Foreclosure Sales:

The Circuit Civil Department of the Clerk's Office is responsible for conducting Foreclosure Sales in accordance with Florida Statute 45. The following sections will help you with more answers concerning sales.

Sales Information:

The sales start at 11:00 A.M. on the front steps of the Dixie County Courthouse, located at 214 NE Hwy 35, Cross City, Florida 32628. Please refer to dixieclerk.com for all Upcoming Sales. Prior to the sale, Representatives for the plaintiff must pay the sale fee. A sale will be held without a representative of the plaintiff present, if there is a bidder present willing to pay the sale fee and the proof of publication is filed with the Clerk. Sales are advertised in the local newspaper in their classified section under "Legal Ads". All sales are updated online regularly.

It is a good idea to attend one or two sales before you begin bidding to witness the process and get a feel for the procedure.

Any person interested in purchasing property during a Foreclosure Sale is encouraged to thoroughly review the court files and/or the official records online or at the Clerk's Office to determine if there are any outstanding liens or encumbrances existing against the property in question, other than the loan being foreclosed. The Deputy Clerk in the Circuit Civil Division CANNOT determine for you whether a lien will survive the foreclosure. BUYER BEWARE, if the property is sold to someone other than the plaintiff, the bidder will be REQUIRED to produce a good faith deposit immediately.

Deposits Required:

All bidders should be aware that the successful bidder is REQUIRED to deposit 5% of the final bid amount at the time of the sale. This amount will be verified before bidding is closed, otherwise, the next highest bid will be accepted and an announcement will be made to that effect. The deposit MUST be paid IMMEDIATELY following the sale and is non-refundable. The deposit may be in the form of cash, cashier's check or money order made payable to the Dixie County Clerk of Court.

The balance of the bid amount MUST BE PAID BY 4:30 PM THE DAY OF THE SALE, unless otherwise stated in the Final Judgment. If the balance is not paid within the prescribed time period, the deposit will be forfeited, the sale re-advertised and sold again. The balance due will INCLUDE a court registry fee, which is 3% of the first $500 PLUS 1.5% of the balance of the bid amount AND state documentary stamp tax at .70 cents per $100. The balance may be paid in the form of cash, cashier's check or money order.

Objections:

An objection to the sale may be filed by a party within 10 DAYS after the filing of the Certificate of Sale. The Court will determine the validity of the objection and will direct the Clerk regarding the issuance of the Certificate of Title accordingy.

Redemption:

The right of redemption ends upon the issuance of the Certificate of Title.

Certificates:

A Certificate of Sale is issued by the Clerk of the Circuit Court provided all required sale proceeds are paid in full.

A Certificate of Title is issued by the Clerk of Circuit Court after 10 FULL DAYS HAVE ELAPSED FROM THE ISSUANCE of the Certificate of Sale and provided there is no other pending action relating to the subject proceeding.

A Certificate of Disbursement is issued by the Clerk of the Circuit Court to the Certificate of Title, if applicable.

Cancellation of Sale:

A sale will be canceled by the Clerk if one of the following conditions exist:

- Suggestion of bankruptcy or copy of the bankruptcy has been timely filed.
- A telephone call from a Judge or Judicial Assistant advising the Clerk to cancel the sale.
- Proof that the Notice of Sale has not been published or that the publication contained major errors.
- Order Setting Aside Final Judgment is filed.
- Motion AND Signed Order Canceling Sale is received.

FORECLOSURE SALE ANNOUNCEMENT

Everyone should be aware of the requirements of Florida Law. All bidders should be aware that the successful bidder **is required to deposit 5% of the final bid amount at the time of the sale.** The deposit must be **paid immediately** following the sale and is **non-refundable.** This deposit may be in the form of cash, cashier's check, or money order made payable to the Dixie County Clerk of Court. This amount will be verified before bidding is closed, otherwise, the next highest bid will be accepted, and an announcement will be made to that effect.

The balance of the bid amount **Must be paid by 4:30 pm ON THE SAME DAY** of the sale. If the balance is not paid within the prescribed time period, the deposit will be forfeited, the sale re-advertised and sold again. The balance due will **INCLUDE** a court registry fee, **which is 3% of the first $500 PLUS 1.5%** of the balance of the bid amount and state documentary stamp tax at **.70 cents per $100.00.** The balance may be paid in the form of cash, cashier's check or money order.

A purchaser at a judicial sale takes the property subject to any defects, liens, encumbrances and all matters of which the purchaser has notice or of which the purchaser could have obtained knowledge.

***For further information, refer to FL. State Statue 45.031**

The 2025 Florida Statutes

45.031 Judicial sales procedure.—In any sale of real or personal property under an order or judgment, the procedures provided in this section and ss. 45.0315-45.035 may be followed as an alternative to any other sale procedure if so ordered by the court.

(1) FINAL JUDGMENT.—

(a) 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. The final judgment shall contain the following statement in conspicuous type:

IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THIS FINAL JUDGMENT.

IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, IF ANY, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN THE DATE THAT THE CLERK REPORTS THE FUNDS AS UNCLAIMED. IF YOU FAIL TO FILE A TIMELY CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

(b) If the property being foreclosed on has qualified for the homestead tax exemption in the most recent approved tax roll, the final judgment shall additionally contain the following statement in conspicuous type:

IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE CHECK WITH THE CLERK OF THE COURT, _(INSERT INFORMATION FOR APPLICABLE COURT)_ WITHIN TEN (10) DAYS AFTER THE SALE TO SEE IF THERE IS ADDITIONAL MONEY FROM THE FORECLOSURE SALE THAT THE CLERK HAS IN THE REGISTRY OF THE COURT.

IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO HELP YOU CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ VERY CAREFULLY ALL PAPERS YOU ARE REQUIRED TO SIGN, ASK SOMEONE ELSE, PREFERABLY AN ATTORNEY WHO IS NOT RELATED TO THE PERSON OFFERING TO HELP YOU, TO MAKE SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING AND THAT YOU ARE NOT TRANSFERRING YOUR PROPERTY OR THE EQUITY IN YOUR PROPERTY WITHOUT THE PROPER INFORMATION. IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT _(INSERT LOCAL OR NEAREST LEGAL AID OFFICE AND TELEPHONE NUMBER)_ TO SEE IF YOU QUALIFY FINANCIALLY FOR THEIR SERVICES. IF THEY CANNOT ASSIST YOU, THEY MAY BE ABLE TO REFER YOU TO A LOCAL BAR REFERRAL AGENCY OR SUGGEST OTHER OPTIONS. IF YOU CHOOSE TO CONTACT _(NAME OF LOCAL OR NEAREST LEGAL AID OFFICE)_ FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

(c) A copy of the final judgment shall be furnished by the clerk by first-class mail to the last known address of every party to the action or to the attorney of record for such party. Any irregularity in such mailing, including the failure to include this statement in any final judgment or order, shall not affect the validity or finality of the final judgment or order or any sale held pursuant to the final judgment or order. Any sale held more than 35 days after the final judgment or order shall not affect the validity or finality of the final judgment or order or any sale held pursuant to such judgment or order.

(2) PUBLICATION OF SALE.—Notice of sale shall be published on a publicly accessible website as provided in s. 50.0311 for at least 2 consecutive weeks before the sale or once a week for 2 consecutive weeks in a newspaper of general circulation, as provided in chapter 50, published in the county where the sale is to be held. The second publication by newspaper 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.

(f) A statement that any person claiming an interest in the surplus from the sale, if any, other than the property owner as of the date of the lis pendens must file a claim before the clerk reports the surplus as unclaimed.

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.

(3) CONDUCT OF SALE; DEPOSIT REQUIRED.—The sale shall be conducted at public auction at the time and place set forth in the final judgment. The clerk shall receive the service charge imposed in s. 45.035 for services in making, recording, and certifying the sale and title that shall be assessed as costs. 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 readvertise 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.

(4) 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 in substantially the following form:

(Caption of Action)

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 in the amount of $ 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 or law. WITNESS my hand and the seal of this court on , _(year)_.

(Clerk)

By _(Deputy Clerk)_

(5) CERTIFICATE OF TITLE.—If no objections to the sale are filed within 10 days after filing the certificate of sale, the clerk shall file a certificate of title and serve a copy of it on each party in substantially the following form:

(Caption of Action)

CERTIFICATE OF TITLE

The undersigned clerk of the court certifies that he or she executed and filed a certificate of sale in this action on , _(year)_, for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections.

The following property in County, Florida:

(description)

was sold to .

WITNESS my hand and the seal of the court on , _(year)_.

(Clerk)

By _(Deputy Clerk)_

(6) CONFIRMATION; RECORDING.—When the certificate of title is filed the sale shall stand confirmed, and title to the property shall pass to the purchaser named in the certificate without the necessity of any further proceedings or instruments. The certificate of title shall be recorded by the clerk.

(7) DISBURSEMENTS OF PROCEEDS.—

(a) On filing a certificate of title, the clerk shall disburse the proceeds of the sale in accordance with the order or final judgment and shall file a report of such disbursements and serve a copy of it on each party, and on the Department of Revenue if the department was named as a defendant in the action or if the Department of Commerce or the former Agency for Workforce Innovation was named as a defendant while the Department of Revenue was providing reemployment assistance tax collection services under contract with the Department of Commerce or the former Agency for Workforce Innovation through an interagency agreement pursuant to s. 443.1316.

(b) The certificate of disbursements shall be in substantially the following form:

(Caption of Action)

CERTIFICATE OF DISBURSEMENTS

The undersigned clerk of the court certifies that he or she disbursed the proceeds received from the sale of the property as provided in the order or final judgment to the persons and in the amounts as follows:

Name Amount

Total disbursements: $

Surplus retained by clerk, if any: $

IF YOU ARE A PERSON CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN THE DATE THAT THE CLERK REPORTS THE FUNDS AS UNCLAIMED. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS. AFTER THE FUNDS ARE REPORTED AS UNCLAIMED, ONLY THE OWNER OF RECORD AS OF THE DATE OF THE LIS PENDENS MAY CLAIM THE SURPLUS.

WITNESS my hand and the seal of the court on , _(year)_.

(Clerk)

By _(Deputy Clerk)_

(c) If no objections to the report are served within 10 days after it is filed, the disbursements by the clerk shall stand approved as reported. If timely objections to the report are served, they shall be heard by the court. Service of objections to the report does not affect or cloud the title of the purchaser of the property in any manner.

(d) If there are funds remaining after payment of all disbursements required by the final judgment of foreclosure and shown on the certificate of disbursements, the surplus shall be distributed as provided in this section and ss. 45.0315-45.035.

(8) VALUE OF PROPERTY.—The amount of the bid for the property at the sale shall be conclusively presumed to be sufficient consideration for the sale. Any party may serve an objection to the amount of the bid within 10 days after the clerk files the certificate of sale. If timely objections to the bid are served, the objections shall be heard by the court. Service of objections to the amount of the bid does not affect or cloud the title of the purchaser in any manner. If the case is one in which a deficiency judgment may be sought and application is made for a deficiency, the amount bid at the sale may be considered by the court as one of the factors in determining a deficiency under the usual equitable principles.

(9) EXECUTION SALES.—This section shall not apply to property sold under executions.

(10) ELECTRONIC SALES.—The clerk may conduct the sale of real or personal property under an order or judgment pursuant to this section by electronic means. Such electronic sales shall comply with the procedures provided in this chapter, except that electronic proxy bidding shall be allowed and the clerk may require bidders to advance sufficient funds to pay the deposit required by subsection (3). The clerk shall provide access to the electronic sale by computer terminals open to the public at a designated location and shall accept an advance credit proxy bid from the plaintiff of any amount up to the maximum allowable credit bid of the plaintiff. A clerk who conducts such electronic sales may receive electronic deposits and payments related to the sale.

History.—s. 1, ch. 67-254; s. 13, ch. 70-134; ss. 1-3, ch. 71-5; s. 1, ch. 77-354; s. 1, ch. 78-68; s. 1, ch. 85-267; s. 6, ch. 87-145; s. 1, ch. 93-250; s. 1, ch. 94-353; s. 1355, ch. 95-147; s. 2, ch. 99-6; s. 5, ch. 99-259; s. 1, ch. 2002-218; s. 1, ch. 2003-36; s. 45, ch. 2004-265; s. 1, ch. 2006-175; s. 1, ch. 2008-194; s. 43, ch. 2011-142; s. 3, ch. 2011-213; s. 33, ch. 2012-30; s. 2, ch. 2018-71; s. 10, ch. 2022-103; s. 11, ch. 2024-6.

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45.035 Clerk's fees.—In addition to other fees or service charges authorized by law, the clerk shall receive service charges related to the judicial sales procedure set forth in ss. 45.031-45.033 and this section:

(1) The clerk shall receive a service charge of $70, from which the clerk shall remit $10 to the Department of Revenue for deposit into the General Revenue Fund, for services in making, recording, and certifying the sale and title, which service charge shall be assessed as costs and shall be advanced by the plaintiff before the sale.

(2) If there is a surplus resulting from the sale, the clerk may receive the following service charges, which shall be deducted from the surplus:

(a) The clerk may withhold the sum of $28 from the surplus which may only be used for purposes of educating the public as to the rights of homeowners regarding foreclosure proceedings.

(b) The clerk is entitled to a service charge of $15 for each disbursement of surplus proceeds, from which the clerk shall remit $5 to the Department of Revenue for deposit into the General Revenue Fund.

(3) If the sale is conducted by electronic means, as provided in s. 45.031(10), the clerk shall receive an additional service charge not to exceed $70 for services in conducting or contracting for the electronic sale, which service charge shall be assessed as costs and paid when filing for an electronic sale date. If the clerk requires advance electronic deposits to secure the right to bid, such deposits are not subject to the fee under s. 28.24(11). The portion of an advance deposit from a winning bidder required by s. 45.031(3) shall, upon acceptance of the winning bid, be subject to the fee under s. 28.24(11).

History.—s. 5, ch. 2006-175; s. 25, ch. 2008-111; s. 2, ch. 2008-194; s. 3, ch. 2009-21; s. 10, ch. 2009-204; s. 7, ch. 2017-126; s. 6, ch. 2018-71; s. 12, ch. 2019-58; s. 8, ch. 2021-51; s. 17, ch. 2021-116.