



MICHELLE R. MILLER
CLERK & COMPTROLLER
ST. LUCIE COUNTY, FLORIDA

TAX DEEDS DEPARTMENT
2300 Virginia Avenue, Room #225, Fort Pierce, FL 34982
772-462-6926 ▪ www.stlucieclerk.com

Mailing Address:
P.O. Box 700
Fort Pierce, FL 34954

ADMINISTRATIVE POLICY

TO: Tax Deed Sales Customers
EFFECTIVE DATE: January 5, 2021
SUBJECT: Clerk's Tax Deed Sales Procedure

NOTICE: Due to COVID-19, cash payments are suspended until further notice.

The Clerk of the Circuit Court & Comptroller of St. Lucie County, Florida (hereinafter referred to as "Clerk") holds tax deed sales pursuant to Florida Statute Chapter 197 and Florida Administrative Code Rule 120-13. Florida Statutes and Administrative Codes take precedence over the Clerk's policy. To the extent any changes in Florida law or the Administrative Code result in a conflict with any section of this Policy, such conflict shall be resolved in favor of Florida law or the Administrative Code. All participants are deemed to have knowledge of the Florida Statutes and Administrative Code. The following information is provided to assist you in becoming familiar with tax deed sales in St. Lucie County. Should you still have questions after reading this policy, please call the Tax Deeds Department at (772) 462-6926.

There are certain risks associated with the bidding at tax deed sales. The Clerk makes no representations or warranties of any kind, express or implied, with respect to the property including, but not limited to, the condition of the property being sold, the marketability or state of the title to the property, the existing or potential use of the property or the existence of other liens or encumbrances which may survive the sale of the property.

In addition, the Clerk makes no representations or warranties of any kind, express or implied, regarding the legal effect of a tax deed sale on the property's title or marketability or the effect of the sale on any liens, encumbrances or mortgages that may exist on a property.

The properties are sold subject to any outstanding taxes which may or may not be included in the opening bid. It is the sole responsibility of interested bidders to determine if there are additional taxes that may be due. The Clerk does not maintain the tax records and cannot provide you with this information.

Information on the Property Appraiser's and Tax Collector's websites are not verified nor maintained by the Clerk. Links to such websites are provided for bidder convenience only.

The tax laws are complicated and you should not bid on a tax sale property unless you have thoroughly researched the property, understand the taxation and related real property laws, and understand what liens or encumbrances may survive the tax deed sales. You should consult with an attorney if you have questions regarding the applicable laws. The Clerk cannot provide legal advice.

IT IS THE SOLE RESPONSIBILITY OF THE INTERESTED BIDDER TO THOROUGHLY RESEARCH THE PROPERTY PRIOR TO BIDDING. THE CLERK'S OFFICE SELLS THE PROPERTY PURSUANT

TO FLORIDA STATUTE CHAPTER 197 AND CANNOT GUARANTEE A CLEAR OR MARKETABLE TITLE.

1. **LOCATION OF SALE:** Tax deed sales are conducted online at: <https://www.stlucieclerk.com/auctions>. Access to the electronic online auction is available at public terminals located in the Clerk's office, 2300 Virginia Ave., 2nd Floor, Room #225, Fort Pierce, FL 34982.
2. **DATES OF SALES:** Sales are held Mondays, as advertised in the Treasure Coast Newspapers. The first property will be auctioned at 11:00 am. You may place your bids beginning at 8:00 am on the day of sale. Check the electronic online auction calendar located at <https://www.stlucieclerk.com/auctions> for exact dates of upcoming sales.
3. **PROPERTIES FOR SALE:** The properties available for sale can be viewed by sale date on the electronic online auction website, <https://www.stlucieclerk.com/auctions>. The status of a particular property is subject to change without notice. The electronic online auction website is updated nightly. Accordingly, the most current information regarding the status of a property or the sale date can only be obtained from the tax deed public records, <https://www.stlucieclerk.com/auctions>. If you are an interested party, you are advised to check the public records as often as necessary to determine whether any filing may impact the sale or the sale date.
4. **VIEWING THE FILES:** All tax deed documents received by the Clerk are maintained in the public files by certificate number and tax deed file number. The deed files are maintained in electronic format and are available to view at <https://www.stlucieclerk.com/auctions>. The Clerk's office does not have any additional information regarding a property or certificate other than that maintained in the public files.
5. **REGISTRATION:** To be eligible to bid at an auction, you must register online prior to the auction at <https://www.stlucieclerk.com/auctions> and satisfy the advance deposit requirements (see paragraph 7, "Deposit at Time of Sale"). You must register for yourself and any and all corporations, non-profits, partnerships, businesses, etc. that you may represent as a bidder. Bidders must register using proper names. Use fictitious names and initials for bidding purposes will be deemed to constitute bad faith bidding. 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. Certificate holders will not be required to register unless they intend to place a bid higher than the opening bid. The opening bid will be entered by the Clerk prior to the sale. If a certificate holder chooses to place a bid higher than the opening bid, they must register prior to the auction and satisfy the advance deposit requirements (see paragraph 7, "Deposit at Time of Sale").
6. **BIDDING:** The first bid after the statutory opening bid will be the nearest \$100 over the opening bid. Thereafter, bidding is done by proxy in increments of \$100.00 up to the bidder's maximum bid. Pursuant to Section 197.542(2), Florida Statute and Rule 12D-13.063(8), Florida Administrative Code, the Clerk may refuse to recognize the bid of any person who has previously bid and refused, for any reason, to honor such bid. Accordingly, if you or an entity or party listed as an "affiliate" on your registration do not make your final payment in a timely manner (see paragraph 8, "Full Payment of Bids and Related Costs"), you and your affiliated entities and parties may be barred from bidding for no less than three years. Failure to honor your bid a second time will result in permanently being barred from Clerk's tax deed sales.
7. **DEPOSIT AT TIME OF SALE:** The successful bidder must post with the Clerk a deposit equal to the greater of five percent (5%) of the final bid or \$200 (see Section 197.542(2), Florida Statutes). The deposit shall be applied to the sale price immediately after the auction closes. All bidders will be required to ADVANCE funds sufficient to satisfy the deposit requirement, should they be the successful bidder. Advance deposits may be made online through the electronic auction website via ACH transfer at least three (3) full business days before the auction. Funds will clear on the fourth (4th) business day which must be on or before the scheduled sale day. (For example, to bid in a Monday auction, an ACH/electronic check

payment transfer equal to the greater of five (5%) of the anticipated final bid or \$200 must be completed by 5pm on the preceding Tuesday.)

In addition, the deposit may be paid by cash or cashier's check, presented to the Tax Deeds Department by 4 p.m. the business day before the scheduled auction. *The Clerk's office cannot guarantee the delivery date of deposits sent by mail. Bidders are encouraged to submit funds in person to ensure deposit requirements are met.* Deposits received on the day of an auction may not be available for bidding that day. If a deposit is made at the Clerk's office by cashier's check, the name and address of the person or entity shown as the remitter on the check will be the person or entity that will receive the credit for the deposit online. That person or entity must be the registered bidder with the same name and address on the online system. For example, if the check shows a corporate name and address as the remitter, that corporation must be the registered user on the online system under the same name and address to be given the credit for the deposit. If a bidder wishes to submit and receive credit for deposits from various sources they must make their deposits via ACH. Personal checks will not be accepted under any circumstances.

If you are the successful bidder, the advance deposit will be automatically applied to your final payment. If the property is redeemed prior to the issuance of the tax deed (see paragraph 12, "Redemption"), the successful bidder's deposit account will automatically be replenished. No other repayment of the successful bidder's deposit will be given.

If you are not the successful bidder, you may request a refund of your deposit on the electronic online auction site. Refunds of non-ACH deposits will be processed through the Clerk's ordinary course of business. A refund of unused ACH deposits will be automatically initiated in the 85th day following a deposit. Bidders will need to timely submit a new deposit if they wish to bid after the 85th day in accordance with the policy. Any deposits not refunded will be retained by the Clerk for the bidder's use in subsequent electronic online auctions.

8. **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 received by the Clerk by 2:00 pm on the next business day after the sale. If final payment is not made by such time, the entire deposit will be forfeited. The Clerk will deduct from the forfeited deposit a non-refundable sale fee, a non-refundable electronic online auction fee and re-advertising costs. Any remaining funds from the forfeited deposit shall be applied toward the opening bid on the rescheduled sale.

Pursuant to Section 197.542, Florida Statutes, the successful bidder must pay the following costs: the documentary stamps taxes (\$.70 per \$100, or fraction thereof, of the amount bid) and recording fees. Failure to pay these costs by **2:00 pm** the business day following the sales will result in the sale being forfeited.

Final Payment may be made by Cash, Cashier's Check or Wire Transfer. Such wire transfer must be received by the Clerk's bank by 2:00 pm the next business day after the sale and clearly indicate the certificate number for which payment is being made. If payment is made by cashier's check, a separate check must be received by the Clerk for each property purchased. **The Clerk cannot accept final payment for multiple properties on one check.** Final Payment may not be made by ACH/electronic check. Final payment cannot be made from your deposit account.

No final payments will be accepted after 2:00 pm the next business day following the sale. Payments received after 2:00 pm will be returned to the bidder and the sale will be forfeited. A successful bidder's final payment made by the wire (which can have varying processing times) must allow enough time for the wire to be processed and received in the Clerk's bank account by the 2:00 pm deadline. A final payment made by wire that is initiated by the successful bidder's bank prior to the 2:00 pm deadline, but not received in the Clerk's bank account by the 2:00 pm deadline, will be returned to the bidder and the sale will be forfeited.

9. **NO BID:** On county held certificates, if there are no bids higher than the opening bid, the property shall immediately be placed on the List of Lands Available for Taxes. (See paragraph 13, "List of Lands Available for Taxes")

On non-county held certificates, if no bids are received for a property higher than opening bid, the property shall be struck off the certificate holder, who shall pay to the Clerk any amounts included in the opening bid which the certificate holder has already paid, the documentary stamp tax and the recording fees due. **Payment from the certificate holder (any amounts not included in the opening bid and; if homestead, on-half value of the homestead) must be received within 30 days after the sale and must be made by cash, cashier's check or wire transfer.** Upon payment, a tax deed shall be issued and recorded by the Clerk.

If payment is not received from the certificate holder within 30 days after the sale, the Clerk shall place the property on the "List of Lands Available for Taxes". See paragraph 13, "List of Lands Available for Taxes".

10. If the sale is canceled for any reason or the buyer fails to make full payment within the required period, the Clerk shall re-advertise the sale with 30 days after the buyer's nonpayment, if canceled within 30 days after the Clerk received the costs to resell the property from the Tax Deed Applicant. The sale shall be held within thirty (30) days after re-advertising. The amount of the opening bid shall be increased by the cost of the re-advertisement, Clerk's fees and interest. If there are no bidders at the second sale and the Tax Deed Applicant does not pay the remainder of the monies due within 30 days after the sale, the Clerk shall place the property on the "List of Lands Available for Taxes."

11. **FORMS OF PAYMENT:** The Clerk accepts the following forms of payment:

FOR DEPOSITS: CASH, CASHIER'S CHECK AND ACH/electronic check. Payments made through ACH/electronic check payment shall be effectuated through the Clerk's online electronic auction site.

FOR FINAL PAYMENTS: CASH, CASHIER'S CHECK AND WIRE TRANSFER. If payment is made by cashier's check, a separate cashier's check must be given for each property. The Clerk cannot accept final payments for multiple properties on one check. Wire transfers shall be made pursuant to the instructions provided on the electronic online auction website, <https://stlucie.clerkauction.com>. In order to cover wire transaction fees, the Clerk requires an additional \$5.75 (\$5.00 for wire fee and \$.75 for postage) to be included in the total amount due. The sale will be forfeited if the full amount is not received.

The Clerk's office reserves the right to refuse tender of a check of 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 Clerk of the Circuit Court, St. Lucie County. Under no circumstances will the Clerk accept credit card, personal check or third party checks.

NO OTHER FORMS OF PAYMENT WILL BE ACCEPTED.

12. **ISSUANCE OF TAX DEED:** Upon receipt of final payment including applicable documentary stamp taxes and recording fees, the Clerk will issue a tax deed to the successful bidder. The tax deed will be mailed via first class mail, U.S. Postal Service, to the successful bidder.
13. **REDEMPTION:** Pursuant to Section 197.472, Florida Statutes, any person may redeem a tax certificate at any time after the certificate is issued and before the Clerk has received full payment for the tax deed, including documentary stamp taxes and recording fees. The person redeeming the tax certificate must pay the Tax Collector the full amount of the tax certificate plus all interest, costs, and charges.

Redemptions may be made at the St Lucie County Tax Collector, 2300 Virginia Ave, Fort Pierce, FL 34982. Payment for redemption must be made in U.S. funds drawn on a U.S. bank. Redemptions can be made by cash, wire transfer, credit card, money order or a cashier's check made payable to St Lucie County Tax Collector, in the amount shown on the Notice of Application for Tax Deed.

14. **LANDS AVAILABLE FOR TAXES:** Properties are placed on the "List of Lands Available for Taxes" when there are no bids on the property at the tax sale on the county held certificates or when there are no bids on a non-county held certificate and the certificate holder failed to pay the monies due (see paragraph 9, "No Bids"). During the first ninety (90) days after a property is placed on the List of Lands Available for Taxes, only the County may purchase the property. Thereafter, anyone may purchase the property. List of Lands Available properties cannot be purchased online and payment can only be made by cash or cashier check.

The List of Lands Available for Taxes can be viewed at <https://tributeweb.stlucieclerk.com>. Interested purchasers should submit a request for Lands Available information to the Tax Deed Department at taxdeeds@stlucieclerk.com.

01/05/2021

Date

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

Clerk of the Circuit Court & Comptroller
St. Lucie County, Florida