

Court Program Specialist I \$15.40 hourly w/ CAD - Broward, Dade, Monroe, Palm Beach

Admin. Support: Senior Secretary \$11.89 hourly

Senior Secretary \$12.10 hourly w/ CAD - Hillsborough and Pinellas

Senior Secretary \$12.48 hourly w/ CAD - Broward, Dade, Monroe, Palm Beach

This amount does not include the 7.65% FICA that needs to be added to the hourly rate.

Lastly, some circuits have already developed plans and position descriptions for the implementation of this initiative. You may want to check with our colleagues if you need some assistance in developing your own plan.

Please let me know if you have any questions. Kris

Kris Slayden

Research and Data

Office of the State Courts Administrator

Florida Supreme Court

500 S. Duval Street

Tallahassee, Florida 32399

850-922-5106 (wk)

850-556-2335 (cell)

850-414-1342 (fax)

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager.

This footnote also confirms that this email message has been swept by Symantec Mail Security for the presence of computer viruses.

www.symantec.com

From: Sloan, James D </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JDS5227>

To: Mann, Sheila

CC:

Date: 6/2/2010 3:26:30 PM

Subject: ?RE: foreclosures

I will get to back with you tomorrow. I want to discuss this further with Judge Greider and she has gone for the day.

Judge Sloan

From: Mann, Sheila

Sent: Wednesday, June 02, 2010 4:10 PM

To: Sloan, James D

Subject: foreclosures

Judge Sloan,

I must submit a plan to Rick Callanan for the foreclosure reduction plan. As I understand it, the Lucky Firm has filed notices for hearing on 40-50 cases (for 1 hour). I spoke with Jo-Ann and she indicated that they will not take an hour each (per Judge Greider). Also, the magistrate from Collier does a full day of foreclosure hearings a month. Based on our discussion this morning and this information:

Does it seem to you that the Sr. Judge time requirement then would be 2-3 days a month for trials (at least in the first month or so) and 1 day for hearings in Hendry?

Additionally, I contacted Judge Lundy's office and there would be a need for Sr. Judge time $\frac{1}{2}$ day a month for Glades.

Jo-Ann indicated that taking the foreclosures away from the Collier Magistrate would make it difficult for her to find enough civil/family work for both Ed Larsen and the Collier Magistrate to do and that the Collier position would then be unnecessary. If this is the case I think we would need to check with Mark regarding the temporary suspension of the magistrate loan with the commitment to be continued support if needed at the end of the OPS funding period.

Please let me know your thoughts so that I can inform Rick.

Thank you,
Sheila

From: Sloan, James D </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JDS5227>

To: Greider, Christine

CC:

Date: 6/7/2010 11:52:02 AM

Subject: ?FW: Foreclosure Backlog Program Allotments to the Clerks of the 20th - Memo from Chief Judge Cary

Please review the attached letter from Judge Cary. Once again, we are under the gun for a response. I will try and catch up with you sometime tomorrow as our answer is due by Wednesday.

Jim

> _____

>From: Callanan, Richard

>Sent: Friday, June 04, 2010 2:26 PM

>To: Green, Charlie; Scott, Barbara T.; Butler, Barbara; Flint, Joe; Brock, Dwight; Carlin, John S.; Pivacek, Cynthia; Kyle, Keith; Sloan, James D; Lundy, Jack

>Cc: Bennett, Laura; Churchill, Marie; Barbiretti, Sue; 'abischel@hendryclerk.org'; 'sbrown@gladesclerk.com'; Atkins, Joanne; Jordan, Jacqueline; Gutshall, Tilena; Brantley, Kelly; Kellum, Susan G; Harkey, Sandra D

>Subject: Foreclosure Backlog Program Allotments to the Clerks of the 20th - Memo from Chief Judge Cary

>Importance: High

>

>Good Afternoon,

>

>On behalf of Chief Judge Cary, please find attached a memo from him along with an attachment from the Florida Clerk of Courts Operations Corporation (CCOC). Please review and respond to Chief Judge Cary on or before June 9, 2010.

>

>Thank you for your prompt attention to this matter and have a nice weekend.

>

>

>

>Richard Callanan

>Trial Court Administrator

>20th Judicial Circuit

>239-533-1712

>



TWENTIETH JUDICIAL CIRCUIT OF FLORIDA

ADMINISTRATIVE OFFICE OF THE COURTS
LEE COUNTY JUSTICE CENTER
1700 MONROE STREET
FORT MYERS, FLORIDA 33901
TEL. (239) 533-1700
FAX (239) 533-1701

G. KEITH CARY
CHIEF JUDGE

RICHARD CALLANAN
COURT ADMINISTRATOR

Memorandum

To: 20th Judicial Circuit Clerks of Court

From: G. Keith Cary, Chief Judge

Date: June 4, 2010

Re: Foreclosure Backlog Program Allotments to the Clerks of the 20th Circuit

Dear 20th Judicial Circuit Clerks of Courts,

As you will see in the attached letter, the Florida Clerk of Courts Operations Corporation (CCOC) has asked for my input as Chief Judge on the most appropriate county allocation of the \$263,028 Foreclosure Backlog Program allotment to the Clerks of the 20th Circuit.

A major impact on the Clerks will be the additional court time required by added Senior Judge days for expedited default dockets and contested foreclosure trial dockets. Backlogged foreclosure cases may also be set for trial/conference dockets with Senior Judges or Magistrates to expedite these cases and move them directly to trial or default dockets. A summary of the 20th Circuit Foreclosure Backlog staffing plan for the Circuit for July 1, 2010 – June 30, 2011 is outlined below.

- Lee County is adding 180 Senior Judge days for expedited dockets; 20 Magistrate days per month in Lee will also handle foreclosure motions related to the new homestead mediation and handle foreclosure trial/conference dockets to expedite cases. Total new foreclosure hearing days approximately 420 per year/35 per month.
- Collier County is adding 162 Senior Judge days and 4 Magistrate days per month. Total foreclosure hearing time 210 per year/17.5 per month.
- Charlotte is adding 40 Senior Judge days and devoting 0.50 judge to foreclosures for a total foreclosure hearing time of 150 days/12/5 per month.

20th Judicial Clerks of Courts

Re: Foreclosure Backlog Program Allotments to the Clerks of the 20th Circuit

June 4, 2010

Page 2

- Hendry is adding 18 Senior Judge days and has approximately 0.10 judge FTE need for foreclosure volume for a total approximate foreclosure hearing time of 66 days per year/5.5 per month.
- Glades adding 38 Senior Judge Days and has approximately 0.05 judges assigned for total hearing time of 50 days per year/4.0 per month.

I would ask each of you to advise me on your opinion as to the best method to allocate the \$263,000 Clerk Foreclosure backlog reduction budget by county. Our county court allocations are based on the prorated percentage of foreclosure caseload for each county. If funded at this level, the prorated county allocations would be approximately:

Lee – 50%
Collier – 25%
Charlotte – 13%
Hendry – 6%
Glades – 6%

I would ask that you review the Foreclosure Backlog Plans, meet with your respective Circuit Administrative Judges and let me know your input on the best method of prorating the allocation of these Clerk funds by county. If the above prorated allocations look reasonable, I will forward those recommendations to the CCOC as requested. The CCOC has requested a response by June 10, 2010, so kindly let me know your input as soon as possible and no later than June 9, 2010.

Thank you for your assistance in this regard.

Attachment

cc: Honorable John S. Carlin, Administrative Judge
Honorable Cynthia A. Pivacek, Administrative Judge
Honorable Keith R. Kyle, Administrative Judge
Honorable James D. Sloan, Administrative Judge
Honorable Jack Lundy, Administrative Judge
Richard Callanan, Trial Court Administrator

Page 3

11_16_2010

20TH CIR 00077

Honorable Howard Forman
Broward County
Chair

Honorable Harvey Ruvin
Dade County
Vice Chairman

Honorable Richard Weiss
Polk County
Secretary/Treasurer

Honorable John Crawford
Nassau County

Honorable Scott Ellis
Brevard County

Honorable Bob Inzer
Leon County

Honorable Buddy Irby
Alachua County

Honorable Tim Sanders
Madison County

Honorable
Margaret Steinbeck
Judge

Senate
Honorable Sharon Bock
Palm Beach Clerk

House
Vacant

Joe Boyd
General Counsel

John Dew
Executive Director

2560-102 Barrington Circle
Tallahassee, Florida 32308

May 28, 2010

The Honorable G. Keith Cary
Twentieth Judicial Circuit
1700 Monroe Street
Ft. Myers, FL 33901

Dear Chief Judge G. Keith Cary:

The Executive Council for the Clerks of Court Operations Corporation (CCOC) is requesting assistance in the allocation of the \$3.6 million nonrecurring appropriation dedicated to the Clerks of Court to assist in addressing the workload associated with the foreclosure and economic recovery initiative. This assistance will be invaluable to the success of the Clerks' ability to assist the courts in clearing the outstanding backlog of foreclosure cases in 10/11.

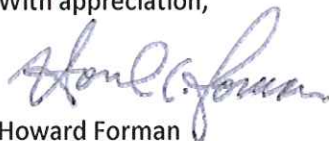
As already requested by the TCBC, the CCOC Executive Council also ask that you meet with each of the Clerks in your circuit to collaborate on a plan to provide resources to address the foreclosure backlog. While the CCOC has determined an amount to provide in total to Clerks in your circuit, we are still seeking additional information on how to distribute these dollars among the individual Clerks. Based on a methodology approved by the CCOC, the portion of the \$3.6 million appropriation dedicated to be distributed among the Clerks in your circuit is \$263,028.06.

After your collaboration with the Clerks in your circuit we would appreciate any information and/or suggestions you could provide to help the CCOC make a decision to allocate dollars among the Clerks in your circuit. Please provide this information/suggestion either as specific dollar amount dedicated to each county or as percentage of the circuit total.

This information can be emailed to John Dew, CCOC Executive Director at jdew@flccoc.org. Given the short timeframe to implement this initiative, please provide this information to Mr. Dew by close of business on June 5, 2010.

If you have any questions regarding this request, I have directed Mr. Dew to make himself available. In additional to the email address above, you can contact him at (850) 386-2223.

With appreciation,



Howard Forman
Chair of the CCOC Executive Council

CC: John Dew

Trial Court Budget Commission
Meeting February 2, 2010
Economic Recovery Proposal

Executive Committee Recommendation

Circuit	General Magistrate		Senior Judge Days	GM/Senior Judge Expense	Admin Support (GM/Senior Judge)			Case Management			Mediation Admin Support			F 2010/11 Proposed Allocation
	OPS	Contracted Services			OPS	Contracted Services	Expense	OPS	Contracted Services	Expense	OPS	Contractual Services	Expense	
1			58,100	6,500				68,471		7,833	26,090		4,000	170,994
2			21,180	2,470	20,025		1,000	121,319		5,000				170,994
3								39,126		4,000	52,181		8,000	103,307
4		159,376				52,180			78,252			52,180		341,988
5			150,150	9,244				156,504			26,090			341,988
6			117,600	6,000	104,360		6,000	156,504		8,000	104,360		8,000	510,824
7		62,400	61,250	9,654	52,180			156,504						341,988
8		75,000	24,500	2,889	26,090		500	39,126		2,889				170,994
9			306,250	42,000	91,315		35,000	117,378		23,910	52,180		15,940	683,973
10			18,200			40,722			94,820			17,252		170,994
11		159,376	84,000	4,778		149,360	6,800		860,772	37,400		78,270	5,100	1,385,856
12		79,688	91,000			36,307			98,686			36,307		341,988
13			292,500	13,576	80,270		2,000	273,882		25,036				687,264
14			25,200					78,252		9,000	52,180		6,362	170,994
15		320,000	142,800	30,584	180,000		6,000	313,008		16,000	30,000		1,000	1,039,392
16		40,000	70,000	33,394		10,000			15,600	2,000				170,994
17			306,250	20,852	52,180		3,000	313,008		22,000	104,360	202,742	15,000	1,039,392
18	159,376		252,000	12,000	78,270		11,336							512,982
19		79,688	66,500	19,715		52,180			97,815			26,090		341,988
20	318,752		84,000		104,360			156,504			20,360			683,976
Total	478,128	975,528	2,171,480	213,656	789,050	340,749	71,636	1,989,586	1,245,945	163,068	467,801	412,841	63,402	9,382,870

From: Mravic, Deborah </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=DMRAVIC>

To: Lentovich, Mary

Kent, Janis

Lucas, Sherry

Sheets, Jeannine

Cubbedge, Dana

Metcalfe, Jan

CC: Mañalich, Ramiro

Ellis, Cynthia

Hayes, Hugh

Shenko, Jim

Martin, Larry

Brodie, Lauren

Date: 1/20/2009 8:50:20 AM

Subject: Magistrate Assignments

As of February 1:

Magistrate Friedman – All Civil discovery and Foreclosure (Judge Hayes / Judge Ellis) and Guardianships (Martin)

Magistrate McGarity – Family (Judge Mañalich / Judge Shenko)

Magistrate Wilson – Family (Judge Brodie / Judge Martin) ; SAVE (Pay or Appear) ; and Baker/Marchmann Act

Please make sure the correct Magistrate is named in Order of Referrals.

Deborah A. Mravic

Program Coordinator - Family Court

3301 Tamiami Trail East, Naples, FL 34112

239-252-2603

dmravic@ca.cjis20.org

From: Ederr, Suzanne </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=SUZANNE2566>

To: Kyle, Keith

CC: Embury, Jon

Cary, G. Keith

McHugh, Michael

Date: 1/26/2010 2:39:40 PM

Subject: ?RE: Administrative Order Re: Protecting Tenants in Foreclosure Act of 2009

Judge Kyle:

I've briefly looked at the below e-mail, and I need an opportunity to review the matter further before I am in a position to advise. My initial impression is that It looks as if the new federal law perhaps has a glitch in that it doesn't account for any enforcement or proof that the 90 day notice was given to the tenant prior to a party seeking a writ of possession. However, I'm just not sure whether the compliance, or failure to comply, with the notice requirement is an issue of law to be addressed by the trial judge or an issue of administration subject to a local administrative order. On the other hand, issuing an administrative order similar to that of the 15th Circuit might be a practical solution until the glitch is otherwise addressed by the feds or the State via either the legislature or Supreme Court.

Let me look at this a bit more and I'll advise as to whether an administrative order similar to the 15th's is advisable.

Respectfully,

Suzanne

From: Netram, Nirupa

Sent: Monday, January 25, 2010 3:18 PM

To: Ederr, Suzanne

Cc: Kyle, Keith; Embury, Jon

Subject: Administrative Order Re: Protecting Tenants in Foreclosure Act of 2009

Good Afternoon Suzanne:

Fla. R. Court 2.420 (case-specific) Fla. R. Court 2.420 (case-specific)
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Fla. R. Court 2.420 (case-specific)

In Charlotte County, there is evidently no provision for dealing with the notice provisions of the Act. In the 15th Judicial Circuit in and for Palm Beach County, Florida, they have dealt with this issue via an administrative order (AO), copy attached. The AO directs that a motion for writ of possession contain a certificate from the attorney filing the motion, certifying that there are no tenants in possession of the property or, if there are tenants in possession, such tenants have been provided with notice required by the Act and that the motion does not seek an order that violates the tenants' right to continued occupancy under the Act.

Judge Kyle requested that I send this e-mail and ask if you would be willing to draft a similar AO for our circuit for Chief Judge Cary. Please contact Judge Kyle. Thank you.

<< File: Act.pdf >> << File: AO.pdf >>

Nirupa Netram, Senior Staff Attorney
Charlotte County Justice Center
350 East Marion Avenue
Punta Gorda, Florida 33950
Tel (941) 637-2286
Fax (941) 505-4779
E-mail nnetram@ca.cjis20.org

From: Kyle, Keith </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=KKYLE>

To: McHugh, Michael

CC: Shenko, Jim

Richards, George

Cary, G. Keith

Date: 1/26/2010 1:27:54 PM

Subject: ?FW: Administrative Order Re: Protecting Tenants in Foreclosure Act of 2009

Mike, please see the following below, particularly the Admin. Order from West Palm Beach. Have you had any issues concerning the federal law/90-day tenant eviction notice. We had an issue come up recently; after meeting with the Clerk's office this morning, we were advised that they are not checking for compliance prior to their issuance of the writ of possession in any given case. Do you think a similar Admin. Order would be good for the 20th? How is the issue addressed in Lee? Thanks for any input. I have discussed briefly with Judge Cary and he said to speak with you as you are spearheading the foreclosure efforts in Lee.

I copied the rest of you fyi and in the event you have any additional input. Thanks.

Keith R. Kyle
Circuit Court Judge of the Twentieth Judicial Circuit
Charlotte County Justice Center
350 East Marion Avenue
Punta Gorda, FL 33950
(941) 637-2186

From: Netram, Nirupa
Sent: Monday, January 25, 2010 3:18 PM
To: Ederr, Suzanne
Cc: Kyle, Keith; Embury, Jon
Subject: Administrative Order Re: Protecting Tenants in Foreclosure Act of 2009

Good Afternoon Suzanne:

Fla. R. Court 2.420 (case-specific) Fla. R. Court 2.420 (case-specific)
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In Charlotte County, there is evidently no provision for dealing with the notice provisions of the Act. In the 15th Judicial Circuit in and for Palm Beach County, Florida, they have dealt with this issue via an administrative order (AO), copy attached. The AO directs that a motion for writ of possession contain a certificate from the attorney filing the motion, certifying that there are no tenants in possession of the property or, if there are tenants in possession, such tenants have been provided with notice required by the Act and that the motion does not seek an order that violates the tenants' right to continued occupancy under the Act.

Judge Kyle requested that I send this e-mail and ask if you would be willing to draft a similar AO for our circuit for Chief Judge Cary. Please contact Judge Kyle. Thank you.

Nirupa Netram, Senior Staff Attorney
Charlotte County Justice Center
350 East Marion Avenue
Punta Gorda, Florida 33950
Tel (941) 637-2286
Fax (941) 505-4779
E-mail nnetram@ca.cjis20.org

PL 111-22, 2009 S 896
 PL 111-22, May 20, 2009, 123 Stat 1632
 (Cite as: 123 Stat 1632)

TITLE VII--PROTECTING TENANTS AT FORECLOSURE ACT
 << 12 USCA § 5201 NOTE >>

SEC. 701. SHORT TITLE.

This title may be cited as the "Protecting Tenants at Foreclosure Act of 2009".

<< 12 USCA § 5220 NOTE >>

SEC. 702. EFFECT OF FORECLOSURE ON PREEXISTING TENANCY.

(a) IN GENERAL.--In the case of any foreclosure on a federally-related mortgage loan or on any dwelling or residential real property *1661 after the date of enactment of this title, any immediate successor in interest in such property pursuant to the foreclosure shall assume such interest subject to--

(1) the provision, by such successor in interest of a notice to vacate to any bona fide tenant at least 90 days before the effective date of such notice; and

(2) the rights of any bona fide tenant, as of the date of such notice of foreclosure--

(A) under any bona fide lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease, except that a successor in interest may terminate a lease effective on the date of sale of the unit to a purchaser who will occupy the unit as a primary residence, subject to the receipt by the tenant of the 90 day notice under paragraph (1); or

(B) without a lease or with a lease terminable at will under state law, subject to the receipt by the tenant of the 90 day notice under subsection (1),

except that nothing under this section shall affect the requirements for termination of any Federal- or State-subsidized tenancy or of any State or local law that provides longer time periods or other additional protections for tenants.

(b) BONA FIDE LEASE OR TENANCY.--For purposes of this section, a lease or tenancy shall be considered bona fide only if--

(1) the mortgagor or the child, spouse, or parent of the mortgagor under the contract is not the tenant;

(2) the lease or tenancy was the result of an arms-length transaction; and

(3) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property or the unit's rent is reduced or subsidized due to a Federal, State, or local subsidy.

(c) DEFINITION.--For purposes of this section, the term "federally-related mortgage loan" has the same meaning as in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602).

SEC. 703. EFFECT OF FORECLOSURE ON SECTION 8 TENANCIES.

Section 8(o)(7) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(7)) is amended--

<< 42 USCA § 1437 >>

(1) by inserting before the semicolon in subparagraph (C) the following: "and in the case of an owner who is

PL 111-22, 2009 S 896
 PL 111-22, May 20, 2009, 123 Stat 1632
 (Cite as: 123 Stat 1632)

an immediate successor in interest pursuant to foreclosure during the term of the lease vacating the property prior to sale shall not constitute other good cause, except that the owner may terminate the tenancy effective on the date of transfer of the unit to the owner if the owner--

"(i) will occupy the unit as a primary residence; and

"(ii) has provided the tenant a notice to vacate at least 90 days before the effective date of such notice."; and

<< 42 USCA § 1437 >>

(2) by inserting at the end of subparagraph (F) the following: "In the case of any foreclosure on any federally-related mortgage loan (as that term is defined in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602)) or on any residential real property in which a recipient of *1662 assistance under this subsection resides, the immediate successor in interest in such property pursuant to the foreclosure shall assume such interest subject to the lease between the prior owner and the tenant and to the housing assistance payments contract between the prior owner and the public housing agency for the occupied unit, except that this provision and the provisions related to foreclosure in subparagraph (C) shall not affect any State or local law that provides longer time periods or other additional protections for tenants."

<< 42 USCA § 1437f >>

<< 42 USCA § 1437f NOTE >>

<< 12 USCA § 5201 NOTE >>

<< 12 USCA § 5220 NOTE >>

SEC. 704. SUNSET.

This title, and any amendments made by this title are repealed, and the requirements under this title shall terminate, on December 31, 2012.

~~TITLE VIII--COMPTROLLER GENERAL ADDITIONAL AUDIT AUTHORITIES~~

~~SEC. 801. COMPTROLLER GENERAL ADDITIONAL AUDIT AUTHORITIES.~~

~~(a) BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.--Section 714 of title 31, United States Code, is amended--~~

~~<< 31 USCA § 714 >>~~

~~(1) in subsection (a), by striking "Federal Reserve Board," and inserting "Board of Governors of the Federal Reserve System (in this section referred to as the 'Board'),"; and~~

~~(2) in subsection (b)--~~

~~Page 4~~

~~<< 31 USCA § 714 >>~~

~~(A) in the matter preceding paragraph (1), by striking "Federal Reserve Board," and inserting "Board"; and~~

~~<< 31 USCA § 714 >>~~

~~(B) in paragraph (4), by striking "of Governors".~~

~~<< 31 USCA § 714 >>~~

~~(b) CONFIDENTIAL INFORMATION.--Section 714(c) of title 31, United States Code, is amended by striking paragraph (3) and inserting the following:~~

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER 3.307-7/09

IN RE: PROTECTING TENANTS AT
FORECLOSURE ACT OF 2009

The Federal Protecting Tenants at Foreclosure Act, Pub. L. No. 111-22 [S 896] §§ 701-04, 123 Stat. 1632 ("Protecting Tenants at Foreclosure Act of 2009") law became effective on May 20, 2009. The Writs of Possession against tenants in possession issued by the court must comply with the new federal law.


NOW, THEREFORE, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

Effective August 3, 2009, A Motion for Writ of Possession must contain a certification from the attorney filing the motion as follows:

I HEREBY CERTIFY that there are no tenants in possession of the subject property or, if there are tenants in possession, such tenants have been provided with notice as required by the Federal Protecting Tenants at Foreclosure Act, Pub. L. No. 111-22 [S 896] §§ 701-04, 123 Stat. 1632 ("Protecting Tenants at Foreclosure Act of 2009"), and this motion does not seek an order that violates the tenants' right to continued occupancy under the Federal Protecting Tenants at Foreclosure Act.

Page 5

DONE and ORDERED, in Chambers, at West Palm Beach, Palm Beach County, Florida
this 27 day of July, 2009.


Peter D. Blanc, Chief Judge

20TH CIR 00087

From: Hayes, Hugh </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=HUGHH>

To: Friedman, David

Pivacek, Cynthia

CC: Metcalfe, Jan

Date: 1/28/2010 2:34:24 PM

Subject: ?RE: june orders of referral

I've signed but would ask you to hold until Judge P oks...

From: Friedman, David

Sent: Thursday, January 28, 2010 2:22 PM

To: Pivacek, Cynthia; Hayes, Hugh

Subject: june orders of referral

Your Honors: I recently sent to each of you the monthly order of referral for foreclosure for the month of June. Given recent developments regarding the hearing of foreclosure cases, should I send to our webmaster?

From: [McHugh, Michael](#)

To: [Sauls, Sandi](#)

CC:

Date: 1/29/2009 2:34:58 PM

Subject: ?RE: Defaults in Foreclosures cases

I was curious what the status of "Court" defaults is now. Will the clerk's office look at these and prepare a memo outlining if there are any problems with service? Or will they tab the service pleadings in the file, or is it up to us to simply review the file and make the default determination?

From: Sandi Sauls [<mailto:ssauls@leeclerk.org>]

Sent: Wednesday, September 17, 2008 4:55 PM

To: McHugh, Michael

Subject: RE: Defaults in Foreclosures cases

I think with a judicial directive we should be able to do most of the "Court" defaults. I will have someone look at these defaults and see if there is any reason why we can't take on that responsibility. I'll keep you posted.

Thank you,

Sandi C. Sauls
Civil Division Manager
P.O. Box 310
Fort Myers, FL 33902
239-533-9188

From: McHugh, Michael [<mailto:MMcHugh@CA.CJIS20.ORG>]

Sent: Wednesday, September 17, 2008 2:33 PM

To: Sandi Sauls

Subject: Defaults in Foreclosures cases

I have found that increasingly we are receiving requests for defaults on Foreclosure cases being directed to us for a Court's default, instead of to you for a Clerk's default. I am a little concerned that this will only increase after we allow you guys the authority to deny the defaults in the cases we have previously discussed. Is there a way that we can route the requests for a Court's default in foreclosure cases through your office to do the same review you do in the clerk's default cases?

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20TH CIR 00089

From: Callanan, Richard </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=RCALLANAN>

To: Aloia, Nancy K

Embury, Jon

Mann, Sheila

Middlebrook, Mark

CC: Fishbeck, Eric

Cary, G. Keith

Date: 10/11/2010 9:51:42 AM

Subject: ?FW: Foreclosures - Number and Banks cancelling hearings(HIGH PRIORITY)

Dear All

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EXAMPLE

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Time period: (9/10-10/10) or other.

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Cancelled in JACS 9/28/10				
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Counsel NO Show/Dismissal				
10/8/10	Clerk – Foreclose. Sale	2	JP Morgan	11/8/10
Cancelled 10/7/10				

COMMENTS: GMAC indicates to Case Manager on 10/1/10 that all hearings will be cancelled; No other firms/banks have provided notice of moratorium; No info available from clerk on # sales cancelled prior to 10/8

Please get information to Eric by Thursday 10/14. Call Eric or I if you have any questions. Thanks

*Richard Callanan, Trial Court Administrator
20th Judicial Circuit
1700 Monroe Street
Fort Myers, FL. 33901
239 533-1712*

From: Cary, G. Keith

Sent: Monday, October 11, 2010 9:51 AM

To: Callanan, Richard

Cc: Cary, G. Keith

Subject: Foreclosures

Importance: High

Happy Monday !

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Chase Home Finance	6	
Wells Fargo Bank N.A. Trustee	6	* BAC Home Loans is part of Bank of America
U.S. Bank N. A.	5	
Fifth Third Bank	4	

SOURCE: SOUTHWEST FLORIDA REAL

THE NEWS-PRESS

From: [Embury, Jon </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JEMBURY>](#)

To: [Shelton, Jaremy](#)

CC:

Date: 10/11/2010 11:22:26 AM

Subject: ?FW: Foreclosures - Number and Banks cancelling hearings(HIGH PRIORITY)

Here is the article I forgot print.

From: Callanan, Richard

Sent: Monday, October 11, 2010 10:52 AM

To: Aloia, Nancy K; Embury, Jon; Mann, Sheila; Middlebrook, Mark

Cc: Fishbeck, Eric; Cary, G. Keith

Subject: FW: Foreclosures - Number and Banks cancelling hearings(HIGH PRIORITY)

Importance: High

Dear All

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COMMENTS: GMAC indicates to Case Manager on 10/1/10 that all hearings will be cancelled; No other firms/banks have provided notice of moratorium; No info available from clerk on # sales cancelled prior to 10/8

Please get information to Eric by Thursday 10/14. Call Eric or I if you have any questions. Thanks

*Richard Callanan, Trial Court Administrator
20th Judicial Circuit
1700 Monroe Street
Fort Myers, FL. 33901
239 533-1712*

From: Cary, G. Keith

Sent: Monday, October 11, 2010 9:51 AM

To: Callanan, Richard

Cc: Cary, G. Keith

Subject: Foreclosures

Importance: High

20TH CIR 00093

Happy Monday !

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Fifth Third Bank	4	

SOURCE: SOUTHWEST FLORIDA REAL

THE NEWS-PRESS

From: Middlebrook, Mark </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=MARKM>

To: Mravic, Deborah

CC:

Date: 10/11/2010 12:35:20 PM

Subject: ?FW: Foreclosures - Number and Banks cancelling hearings(HIGH PRIORITY)

From: Callanan, Richard

Sent: Monday, October 11, 2010 10:52 AM

To: Aloia, Nancy K; Embury, Jon; Mann, Sheila; Middlebrook, Mark

Cc: Fishbeck, Eric; Cary, G. Keith

Subject: FW: Foreclosures - Number and Banks cancelling hearings(HIGH PRIORITY)

Importance: High

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1700 Monroe Street
Fort Myers, FL. 33901
239 533-1712*

From: Cary, G. Keith

Sent: Monday, October 11, 2010 9:51 AM

To: Callanan, Richard

Cc: Cary, G. Keith

Subject: Foreclosures

Importance: High

20TH CIR 00096

Happy Monday!
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SOURCE: SOUTHWEST FLORIDA REAL

THE NEWS-PRESS

From: Middlebrook, Mark </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=MARKM>

To: Mravic, Deborah

CC:

Date: 10/11/2010 1:12:12 PM

Subject: ?RE: Foreclosures - Number and Banks cancelling hearings(HIGH PRIORITY)

I'll do it

From: Mravic, Deborah

Sent: Monday, October 11, 2010 2:11 PM

To: Middlebrook, Mark

Subject: RE: Foreclosures - Number and Banks cancelling hearings(HIGH PRIORITY)

Should I ask Jill if she can get us a number of sales canceled for 10/1-11??? And what banks are canceling??? I suppose if she can give me a list of the cancellations I can figure out the banks.

From: Middlebrook, Mark

Sent: Monday, October 11, 2010 1:35 PM

To: Mravic, Deborah

Subject: FW: Foreclosures - Number and Banks cancelling hearings(HIGH PRIORITY)

Importance: High

From: Callanan, Richard

Sent: Monday, October 11, 2010 10:52 AM

To: Aloia, Nancy K; Embury, Jon; Mann, Sheila; Middlebrook, Mark

Cc: Fishbeck, Eric; Cary, G. Keith

Subject: FW: Foreclosures - Number and Banks cancelling hearings(HIGH PRIORITY)

Importance: High

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20TH CIR 00099

Richard Callanan, Trial Court Administrator
20th Judicial Circuit
1700 Monroe Street
Fort Myers, FL. 33901
239 533-1712

From: Cary, G. Keith
Sent: Monday, October 11, 2010 9:51 AM
To: Callanan, Richard
Cc: Cary, G. Keith
Subject: Foreclosures
Importance: High

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From: Middlebrook, Mark </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=MARKM>

To: Callanan, Richard

Mravic, Deborah

Fishbeck, Eric

CC:

Date: 10/13/2010 8:33:42 AM

Subject: ?FW: Foreclosure Progress

From: Jill M. Lennon [mailto:Jill.Lennon@collierclerk.com]

Sent: Wednesday, October 13, 2010 9:33 AM

To: Middlebrook, Mark

Subject: FW: Foreclosure Progress

FYI.

From: Jennifer L. Lofendo

Sent: Tuesday, October 12, 2010 5:13 PM

To: Clerk's Civil Supervisors

Subject: Foreclosure Progress

We are continuing to work on the 12th. We have over 50% cancellation of the days sales, so we should be able to make a healthy dent in the 12th.

Please visit us on the web at www.collierclerk.com

This electronic communication is confidential and may contain privileged information intended solely for the named addressee(s). It may not be used or disclosed except for the purpose for which it has been sent. If you are not the intended recipient, you must not copy, distribute or take any action induced by or in reliance on information contained in this message.

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Under Florida Law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by telephone or in writing.

From: Aloia, Nancy K </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=NKW2884>

To: Hamsharie, Deborah

Trammell, Cindy

Thompson, Lucinda

Golden, Diana

Repperger, Kathryn

CC:

Date: 10/14/2010 11:35:32 AM

Subject: Emergency foreclosures- process corrected

Hello

I have spoken with the clerk's office concerning the emergency foreclosure motions/orders (and people) being sent directly to the Judge's Office rather than coming through us. This should not be happening and the central location for all-things-foreclosures continues to remain here in this office.

The Clerk's supervisor is alerting staff now that they should not be directing anyone to the Judges' Offices on these matters. If an emergency order is timely received and a Senior Judge is not available for review, I will contact your office for assistance.

Thank you for alerting me to this issue and please let me know if you continue to have any foreclosure problems so we that we may get them resolved.

Thank you

Nancy Aloia

Family/Civil Director

Twentieth Judicial Circuit

1700 Monroe Street, Ft. Myers, FL 33901

239-533-2991/Mobile 357-5641

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Twentieth Judicial Circuit

1700 Monroe Street, Ft. Myers, FL 33901

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From: [Mann, Sheila </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=SAM2884>](mailto:Mann,Sheila@SAO20.OU=CACJIS/CN=RECIPIENTS/CN=SAM2884)

To: [Owens, Nancy](mailto:Owens,Nancy)

CC:

Date: 10/14/2010 8:04:02 AM

Subject: foreclosures of course



Good morning,

Please get a list from Jennifer of all the pending foreclosure actions and then scan and send to me.

Also, please make a list of foreclosure hearings in which the bank representatives/atty did not show up, call in or call to cancel. Do so for all hearings as of October 1 (just like you do for the cancellations) and send to me today then keep the running list.

Thanks.

Questions, give me a call.

Sheila Mann

Court Operations Manager

Twentieth Judicial Circuit

1700 Monroe St.

Ft. Myers, FL. 33901

Office: 239-533-1723

Fax: 239-533-1702

Cell: 239-357-4550

From: Middlebrook, Mark </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=MARKM>

To: 'Mravic, Deborah'

CC:

Date: 10/14/2010 7:13:38 AM

Subject: ?RE: Foreclosures - Number and Banks cancelling hearings(HIGH PRIORITY)

Just do 1-15....and if we can't get the info, don't worry about it

From: Mravic, Deborah

Sent: Thursday, October 14, 2010 8:13 AM

To: Middlebrook, Mark

Subject: RE: Foreclosures - Number and Banks cancelling hearings(HIGH PRIORITY)

Ok...I will get you the information today. I was doing Oct 1-15. It appears Charlotte did their docket later in the month.

From: Middlebrook, Mark

Sent: Thursday, October 14, 2010 8:07 AM

To: Mravic, Deborah

Subject: FW: Foreclosures - Number and Banks cancelling hearings(HIGH PRIORITY)

From: Callanan, Richard

Sent: Wednesday, October 13, 2010 4:31 PM

To: Aloia, Nancy K; Middlebrook, Mark; Mann, Sheila

Cc: Fishbeck, Eric; Cary, G. Keith

Subject: FW: Foreclosures - Number and Banks cancelling hearings(HIGH PRIORITY)

FYI. Here is Charlotte's report on foreclosure cancellations.

From: Shelton, Jeremy

Sent: Monday, October 11, 2010 2:46 PM

To: Callanan, Richard

Cc: Embury, Jon

Subject: RE: Foreclosures - Number and Banks cancelling hearings(HIGH PRIORITY)

Rick,

Attached is a breakdown of the cancellations we've seen for our summary judgment hearings in October. I included the information from JACS for each case cancelled which includes the dates/times cancelled and comments entered by the cancelling attorneys. A majority of the cases is coming from Bank of America, but a number of other banks are cancelling as well, and local counsel have indicated that they are expecting more (some have received instructions to cancel all hearings.)

Our tentative plan is to ensure that these cancelled hearings get scheduled for trial in December.

Thank you,

Jeremy J. Shelton

Civil Case Manager

20th Judicial Circuit, Charlotte County

Administrative Office of the Courts

20TH CIR 00106

350 East Marlon Avenue
Punta Gorda, Florida 33983
Email: jshelton@ca.cjis20.org
Phone: 941.637.2100

From: Embury, Jon
Sent: Monday, October 11, 2010 12:22 PM
To: Shelton, Jeremy
Subject: FW: Foreclosures - Number and Banks cancelling hearings(HIGH PRIORITY)
Importance: High

Here is the article I forgot print.

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Sent: Monday, October 11, 2010 10:52 AM
To: Aloia, Nancy K; Embury, Jon; Mann, Sheila; Middlebrook, Mark
Cc: Fishbeck, Eric; Cary, G. Keith
Subject: FW: Foreclosures - Number and Banks cancelling hearings(HIGH PRIORITY)
Importance: High

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1700 Monroe Street
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239 533-1712*

From: Cary, G. Keith

20TH CIR 00107

To: Callanan, Richard
Cc: Cary, G. Keith
Subject: Foreclosures
Importance: High

Happy Monday !

I don't feel like I have a real handle on what is happening in our circuit with the recent mortgage "moratorium", of course it all happened so fast I am not sure any of us do. So that we can have a better understanding I am suggesting you appoint someone in AOC to be our point person and collect data on this issue. I would like to have a brief report ready by next Monday for the JAC conference call at noon. This will also allow us to give direction to our staff/magistrates/judges as to our plan of attack. Questions I have are: What banks have canceled hearings? Number of cancellations? Number of sales canceled? Number of trials canceled or continued? Number of voluntary dismissals? When a bank comes in on a hearing date and says they need time to get a new affidavit are we granting continuances? Are we resetting for another hearing or just setting for trial? I have attached something from today's NewsPress showing names of banks, do we have anything like this? I think before we can make decisions on how to move forward we need to know what we are facing. It maybe that the majority of the other banks are not having issues with their files?

FYI...I am here today, gone to Glades tomorrow all day, Jacksonville Wednesday and Thursday for CFA commission meetings, back here on Friday, I am speaker at Bar Lunch, so if we need to get together looks like Monday or Friday.

G. Keith Cary
Chief Judge - Twentieth Judicial Circuit
Lee, Collier, Charlotte, Hendry and Glades Counties
1700 Monroe Street
Fort Myers, FL 33901
239-533-9140
www.ca.cjis20.org

From: Mravic, Deborah </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=DMRAVIC>

To: Hayes, Hugh
Pivacek, Cynthia

CC: Metcalf, Jan
Pedrotty, Jodi
Middlebrook, Mark

Date: 10/14/2010 6:42:48 AM

Subject: ?FW: NEW FORECLOSURE PROCESS BEGINNING JANUARY 1.DOC

I wanted to let you know that Judge Monaco has decided NOT to allow any telephonic appearance as of January, 2011 on the foreclosure cases. He has advised a lot of the firms the past few days on the phone. There has not been much of a reaction as of yet. Attached is an article Andy Solis wrote for the Adverse Witness (November issue) to let the local bar know the changes.

If you have any questions, don't hesitate to contact me.

Debbie

From: ASolis@cohenlaw.com [mailto:ASolis@cohenlaw.com]
Sent: Wednesday, October 13, 2010 3:45 PM
To: jscuderi@gfsestatelaw.com
Cc: Mravic, Deborah
Subject: NEW FORECLOSURE PROCESS BEGINNING JANUARY 1.DOC

Jon,

Attached is the notice for the Adverse Witness. I have included suggestions made by Mag. Friedman. I believe it is ready to go. Let me know if you need any other changes. Thanks.

Andrew I. Solis, Esq.
Cohen & Grigsby, P.C.
27200 Riverview Center Boulevard, Ste. 309
Bonita Springs, Florida 34134
PH 239-390-1900
Fax 239-390-1901
(See attached file: *NEW FORECLOSURE PROCESS BEGINNING JANUARY 1.DOC*)

This email contains confidential, privileged information intended only for the addressee. If you have received this email in error, please call us (collect) immediately at 239-390-1900 and ask to speak to the message sender. Also, please email the message back to the sender at Cohen & Grigsby by replying to it and then deleting it. We appreciate your assistance in correcting this error.

<http://www.cohenlaw.com>

IRS Circular 230 Disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S.

20TH CIR 00109

tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any matter addressed herein.

From: [Owens, Nancy </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP \(FYDIBOHF23SPDLT\)/CN=RECIPIENTS/CN=NOWENS>](mailto:Owens, Nancy </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=NOWENS>)

To: ['jbevis@hendryclerk.org'](mailto:jbevis@hendryclerk.org)

CC:

Date: 10/14/2010 8:15:12 AM

Subject: ?FW: foreclosures of course



This is what Sheila sent me.=)

Thanks.

From: Mann, Sheila
Sent: Thursday, October 14, 2010 9:04 AM
To: Owens, Nancy
Subject: foreclosures of course

Good morning,
Please get a list from Jennifer of all the pending foreclosure actions and then scan and send to me.
Also, please make a list of foreclosure hearings in which the bank representatives/atty did not show up, call in or call to cancel. Do so for all hearings as of October 1 (just like you do for the cancellations) and send to me today then keep the running list.
Thanks.

Questions, give me a call.

Sheila Mann
Court Operations Manager
Twentieth Judicial Circuit
1700 Monroe St.
Ft. Myers, FL. 33901
Office: 239-533-1723
Fax: 239-533-1702
Cell: 239-357-4550

From: [Shelton, Jeremy </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP \(FYDIBOHF23SPDLT\)/CN=RECIPIENTS/CN=JSHELTON>](mailto:Shelton, Jeremy </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JSHELTON>)

To: Mravic, Deborah

CC:

Date: 10/14/2010 3:40:10 PM

Subject: trial order

Debbie,

Attached is an example trial order that we have been using to set foreclosure cases for trial in Charlotte County. Judge Kyle asked me to send it over to you. Let me know if you have any questions.

Thank you,

Jeremy J. Shelton

Civil Case Manager
20th Judicial Circuit, Charlotte County
Administrative Office of the Courts
350 East Marion Avenue
Punta Gorda, Florida 33983
Email: jshelton@ca.cjis20.org
Phone: 941.637.2100

From: Carlin, John S. </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JSC5225>

To: Diamond, Stella

CC:

Date: 10/15/2010 9:53:14 AM

Subject: ?RE: abatements

We do not want to abate. They can always dismiss the case but we don't want to abate. Keep them on a DS because they cannot cancel our DS. I know that Judge Starnes has given some 60 days continuances to review the affidavits. I believe that when these come back in December they need to be resolved by Summary Judgment or set for a trial. The banks are cancelling a lot of Summary Judgment hearings set on our high volume Friday dockets and they can do this since it is their motion. Happy to talk further if it would be helpful. My backline is [REDACTED] How was your trip? Welcome back!

From: Diamond, Stella

Sent: Friday, October 15, 2010 10:34 AM

To: Carlin, John S.

Subject: abatements

How should we handle motions for abatement in these foreclosure cases? If the attorneys are told not to proceed with the case by their client, should I be recommending abatement or dismissal? (I'm referring to the cases where they are reviewing the affidavits). Thanks.

From: Diamond, Stella </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=SDIAMOND>

To: Carlin, John S.

CC:

Date: 10/15/2010 9:34:14 AM

Subject: abatements

How should we handle motions for abatement in these foreclosure cases? If the attorneys are told not to proceed with the case by their client, should I be recommending abatement or dismissal? (I'm referring to the cases where they are reviewing the affidavits). Thanks.

From: Davis, Dana </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=DDAVIS>

To: Shelton, Jeremy

CC:

Date: 10/18/2010 12:11:46 PM

Subject: Foreclosure Trial Order

Can you e-mail me the foreclosure trial order you use? I want to make sure I send out the same one you do.

Dana Davis
Judicial Assistant to Hon. George C. Richards
Charlotte County Circuit Judge
Telephone 941-637-2375
Fax 941-637-2358 (new fax)

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Please consider the environment before printing this e-mail

From: [Shelton, Jaremy </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP \(FYDIBOHF23SPDLT\)/CN=RECIPIENTS/CN=JSHELTON>](mailto:Shelton, Jaremy </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JSHELTON>)

To: Davis, Dana

CC:

Date: 10/18/2010 12:12:36 PM

Subject: ?RE: Foreclosure Trial Order

From: Davis, Dana
Sent: Monday, October 18, 2010 1:12 PM
To: Shelton, Jaremy
Subject: Foreclosure Trial Order

Can you e-mail me the foreclosure trial order you use? I want to make sure I send out the same one you do.

Dana Davis
Judicial Assistant to Hon. George C. Richards
Charlotte County Circuit Judge
Telephone 941-637-2375
Fax 941-637-2358 (new fax)

<< OLE Object: Picture (Device Independent Bitmap) >>

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