

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

ADMINISTRATIVE ORDER 3.316-12/17

IN RE: DISBURSEMENT OF FORECLOSURE
SALE PROCEEDS

When surplus funds remain after the sale of foreclosed properties, an order is required for the Clerk and Comptroller to distribute surplus funds. Florida Statute §45.032(3)(a) requires the court to order the clerk to deduct any applicable service charges from surplus funds following a foreclosure sale. Proposed orders submitted by parties may fail to include language stating “less clerk’s fees”.

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

1. After an Owner’s Claim for Mortgage Foreclosure Surplus is filed with the Clerk and Comptroller, the Clerk and Comptroller will forward the Owner’s Claim to the assigned judge with a cover memo provided by Court Administration.
2. Except as provided in paragraph 3 below, the Clerk and Comptroller is authorized to deduct its fees and costs when an Order on Disbursement of Foreclosures Sale Proceeds is filed. The Clerk and Comptroller may deduct its fees and costs regardless of whether the order contains the language “less clerk’s fees”.
3. If the sale is vacated due to an error of the court or clerk, the Clerk and Comptroller’s office will not deduct its fees and will refund the full amount to the buyer after an order is entered by the court reflecting that the Clerk will not recover its fees.
4. If a party disputes the Clerk and Comptroller’s entitlement to fees or costs, the party may seek relief with an appropriate motion to the court.

DONE and ORDERED, in Chambers, at West Palm Beach, Palm Beach County, Florida
this 18 day of December, 2017.



Krista Marx, Chief Judge