



ADMINISTRATIVE OFFICE OF THE COURTS  
INTER-OFFICE  
MEMORANDUM

2010-25

TO: Honorable Jeffrey K. Barton  
Honorable Marsha Ewing  
Honorable Sharon Robertson  
Honorable Joseph E. Smith

FROM: Thomas A. Genung, Trial Court Administrator

A handwritten signature in black ink, appearing to be "TAG", with a horizontal line extending to the right.

DATE: September 22, 2010

RE: **Administrative Order 2010-09**  
**Electronic Judicial Sales Procedures**

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Attached please find original **Administrative Order 2010-09** for filing with the Court.

If you have any questions regarding the above, please do not hesitate to contact me.

TAG/mt  
Attachment

cc w/attach: All Judges in the Nineteenth Judicial Circuit  
All Magistrates and Hearing Officers in the Nineteenth Judicial Circuit  
All Staff Attorneys in the Nineteenth Judicial Circuit  
Honorable Bruce Colton, State Attorney's Office  
Honorable Diamond Litty, Public Defender's Office  
All County Attorneys in the Nineteenth Judicial Circuit  
All Local Law Libraries  
All Local Bar Presidents  
IT

IN THE CIRCUIT COURT OF THE  
NINETEENTH JUDICIAL CIRCUIT IN  
AND FOR INDIAN RIVER, MARTIN,  
OKEECHOBEE AND ST. LUCIE  
COUNTIES, FLORIDA

**ADMINISTRATIVE ORDER 2010-09**

Re: Electronic Judicial Sales Procedures

WHEREAS, the Clerk of the Circuit Court is statutorily authorized by section 45.031(10), Florida Statutes, to conduct the sale of real or personal property under court order or judgment by electronic means; and

WHEREAS, the Clerk of the Circuit Court for Indian River, Martin and St. Lucie Counties are setting up criteria and procedures to sell property for cash at public sale to the highest and best bidder using electronic means, and the Clerk of the Circuit Court for Okeechobee County may also set up criteria and procedures in the future;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Nineteenth Judicial Circuit of Florida under Rule 2.050, Rules of Judicial Administration, it is hereby ORDERED that in lieu of the provisions of a final judgment or order filed with the Clerk of Court prior to the effective date of this Administrative Order which directs the sale of real or personal property by the Clerk at a courthouse location, the Clerk of the Circuit Court is authorized to conduct the sale by internet online auctions provided the sale is conducted in accordance with the following requirements:

1. The online auction must be conducted in accordance with policies and procedures established by a written statement of administrative policy published by the Clerk of the Circuit Court at the official website maintained by the Clerk and posted in public areas of the Clerk's offices.
2. If the sale was originally ordered to be conducted at a courthouse location, the Clerk, at the Clerk's expense, shall be responsible for providing written notification via U.S. mail of the change to an online auction to all parties listed in the final judgment or order setting sale of the change to an online auction. The notice must contain the following language:

Pursuant to Nineteenth Judicial Circuit Administrative Order 2010-09, the Clerk of the Circuit Court for [Name] County is authorized to conduct internet online auctions of real or personal property in lieu of onsite auctions at a courthouse location. The Clerk of the Circuit Court shall sell the property described in the final judgment or order scheduling the sale **online on [date] at [time] at [webaddress]** to the highest bidder for cash after giving notice as required by Section 45.031, Florida Statutes. The sale will be conducted in accordance with the written statement of administrative policy published by the Clerk of the Circuit Court at [Clerk's webaddress for the statement of administrative policy] and posted in public areas of the Clerk's offices.

**The date of the sale set by the final judgment or any other court order rescheduling the sale remains unchanged, however the time of day for the sale will be [time].** All other provisions of the final judgment or any other court order rescheduling the sale shall remain in full force and effect, except where inconsistent with Administrative Order 2010-09.

Administrative Order 2010-09 can be viewed at [www.circuit19.org](http://www.circuit19.org).

3. The Clerk of Court shall provide a minimum of two computer terminals available for the public to use and attend the online auction.

IT IS FURTHER ORDERED that internet online auctions by the Clerk of the Circuit Court do not require the presence of the plaintiff, a plaintiff's representative or plaintiff's counsel.

IT IS FURTHER ORDERED that the administrative policy for internet online auctions adopted by the Clerk of the Circuit Court may not authorize the postponement of a sale beyond the date set in the final judgment or order scheduling sale, or cancel a judicially ordered sale without a court order being entered allowing such postponement or cancelation.

IT IS FURTHER ORDERED that bidders who disrupt the Clerk's internet online auction, as well as any corporation, partnership, business or nonprofit organization under whose name they bid, will be barred from future internet online auctions for two consecutive auction dates. Bidders continuing to engage in

disruptive behavior may result in the permanent ban of the bidder from the auction process.

This order shall take effect immediately upon execution and shall remain in effect until further order of the court.

SIGNED and ORDERED in quadruplicate on September 20, 2010.

  
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STEVEN J. LEVIN, Chief Judge