

MARTIN COUNTY CLERK OF THE CIRCUIT COURT AND COMPTROLLER

ADMINISTRATIVE POLICY ON TAX DEED SALES

Effective Date: January 1, 2018

The Martin County Clerk of the Circuit Court and Comptroller (hereinafter referred to as "Clerk") holds Tax Deed sales pursuant to Chapter 197, Florida Statutes, and Florida Administrative Code Rule 12D-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 Martin County. Should you still have questions after reading this policy, please call the Tax Deed Division at (772) 288-5554. The Tax Deed Division is located in the Courthouse Constitutional Building, 100 SE Ocean Boulevard, First Floor, Stuart, FL 34994.

There are certain risks associated with 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 and Tax Collector 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 sale. 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 SELLS THE PROPERTY PURSUANT TO FLORIDA STATUTE CHAPTER 197 AND CANNOT GUARANTEE A CLEAR OR MARKETABLE TITLE.

LOCATION OF SALE. Tax deed sales are conducted online at martin.realtaxdeed.com. Access to the electronic online auction is available at public computer terminals located in the Official Records Division, Courthouse Constitutional Building, 100 SE Ocean Boulevard, First Floor, Stuart, FL 34994.

DATES OF SALE. Scheduled sales are held on Wednesdays, as advertised in Treasure Coast Newspapers and based upon volume of available files. The first property will be auctioned at 10:00 a.m. Check the electronic online auction calendar located at martin.realtaxdeed.com for exact dates of upcoming sales.

PROPERTIES FOR SALE. The properties available for sale can be viewed by sale date on the electronic online auction website, martin.realtaxdeed.com. 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 website, or.martinclerk.com/taxsmartweb. If you are an interested party, you are advised to check the public records as often as necessary to determine whether any filings may impact the sale or the sale date.

VIEWING TAX DEED FILES. All tax deed documents received by the Clerk are maintained in the public files by tax certificate number. Tax deed files are maintained in electronic format and are available to view at or.martinclerk.com/taxsmartweb.

THE CLERK DOES NOT HAVE ANY ADDITIONAL INFORMATION REGARDING A PROPERTY OR CERTIFICATE OTHER THAN THAT MAINTAINED IN THE PUBLIC FILES.

ACCOUNT REGISTRATION. To be eligible to bid at an auction, you must register online prior to the auction at martin.realtaxdeed.com and satisfy the advance deposit requirements (see paragraph 8, "Deposit at Time of Sale"). Account owners must register using a singular, legal, personal or business entity name. Use of fictitious names and initials for bidding purposes is prohibited. 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.

Bidders must register for tax deed and foreclosure auctions separately. Deposit accounts for online tax deed sales and foreclosure auctions are held separately. To be eligible to bid at the tax deed auction, funds must be available in the tax deed auction deposit account.

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 certificate holders choose to place a bid higher than the opening bid, they must register prior to the auction and satisfy the advance deposit requirements (see paragraph 8, "Deposit at Time of Sale").

ACCOUNT REFUNDS. Refunds shall be processed and paid to the registered account owner. ACH refunds may be processed upon request, and will be paid to the originating ACH account from which deposits have previously been made. All other refunds shall be processed and paid by check in the Clerk's normal course of business.

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, up to the bidder's maximum bid.

Pursuant to §197.542(2), Fla. Stat., 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 9, "Full Payment of Bids and Related Costs"), you and your affiliated entities and parties may be barred from bidding for no less than one year. Failure to honor your bid a second time may result in permanently being barred from the Clerk's tax deed sales.

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 §197.542(2), Fla. Stat.). 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 four (4) 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 Wednesday auction, an ACH/electronic check payment transfer equal to the greater of five percent (5%) of the anticipated final bid or \$200 must be completed by 5:00 p.m. on the preceding Thursday.

In addition, the deposit may be paid by cash or certified check, presented to the Tax Deed Division by 4:00 p.m. the business day before the scheduled auction. 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 certified 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 13, "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 auction website by logging into your account and requesting a refund. Refunds of deposits received via ACH will be made to the same account via ACH. Refunds of non-ACH deposits will be processed via check to the registered account owner through the Clerk's ordinary course of business. The Clerk's office reserves the right to refund unused deposits to the account owner of record after 90 days of no bidding activity.

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 within 24 hours after the sale is complete. 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 §197.542, Fla. Stat., the successful bidder must pay the following costs: the documentary stamp taxes (\$.70 per \$100, or fraction thereof, of the amount bid) and recording fees. Failure to pay these costs within 24 hours after the sale is complete will result in the sale being forfeited.

Final Payment may be made by cash, certified check, and wire transfer or from the bidder account. All funds must be received by the Clerk's bank within 24 hours after the sale is complete and clearly indicate the certificate number(s) for which payment is being made. Final payment may not be made by ACH/electronic check.

No final payments will be accepted after the 24-hour deadline outlined above. A successful bidder's final payment made by wire transfer (which can have varying processing times) must be initiated and confirmed prior to the 24-hour deadline. Final payments by wire transfer that are initiated and confirmed prior to the 24-hour deadline must be credited to the Clerk's bank account no later than the next business day following the sale. A final payment made by wire transfer that is initiated and confirmed prior to the deadline but not received in the Clerk's bank account by the next business day following the sale shall be returned to the bidder and the sale will

be forfeited. The Clerk reserves the right to review and approve or reject, in the clerk's sole discretion, all wire transfer confirmations.

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

On individually held certificates, if the property is not sold at the tax deed auction and if all costs are not paid within 30 days, then the property will be placed on a List of Lands Available for Taxes. See paragraph 13, "List of Lands Available for Taxes".

Property placed on the List of Lands Available for Taxes, which is not sold three years after the public auction, escheats to the county where the property is located. §197.502(7) and §197.502(8), Fla. Stat.

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

DEPOSITS: Cash, certified check and ACH/electronic check. Payments made through ACH/electronic check payment shall be effectuated through the Clerk's online electronic auction site.

FINAL PAYMENT: Cash, certified check, wire transfer or funds from the bidder account. Wire transfers shall be made pursuant to the instructions provided on the electronic online auction website at the time of final payment.

The Clerk's Office reserves the right to refuse tender of a check if the check does not appear to be legally sufficient in the Clerk's sole discretion. All checks must be drawn upon a U.S. or Canadian banking institution, made payable to the Clerk of the Circuit Court and Comptroller. If drawn on a Canadian bank, the funds must be in U.S. dollars. Under no circumstances will the Clerk accept credit card, personal checks or third party checks.

NO OTHER FORMS OF PAYMENT WILL BE ACCEPTED.

ISSUANCE OF TAX DEED. Upon receipt of final payment including applicable documentary stamp taxes and recording fees, the Clerk will issue and deliver a recorded Tax Deed to the successful bidder.

REDEMPTION. Pursuant to §197.472, Fla. Stat., any person may redeem a tax certificate at any time after the certificate is issued and before a Tax Deed is issued. A Tax Deed is deemed to be "issued" when all necessary signatures are included and the Clerk's seal is affixed to the Tax Deed.

Payment for redemptions are administered by the Martin County Tax Collector, 3485 SE Willoughby Blvd., Stuart, FL 34994, and 772-288-5600.

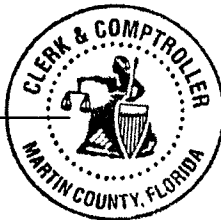
LANDS AVAILABLE FOR TAXES. Properties are placed on the "List of Lands Available for Taxes" when there are no bids on the property at the tax sale on county held certificates or when there are no bids on an individually held certificate and the certificate holder failed to pay the monies due. (See paragraph 10, "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. Lands Available properties cannot be purchased online and payment can only be made by cash, certified check or wire transfer.

The Clerk's Office reserves the right to refuse tender of a check if the check does not appear to be legally sufficient in the Clerk's sole discretion. All checks must be drawn upon a U.S. or Canadian banking institution, made payable to the Clerk of the Circuit Court and Comptroller. If drawn on a Canadian bank, the funds must be in U.S. dollars. Under no circumstances will the Clerk accept credit card, personal checks or third party checks.

NO OTHER FORMS OF PAYMENT WILL BE ACCEPTED.

The List of Lands Available for Taxes can be viewed online at: or.martinclerk.com/taxsmartweb. Interested purchasers can obtain additional information from the Tax Deed Division at (772) 288-5554. The Tax Deed Division is located in the Courthouse Constitutional Building, 100 SE Ocean Boulevard, First Floor, Stuart, FL 34994.

January 1, 2018
Date



Carolyn Timmann
Clerk of Circuit Court and Comptroller
Martin County, Florida