide the Notice of Sale to the newspaper for publication.** The original Notice of Sale must be filed with the Clerk's office and must include the two (2) publication dates. It is the judgment holder's responsibility to make sure that both the Notice of Sale and the Proof of Publication are filed into the Court file before the sale.

10. CANCELLATION OF SCHEDULED SALE: A court order will be required to cancel any scheduled foreclosure sale, except when nonpayment of judicial sale or filing fees, a bankruptcy petition, satisfaction of judgment, or notice of redemption has been filed. Any party seeking to cancel and/or reschedule a sale will file the written motion at least five (5) business days prior to the sale date, pay the \$50 reopen fee (if filed more than 90 days after the final judgment) and provide the respective Judge a proposed order as prescribed in his or her procedures. The Motion must include a statement as to the number of times the sale has been previously rescheduled. Simply filing a Motion to Cancel Sale will not automatically result in a cancellation of the sale.

Once reviewed and ruled on by the Court, any Order authorizing the cancellation of a sale received by the Clerk after the sale has already occurred may result in the imposition of the Clerk's sale fee and the online auction fee.

11. RESCHEDULING OF FORECLOSURE SALES: In accordance with §45.035(3), Florida Statutes, a fee of \$70 will be levied **each time a Foreclosure sale is rescheduled, regardless of the reason for the cancellation.**

It is important to note that this policy applies universally to all instances where a Foreclosure sale is rescheduled, regardless of the reasons for the cancellation. This ensures that appropriate fees are assessed to cover the costs associated with the rescheduling process and the necessary administrative tasks involved. For any exceptional circumstances or specific inquiries related to this policy, individuals may seek approval from the designated authority.

12. 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.

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

13. BIDDING ASSIGNMENTS: Bidding Assignments by a judgment holder will only be permitted if the Final Judgment specifically provides that the judgment holder can make the assignment or, by a court order allowing the assignment. The Circuit Civil Department must be notified of the assignment, in writing, no later than five (5) business days before the scheduled sale date for the bidding to be conducted in the assignee's name. Assignments filed less than five (5) business days before a sale may result in the sale being conducted and the Certificate of Sale being issued in the assignor's name.

A third-party bidder may present an assignment of the successful bid to the Clerk's Office prior the final payment being made. After that date, the assignment will require a motion and a proposed order to be sent to the Judge, a reopen fee of \$50.00.

Additional documentary stamps may be due for the recording of the assignment of the successful bid.

14. DEPOSIT PRIOR TO SALE: All bidders must post a deposit equal to a minimum of five percent (5%) of the projected maximum bid (Fla. Stat. §45.031). The deposit will be applied to the sale price immediately after the auction closes. **No refund of the deposit will be given to the successful bidder without a court order.**

Advance deposits may be tendered online through the electronic auction website via ACH (wire transfer). **Online deposits must be tendered at least five (5) full business days before the auction the bidder intends to participate in.**

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 Clerk's Main Office (201 South Indian River Dr., Fort Pierce), **by 4:00 pm the business day before the scheduled auction.** Deposits received on the day of an auction may not be available for bidding that day. A bidder number must be provided to ensure the funds are deposited into the correct account.

Personal checks or money orders will not be accepted under any circumstances.

If you are not the successful bidder, you may request a refund of your deposit on the electronic online auction site.

A refund of unused ACH (wire transfer) deposits will be automatically initiated on the 85th day following a deposit. Bidders must timely submit a new deposit if they wish to bid after the 85th day per this policy.

Any non-ACH deposits not refunded will be retained by the Clerk for the bidder's use in subsequent electronic online auctions.

15. FULL PAYMENT OF BIDS AND RELATED COSTS: The successful bidder's deposit will be applied to the final bid. The difference between the deposit and the total amount due must be received by the Clerk's Main Office (201 South Indian River Dr., Fort Pierce) **by 2:00 pm on the next business day after the sale.** If final payment is not made timely, the deposit will be forfeited. The Clerk will retain any outstanding fees from the forfeited deposit. Any remaining funds from the forfeited deposit will be applied toward the judgment.

Pursuant to Fla. Stat. §28.24(10), §45.035(3), and §201.02, the successful bidder must pay the following costs unless otherwise provided in the Judgment:

- a. documentary stamp taxes (\$.70 per \$100.00, or any fraction thereof, of the amount bid)
- b. registry fees of three percent (3%) of the first \$500.00, and one and a half percent (1.5 %) of the balance of the amount bid and
- c. any other outstanding costs.

Final Payment may be made by Cash, Certified Check, Attorney Trust Account check, or ACH (wire) transfer. **If paid by wire transfer, the Clerk's bank must receive the wire transfer by 2:00 pm the first business day after the sale and clearly indicate the case and/or bidder number for which payment is being made -NO EXCEPTIONS.**

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 must pay the documentary stamp tax online via the [Florida Courts E-filing Portal](#); through our [Clerk Online Payment Portal](#); certified check, attorney trust account check, or cash at the Clerk's Main Office.

If a judgment holder is the successful bidder, and the final bid exceeds the judgment credit, the attorney for the judgment holder must pay the difference between the judgment credit and the total amount due including the documentary stamp tax in the forms of payment discussed above.

16. 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, ACH (wire transfer) and ATTORNEY TRUST ACCOUNT CHECK (clearly delineated as such on the check) for payment of bids and deposits. The Clerk 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 and made payable to Michelle R. Miller, St. Lucie County Clerk of the Circuit Court & Comptroller.

Under no circumstances will the Clerk accept credit cards, personal checks, or third-party checks, or money orders for deposits or final payment. When permitted under this Policy, payments made through ACH/electronic check payment must be effectuated through the online electronic auction site.

To cover wire transaction fees, the Clerk requires an additional \$5.75 fee to be included in the total amount due. The sale will be forfeited if the total amount is not received.

NO OTHER FORMS OF PAYMENT WILL BE ACCEPTED.

17. DOCUMENTS REQUIRED BY THE WINNING BIDDER: No later than 10 days after the sale, the successful winning bidder must submit a prepared Certificate of Title to the Clerk's office for issuance.

The Certificate of Title must include the full name of the purchaser as shown on the Certificate of Sale, the address of the purchaser, the full address of the purchased property, and the complete legal description of the subject property. The judgment holder, third-party bidders, and/or their assignees will be responsible for any errors in the information provided to the Clerk. Scrivener's errors can only be corrected by submitting a motion and proposed order to the Judge. A reopen fee of \$50 will apply.

18. POST JUDGMENT CREDIT FOR INTEREST, COSTS, AND FEES: If the judgment holder has been awarded interest accrued after judgment, the Clerk shall calculate the interest earned

before the sale. The Clerk calculates post-judgment interest as follows: Amount of judgment (J) times interest rate (I) divided by number of days in a year equals Per Diem rate. [Per Diem rate times number of days from judgment to date of sale equals total interest. $J \times I \div \# \text{ of days in year} = \text{per diem rate}$. Per Diem rate x # of days from judgment to date of sale (including the day of sale) or the date specified in Final Judgment = total interest.] To receive credit at the time of the sale for publication costs incurred after judgment, each judgment holder must file **(no later than three (3) business days before the sale)** an affidavit stating the amounts incurred along with the invoice for publication. After filing the affidavit, the judgment holder must update their information on the auction site before the sale to ensure their credit bid is increased. All other post-judgment cost and fees must be approved by court order.

19. FORECLOSURE SALE SURPLUS AND UNCLAIMED FUNDS: Any funds remaining after all funds have been disbursed will be held in the registry pending any claims for the surplus.

Clerk fees collected as part of the surplus process are as follows:

- a. \$28 from surplus, which is allocated for educating the public on homeowners' rights.
- b. \$15 for each disbursement, of which \$5 must be remitted to the Department of Revenue for deposit to the general revenue fund.
- c. A surplus of less than \$10 escheats to the Clerk.

Claims against the surplus may be made as provided in Florida Statute 45.032 and 45.033.

If any surplus remains with the Clerk of Court without distribution and is not part of a pending court proceeding concerning its entitlement, it will be considered unclaimed as specified in Fla. Stat. §717.113. As such, it must be reported and remitted to the Department of Financial Services in accordance with Fla. Stat. §717.117 and §717.119.

After the Certificate of Disbursement has been issued by the Clerk, but before the Clerk reports the surplus as unclaimed (within one year from the sale date), the owner may submit an ["Owner's Claim for Mortgage Foreclosure Surplus"](#) form to claim the surplus. Please note that a \$50 reopen fee will be assessed if the claim is filed more than 90 days after the final judgment is issued. The case will be reopened and requires Judicial Review.

If the owner claims the surplus during the Claims Period and there are no subordinate lienholders, the court will order the Clerk to deduct any applicable service charges from the surplus and pay the remainder to the owner of record. If there are other individuals who may

be entitled to part of the surplus, the court will schedule an Evidentiary Hearing to determine entitlement.

20. REDEMPTION: Pursuant to Fla. Stat. §45.0315, the mortgagor 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.

Payment for redemption must be made by cash or certified check drawn upon a U.S. banking institution made payable to: Michelle R. Miller, St. Lucie County Clerk of the Circuit Court & Comptroller in the amount of the judgment, plus both Clerk sale and electronic sale fees (if the redemption occurs after the sale), registry fees, interest and all related costs of the sale.

21. EFFECT OF BANKRUPTCY: If a Suggestion of Bankruptcy or a copy of a bankruptcy petition is filed in a timely manner by a defendant in the foreclosure case before the sale and the bankruptcy proceedings are still pending at the time of the scheduled sale, the Clerk will not sell the property. An Order to Reschedule the Foreclosure Sale will be required before the sale can be rescheduled.

In accordance with the Clerk's Administrative Policy, the Defendant must deliver a copy of the bankruptcy petition or Suggestion of Bankruptcy to the Circuit Civil Department prior to the date and time of the scheduled foreclosure sale.

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

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

IF YOU INTEND TO FILE A DOCUMENT THAT WILL AFFECT THE CLERK'S ABILITY TO SELL THE PROPERTY, YOU MUST MAKE OUR DEPUTY CLERKS AWARE OF THE PAPER AT THE TIME OF FILING FOR EXPEDITED PROCESSING AS APPROPRIATE.

22. DISRUPTIONS OF AUCTIONS: Pursuant to Administrative Order 2010-09, "bidders who disrupt the Clerk's internet online auction, as well as any corporation, partnership, business or nonprofit organization under whose name they bid, will be barred from future internet online auctions for two (2) consecutive auction dates. Bidders continuing to engage in disruptive behavior may be permanently banned from the auction process.

23. PRESENCE OF PLAINTIFFS AT AUCTION: Pursuant to Administrative Order 2010-09, "online internet auctions by the Clerk of the Circuit Court do not require the presence of the plaintiff, a plaintiff s representative or plaintiff s counsel."

Date: 10/29/2025

A handwritten signature in blue ink that reads "Michelle R. Miller". The signature is written in a cursive style with a horizontal line underneath it.

Michelle R. Miller, CFCC
Clerk of the Circuit Court and Comptroller, St. Lucie County