

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER 3.301-5/21*

IN RE: FORECLOSURE SALES AND
CANCELATION OF FORECLOSURE SALES

It is recognized that routinely 20% to as much as 50% of foreclosure sales scheduled online end up canceling prior to the foreclosure sale being held and that many of these canceled sales are subsequently reset. The compelling interest of efficient and effective case management requires a process and procedure for handling the cancelation of a foreclosure sale.

NOW, THEREFORE, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215 it is ORDERED as follows:

A. ONLINE FORECLOSURE SALES

1. In accordance with section 45.031(10), Florida Statutes (2020), the Fifteenth Judicial Circuit conducts online electronic judicial foreclosure sales.
2. All proposed foreclosure Final Judgments, **proposed Orders Resetting Sale**, and all Notices of Sale shall contain the following location for any online judicial foreclosure sale **set to be held on or after June 17, 2021:**

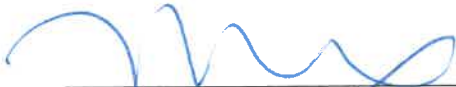
<https://palmbeach.realforeclose.com>

3. Foreclosure Plaintiffs shall submit the \$70.00 Clerk Sale Fee prior to the sale date. The Clerk **of the Circuit Court & Comptroller** shall not issue the Certificate of Title until the \$70.00 clerk sale fee, and all other fees, are paid.
4. Foreclosure Plaintiffs shall submit the Proof of Publication at least three (3) business days before the online sale date.
5. All parties to the foreclosure action, as well as all foreclosure sale bidders/participants, shall abide by and follow the administrative policy of the Clerk **of the Circuit Court & Comptroller's** Judicial Sales Procedure found at www.mypalmbeachclerk.com.

B. CANCELATION OF FORECLOSURE SALES

1. Regardless of any contrary language contained in a previously issued Final Judgment, a court order is required to cancel any scheduled foreclosure sale.
2. The Clerk is hereby prohibited from canceling a scheduled foreclosure sale without a court order except in cases where a bankruptcy petition has been filed, **a Notice of Dismissal and Release of Lis Pendens has been filed, or the Plaintiff provides proof that the Plaintiff was paid in full.**
3. Failure to provide proof of publication or pay the Clerk sale fee prior to the sale is not grounds for canceling a sale. The certificate of sale will not, however, issue unless proof of publication has been received by the Clerk of the **Circuit Court & Comptroller's Office.**
4. Motion to Cancel Sale and Reschedule Sale:
 - a. Any party seeking to cancel and reschedule a foreclosure sale shall file a written motion in the same format Exhibit "A" which is attached hereto. The Motion and Order shall include the number of times the sale has been canceled.
 - b. This motion shall be filed at least seven (7) business days before the sale date and must be set on the Uniform Motion Calendar.
 - c. All motions to cancel foreclosure sales that result in the case being reopened shall include payment of the \$50 reopen fee and be accompanied by a proposed order that is in the same format as the Order on the Motion to Cancel and Reschedule Foreclosure Sale form that is attached hereto as Exhibit "B."

DONE and ORDERED, in Chambers, at West Palm Beach, Palm Beach County, Florida
this 28 day of May, 2021.



Krista Marx, Chief Judge

*supersedes admin. order no. 3.301-11/12

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

Plaintiff,

Case No.:
Division:

vs.

Defendant(s)

**MOTION TO CANCEL AND
RESCHEDULE FORECLOSURE SALE**

Plaintiff, by and through undersigned counsel, moves to cancel and reschedule the mortgage foreclosure sale scheduled in the instant matter and in support thereof states:

1. On _____, this Court entered a Final Judgment of Foreclosure pursuant to which a foreclosure sale was scheduled for _____, 20__ . **There have been _____ (number) prior court orders canceling sales entered on (mm/dd/yy) & docket entry number of all prior cancelations**.

2. The sale needs to be canceled for the following reason(s):

- a. _____ Plaintiff and Defendant are continuing to be involved in loss mitigation;
- b. _____ Defendant is negotiating for the sale of the property that is the subject of this matter and Plaintiff wants to allow the Defendant an opportunity to sell the property and pay off the debt that is due and owing to Plaintiff.
- c. _____ Defendant has entered into a contract to sell the property that is the subject of this matter and Plaintiff wants to give the Defendant an opportunity to consummate the sale and pay off the debt that is due and owing to Plaintiff.
- d. _____ Defendant has filed a Chapter _____ Petition under the Federal Bankruptcy Code;
- e. _____ Plaintiff has ordered but has not received a statement of value/appraisal for the property;
- f. _____ Plaintiff and Defendant have entered into a Forbearance Agreement;

g. _____ Other

WHEREFORE, Plaintiff respectfully requests this Court enter an order canceling the foreclosure sale and order that it be rescheduled and requests such other and further relief as this Court deems just and proper.

, Esquire

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion has been furnished by Email, United States Mail, facsimile or hand delivery to _____ this _____ day of _____, 20____.

, Esquire

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NUMBER:

_____,
Plaintiff,

vs.

_____,
Defendant(s)

_____ /

**ORDER ON MOTION TO CANCEL AND
RESCHEDULE FORECLOSURE SALE**

THIS CAUSE came before this Court on Plaintiff's Motion to Cancel and Reschedule Foreclosure Sale. **There having been _____(number) prior cancelations of sales in this cause and** this Court being fully advised rules as follows:

It is hereby **ORDERED AND ADJUDGED**:

_____ Plaintiff's motion is denied.

_____ Plaintiff's motion is granted. The foreclosure sale is hereby canceled. The new sale date shall be _____ at 10:00 a.m. The sale will be conducted at: <https://palmbeach.realforeclose.com>. Plaintiff shall prepare a Notice of Sale and send a copy to all parties. The original must be filed with the Clerk's office. Plaintiff shall submit a copy of the Notice of Sale to a newspaper of general circulation for publication pursuant to section 45.031, Florida Statutes.

DONE AND ORDERED in West Palm Beach, Palm Beach County, Florida this _____ day of _____, 20_____.

CIRCUIT JUDGE

cc:
LIST ALL PARTIES OF RECORD WITH STREET AND EMAIL ADDRESSES

Exhibit B