

**AMENDED ADMINISTRATIVE ORDER AUTHORIZING THE ORANGE COUNTY
CLERK OF COURT TO CONDUCT ON-LINE AUCTIONS OF REAL PROPERTY
IN LIEU OF ON-SITE AUCTIONS**

WHEREAS, pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice; and

WHEREAS, pursuant to the chief judge's constitutional and statutory responsibility for administrative supervision of the courts within the circuit and to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice for the citizens of this State, the chief judge is required to exercise direction, *see* Fla. R. Jud. Admin. 2.215(b)(2), (b)(3); and

WHEREAS, pursuant to Section 45.031(10), Florida Statutes, the Clerk of the Courts is statutorily authorized to conduct the sale of real or personal property under an order or judgment by electronic means; and

WHEREAS, on Tuesday, January 4, 2011, the Orange County Clerk of Court implemented its on-line foreclosure auction website at www.myorangeclerk.realforeclose.com and held its first on-line sale on Tuesday, January 18, 2011; and

WHEREAS, the Clerk requested authorization to conduct on-line auctions, in lieu of on-site auctions, for Judicial Sales and states as reasons for the request: (1) the elimination of police officers, security guards, and video cameras at on-site sales to ensure the safety of auction participants; (2) the elimination of impropriety and collusion among bidders by enhancing the fairness and security of the process; (3) enhanced ability of the Clerk to increase the amount of properties that can be sold at each auction; (4) accessibility to interested parties to view, research, and manage cases twenty-four hours, seven days a week; (5) increased productivity by enabling the Clerk to move cases from judgment to Certificate of Title more efficiently, and (6) the elimination of confusion of having dual systems for conducting foreclosure sales functioning simultaneously;

NOW, THEREFORE, I, Frederick J. Lauten, in order to facilitate the efficient operation of the administration of justice, and pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, hereby order the following, **effective immediately**, to continue until further order and superseding any provisions in prior Administrative Orders which may be inconsistent:

1. The Orange County Clerk of Court is hereby authorized to conduct on-line auctions of real property, in lieu of on-site auctions, pursuant to final judgments of foreclosure or court orders rescheduling sales entered from September 21, 2010, to the effective date of Administrative Order No. 2011-01 and from that date forward.

2. The Orange County Clerk of Court shall sell the property described in the Final Judgment or any court scheduling the sale, on-line at 11:00 a.m., **beginning March 15, 2011**, at www.myorangeclerk.realforeclose.com, to the highest bidder for cash after giving notice as required by section 45.031, Florida Statutes.

3. The date of the sale as described in the Final Judgment or any other court order rescheduling said sale remains unchanged. 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 No. 2011-01-02.

Administrative Order No. 2011-01-02 can be viewed at <http://www.ninthcircuit.org/>.

4. Publication Notices may not be cancelled without a court order authorizing such cancellation.

5. On-line sales do not require the presence of the plaintiff or its representative(s).

6. Electronic sales shall be scheduled Monday through Friday (except legal holidays or during periods of emergency courthouse closure) beginning at 11:00 a.m. Eastern Time on the date specified in the judicial order or final judgment.

7. If the courthouse closes as a result of an emergency, the Orange County Clerk of Court shall make best efforts to cancel any electronic sales that are scheduled for the day(s) on which the courthouse will be closed.

8. If a sale is canceled by the Orange County Clerk of Court pursuant to the previous paragraph, the plaintiff shall file a motion within thirty (30) days to reset or reschedule the sale.

9. Administrative Order 2011-01-01 is vacated and set aside except to the extent that it has been incorporated and/or amended herein. Vacating an Administrative Order that vacates a prior Order does not revive the prior Order.

DONE AND ORDERED at Orlando, Florida, this 1st day of November, 2017.

_____/s/_____
Frederick J. Lauten
Chief Judge

Copies provided to:

Clerk of Court, Orange County
Clerk of Court, Osceola County
General E-Mail Distribution List
<http://www.ninthcircuit.org>