

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

ADMINISTRATIVE ORDER 3.301-5/10*

IN RE: FORECLOSURE SALES AND
CANCELLATION OF FORECLOSURE SALES

It is recognized that routinely 20% to as much as 50% of foreclosure sales scheduled end up canceling just 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 proper process and procedure be established to orderly handle the cancellation of a foreclosure sale. The Florida Supreme Court has amended the Florida Rules of Civil Procedure to require that an order canceling a foreclosure sale be entered before a foreclosure sale can be canceled and created a form motion to cancel sale. *See In re: Amendments to the Florida Rules of Civil Procedure; In re: Amendments to the Florida Rules of Civil Procedure - Form 1.996 (Final Judgment of Foreclosure)*, 35 Fla. L. Weekly S97 (Fla. Feb. 11, 2010).

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

A. ON-LINE FORECLOSURE SALES

1. In accordance with section 45.031(10), Florida Statutes (2009), the Fifteenth Judicial Circuit conducts on-line electronic judicial foreclosure sales.
2. All proposed foreclosure Final Judgments and all Notices of Sale shall contain the following location for the on-line judicial foreclosure sale:

www.mypalmbeachclerk.clerkauction.com
3. Foreclosure Plaintiffs shall submit the \$70 Clerk Sale Fee prior to the sale date. The Clerk shall not issue the Certificate of Title until the \$70 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 on-line 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 & Comptroller's Judicial Sales Procedure found at www.mypalmbeachclerk.com.

B. CANCELLATION OF FORECLOSURE SALES

1. Effective May 15, 2010, 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.
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'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.
 - 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 5th day of May, 2010.



Peter D. Blanc, Chief Judge

*supersedes admin. order no. 3.301-9/08

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__.
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 cancelling 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 U.S. mail postage prepaid, 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 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 Clerk shall not reset the sale sooner than ____ days. The new sale date (to be filled in by the Clerk) shall be _____. Plaintiff is directed to immediately submit a new Notice of Sale to the Clerk's office with postage paid envelopes addressed to all parties for mailing the Notice.

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

CIRCUIT JUDGE

cc: All parties on the attached service list

Exhibit B