

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

TODD McKNIGHT and **IRINA McKNIGHT**,
Appellants,

v.

CHASE HOME FINANCE LLC,
Appellee.

No. 4D16-2645

[March 29, 2017]

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Janis Brustares Keyser, Judge; L.T. Case No. 2010CA007148XXXXMB.

Steven M. Selz of Selz & Muvdi Selz, P.A., Jupiter, for appellants.

Wm. David Newman, Jr. of Choice Legal Group, P.A., Fort Lauderdale, for appellee.

PER CURIAM.

Appellants Todd and Irina McKnight appeal the trial court's order to the clerk of court to issue a certificate of title following the judicial sale of Appellants' property. Appellants argue that the trial court was required to conduct an evidentiary hearing on their objections to the sale, which included an allegation that the sale price was inadequate due to irregularities in the sale process. Appellee has confessed error on this issue.

Section 45.031(8), Florida Statutes (2014), allows a party to serve an objection to a sale based on the winning bid price. "If timely objections to the bid are served, the objections *shall* be heard by the court." *Id.* (emphasis added). This Court has previously held that it is error to deny the party objecting under section 45.031(8) an evidentiary hearing. *Regner v. Amtrust Bank*, 71 So. 3d 907, 907-08 (Fla. 4th DCA 2011). The record on appeal indicates that no hearing on Appellants' objections occurred. We therefore accept Appellee's confession of error and remand with directions to the trial court for it to: (1) vacate its order to the clerk to issue the certificate of title; (2) vacate the certificate of title that was improperly

issued; and (3) hold an evidentiary hearing on Appellants' objections. As in *Regner*, Appellants bear the burden to establish their claims at this hearing. *Id.* at 908. We offer no comment on the merits of Appellants' objections.

Reversed and remanded for further proceedings consistent with this opinion.

DAMOORGIAN, LEVINE and FORST, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.