

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

**To:** Cary, G. Keith

Kellum, Susan G

Atkins, Joanne

**CC:** Ederr, Suzanne

**Date:** 1/13/2009 1:36:26 PM

**Subject:** ?RE: Lee County Bar Assoc. & Foreclosure Task Force

---

I will have Joanne contact him to schedule an appointment.

---

**From:** Cary, G. Keith

**Sent:** Tuesday, January 13, 2009 1:35 PM

**To:** Kellum, Susan G; Carlin, John S.; Atkins, Joanne

**Cc:** Ederr, Suzanne

**Subject:** RE: Lee County Bar Assoc. & Foreclosure Task Force

This is a matter that Judge Carlin will need to meet with them on, maybe Judge McHugh and Suzanne also.

gkc

---

**From:** Kellum, Susan G

**Sent:** Tuesday, January 13, 2009 10:33 AM

**To:** Cary, G. Keith

**Cc:** Ederr, Suzanne

**Subject:** FW: Lee County Bar Assoc. & Foreclosure Task Force

Judge please see below email from Mr. Houk . I have also copied Ms. Ederr, if there is any action you would like for her to take.

*Susan Kellum*

*Judicial Assistant*

*Judge G. Keith Cary*

---

**From:** Lane Houk [mailto:lhok@herocare.net]

**Sent:** Monday, January 12, 2009 5:27 PM

**To:** Kellum, Susan G

**Subject:** Lee County Bar Assoc. & Foreclosure Task Force

Susan,

I am co-chair of the Lee County Foreclosure Task Force. Before the holidays I sent you a copy of our proposed Administrative Order for Judge Cary's review. I would like to setup a time for a few of us to come in and meet with Judge Cary and anyone else he feels should be at that meeting to discuss this matter.

Can you please find a date that works and get it in his schedule and then let me know? Thank you.

**Lane Houk**

*Founder/CEO*

Office: (877) 437-6411 ext.1

Cell: (239) 272-3355

Email: [lhok@herocare.org](mailto:lhok@herocare.org)

20TH CIR 01888

The ultimate measure of a man is not where he stands in moments of comfort, but where he stands at times of challenge and controversy. - **Martin Luther King, Jr.**

[Herocare Logo\\_email](#)

**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)  
Fla. R. Court 2.420 (case-specific) Fla. R. Court 2.420 (case-specific)  
Fla. R. Court 2.420 (case-specific) Fla. R. Court 2.420 (case-specific)  
Fla. R. Court 2.420 (case-specific) Fla. R. Court 2.420 (case-specific)  
Fla. R. Court 2.420 (case-specific) Fla. R. Court 2.420 (case-specific)  
Fla. R. Court 2.420 (case-specific) Fla. R. Court 2.420 (case-specific)  
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](mailto:nnetram@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)  
Fla. R. Court 2.420 (case-specific) Fla. R. Court 2.420 (case-specific)  
Fla. R. Court 2.420 (case-specific) Fla. R. Court 2.420 (case-specific)  
Fla. R. Court 2.420 (case-specific) Fla. R. Court 2.420 (case-specific)  
Fla. R. Court 2.420 (case-specific) Fla. R. Court 2.420 (case-specific)  
Fla. R. Court 2.420 (case-specific) Fla. R. Court 2.420 (case-specific)  
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](mailto: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)  
Fla. R. Court 2.420 (case-specific) Fla. R. Court 2.420 (case-specific)  
Fla. R. Court 2.420 (case-specific) Fla. R. Court 2.420 (case-specific)  
Fla. R. Court 2.420 (case-specific) Fla. R. Court 2.420 (case-specific)  
Fla. R. Court 2.420 (case-specific) Fla. R. Court 2.420 (case-specific)  
Fla. R. Court 2.420 (case-specific) Fla. R. Court 2.420 (case-specific)  
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.

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](mailto: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--

"(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 01899

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

**20TH CIR 01900**

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](mailto: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--

"(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 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 01904

**From:** Trammell, Cindy </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=CLS2274>

**To:** Cambareri, Kimberly

**CC:**

**Date:** 1/27/2009 8:44:06 AM

**Subject:** ?RE: Link for your docket

---

Thanks

> \_\_\_\_\_

>From: Cambareri, Kimberly

>Sent: Monday, January 26, 2009 4:10 PM

>To: Trammell, Cindy

>Subject: Link for your docket

>

>Hi Cindy

>To get the report LJ prints out for the foreclosure docket, click on this link. As you scroll down the list, of course you will find Judge Rosmans name. There are two icons next to his name. One is the foreclosure docket and on is the docket from JASS. The foreclosure docket the first one in the list.

>

>Email me or call me if you have any questions.

>

>

>[http://www.ca.cjis20.org/web/main/schedules\\_lee.asp](http://www.ca.cjis20.org/web/main/schedules_lee.asp)

>

>

>Kimberly Cambareri

>Computer Programmer/Analyst

>20th Judicial Circuit Courts

>(239) 533- 9103 work \*\*new number

>(239) 357-4506 mobile

><mailto:kcambareri@ca.cjis20.org>

>

>

**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:[Fla. R. Court 2.420](#)]

**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?

---

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](http://www.symantec.com)

Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

20TH CIR 01907

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

**To:** [McHugh, Michael](#)

**CC:** [Johnston, Linda](#)

[Atkins, Joanne](#)

**Date:** 1/6/2009 10:13:26 AM

**Subject:** ?RE: Foreclosures

---

It would be great if we each did one day in March and one day in April to keep our clearance rate up. I checked out my schedule and I am available March 24 and April 23 to do a mass foreclosure docket. Do you want to let LJ know a day that is good for you for March and April? Thanks, Mike, for your willingness to volunteer for these mass foreclosure dockets.

---

**From:** McHugh, Michael  
**Sent:** Tuesday, January 06, 2009 9:59 AM  
**To:** Carlin, John S.  
**Subject:** FW: Foreclosures

Does this sound good to you?

---

**From:** Linda Johnston [mailto:[ljohnston@leeclerk.org](mailto:ljohnston@leeclerk.org)]  
**Sent:** Tuesday, January 06, 2009 9:57 AM  
**To:** McHugh, Michael  
**Subject:** RE: Foreclosures

Good Morning Judge,

You might want to check with Judge Carlin because he had talked about adding some in March but I'm not for sure if he is still going to do that at this time. It would be nice to have 2 days in March and maybe 2 days in April. Thanks for asking and volunteering your time. Please advise and have a great day.

LJ  
*Senior Court Clerk*  
*Judge Carlin's Clerk*  
[ljohnston@leeclerk.org](mailto:ljohnston@leeclerk.org)  
*Phone: 533-2505 ext. 42690*

---

**From:** McHugh, Michael [mailto:[Fla. R. Court 2.420](mailto:Fla. R. Court 2.420)]  
**Sent:** Tuesday, January 06, 2009 9:49 AM  
**To:** Linda Johnston  
**Subject:** Foreclosures

Do you need any dates for me to do large foreclosure dockets? If so what is the timeframe you would like me to provide dates for?

---

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.

20TH CIR 01908

Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

**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

Chief needs a report from all counties on # of foreclosure cases that have been cancelled, by event and banks/firms cancelling. We should get the report for 10/1/10 to 10/11/10. –if you were getting cancellations prior to then, let us know that and the numbers/banks involved.

**EXAMPLE**

County: COLLIER

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

Hearing Date	Hearing Type	#Cancelled	Bank ( if known)	Next event set/date?
<u>Comment</u>				
10/4/10	Default/ Summary Judgment	15	GMAC (10), BOA (5)	NONE YET
Cancelled in JACS 9/28/10				
10/5/10	Contested Hearing/Trial	5	GMAC (5)	N/A
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 !

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

20TH CIR 01910

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-[REDACTED]  
www.ca.cjis20.org



## Foreclosures, public auctions go full-blast

Four national lenders have announced plans to freeze mortgage foreclosures in Florida and other states. But last week three — Bank of America, JPMorgan, Chase & Co. and GMAC Mortgage — were busy filing new foreclosures in Lee County circuit court. They were also continuing to go forward with public auctions held after a judge issues a ruling in favor of the lender. The lenders' names are highlighted below in these lists of the top 10 in each category.

### Public Auction Property Auctions (October to Date)

Federal National Mortgage Association	35
Deutsche Bank	30
<b>BAC Home Loans</b>	<b>28*</b>
Wells Fargo Bank	20
Aurora Loan Services	20
SunTrust Mortgage	17
<b>Bank of America</b>	<b>16</b>
U.S. Bank N. A.	16
Bank of New York Mellon	16
<b>JPMorgan Chase Bank</b>	<b>12</b>

### New Foreclosure Filings (October to Date)

<b>BAC Home Loans</b>	<b>57*</b>
Wells Fargo Bank	41
Citimortgage	18
<b>Bank of America</b>	<b>13</b>
Deutsche Bank	11
Fifth Third Mortgage	10
<b>Chase Home Finance</b>	<b>6</b>
Wells Fargo Bank N.A. Trustee	6
U.S. Bank N. A.	5
Fifth Third Bank	4

\* BAC Home Loans is part of Bank of America

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

**To:** [Shelton, Jeremy](#)

**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

Chief needs a report from all counties on # of foreclosure cases that have been cancelled, by event and banks/firms cancelling. We should get the report for 10/1/10 to 10/11/10. -if you were getting cancellations prior to then, let us know that and the numbers/banks involved.

#### EXAMPLE

County: COLLIER

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

<u>Hearing Date</u>	<u>Hearing Type</u>	<u>#Cancelled</u>	<u>Bank ( if known)</u>	<u>Next event set/date?</u>
10/4/10	Default/ Summary Judgment	15	GMAC (10), BOA (5)	NONE YET
	Cancelled in JACS 9/28/10			
10/5/10	Contested Hearing/Trial	5	GMAC (5)	N/A
	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

20TH CIR 01913

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.   
[www.ca.cjis20.org](http://www.ca.cjis20.org)

## Foreclosures, public auctions go full-blast

Four national lenders have announced plans to freeze mortgage foreclosures in Florida and other states. But last week three — Bank of America, JPMorgan, Chase & Co. and GMAC Mortgage — were busy filing new foreclosures in Lee County circuit court. They were also continuing to go forward with public auctions held after a judge issues a ruling in favor of the lender. The lenders' names are highlighted below in these lists of the top 10 in each category.

### Public Auction Property Auctions (October to Date)

Federal National Mortgage Association	35
Deutsche Bank	30
<b>BAC Home Loans</b>	<b>28*</b>
Wells Fargo Bank	20
Aurora Loan Services	20
SunTrust Mortgage	17
<b>Bank of America</b>	<b>16</b>
U.S. Bank N. A.	16
Bank of New York Mellon	16
<b>JPMorgan Chase Bank</b>	<b>12</b>

### New Foreclosure Filings (October to Date)

<b>BAC Home Loans</b>	<b>57*</b>
Wells Fargo Bank	41
Citimortgage	18
<b>Bank of America</b>	<b>13</b>
Deutsche Bank	11
Fifth Third Mortgage	10
<b>Chase Home Finance</b>	<b>6</b>
Wells Fargo Bank N.A. Trustee	6
U.S. Bank N. A.	5
Fifth Third Bank	4

\* BAC Home Loans is part of Bank of America

**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

Dear All

Chief needs a report from all counties on # of foreclosure cases that have been cancelled, by event and banks/firms cancelling. We should get the report for 10/1/10 to 10/11/10. –if you were getting cancellations prior to then, let us know that and the numbers/banks involved.

**EXAMPLE**

County: COLLIER

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

Hearing Date	Hearing Type	#Cancelled	Bank ( if known)	Next event set/date?
10/4/10	Default/ Summary Judgment	15	GMAC (10), BOA (5)	NONE YET
Cancelled in JACS 9/28/10				
10/5/10	Contested Hearing/Trial	5	GMAC (5)	N/A
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

20TH CIR 01916

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-Fla. R. Court 2.420  
[www.ca.cjis20.org](http://www.ca.cjis20.org)

## Foreclosures, public auctions go full-blast

Four national lenders have announced plans to freeze mortgage foreclosures in Florida and other states. But last week three — Bank of America, JPMorgan, Chase & Co. and GMAC Mortgage — were busy filing new foreclosures in Lee County circuit court. They were also continuing to go forward with public auctions held after a judge issues a ruling in favor of the lender. The lenders' names are highlighted below in these lists of the top 10 in each category.

### Public Auction Property Auctions (October to Date)

Federal National Mortgage Association	35
Deutsche Bank	30
<b>BAC Home Loans</b>	<b>28*</b>
Wells Fargo Bank	20
Aurora Loan Services	20
SunTrust Mortgage	17
<b>Bank of America</b>	<b>16</b>
U.S. Bank N. A.	16
Bank of New York Mellon	16
<b>JPMorgan Chase Bank</b>	<b>12</b>

### New Foreclosure Filings (October to Date)

<b>BAC Home Loans</b>	<b>57*</b>
Wells Fargo Bank	41
Citimortgage	18
<b>Bank of America</b>	<b>13</b>
Deutsche Bank	11
Fifth Third Mortgage	10
<b>Chase Home Finance</b>	<b>6</b>
Wells Fargo Bank N.A. Trustee	6
U.S. Bank N. A.	5
Fifth Third Bank	4

\* BAC Home Loans is part of Bank of America

**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

Dear All

Chief needs a report from all counties on # of foreclosure cases that have been cancelled, by event and banks/firms cancelling. We should get the report for 10/1/10 to 10/11/10. -if you were getting cancellations prior to then, let us know that and the numbers/banks involved.

**EXAMPLE**

County: COLLIER

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

Hearing Date	Hearing Type	#Cancelled	Bank ( if known)	Next event set/date?
10/4/10	Default/ Summary Judgment	15	GMAC (10), BOA (5)	NONE YET
Cancelled in JACS 9/28/10				
10/5/10	Contested Hearing/Trial	5	GMAC (5)	N/A
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. Thank you!  
**20TH CIR 01919**



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 !

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 [Fla. R. Court 2.420](tel:239-533-1720)  
[www.ca.cjis20.org](http://www.ca.cjis20.org)

**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 12<sup>th</sup>. We have over 50% cancellation of the days sales, so we should be able to make a healthy dent in the 12<sup>th</sup>.

Please visit us on the web at [www.collierclerk.com](http://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.

Unless expressly stated, opinions in this message are those of the individual sender and not of the Office of the Clerk of the Circuit Court of Collier County. If you have received this communication in error, please notify the Clerk's Office by emailing [helpdesk@collierclerk.com](mailto:helpdesk@collierclerk.com) quoting the sender and delete the message and any attached documents. The Collier County Clerk's Office accepts no liability or responsibility for any onward transmission or use of emails and attachments having left the CollierClerk.com domain.

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

**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*

**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*

**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 01926

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.

---

**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

Chief needs a report from all counties on # of foreclosure cases that have been cancelled, by event and banks/firms cancelling. We should get the report for 10/1/10 to 10/11/10. –if you were getting cancellations prior to then, let us know that and the numbers/banks involved.

**EXAMPLE**

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

Hearing Date	Hearing Type	#Cancelled	Bank ( if known)	Next event set/date?
10/4/10	Default/ Summary Judgment	15	GMAC (10), BOA (5)	NONE YET
	Cancelled in JACS 9/28/10			
10/5/10	Contested Hearing/Trial	5	GMAC (5)	N/A
	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

**20TH CIR 01927**



**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-Fla. R. Court 2.420  
[www.ca.cjis20.org](http://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 01929

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](mailto: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](mailto: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 . 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:** 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>](mailto:Davis, Dana </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=DDAVIS>)

**To:** [Shelton, Jeremy](mailto: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)

LEAVE A GREEN IMPRESSION

Please consider the environment before printing this e-mail

**From:** [Hendrickx, Jo-Ann </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JHENDRICKX>](mailto:Hendrickx,Jo-Ann@SAO20.OU=CACJIS/CN=RECIPIENTS/CN=JHENDRICKX)

**To:** ['Maria Montenegro'](mailto:Maria.Montenegro@blaxgray.com)

**CC:** [Owens, Nancy](mailto:Owens,Nancy)

**Date:** 10/18/2010 10:33:44 AM

**Subject:** ?RE: MSJ

---

**I am forwarding her the email for her to contact you directly, thank you**

**Jo-Ann Hendrickx**  
**Judicial Assistant to**  
**Honorable Christine Greider**  
**Circuit Court**  
**Tel: 863-675-5225**  
**Fax: 863-675-5361**

---

**From:** Maria Montenegro [mailto:Maria.Montenegro@blaxgray.com]  
**Sent:** Monday, October 18, 2010 11:32 AM  
**To:** Hendrickx, Jo-Ann  
**Subject:** MSJ

Jo-Ann: Can you please forward me the contact information of the person I need to request hearing dates to schedule a motion for summary judgment of foreclosure?

*Maria A. Montenegro*  
Legal Assistant to Gaspar Forteza, Esq.  
Blaxberg, Grayson & Kukoff, P.A.  
25 Southeast 2nd Avenue  
Ingraham Building  
Suite 730  
Miami, FL 33131  
Phone: 305. 381.7979 Ext: 314  
Facsimile: 305.371.6816  
E-mail: [maria.montenegro@blaxgray.com](mailto:maria.montenegro@blaxgray.com)

**CONFIDENTIALITY NOTICE:** This electronic message is intended to be viewed only by the individual or entity to whom it is addressed. It may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any dissemination, distribution or copying of this communication is strictly prohibited without our prior permission. If the reader of this message is not the intended recipient, or if you have received this communication in error, please notify us immediately by return e-mail and delete the original message and any copies of it from your computer system

**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](mailto: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) >>

LEAVE A GREEN IMPRESSION  
Please consider the environment before printing this e-mail

**From:** [Carlin, John S. </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JSC5225>](mailto:Carlin, John S. </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JSC5225>)

**To:** [Davis, Dana](mailto:Davis, Dana)

**CC:** [Richards, George](mailto:Richards, George)

**Date:** 10/21/2009 10:06:52 AM

**Subject:** ?RE: Scheduling Issues

---

Thanks, Dana, for your email. What specific changes are you suggesting regarding motion times and other changes to the schedule? Please provide to me the information that you communicated to Kim regarding how you want the docket set up. It will be helpful to know this prior to our Friday meeting. I look forward to meeting with you and Judge Richards on Friday at 1:30. We will come up with a plan at that time. Thanks, Dana.

---

**From:** Davis, Dana

**Sent:** Wednesday, October 21, 2009 10:51 AM

**To:** Carlin, John S.

**Subject:** RE: Scheduling Issues

Same as below. I also need January opened up and we were told to wait after our meeting. The Judge would like the motion times and what is set when changed as well. Judge and I let Kim Cambareri know how we wanted the docket set but she said she could not enter January.

Dana Davis

Judicial Assistant to Hon. George C. Richards

---

**From:** Carlin, John S.

**Sent:** Wednesday, October 07, 2009 4:50 PM

**To:** Davis, Dana

**Cc:** Richards, George; McHugh, Michael; Poulston, Lisa; Cambareri, Kimberly; Atkins, Joanne

**Subject:** RE: Scheduling Issues

Dana,

Thank you for your e-mails today. I have spoken with Judge McHugh and requested his recommendation regarding the scheduling of foreclosures and how to handle the notices of trial. He sent me an e-mail this afternoon with his recommendations and I understand that he has spoken with you and Lisa about these matters. I want to speak with Judge Cary about the scheduling of foreclosure hearings and trials. He is out of town for the rest of this week and will return on Monday, October 12. I am going to request that Joanne set up a meeting with you, Judge Richards and LJ sometime during the week of October 19 when you are in Lee County. LJ will continue to schedule all foreclosure matters until we meet. I appreciate your willingness to assist with the scheduling of contested foreclosure hearings. Please do not anything with the notices of trial that you have until we meet. I have asked Kim Cambareri to hold off on adding addition time slots until further notice.

As to your question about when you are in Lee County in December, you are in Lee County the weeks of December 21 and December 28. As you may recall, Judge Richards is in Charlotte the first two Mondays of every month and then he is in Lee County for the balance of the month. Please let me know if you have any other questions regarding your

20TH CIR 01939

weeks in Lee or Charlotte counties.

Judge Carlin

---

From: Davis, Dana  
Sent: Wednesday, October 07, 2009 9:18 AM  
To: Carlin, John S.  
Subject: Scheduling Issues

I have been getting calls from people stating that they aren't getting responses from LJ. I understand she is busy so my Judge and I thought I could help out by scheduling the contested hearings (everything but the MSJs maybe). Also, we would like to have the MSJ hearings only in the afternoon and allow for other hearing s in the morning that may take longer than 5 minutes.

I was also going through to calendar when we will be in each county and got conflicting information as to when we are here in December. JACS had us here the week of 12/7 but that is a Charlotte week from my understanding.

I spoke to my Judge regarding the above this morning.

Dana Davis, Judicial Assistant to  
Honorable George C. Richards

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

**To:** McHugh, Michael

**CC:**

**Date:** 10/21/2009 9:06:34 AM

**Subject:** ?RE: Foreclosure Procedures

---

Per your procedures memo am I supposed to be doing all of the conforming as well for the civil Judges JA's for residential foreclosures???? They are even sending me the no-brainer orders that can be stamped (the orders to reset the sale). There is NO possible way I can keep up with 5 JA's conforming!!!!

Dana Davis

Judicial Assistant to Hon. George C. Richards

---

**From:** McHugh, Michael

**Sent:** Thursday, September 24, 2009 2:46 PM

**To:** Gerald, Lynn; Winesett, Sherra; Rosman, Jay; Fuller, Joseph; Richards, George

**Cc:** Golden, Diana; Hamsharie, Deborah; Trammell, Cindy; Thompson, Lucinda; Poulston, Lisa; Davis, Dana; Johnston, Linda; Sauls, Sandi

**Subject:** Foreclosure Procedures

Attached are the revised procedures for the use of Judge Richard's time in Lee County. I have integrated the areas that we discussed at our meeting earlier this month, as memorialized by Judge Winesett. I have also included the notes that Judge Winesett sent us in regards to the foreclosure issues we discussed at that meeting (those at the end of the document). Let me know if you have any additional changes or corrections you would like me to make to the document.

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

**To:** Cambareri, Kimberly

**CC:** Richards, George

Davis, Dana

Johnston, Linda

McHugh, Michael

**Date:** 10/23/2009 1:47:46 PM

**Subject:**

---

Kim-

Effective immediately, Dana Davis is going to be scheduling contested residential mortgage foreclosure hearings. LJ will continue scheduling the summary judgment hearings. For the weeks that Judge Richards will be in Lee County, his schedule will be as follows:

First week:

Monday, Tuesday, Thursday slots for 9, 10, 11, 1:30, 2:30 and 3:30- each slot will have the ability to set 10 hearings per hour

Friday- slots for 9, 10 and 11- these are for 30 minute hearings or longer and only 2 slots per hour

Wednesday at 8:30- 200 slots for mortgage foreclosure hearings to be set by LJ and then afternoon hearings just like Monday, Tuesday and Thursday

His second week:

Monday, Tuesday, Wednesday and Thursday is the same as the first week above.

There are no hearings set for the second Friday.

If there are some extra days in a month beyond these two weeks, they will be scheduled like the Monday hearings.

By copy of this email, I would request that Dana provide you with the dates that Judge Richards will be in Lee County through June 30, 2010.

Please let me know if you have any questions. Thank you, Kim.

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

**To:** Gerald, Lynn

Rosman, Jay

Winesett, Sherra

Fuller, Joseph

McHugh, Michael

Richards, George

**CC:** Golden, Diana

Trammell, Cindy

Hamsharie, Deborah

Thompson, Lucinda

Poulston, Lisa

Davis, Dana

Johnston, Linda

**Date:** 10/23/2009 1:30:10 PM

**Subject:** Change in Foreclosure Contested Hearings

---

Colleagues-

Effective immediately, Dana Davis will be scheduling all contested motions for residential mortgage foreclosure cases. You can direct people to call Dana at 533-2705 if your office is contacted regarding a contested residential mortgage foreclosure hearing. LJ will continue to schedule all high volume summary judgment hearings.

All Notices for Trial should remain with the assigned Civil Judge to handle as they deem appropriate. I assume that most of these cases will be referred to mediation prior to being placed on the trial calendar. Judge Richards will not handle any residential mortgage foreclosure trials. I have requested that Dana return any Notices for Trial that have been forwarded to her from any of the civil offices.

Judge Richards has just completed his first week in Lee County handling residential foreclosure hearings. I appreciate all of the support that the Civil Judges and Judicial Assistants have provided to Judge Richards and Dana in their new assignment. They are both doing a fantastic job with these residential mortgage foreclosure cases.

Enjoy your week-end!

John



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

**To:** Gerald, Lynn

Rosman, Jay

Winesett, Sherra

Fuller, Joseph

McHugh, Michael

Richards, George

**CC:** Golden, Diana

Trammell, Cindy

Hamsharie, Deborah

Thompson, Lucinda

Poulston, Lisa

Davis, Dana

Johnston, Linda

**Date:** 10/23/2009 1:30:10 PM

**Subject:** Change in Foreclosure Contested Hearings

---

Colleagues-

Effective immediately, Dana Davis will be scheduling all contested motions for residential mortgage foreclosure cases. You can direct people to call Dana at 533-2705 if your office is contacted regarding a contested residential mortgage foreclosure hearing. LJ will continue to schedule all high volume summary judgment hearings.

All Notices for Trial should remain with the assigned Civil Judge to handle as they deem appropriate. I assume that most of these cases will be referred to mediation prior to being placed on the trial calendar. Judge Richards will not handle any residential mortgage foreclosure trials. I have requested that Dana return any Notices for Trial that have been forwarded to her from any of the civil offices.

Judge Richards has just completed his first week in Lee County handling residential foreclosure hearings. I appreciate all of the support that the Civil Judges and Judicial Assistants have provided to Judge Richards and Dana in their new assignment. They are both doing a fantastic job with these residential mortgage foreclosure cases.

Enjoy your week-end!

John

**From:** Golden, Diana </O=SAO20/OU=CACJIS/CN=RECEIVENTS/CN=DG2228>

**To:** Carlin, John S.

**CC:**

**Date:** 10/23/2009 1:37:38 PM

**Subject:** ?RE: Change in Foreclosure Contested Hearings

---

Enjoy your weekend too!

Diana

From: Carlin, John S.

Sent: Friday, October 23, 2009 2:30 PM

To: Gerald, Lynn; Rosman, Jay; Winesett, Sherra; Fuller, Joseph; McHugh, Michael; Richards, George

Cc: Golden, Diana; Trammell, Cindy; Hamsharie, Deborah; Thompson, Lucinda; Poulston, Lisa; Davis, Dana; Johnston, Linda

Subject: Change in Foreclosure Contested Hearings

Colleagues-

Effective immediately, Dana Davis will be scheduling all contested motions for residential mortgage foreclosure cases. You can direct people to call Dana at 533-2705 if your office is contacted regarding a contested residential mortgage foreclosure hearing. LJ will continue to schedule all high volume summary judgment hearings.

All Notices for Trial should remain with the assigned Civil Judge to handle as they deem appropriate. I assume that most of these cases will be referred to mediation prior to being placed on the trial calendar. Judge Richards will not handle any residential mortgage foreclosure trials. I have requested that Dana return any Notices for Trial that have been forwarded to her from any of the civil offices.

Judge Richards has just completed his first week in Lee County handling residential foreclosure hearings. I appreciate all of the support that the Civil Judges and Judicial Assistants have provided to Judge Richards and Dana in their new assignment. They are both doing a fantastic job with these residential mortgage foreclosure cases.

Enjoy your week-end!

20TH CIR 01945



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

**To:** Richards, George

**CC:** Davis, Dana

McHugh, Michael

Atkins, Joanne

Kellum, Susan G

Cary, G. Keith

Johnston, Linda

**Date:** 10/28/2009 9:43:44 AM

**Subject:** Ex Parte Motion to Reset Residential Foreclosure Sale

---

George-

I wanted to let you know that Joanne brought to Dana this morning some orders on Ex Parte Motions to Reset Residential Foreclosure Sales. Since these are residential foreclosure cases, it is your responsibility to sign these Orders. After Dana conforms these Orders, she can deliver them to the Clerk's office and they will set the new sale date and mail out the conformed copies. It is not the Clerk's responsibility to process these Orders until you have signed them. The Orders that Joanne delivered to Dana this morning were Orders that Dana had brought to the Clerk's office prior to you signing them. Dana indicated to Joanne that Judge McHugh told her that she did not have to be involved with these Orders and that she was going to return them to the Clerk's office. I am copying Judge McHugh with this email but it is Dana's job to conform these Orders after you have signed them. I understand that Dana has a lot of work to do conforming and she may want to request some assistance from other colleagues who would be willing to assist her. I know that Dana was always willing to assist Judicial Assistants with conforming when she was in her prior position and had some additional time. Please let me know if you have any questions. Thanks, George.

John

**From:** [Carlin, John S. </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JSC5225>](mailto:Carlin, John S. </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JSC5225>)

**To:** [Richards, George](mailto:Richards, George)

**CC:** [Davis, Dana](mailto:Davis, Dana)

[McHugh, Michael](mailto:McHugh, Michael)

[Atkins, Joanne](mailto:Atkins, Joanne)

[Kellum, Susan G](mailto:Kellum, Susan G)

[Cary, G. Keith](mailto:Cary, G. Keith)

[Johnston, Linda](mailto:Johnston, Linda)

**Date:** 10/28/2009 9:43:42 AM

**Subject:** Ex Parte Motion to Reset Residential Foreclosure Sale

---

George-

I wanted to let you know that Joanne brought to Dana this morning some orders on Ex Parte Motions to Reset Residential Foreclosure Sales. Since these are residential foreclosure cases, it is your responsibility to sign these Orders. After Dana conforms these Orders, she can deliver them to the Clerk's office and they will set the new sale date and mail out the conformed copies. It is not the Clerk's responsibility to process these Orders until you have signed them. The Orders that Joanne delivered to Dana this morning were Orders that Dana had brought to the Clerk's office prior to you signing them. Dana indicated to Joanne that Judge McHugh told her that she did not have to be involved with these Orders and that she was going to return them to the Clerk's office. I am copying Judge McHugh with this email but it is Dana's job to conform these Orders after you have signed them. I understand that Dana has a lot of work to do conforming and she may want to request some assistance from other colleagues who would be willing to assist her. I know that Dana was always willing to assist Judicial Assistants with conforming when she was in her prior position and had some additional time. Please let me know if you have any questions. Thanks, George.

John

From: [Carlin, John S. </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JSC5225>](mailto:Carlin, John S. </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JSC5225>)  
 To: [Cary, G. Keith](mailto:Cary, G. Keith)  
 CC: [McHugh, Michael](mailto:McHugh, Michael)  
 Date: 10/4/2010 2:26:32 PM  
 Subject: RE: Question

I spoke with Nancy Aloia and she agreed to contact Susan Galbraith. Attorneys representing Homeowner Associations have been filing ex parte motions to be excused from DS and the judges have been granting them. Mike, do you see any problem with them not attending if they so choose?

From: Cary, G. Keith  
 Sent: Friday, October 01, 2010 2:58 PM  
 To: Carlin, John S.  
 Subject: FW: Question

help  
 G. Keith Cary  
 Fla. R. Court 2.420

From: [soozg@ggdrs.com](mailto:soozg@ggdrs.com) [mailto:[soozg@ggdrs.com](mailto:soozg@ggdrs.com)]  
 Sent: Friday, September 24, 2010 5:21 PM  
 To: Cary, G. Keith  
 Subject: RE: Question

Okay, here is the question:  
 On docket soundings for mortgage foreclosures, where our client is a defendant (homeowners associations or condo associations) where the debtor is current with their assessments to our client, our clients are not wanting us to attend the docket soundings or any other activity in a mortgage foreclosure action and run up attorney fees. Attorneys are faced with the delimma of being under a court order for their appearance at the docket sounding and do not want to be in contempt or *look bad in the court's eyes* for ignoring a required attendance. Can you please give me some insight on how we should handle this?  
 Hopefully I explained this well enough...if not, call me when you get a free minute. Thank you.

Susan M. Galbraith  
 12239 Championship Circle  
 Fort Myers, FL 33913  
 Phone: 239-851-4777  
 Email: [soozg@ggdrs.com](mailto:soozg@ggdrs.com)

----- Original Message -----

Subject: RE: Question  
 From: "Cary, G. Keith" <[Fla. R. Court 2.420](mailto:Fla. R. Court 2.420)>  
 Date: Fri, September 24, 2010 4:10 pm  
 To: "[soozg@ggdrs.com](mailto:soozg@ggdrs.com)" <[soozg@ggdrs.com](mailto:soozg@ggdrs.com)>

Susan  
 Fire away, i am always open to questions. However, i have left the office for today and will be gone out of town until next Thursday, so will not be able to get back with you until end of next week.  
 gkc

From: [soozg@ggdrs.com](mailto:soozg@ggdrs.com) [[soozg@ggdrs.com](mailto:soozg@ggdrs.com)]  
 Sent: Friday, September 24, 2010 3:03 PM  
 To: Cary, G. Keith  
 Subject: Question

Keith, I wonder if I can ask a question of you regarding the massive docket soundings. It does not have to do with any particular case, but merely a general procedure question regarding attendance of attorneys in certain circumstances. I am being vague with my email only because I wanted to ask you if it was appropriate for me to ask a question of you. Just let me know, please.

Susan M. Galbraith  
12239 Championship Circle  
Fort Myers, FL 33913  
Phone: 239-851-4777  
Email: [soozg@ggdrs.com](mailto:soozg@ggdrs.com)

---

Page 2

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](http://www.symantec.com)

20TH CIR 01950

11\_30\_2010

From: [Cary, G. Keith </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=GKC2460>](mailto:Cary.G.Keith@SAO20.OU=CACJIS/CN=RECIPIENTS/CN=GKC2460)  
To: [Carlin, John S.](mailto:Carlin,John.S)  
CC: [McHugh, Michael](mailto:McHugh,Michael)  
Date: 10/4/2010 2:29:52 PM  
Subject: RE: Question

---

Thanks, I spoke to Mike on Friday and he has no problem.

G. Keith Cary

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

From: Carlin, John S.

Sent: Monday, October 04, 2010 3:27 PM

To: Cary, G. Keith

Cc: McHugh, Michael

Subject: RE: Question

I spoke with Nancy Aloia and she agreed to contact Susan Galbraith. Attorneys representing Homeowner Associations have been filing ex parte motions to be excused from DS and the judges have been granting them.

Mike, do you see any problem with them not attending if they so choose?

From: Cary, G. Keith

Sent: Friday, October 01, 2010 2:58 PM

To: Carlin, John S.

Subject: FW: Question

help

G. Keith Cary

239 Fla. R. Court 2.420  
Fla. R. Court 2.420

From: [soozg@ggdrs.com](mailto:soozg@ggdrs.com) [mailto:[soozg@ggdrs.com](mailto:soozg@ggdrs.com)]

Sent: Friday, September 24, 2010 5:21 PM

To: Cary, G. Keith

Subject: RE: Question

Okay, here is the question:

On docket soundings for mortgage foreclosures, where our client is a defendant (homeowners associations or condo associations) where the debtor is current with their assessments to our client, our clients are not wanting us to attend the docket soundings or any other activity in a mortgage foreclosure action and run up attorney fees. Attorneys are faced with the delimita of being under a court order for their appearance at the docket sounding and do not want to be in contempt or *look bad in the court's eyes* for ignoring a required attendance.

Can you please give me some insight on how we should handle this?

Hopefully I explained this well enough...if not, call me when you get a free minute. Thank you.

Susan M. Galbraith

12239 Championship Circle

Fort Myers, FL 33913

Phone: 239-851-4777

Email: [soozg@ggdrs.com](mailto:soozg@ggdrs.com)

----- Original Message -----

Subject: RE: Question

From: "Cary, G. Keith" <[Fla. R. Court 2.420](mailto:Fla.R.Court.2.420)>

Date: Fri, September 24, 2010 4:10 pm

To: "[soozg@ggdrs.com](mailto:soozg@ggdrs.com)" <[soozg@ggdrs.com](mailto:soozg@ggdrs.com)>

Susan

Fire away, i am always open to questions. However, i have left the office for today and will be gone out of town until next Thursday, so will not be able to get back with you until end of next week.

gkc

20TH CIR 01951



From: [soozg@ggdrs.com](mailto:soozg@ggdrs.com) [[soozg@ggdrs.com](mailto:soozg@ggdrs.com)]Page 2

Sent: Friday, September 24, 2010 3:03 PM

To: Cary, G. Keith

Subject: Question

Keith, I wonder if I can ask a question of you regarding the massive docket soundings. It does not have to do with any particular case, but merely a general procedure question regarding attendance of attorneys in certain circumstances. I am being vague with my email only because I wanted to ask you if it was appropriate for me to ask a question of you. Just let me know, please.

Susan M. Galbraith

12239 Championship Circle

Fort Myers, FL 33913

Phone: 239-851-4777

Email: [soozg@ggdrs.com](mailto:soozg@ggdrs.com)

---

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](http://www.symantec.com)

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

**To:** Carlin, John S.

McHugh, Michael

**CC:**

**Date:** 10/5/2010 10:47:02 AM

**Subject:** Foreclosure issue

---

Hello

I am alerting you to a potential problem we are having in foreclosure court:

Plaintiff's counsel is representing at docket sounding that their banks (certain banks such as BAC) have instructed them not to proceed even when a Motion for Summary Judgment has been set because they are trying to sort out their affidavit issue.

These cases are being continued to another docket sounding date to allow the banks to resolve the matter but this may become a potential problem for us if it continues long term. Perhaps a topic to be discussed at the next foreclosure meeting.

Thank you

*Nancy Aloia*

*Family/Civil Director*

*Twentieth Judicial Circuit*

*1700 Monroe Street, Ft. Myers, FL 33901*

*239-533-2991/Mobile 357-5641*

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

**To:** McHugh, Michael

**CC:**

**Date:** 10/6/2009 3:47:02 PM

**Subject:** ?FW: Rough Outline- Civil Case Management

---

fyi.....

-----Original Message-----

From: Callanan, Richard

Sent: Tuesday, September 15, 2009 8:37 AM

To: Carlin, John S.

Subject: Rough Outline- Civil Case Management

Judge

This is a draft outline of some ideas on a proposal for civil. It lays out some general options/talking points for discussion with Judge McHugh/Judges on ways to start a case management program and to best use Case Manager/Magistrate. Still planning on staff starting in December 2009, but they would probably need some time to set up the procedures. Nancy and I are still working on this, but I wanted to get your thoughts before we move much further...

These are just talking points. Let me know when you might have a chance to discuss. Thanks.

Rick

**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:** [Mann, Sheila](mailto:Mann, Sheila)

**CC:**

**Date:** 10/6/2010 10:17:12 AM

**Subject:** ?RE: foreclosures

---



A fax came in yesterday afternoon requesting that two be cancelled that are set for October 21, 2010. Regarding the notes I will get with Joann and Marilu gave her notes to me.

Have a Great Day!

Nancy

---

**From:** Mann, Sheila

**Sent:** Wednesday, October 06, 2010 10:56 AM

**To:** Hendrickx, Jo-Ann; Owens, Nancy

**Subject:** foreclosures

Two things:

1. Please let me know immediately if you have any requests from Bank of America to pull foreclosure hearings that have already been set. Apparently BoA is doing this in other counties and pulling foreclosure hearings en masse. We are talking with OSCA (Office of the State Court Administrator) folks to get handle on it so if it happens in Hendry let me know please. Thanks.
2. Nancy, can you please scan all your notes on foreclosures for me that you have for September. Also, ask Marilu for the notes she took for both Hendry and Glades. You can scan them in Jo-Ann's office. Thanks.

If you have questions, please call me.

Sheila

**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:** [Mann, Sheila](mailto:Mann, Sheila)

**CC:**

**Date:** 10/8/2010 10:43:20 AM

**Subject:** ?RE: foreclosures

---



Just wanted to let you know that I received another email requesting cancellations on Bank of America/BAC Home Loans Servicing. They have cancelled (4) so far today, that were set for October 21<sup>st</sup>. Also, I called Ft. Myers this morning because my direct deposit did happen and they are trying to locate my check. Didn't know if you had any ideas?

Have a great Weekend!

Nancy

---

**From:** Owens, Nancy  
**Sent:** Wednesday, October 06, 2010 11:17 AM  
**To:** Mann, Sheila  
**Subject:** RE: foreclosures

A fax came in yesterday afternoon requesting that two be cancelled that are set for October 21, 2010. Regarding the notes I will get with Joann and Marilu gave her notes to me.

Have a Great Day!

Nancy

---

**From:** Mann, Sheila  
**Sent:** Wednesday, October 06, 2010 10:56 AM  
**To:** Hendrickx, Jo-Ann; Owens, Nancy  
**Subject:** foreclosures

Two things:

1. Please let me know immediately if you have any requests from Bank of America to pull foreclosure hearings that have already been set. Apparently BoA is doing this in other counties and pulling foreclosure hearings en masse. We are talking with OSCA (Office of the State Court Administrator) folks to get handle on it so if it happens in Hendry let me know please. Thanks.
2. Nancy, can you please scan all your notes on foreclosures for me that you have for September. Also, ask Marilu for the notes she took for both Hendry and Glades. You can scan them in Jo-Ann's office. Thanks.

If you have questions, please call me.

Sheila

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

**To:** McHugh, Michael

**CC:**

**Date:** 10/9/2009 9:20:20 AM

**Subject:** ?RE: Foreclosure scheduling

---

Thanks, Mike, for your assistance with this matter. I copied you on my email to Dana to keep you in the loop. Enjoy your week-end.....will Tebow play?

---

**From:** McHugh, Michael

**Sent:** Wednesday, October 07, 2009 3:42 PM

**To:** Carlin, John S.

**Subject:** Foreclosure scheduling

I just spoke with Lisa and Dana and after discussions with them this is the way I think we should go forward with scheduling.

Dana will begin scheduling all of Judge Richards' hearings, except for Summary Judgments, beginning immediately. She would be called directly for scheduling these hearings. I don't think this will create too much confusion for the plaintiff's firms. Prior to Judge Richards' taking over foreclosures the firms emailed LJ for the Summary Judgment hearings and called the individual JAs for all other hearings. This system seemed to work well. The new system would allow them to call Dana for all non-SJ hearings instead of the individual JAs. This would cut out the extra step, and delay associated with it, of LJ having to sort through the emails and determine the nature of the hearing and then forwarded the email to Dana. Dana has her Lee County phone set up to forward to Charlotte County when she is in Charlotte County.

As far as the Notice for Trial issue. I found out that currently the clerk's office is the one who is forwarding the Notice of Trial to Mediation when they receive the Notice. This alleviates the necessity of either Dana or the JAs checking to see if the case has been mediated or not and then sending it to Bruce Waddell's office based on the results of their inquiry. I don't think it makes sense to give these cases a trial date until we get a notice from the mediator's office that the case has impassed. Once the case has impassed the case will go back to the Judge that it was assigned to. I doubt that many of these will actually go to trial, but if they do and Judge Richards' schedule permits him to try them and he is so inclined he can always take the trials. As a procedure I would recommend they go back to the original Judge however.

I think this outlines my recommendations on the topics we discussed today. If you have any other questions feel free to contact me.

Mike.

**From:** Golden, Diana </O=SAO20/OU=CACJIS/CN=RECORDS/CN=DG2228>

**To:** Carlin, John S.

**CC:**

**Date:** 4/2/2009 12:22:54 PM

**Subject:** ?RE: Motion for Rehearing on Foreclosure Case Heard by Senior Judge

---

Yes it is and thank you.

\_\_\_\_\_

From: Carlin, John S.

Sent: Thursday, April 02, 2009 10:37 AM

To: Golden, Diana

Subject: RE: Motion for Rehearing on Foreclosure Case Heard by Senior Judge

I am just catching up on my emails from yesterday. I assume that this is the one that you just walked over. Correct?

\_\_\_\_\_

From: Golden, Diana

Sent: Wednesday, April 01, 2009 1:09 PM

To: Carlin, John S.

Subject: RE: Motion for Rehearing on Foreclosure Case Heard by Senior Judge

Judge Carlin,

I have one that you signed and heard recently. Would you like me to send this one to Dana or directly to you? Thanks

Diana

\_\_\_\_\_

From: Carlin, John S.

Sent: Tuesday, March 31, 2009 4:05 PM

To: Gerald, Lynn; Rosman, Jay; Winesett, Sherra; Fuller, Joseph; McHugh, Michael

Cc: Golden, Diana; Trammell, Cindy; Hayslip, Linda; Porter, Joan; Poulston, Lisa; Kellum, Ken; Davis, Dana; Cary, G. Keith

Subject: Motion for Rehearing on Foreclosure Case Heard by Senior Judge

**20TH CIR 01958**

It has been brought to my attention that Motions for Rehearing are being filed on Summary Judgments granted by a Senior Judge in foreclosure cases. I think that the best procedure would be for the JA who receives the request for a hearing to forward the motion to Dana. Dana works closely with all of the Senior Judges and she can show the motion to the Senior Judge and see how they would like to proceed. They can deny the motion without a hearing or set it for hearing on a date that they are in the courthouse depending on their preference. This policy will take effect immediately unless someone would like to discuss this matter further. Thank you.

John



**From:** Sandi Sauls <ssauls@leeclerk.org>

**To:** McHugh, Michael

**CC:**

**Date:** 2/12/2009 2:01:24 PM

**Subject:** ?RE: Default issues.doc

---

It is going into effect today since there were no objections. Hope this helps.

Thank you,

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

---

**From:** McHugh, Michael [mailto:[Fla. R. Court 2.420](mailto:Fla. R. Court 2.420)]

**Sent:** Thursday, February 12, 2009 1:58 PM

**To:** Sandi Sauls

**Subject:** RE: Default issues.doc

Are the new procedures in place now?

---

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

**Sent:** Wednesday, February 04, 2009 9:41 AM

**To:** Carlin, John S.

**Cc:** McHugh, Michael

**Subject:** Default issues.doc

<<Default issues.doc>> I have added (in red) additional items to this previously approved default directive that should save the courts significant time if you deem the additions appropriate. (The last item is a question.) We will apply any approved rules to both Circuit and County. Thank you for your consideration of this matter.

Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

---

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:** [Harkey, Sandra D </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=SDH4849>](mailto:Harkey.SandraD@ca.cjis20.org)

**To:** [Callanan, Richard](mailto:Callanan.Richard@ca.cjis20.org)

**CC:** [Kiesel, Lisa](mailto:Kiesel.Lisa@ca.cjis20.org)

**Date:** 2/16/2010 4:36:12 PM

**Subject:** Proposed Civil Caseflow Mgmt Procedures & Backlog Reduction Plan - draft including Nancy's input

---

Hi Rick,

I retyped the draft for the Civil Caseflow Management report and included Nancy's highlighted input. I was unable to make the corrections in yours and her document so I retyped it that's why it is so late getting to you. I hope the format is what you wanted, if not let me know.

Please let me know of any other changes.

Take care and hope things are going well and your back is healed!!

Sandy J

Respectfully,

Sandy Harkey

Administrative Assistant III

Administrative Office of the Courts

Twentieth Judicial Circuit

(239) 533-1712

Fax: (239) 533-1701

[Sharkey@ca.cjis20.org](mailto:Sharkey@ca.cjis20.org)

Our mission is to provide professional services to support the judiciary in their efforts to protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes.

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

**To:** Johnston, Linda

**CC:**

**Date:** 2/17/2009 2:20:00 PM

**Subject:** ?RE: New Dates for Foreclosure Hearings

---

Let's go with 200 per session. Can you advise Kim? Thanks.

---

**From:** Linda Johnston [mailto:ljohnston@leeclerk.org]

**Sent:** Tuesday, February 17, 2009 1:58 PM

**To:** Carlin, John S.

**Subject:** RE: New Dates for Foreclosure Hearings

Unless you want it to be 250 per session?

---

**From:** Carlin, John S. [mailto:Fla. R. Court 2.420]

**Sent:** Tuesday, February 17, 2009 1:53 PM

**To:** Kim Cambareri; Linda Johnston

**Subject:** RE: New Dates for Foreclosure Hearings

You can go ahead and create the time slots and use the judges names below and we can always change out a name if needed. LJ, is it 250 per session?

---

**From:** Cambareri, Kimberly

**Sent:** Tuesday, February 17, 2009 1:28 PM

**To:** Carlin, John S.; Johnston, Linda

**Subject:** RE: New Dates for Foreclosure Hearings

Judge Carlin and LJ,

Shall I wait until these dates are secured before creating timeslots in JACS. Also do all of these judges have the 250 in the am and 250 in the pm?

Thank you

Kim Cambareri

---

**From:** Carlin, John S.

**Sent:** Tuesday, February 17, 2009 1:12 PM

**To:** Johnston, Linda

**Cc:** Davis, Dana; Kellum, Ken; Cambareri, Kimberly

**Subject:** New Dates for Foreclosure Hearings

LJ-

I would like to add foreclosure dates with Senior Judges for May 7, May 14, May 21, May 28, June 4, June 11, June 18 and June 25. We can notice them for Courtroom C. I am copying this email to Dana with a request to secure Senior Judges for these dates. I have reviewed the Senior Judge calendar and believe that Judge Schoonover is available May 7, Judge Thompson is available May 14, 21, 28 and June 25, Judge Starnes is available June 4 and June 18 and Judge Pellecchia is available June 11. Please contact these judges to see if they are available for these dates and then let me know who will be covering these dates. Please do not forward this email to the judges but write to them separately and copy me with your email. Please let me know if you have any questions. Thank you.

Judge Carlin

---

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

20TH CIR 01963

11\_30\_2010

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

[www.symantec.com](http://www.symantec.com)

Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

**From:** [Callanan, Richard </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=RCALLANAN>](mailto:Callanan, Richard </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=RCALLANAN>)

**To:** [Harkey, Sandra D](mailto:Harkey, Sandra D)

**CC:** [Kiesel, Lisa](mailto:Kiesel, Lisa)

**Date:** 2/2/2010 3:15:22 PM

**Subject:** ?RE: Order appointing County as Circuit Judge & Circuit as County Judge July 1 - January 1, 2008

**Attachments:** [Final WorkshopStrategic020110.ppt](#)

---

For staff workshop..Handouts 2 per page should do it

-----Original Message-----

From: Harkey, Sandra D

Sent: Tuesday, February 02, 2010 2:29 PM

To: Mañalich, Ramiro; 'yvette.Acosta-Macmillan@Myfloridalegal.com'

Cc: Callanan, Richard

Subject: FW: Order appointing County as Circuit Judge & Circuit as County Judge July 1 - January 1, 2008

Hello Your Honor,

Please find attached a copy of the appointment order for Acting County & Acting Circuit Judges. We renew this order every 6 months.

If I may be of further help, please let me know.

As always, have a nice day.

Respectfully,

Sandy Harkey

Administrative Assistant III

Administrative Office of the Courts

Twentieth Judicial Circuit

(239) 533-1712

Fax: (239) 533-1701

[Sharkey@ca.cjis20.org](mailto:Sharkey@ca.cjis20.org)

Our mission is to provide professional services to support the judiciary in their efforts to protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes.

-----Original Message-----

From: FiscalFax [<mailto:FiscalFax@ca.cjis20.org>]

Sent: Tuesday, February 02, 2010 2:20 PM

To: Harkey, Sandra D

Subject:

This E-mail was sent from "fiscalfax" (Aficio MP C4500).

Scan Date: 02.02.2010 14:19:59 (-0500)

Queries to: [vnghi@ca.cjis20.org](mailto:vnghi@ca.cjis20.org)

20TH CIR 01965

**From:** [Callanan, Richard </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=RCALLANAN>](mailto:Callanan, Richard </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=RCALLANAN>)

**To:** [Harkey, Sandra D](mailto:Harkey, Sandra D)

**CC:**

**Date:** 2/2/2010 4:21:46 PM

**Subject:** ?RE:

**Attachments:** [Final WorkshopStrategic020210.ppt](#)

---

-----Original Message-----

From: Harkey, Sandra D

Sent: Tuesday, February 02, 2010 2:29 PM

To: Mañalich, Ramiro; 'yvette.Acosta-Macmillan@Myfloridalegal.com'

Cc: Callanan, Richard

Subject: FW: Order appointing County as Circuit Judge & Circuit as County Judge July 1 - January 1, 2008

Hello Your Honor,

Please find attached a copy of the appointment order for Acting County & Acting Circuit Judges. We renew this order every 6 months.

If I may be of further help, please let me know.

As always, have a nice day.

Respectfully,

Sandy Harkey

Administrative Assistant III

Administrative Office of the Courts

Twentieth Judicial Circuit

(239) 533-1712

Fax: (239) 533-1701

[Sharkey@ca.cjis20.org](mailto:Sharkey@ca.cjis20.org)

Our mission is to provide professional services to support the judiciary in their efforts to protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes.

-----Original Message-----

From: FiscalFax [<mailto:FiscalFax@ca.cjis20.org>]

Sent: Tuesday, February 02, 2010 2:20 PM

To: Harkey, Sandra D

Subject:

This E-mail was sent from "fiscalfax" (Aficio MP C4500).

Scan Date: 02.02.2010 14:19:59 (-0500)

Queries to: [vnghi@ca.cjis20.org](mailto:vnghi@ca.cjis20.org)

20TH CIR 01966

**From:** [Callanan, Richard </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=RCALLANAN>](mailto:Callanan, Richard </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=RCALLANAN>)

**To:** [Harkey, Sandra D](mailto:Harkey, Sandra D)

**CC:**

**Date:** 2/2/2010 4:21:46 PM

**Subject:** ?RE:

**Attachments:** [Final WorkshopStrategic020210.ppt](#)

---

-----Original Message-----

From: Harkey, Sandra D

Sent: Tuesday, February 02, 2010 2:29 PM

To: Mañalich, Ramiro; 'yvette.Acosta-Macmillan@Myfloridalegal.com'

Cc: Callanan, Richard

Subject: FW: Order appointing County as Circuit Judge & Circuit as County Judge July 1 - January 1, 2008

Hello Your Honor,

Please find attached a copy of the appointment order for Acting County & Acting Circuit Judges. We renew this order every 6 months.

If I may be of further help, please let me know.

As always, have a nice day.

Respectfully,

Sandy Harkey

Administrative Assistant III

Administrative Office of the Courts

Twentieth Judicial Circuit

(239) 533-1712

Fax: (239) 533-1701

[Sharkey@ca.cjis20.org](mailto:Sharkey@ca.cjis20.org)

Our mission is to provide professional services to support the judiciary in their efforts to protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes.

-----Original Message-----

From: FiscalFax [<mailto:FiscalFax@ca.cjis20.org>]

Sent: Tuesday, February 02, 2010 2:20 PM

To: Harkey, Sandra D

Subject:

This E-mail was sent from "fiscalfax" (Aficio MP C4500).

Scan Date: 02.02.2010 14:19:59 (-0500)

Queries to: [vnghi@ca.cjis20.org](mailto:vnghi@ca.cjis20.org)

20TH CIR 01967



**From:** Golden, Diana </O=SAO20/OU=CACJIS/CN=RECEIPTS/CN=DG2228>

**To:** Thompson, Lucinda

Poulston, Lisa

Trammell, Cindy

Hamsharie, Deborah

**CC:**

**Date:** 2/22/2010 3:52:44 PM

**Subject:** ?RE: Mortgage Foreclosure cases

---

I do not permit any foreclosure by phone.

From: Thompson, Lucinda

Sent: Monday, February 22, 2010 3:47 PM

To: Poulston, Lisa; Trammell, Cindy; Hamsharie, Deborah; Golden, Diana

Subject: Mortgage Foreclosure cases

Ladies,

I was just wondering if your office allows Attorney's to attend "Commercial Mortgage Foreclosure" cases to be heard by phone. Thanks so much.

Lucinda Thompson

Judicial Assistant to Judge Fuller

Lee County Justice Center

1700 Monroe Street

Fort Myers, FL 33901

(239) 533-2831

**From:** Golden, Diana </O=SAO20/OU=CACJIS/CN=RECORDS/CN=DG2228>

**To:** Mccabe, Teresa

**CC:**

**Date:** 2/24/2009 2:25:14 PM

**Subject:** ?RE: Returned Paperwork

---

Yes please, and just for clarification for you Judge Gerald's rule is that if the occupant of the home has never been served during the foreclosure, the firm must do a separate eviction case.

Diana

---

**From:** Wendy McCabe [mailto:wmccabe@leeclerk.org]

**Sent:** Tuesday, February 24, 2009 2:20 PM

**To:** Golden, Diana

**Subject:** Returned Paperwork

Hi Diana,

I apologize about the confusion regarding the returned paperwork. The clerk was instructed to merely get clarification. The clerk is permitted per statute to issue a writ of possession when instructed to do so by the court. The note on the paperwork said that an eviction case must be filed. Our question was whether the attorney's office was notified and if we should return the paperwork to the attorney with the judge's note. If so, please return the paperwork to me and I'll be happy to do so.

Thank you,

Wendy McCabe  
Civil Supervisor  
Lee County Clerk of Court  
(239) 533-2984  
WMcCabe@leeclerk.org

Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure. {Token}

**From:** [Greider, Christine </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=CGREIDER>](mailto:Greider,Christine@SAO20/OU=CACJIS/CN=RECIPIENTS/CN=CGREIDER)

**To:** [Friedman, David](mailto:Friedman,David)

**CC:** [Pivacek, Cynthia](mailto:Pivacek,Cynthia)

[Hayes, Hugh](mailto:Hayes,Hugh)

[Hendrickx, Jo-Ann](mailto:Hendrickx,Jo-Ann)

**Date:** 2/25/2009 3:04:34 PM

**Subject:** foreclosure forms

---

Hi David:

Sorry I have not been able to get the links to Judge Hayes. I am in my 4<sup>th</sup> Felony Jury Trial this week. These are from the 6<sup>th</sup> Circuit..... Here are the docs. I have been using them as reference. The most important is the certificate of compliance!!!!

Hope they help.

*Christine Greider*

*Hendry County Circuit Court Judge*

*863-675-5225*

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

**To:** Metcalfe, Jan

**CC:**

**Date:** 2/26/2009 8:42:48 AM

**Subject:** ?FW: foreclosure forms

---

These look great...

---

From: Greider, Christine  
Sent: Wednesday, February 25, 2009 3:05 PM  
To: Friedman, David  
Cc: Pivacek, Cynthia; Hayes, Hugh; Hendrickx, Jo-Ann  
Subject: foreclosure forms

Hi David:

Sorry I have not been able to get the links to Judge Hayes. I am in my 4th Felony Jury Trial this week. These are from the 6th Circuit..... Here are the docs. I have been using them as reference. The most important is the certificate of compliance!!!!

Hope they help.

Christine Greider

Hendry County Circuit Court Judge

863-675-5225

**From:** Winesett, Sherra </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=SWINESETT>

**To:** Carlin, John S.

McHugh, Michael

Rosman, Jay

Fuller, Joseph

**CC:** Gerald, Lynn

Sauls, Sandi

**Date:** 2/26/2009 8:35:44 PM

**Subject:** ?RE: Default directive for clerks

---

Judge Gerald and I discussed the proposal and are in agreement with the first list, i.e., when the clerk may deny the default, and the third list as to when the clerk may return a motion to the filer.

With respect to the 2<sup>nd</sup> list, it is our opinion that under Fla. R. Civ. P. 1.500(b), only the court can enter the default where a party has filed or served any paper in the action, and further under that rule the party must be served with the motion for default. As for where service is obtained by out-of-state process, we are in agreement that the clerk may enter the default if service is sufficient but would request that a checklist be prepared and followed by the clerk to insure that sufficiency. Judge Winesett

---

**From:** Carlin, John S.

**Sent:** Thursday, February 05, 2009 9:41 AM

**To:** McHugh, Michael; Gerald, Lynn; Rosman, Jay; Fuller, Joseph; Winesett, Sherra

**Cc:** Sauls, Sandi

**Subject:** FW: Default directive for clerks

Please let Sandi Sauls know if you disagree with the default procedures expressed in the attachment. If Sandi does not hear from you by February 11, she will assume that you are in agreement with these procedures. It would be nice to have a consensus from all 5 judges but it is not a problem if some agree with the procedure and some disagree. Please direct any questions to Sandi Sauls.

Thank you.

John

---

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

**Sent:** Wednesday, February 04, 2009 5:00 PM

**To:** Carlin, John S.

**Subject:** Default directive for clerks

<<Default issues.doc>> Attached is a draft of the amendments (in red) we would like to add to our default directive. I believe it will save the judiciary significant time. Please let me know if these changes are approved. Thank you.

Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

20TH CIR 01972

12\_2\_2010

**From:** [Patricia A. Murphy <Patricia.Murphy@collierclerk.com>](mailto:Patricia.Murphy@collierclerk.com)

**To:** [Hendrickx, Jo-Ann](#)

**CC:**

**Date:** 2/3/2009 10:57:12 AM

**Subject:** Foreclosure Checklist

---

Hi Jo ann,

Please find attached the foreclosure Checklist.

Thank you

Patricia A. Murphy  
Civil Foreclosure Clerk  
Collier County Clerk of Courts  
[patricia.murphy@clerk.collier.fl.us](mailto:patricia.murphy@clerk.collier.fl.us)  
(239) 732-2657

*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.*