



**HOMEOWNERS RIGHTS**

**IN**

**FORECLOSURE**

**PROCEEDINGS**

**HOWARD C. FORMAN**  
Broward County Clerk of Courts

**FORECLOSURE UNIT**

201 S.E. 6<sup>th</sup> Street, Room 230  
Ft. Lauderdale, FL 33301

Business Hours: 8:00 AM – 4:30 PM

Telephone: 954-831-5745

**[www.browardclerk.org](http://www.browardclerk.org)**

# WARNING !!!

IF YOUR HOME IS ALREADY IN FORECLOSURE OR WILL SOON BE IN FORECLOSURE AND YOU HIRE SOMEONE TO HELP YOU CLAIM ANY SURPLUS FUNDS THAT MAY BE AVAILABLE TO YOU AFTER THE SALE, YOU SHOULD CAREFULLY READ ALL PAPERS YOU ARE ASKED TO SIGN. MAKE SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING AND THAT YOU ARE NOT TRANSFERRING OWNERSHIP OF YOUR PROPERTY OR THE EQUITY IN YOUR PROPERTY TO SOMEONE ELSE WITHOUT THE PROPER INFORMATION NECESSARY TO MAKE SUCH A DECISION. WHEN IN DOUBT, CONTACT YOUR OWN ATTORNEY.

IF YOUR HOME IS IN THE PROCESS OF FORECLOSURE PROCEEDINGS, THE FOLLOWING RESOURCE MAY BE OF ASSISTANCE TO YOU:

**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**[www.hud.gov](http://www.hud.gov)**

***“HELP FOR HOMEOWNERS FACING THE LOSS OF THEIR HOME”***

**T**his brochure describes various issues which may be of importance to you regarding foreclosure proceedings. It does not represent a complete summary of the applicable law in this area or any and all legal rights which may be available to you. If you have any questions or concerns regarding this process you may choose to seek the advice of an attorney. Employees of the Clerk’s Office cannot provide legal advice.

## **FORECLOSURE PROCEEDINGS**

**F**oreclosure proceedings begin with the filing of a civil action complaint, the recording of a lis pendens in the public records and the issuance of a summons to each defendant in the case, including the homeowner.

As the homeowner, you will be given 20 days from the date you are served to respond to that summons by filing an answer to the complaint. Your answer should be filed with the Clerk of the Court and a copy sent to the plaintiff’s attorney. If you fail to answer you may not be given an opportunity to present your side of the case to the Judge and a Final Judgment may be entered against you.

If a Final Judgment is signed by the Judge it will instruct the Clerk of Court to sell the property at a public auction to the highest bidder. The Foreclosure Clerk assigns a date to sell the property and places a Notice of Sale in a publication that meets the requirements of the Florida Statutes. Notification is given to all parties.

On the day of the auction, the Clerk of Court will sell the property to the highest bidder. Once full payment of the bid amount has been timely received from the successful bidder, the sale is complete and the Certificate of Sale is issued to the new owner.

## **DEFENDANT'S RIGHT OF REDEMPTION**

(Florida Statute 45.0315)

**A**s the homeowner, you may recover your property by redeeming it prior to the sale or immediately after the sale.

### **PROPERTY REDEMPTION**

**T**o redeem your property, you must pay the full amount of the FINAL JUDGMENT (including interest from date of judgment, fees and costs) to the Clerk of Court. Payment must be made in the form of cash, cashier's check or money order made payable to the Clerk of Court. Please contact the Foreclosure Unit (954-831-8619) for a payout figure in order to redeem your property and satisfy the JUDGMENT.

After you have redeemed your property, you will receive a "Clerk's Certificate of Satisfaction of Judgment" which you should record at the Broward County Recording Division 115 S. Andrews Avenue, Room 114, Ft. Lauderdale, FL 33301. A fee is required to record this document.

### **HOMEOWNERS RIGHTS TO SURPLUS FORECLOSURE SALE PROCEEDS**

**O**nce a sale has been held, if the property is sold to a third party and after the Certificate of Title has been issued, there may be excess funds (surplus) held in the Registry of the Court by the Clerk. As a former owner, you may be eligible to file a claim to receive these funds.

**YOU ARE NOT REQUIRED TO HAVE A LAWYER (OR ANY OTHER PERSON) TO CLAIM YOUR SURPLUS FUNDS, NOR DO YOU HAVE TO ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER TO CLAIM THESE FUNDS.**

**W**ithin **TEN** (10) days from the date of the sale, you should call the Clerk of Court's Registry Unit (954-831-5659) to determine if there are any surplus funds available to you. You can also be provided assistance in filing a claim for those funds. You may be charged a \$50 reopening fee to file your claim. Lien holders, as well as the former homeowner, may be eligible to claim surplus funds.

However, if any lien holders have filed claims, or if you acknowledge that there may be lien holders who may be eligible to the surplus, then a hearing will need to be set to determine the distribution of the funds.