



## New Law Raised Filing Fee for Foreclosure Actions

Fort Myers The News-Press, July 12, 2009

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**Q:** I heard that the law recently changed and the clerk of the court will require \$2,000.00 as the filing fee for a foreclosure complaint. Is this true? If so, does it apply to community association lien foreclosures, or just mortgage foreclosures? **R.X.** (via e-mail)

**A:** Senate Bill 1718 became law June 1, 2009 and raised the filing fee for foreclosure actions filed in Florida's circuit courts. The new law applies to both mortgage foreclosures and community association lien foreclosures. The amount of the filing fee depends on the value of the claim. For claims up to \$50,000.00, the new filing fee is \$395.00. For claims more than \$50,000.00, but less than \$250,000.00, the new filing fee is \$900.00. If the value of the claim exceeds \$250,000.00, the new filing fee is \$1,900.00.

The statute also provides for an additional fee of \$4.00 to be paid to the clerk. So, four dollars is to be added to all of the amounts above. This fee schedule applies to lawsuits with up to five

defendants, but if more than five defendants are named in the lawsuit, the filing fee goes up another \$2.50 per defendant.

The new law requires that the plaintiff (the party filing suit) state the value of its claim in writing, meaning in the complaint. It also instructs the plaintiff how to calculate the value of the claim if a mortgage foreclosure action is involved. The law does not provide instruction on how to value the claim if the claim is anything other than a mortgage foreclosure. As to how a community association should value its claim, it is probably best to add together the principal amount of unpaid assessments and interest.

Before the change in the law, the filing fee was about \$300.00. So for the vast majority of association foreclosures, those involving claims of \$50,000.00 or less, the filing fee has increased by about \$100.00.

*Mr. Adams concentrates his practice on the law of community association law, primarily representing condominium, co-operative, and homeowners' associations and country clubs. Mr. Adams has represented more than 600 community associations and serves as managing shareholder of the Firm's Naples and Ft. Myers offices.*

*Send questions to Joe Adams by e-mail to [jadams@becker-poliakoff.com](mailto:jadams@becker-poliakoff.com) This column is not a substitute for consultation with legal counsel. Past editions of this column may be viewed at [www.becker-poliakoff.com](http://www.becker-poliakoff.com).*

