

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

**To:** McHugh, Michael

Sauls, Sandi

**CC:**

**Date:** 2/4/2009 1:45:38 PM

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

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Sandi-

Does Judge McHugh's email address your issues?

---

**From:** McHugh, Michael

**Sent:** Wednesday, February 04, 2009 1:42 PM

**To:** Sauls, Sandi; Carlin, John S.

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

I would not automatically deny the default if service is over 1 year old. The civil judges had a discussion about this at our last meeting and there is a difference in the way the Judges handle this. I know that Judge Gerald denies them, but I believe the other Judges look at them on a case by case basis. In regards to the acceptance of service with a Notice of Appearance I would continue to give these to the Judges, I will grant the default in certain circumstance if there is appropriate language requiring the defendant to answer in a specified period in the acceptance. In regards to the rest, I am very much in favor of the changes and increased authority of the Clerk in these default case, I think it would free up a considerable amount of time and I appreciate the Clerk's willingness to do this for us.

---

**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.

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**To:** Sauls, Sandi  
Carlin, John S.

**CC:**

**Date:** 2/4/2009 1:41:38 PM

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**From:** McHugh, Michael

**To:** Sauls, Sandi

**CC:**

**Date:** 2/4/2009 9:00:24 AM

**Subject:** ?RE: Defaults in Foreclosures cases

---

Thanks.

---

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

**Sent:** Wednesday, February 04, 2009 8:58 AM

**To:** McHugh, Michael

**Subject:** FW: Defaults in Foreclosures cases

I should never respond to emails from my Blackberry because I miss any prior emails attached. Sorry. We are sending Judge Carlin an addendum to the defaults memo that grants the clerks more authority to issue defaults. The Court defaults are on the list. I will copy you in. Thank you.

Thank you,

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

---

**From:** Sandi Sauls

**Sent:** Friday, January 30, 2009 7:43 AM

**To:** Hon. Michael T. McHugh

**Subject:** Re: Defaults in Foreclosures cases

We should be preparing a memo to explain why we are unable to issue the default and are sending it to you for judicial consideration. If we have the file I believe we are tagging the questionable service. If we don't have the file we are suppose to be making a copy of the serice. I am at a meeting today but will ensure these are our procedures when I return on Monday. Please let me know if there are any problems. Thank you.

Sent From Verizon Blackberry Device.

---

**From:** McHugh, Michael

**To:** Sandi Sauls

**Sent:** Thu Jan 29 14:34:57 2009

**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 take on 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](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?

---

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

**To:** Carlin, John S.

**CC:** McHugh, Michael

**Date:** 2/4/2009 9:40:56 AM

**Subject:** Default issues.doc

---

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**CC:**

**Date:** 2/4/2009 8:58:24 AM

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Thank you,

Sandi C. Sauls

20TH CIR 01979

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

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

**To:** McHugh, Michael

Gerald, Lynn

Rosman, Jay

Fuller, Joseph

Winesett, Sherra

**CC:** Sauls, Sandi

**Date:** 2/5/2009 9:41:04 AM

**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.

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

**To:** Mravic, Deborah

Pivacek, Cynthia

**CC:** Middlebrook, Mark

Metcalf, Jan

**Date:** 2/9/2010 10:50:46 AM

**Subject:** ?RE: Foreclosure calendars

---

I would suggest letting it play out and just finish those that are already in the pipeline.

From: Mravic, Deborah

Sent: Tuesday, February 09, 2010 10:48 AM

To: Pivacek, Cynthia; Hayes, Hugh

Cc: Middlebrook, Mark

Subject: Foreclosure calendars

I have received all the dates for coverage from the county judges. They will begin coverage as of March 23. On May 11 & 12, Judge Carr is able to cover 9-12noon each day. At this time the afternoon docket is full as well. Do you want me to cancel the afternoon on both of those dates (about 46 cases each afternoon)??

Please advise as soon as you can. I am meeting with the JA's, Diane, Nancy etc this afternoon at 2pm regarding all the changes.

Debbie Mravic

Program Coordinator - Family Court

3301 Tamiami Trail East, Naples, FL 34112

239-252-2603

dmravic@ca.cjis20.org

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

**To:** [Aloia, Nancy K](#)  
[Middlebrook, Mark](#)  
[Embury, Jon](#)  
[Mravic, Deborah](#)  
[Wolff, Luanne](#)  
[Mann, Sheila](#)

**CC:** [Kiesel, Lisa](#)  
[Fishbeck, Eric](#)  
[Ederr, Suzanne](#)

**Date:** 3/1/2010 3:05:02 PM

**Subject:** Civil Case Management & Backlog Plans- Circuitwide Guidelines ( New Draft 2/28/10)

---

Nancy, Mark & Jon,

Here is the latest draft of the Civil Case Management guidelines. They incorporate most of the good ideas and changes that you and your working groups have suggested. They pretty much incorporate what staff and working groups in Collier and Lee have developed so far, with input from other counties, just put into a circuitwide plan format. I appreciate all the work you have all done on this to get us so far in such a short time.

These guidelines can be refined as we go, but the track definitions, time standards, general procedures, uniform forms etc. should be discussed with your staff and judges and used as a guide with your local working groups. Where you see a problem with the guidelines, let me know. Eventually, and once we get general consensus and input from judges and working groups, this will form the basis for a circuitwide AO to be issued later in the spring. As you know, we are not looking for every county to be exactly the same, but want to have some consistency of practice wherever possible.

We still need to attach the “ Model” Case Management Orders and Forms. I know we have consensus between Collier and Lee on some orders( Order Setting Case Management Conference), lets attach those that we have and indicate “to be developed” on the others.

Eric is working on the sample Formats for all Clerk MIS reports that we can also include.

Let me know any changes you think we should make to this draft before we get this back out to all Admin Judges and CBC in April.

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

**From:** Kellum, Ken </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=KEN4032>

**To:** Ross, James

Derek Creamer (dcreamer@sheriffleefl.org)

**CC:**

**Date:** 3/1/2010 10:44:56 AM

**Subject:** ?FW: Scam in foreclosure hearings

---

Please see below. Let's be on top of this.

*Ken Kellum*

---

**From:** Rose, Penelope

**Sent:** Monday, March 01, 2010 10:34 AM

**To:** Kellum, Ken

**Subject:** Scam in foreclosure hearings

Judge Schoonover just alerted me to something new that occurred last Friday.

A woman claiming to be an interpreter stepped forward with a defendant to assist her with the foreclosure proceeding. When Judge Schoonover asked her what her relationship was to the defendant, she reluctantly stated she was a "friend". This happened several times last Friday.

Then the Bailiff became suspicious and went outside the courtroom and found the "interpreter" and another women pretending to represent the Court and charging people \$500 to assist them with the foreclosure matters.

The Bailiff chased the two women away.

Judge Schoonover wanted you to be aware that this is a new scam that's going on inside the courthouse.

**From:** Rose, Penelope </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=PROSE>

**To:** Kellum, Ken

**CC:**

**Date:** 3/1/2010 10:33:52 AM

**Subject:** Scam in foreclosure hearings

---

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

**To:** McHugh, Michael

**CC:**

**Date:** 3/10/2010 11:12:18 AM

**Subject:** ?RE: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

---

Yes, I agree with setting up a meeting. I was thinking about how we were going to get the information out yesterday when I had a typical motion to cancel but no request to reset. Are there any other attorneys that should be included that regularly do these foreclosures? Like Baitson, Chlipala, ?. Perhaps, I could do a memo or notice that could be used to notify others.

---

**From:** McHugh, Michael  
**Sent:** Wednesday, March 10, 2010 10:43 AM  
**To:** Winesett, Sherra  
**Subject:** RE: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

I did not receive any additional input about the issue of cancelling and rescheduling foreclosure sales. Do you think I should set up a meeting with Hill and Goetz to go over the proposed new requirements and Judge Gerald's idea about the certification with the final judgment?

---

**From:** Winesett, Sherra  
**Sent:** Friday, March 05, 2010 11:20 AM  
**To:** McHugh, Michael; Gerald, Lynn; Fuller, Joseph; Schreiber, Lee Ann; Rosman, Jay  
**Cc:** Sauls, Sandi; English, Sharon; Crongeyer, Robert L.  
**Subject:** RE: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

As I read the opinion, the 60 day comment period only applies to the new final judgment form, Form 1.996(a), not the new form on the Motion to Cancel and Reschedule Foreclosure Sale, so its effective as of 2/11/10. However, I do agree we need to give a prospective date when we will require the new form. Otherwise, we're going to have a lot of motions to set aside sales that didn't get cancelled under the prior procedures allowed, or worse, hearings on whether the form is procedural and not mandatory.

I've also copied our new case manager and magistrate with this e-mail because they attended the meeting where the Sup.Ct. opinion was brought up, and although we don't anticipate them being involved with foreclosures, they should be in the loop. Sorry, I overlooked you on the first e-mail.

---

**From:** McHugh, Michael  
**Sent:** Friday, March 05, 2010 10:20 AM  
**To:** Winesett, Sherra; Gerald, Lynn; Fuller, Joseph; Schreiber, Lee Ann; Rosman, Jay  
**Cc:** Sauls, Sandi  
**Subject:** RE: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

Judge Winesett and I had a conversation about the cancellation and rescheduling of foreclosure sales issue. It was our opinion that since the Supreme Court has promulgated the new form for the cancellation and rescheduling of sales, we should require the plaintiffs in these cases to use it. The rule adopted appears to be purely procedural, therefore not needing any enabling statute. The rule is effective immediately, with the understanding that there is a 60 day comment period. Our proposal is to require the form beginning April 1<sup>st</sup>. This is roughly consistent with the comment period and will give us an opportunity to make the plaintiff firms aware of our requirement in this regard, presumably through Mr. Hill and Mr. Goetz. This would mostly effect the cancellations that occur when the plaintiff firm calls the clerk's office and asks to cancel the sale before any motion has been filed or order signed. Under the new procedure the clerk's office would decline to cancel the sale and tell them the appropriate motion needs to be filed. Let me know your thoughts on this issue so we can decide the appropriate way to proceed.

Thanks,  
Mike.

**From:** Winesett, Sherra  
**Sent:** Thursday, March 04, 2010 6:12 PM  
**To:** Gerald, Lynn; McHugh, Michael; Fuller, Joseph; Schreiber, Lee Ann; Rosman, Jay; Winesett, Sherra  
**Subject:** Re: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

I reviewed the opinion in the consolidated Fla. Sup. Ct. Case No. SC09-1460 entitled In Re: Amendments to the Florida Rules of Civil Procedure and Case No. SC09-1579 entitled In Re: amendments to the Florida Rules of Civil Procedure – Form 1.996 (Final Judgment of Foreclosure).

Case No. SC 09-1460 amends rule 1.110(b) to require verification of mortgage foreclosure complaints involving residential real property, adopts new form 1.924, Affidavit of Diligent Search and Inquiry and new form 1.996(b), Motion to Cancel and Reschedule Foreclosure Sale which provides for a reason to be checked to explain why the foreclosure sale needs to be cancelled and rescheduled. Fla. Sup. Ct. Case SC 09-1579 amends Form 1.996, the Final Judgment of Foreclosure form and numbers it Form 1.996(b).

As I read the opinion on the consolidated cases, the amendments made by SC 09-1460 were effective immediately upon the release of the opinions on Feb. 11, 2010. However, there is a 60 day period from that date during which comments on the amendments made to form 1.996(a) may be filed.

I think the question is, Is the use of these forms, or the information required by them, mandatory? If so, effective immediately, we need to make sure new Complaints filed are verified, Diligent Search affidavits in compliance with the new rule are filed for constructive service, and a reason is stated in a motion for cancellation of the sale.

You should note in its opinion, the Court rejected including a provision in the Final Judgment form that the sale be cancelled if Plaintiff's representative is not present at the sale, finding that to be in conflict with the new form for Motion to Cancel and Reschedule Foreclosure Sale.

Judge Gerald has suggested that with respect to the Final Judgment Form we require the Plaintiff's attorney to file a certification with the proposed final judgment, listing any provisions in the proposed judgment that are not in Form 1.996(a) so that the presiding judge can quickly review those additional provisions to determine if they are allowable provisions.

Comments or suggestions? Sherra

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

**To:** Johnston, Linda

**CC:**

**Date:** 3/11/2009 1:46:40 PM

**Subject:** ?RE: Foreclosure stats

---

For June 25, let's not schedule anything for this date for right now. We are short on Senior Judge days so this will help. If anything changes, I will let you know. Thanks.

---

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

**Sent:** Tuesday, March 10, 2009 1:21 PM

**To:** Carlin, John S.

**Subject:** RE: Foreclosure stats

On 04-17-09 there are 141 in the am and 1 in the pm and on 04-24-09 there are 164 in the am and none in the pm as of right now

LJ

*Senior Court Clerk*

*Judge Carlin's Clerk*

*[ljohnston@leeclerk.org](mailto:ljohnston@leeclerk.org)*

*Phone: 533-2505 ext. 42690*

---

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

**Sent:** Tuesday, March 10, 2009 12:17 PM

**To:** Linda Johnston

**Subject:** FW: Foreclosure stats

Can you tell me how many cases are set for the a.m. and how many for the p.m. on April 17 and April 24? Thank you.

---

**From:** Cambareri, Kimberly

**Sent:** Monday, March 09, 2009 11:32 AM

**To:** Carlin, John S.

**Subject:** Foreclosure stats

Good morning,

Here are the foreclosure stats for the next six weeks 03/09/2009 to 04/24/2009.

Thank you.

Kimberly Cambareri

Computer Programmer/Analyst

20th Judicial Circuit Courts

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

(239) 357-4506 mobile

<mailto:kcambareri@ca.cjis20.org>

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

**To:** McHugh, Michael

**CC:**

**Date:** 3/16/2010 9:45:06 AM

**Subject:** ?RE: Foreclosure Mail next week

---

K

From: McHugh, Michael

Sent: Tuesday, March 16, 2010 10:07 AM

To: Gerald, Lynn; Winesett, Sherra; Rosman, Jay; Fuller, Joseph; Schreiber, Lee Ann

Cc: Golden, Diana; Hamsharie, Deborah; Trammell, Cindy; Thompson, Lucinda; Conderman, Ellen; Poulston, Lisa

Subject: Foreclosure Mail next week

Judge Schrieber is at New Judges College next week. Because of this she will not be able to review the foreclosure paperwork that comes in. I would ask that you keep your foreclosure paperwork as if this was a Charlotte week for Judge Schrieber. If you have any questions feel free to contact me.

Thanks,

Mike.

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

**To:** Friedman, David

**CC:** Metcalfe, Jan

**Date:** 3/16/2010 3:07:28 PM

**Subject:** ?Re: Foreclosure Checklist

---

The "normal" procedure is for M/Vacate SJ are heard by the judge who entered them. Since these aren't normal procedures , we probably should ask Cindy for some clarification.

Sent from my Verizon Wireless BlackBerry

---

From: "Friedman, David"

Date: Tue, 16 Mar 2010 15:22:20 -0400

To: Hayes, Hugh

Subject: RE: Foreclosure Checklist

I am sorry to have not included any post judgment matters in my memo. I was under the assumption that the county court judges were under the assumption that Motions to Cancel Sale or to Vacate Sale by the Plaintiff were to be heard by a Circuit Judge or by me with orders of referral.

---

From: Hayes, Hugh

Sent: Tuesday, March 16, 2010 2:58 PM

To: Friedman, David

Cc: Pivacek, Cynthia

Subject: Foreclosure Checklist

Dear David:

Many thanks for a copy of the foreclosure checklist that you have prepared for the county court judges...it looks fine and I'm sure that it will be a great help to them.

Anticipating that this will become a "living" document that will be modified from time to time, I would suggest the next iteration include a "heads up" about Plaintiffs who get their foreclosure SJ, and maybe even the Certificate of Title from the Clerk, and then 2 weeks later ask for an order to set aside the SJ and the Certificate because of a "miscommunication" within the Plaintiff's attorney's office...why? Was it because:

1. They have settled the case and will be dismissing same?
2. They have agreed to a short sale?
3. They have realized that as the new owner, they are now going to have to pay the Association?

Clarity in the motion to set aside is critical, or it will have to be sent back to the judge who granted the judgment...thus wasting everyone's time.

Just an observation for the next iteration.

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

**To:** McHugh, Michael

**CC:**

**Date:** 3/16/2010 12:03:20 PM

**Subject:** ?RE: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

---

I've started the 4 day jury trial but am out till 1:30 for lunch. You can call me at 32601 with your question if convenient for you. SW

---

**From:** McHugh, Michael  
**Sent:** Tuesday, March 16, 2010 10:11 AM  
**To:** Winesett, Sherra  
**Subject:** RE: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

They are coming to my office at noon on Friday. I have a question I wanted to ask about our Civil Case Management Group when you have a chance.

---

**From:** Winesett, Sherra  
**Sent:** Friday, March 12, 2010 10:43 AM  
**To:** McHugh, Michael  
**Subject:** RE: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

Wed. or Friday work best for me. I have a 4 day jury trial beginning next Tues. so I may be in the middle of vior dire on Tuesday at noon. Just let me know. SW

---

**From:** McHugh, Michael  
**Sent:** Friday, March 12, 2010 10:16 AM  
**To:** Winesett, Sherra  
**Subject:** RE: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

I was thinking about setting up a meeting with Goetz, Hill, and Chilpala for next Tues, Wed, of Fri. at lunch. I was wondering if you would like to attend and if so which of those days work for you.

---

**From:** Winesett, Sherra  
**Sent:** Wednesday, March 10, 2010 11:12 AM  
**To:** McHugh, Michael  
**Subject:** RE: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

Yes, I agree with setting up a meeting. I was thinking about how we were going to get the information out yesterday when I had a typical motion to cancel but no request to reset. Are there any other attorneys that should be included that regularly do these foreclosures? Like Baitson, Chlipala, ?. Perhaps, I could do a memo or notice that could be used to notify others.

---

**From:** McHugh, Michael  
**Sent:** Wednesday, March 10, 2010 10:43 AM  
**To:** Winesett, Sherra  
**Subject:** RE: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

I did not receive any additional input about the issue of cancelling and rescheduling foreclosure sales. Do you think I should set up a meeting with Hill and Goetz to go over the proposed new requirements and Judge Gerald's idea about the certification with the final judgment?

---

**From:** Winesett, Sherra  
**Sent:** Friday, March 05, 2010 11:20 AM  
**To:** McHugh, Michael; Gerald, Lynn; Fuller, Joseph; Schreiber, Lee Ann; Rosman, Jay  
**Cc:** Sauls, Sandi; English, Sharon; Crongeyer, Robert L.

20TH CIR 01993

As I read the opinion, the 60 day comment period only applies to the new final judgment form, Form 1.996(a), not the new form on the Motion to Cancel and Reschedule Foreclosure Sale, so its effective as of 2/11/10. However, I do agree we need to give a prospective date when we will require the new form. Otherwise, we're going to have a lot of motions to set aside sales that didn't get cancelled under the prior procedures allowed, or worse, hearings on whether the form is procedural and not mandatory.

I've also copied our new case manager and magistrate with this e-mail because they attended the meeting where the Sup.Ct. opinion was brought up, and although we don't anticipate them being involved with foreclosures, they should be in the loop. Sorry, I overlooked you on the first e-mail.

---

**From:** McHugh, Michael  
**Sent:** Friday, March 05, 2010 10:20 AM  
**To:** Winesett, Sherra; Gerald, Lynn; Fuller, Joseph; Schreiber, Lee Ann; Rosman, Jay  
**Cc:** Sauls, Sandi  
**Subject:** RE: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

Judge Winesett and I had a conversation about the cancellation and rescheduling of foreclosure sales issue. It was our opinion that since the Supreme Court has promulgated the new form for the cancellation and rescheduling of sales, we should require the plaintiffs in these cases to use it. The rule adopted appears to be purely procedural, therefore not needing any enabling statute. The rule is effective immediately, with the understanding that there is a 60 day comment period. Our proposal is to require the form beginning April 1<sup>st</sup>. This is roughly consistent with the comment period and will give us an opportunity to make the plaintiff firms aware of our requirement in this regard, presumably through Mr. Hill and Mr. Goetz. This would mostly effect the cancellations that occur when the plaintiff firm calls the clerk's office and asks to cancel the sale before any motion has been filed or order signed. Under the new procedure the clerk's office would decline to cancel the sale and tell them the appropriate motion needs to be filed. Let me know your thoughts on this issue so we can decide the appropriate way to proceed.

Thanks,  
Mike.

---

**From:** Winesett, Sherra  
**Sent:** Thursday, March 04, 2010 6:12 PM  
**To:** Gerald, Lynn; McHugh, Michael; Fuller, Joseph; Schreiber, Lee Ann; Rosman, Jay; Winesett, Sherra  
**Subject:** Re: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

I reviewed the opinion in the consolidated Fla. Sup. Ct. Case No. SC09-1460 entitled In Re: Amendments to the Florida Rules of Civil Procedure and Case No. SC09-1579 entitled In Re: amendments to the Florida Rules of Civil Procedure – Form 1.996 (Final Judgment of Foreclosure).

Case No. SC 09-1460 amends rule 1.110(b) to require verification of mortgage foreclosure complaints involving residential real property, adopts new form 1.924, Affidavit of Diligent Search and Inquiry and new form 1.996(b), Motion to Cancel and Reschedule Foreclosure Sale which provides for a reason to be checked to explain why the foreclosure sale needs to be cancelled and rescheduled. Fla. Sup. Ct. Case SC 09-1579 amends Form 1.996, the Final Judgment of Foreclosure form and numbers it Form 1.996(b).

As I read the opinion on the consolidated cases, the amendments made by SC 09-1460 were effective immediately upon the release of the opinions on Feb. 11, 2010. However, there is a 60 day period from that date during which comments on the amendments made to form 1.996(a) may be filed.

I think the question is, Is the use of these forms, or the information required by them, mandatory? If so, effective immediately, we need to make sure new Complaints filed are verified, Diligent Search affidavits in compliance with the new rule are filed for constructive service, and a reason is stated in a motion for cancellation of the sale.

You should note in its opinion, the Court rejected including a provision in the Final Judgment form that the sale be cancelled if Plaintiff's representative is not present at the sale, finding that to be in conflict with the new form for Motion to Cancel and Reschedule Foreclosure Sale.

**20TH CIR 01994**

Judge Gerald has suggested that with respect to the Final Judgment Form we require the Plaintiff's attorney to file a certification with the proposed final judgment, listing any provisions in the proposed judgment that are not in Form 1.996(a) so that the presiding judge can quickly review those additional provisions to determine if they are allowable provisions.

Comments or suggestions? Sherra

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

**To:** Metcalfe, Jan

**CC:**

**Date:** 3/2/2009 12:58:42 PM

**Subject:** ?Fw: Foreclosure scheduling assistance

---

Sent from my Verizon Wireless BlackBerry

From: "Middlebrook, Mark"

Date: Mon, 2 Mar 2009 12:48:39 -0500

To: Pivacek, Cynthia; Hayes, Hugh

Subject: Foreclosure scheduling assistance

Good Afternoon Judges

I have met with Diane and have developed the following idea to assist your offices with foreclosure hearing scheduling. Our targeted start date is March 30th.

All issues involving scheduling or canceling a foreclosure hearing will be handled by Nancy/Diane. The attorneys' offices will be required to contact CA on Wednesday's between 8:30-4:30. The phone number is 252-8133. We will need to have an announcement on the Civil Judges' JA's phone directing the foreclosure lawyers to call the 8133 number on Wednesday's only. Additionally, we will need an announcement posted on our website with the direction.

This should help alleviate the inordinate amount of phone calls the JA's are dealing with regarding foreclosures. Please let me know your thoughts.

M

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

**To:** Pivacek, Cynthia

Middlebrook, Mark

**CC:** Callanan, Richard

**Date:** 3/2/2009 1:24:06 PM

**Subject:** ?RE: Foreclosure scheduling assistance

---

Sounds great to me!

---

From: Pivacek, Cynthia

Sent: Monday, March 02, 2009 1:23 PM

To: Middlebrook, Mark; Hayes, Hugh

Cc: Callanan, Richard

Subject: RE: Foreclosure scheduling assistance

I think it is wonderful

---

From: Middlebrook, Mark

Sent: Monday, March 02, 2009 12:49 PM

To: Pivacek, Cynthia; Hayes, Hugh

Cc: Callanan, Richard

Subject: Foreclosure scheduling assistance

Good Afternoon Judges

I have met with Diane and have developed the following idea to assist your offices with foreclosure hearing scheduling. Our targeted start date is March 30th.

All issues involving scheduling or canceling a foreclosure hearing will be handled by Nancy/Diane. The attorneys' offices will be required to contact CA on Wednesday's between 8:30-4:30. The phone number is 252-8133. We will need to have an announcement on the Civil Judges' JA's phone directing the foreclosure lawyers to call the 8133 number on Wednesday's only. Additionally, we will need an announcement posted on our website with the direction.

This should help alleviate the inordinate amount of phone calls the JA's are dealing with regarding foreclosures. Please let me know your thoughts.

M



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

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

**CC:**

**Date:** 3/25/2010 10:25:48 AM

**Subject:** ?RE: Re: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

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I presume no decision has been made yet. Please let me know if it's still being considered or if there are any other options that may affect Clerk's procedures. Thank you.

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:** Friday, March 05, 2010 10:20 AM

**To:** Hon. Sherra Winesett; Hon. Lynn Gerald, Jr.; Fuller, Joseph; Lee Ann Schreiber; Hon. Jay B. Rosman

**Cc:** Sandi Sauls

**Subject:** RE: Re: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

Judge Winesett and I had a conversation about the cancellation and rescheduling of foreclosure sales issue. It was our opinion that since the Supreme Court has promulgated the new form for the cancellation and rescheduling of sales, we should require the plaintiffs in these cases to use it. The rule adopted appears to be purely procedural, therefore not needing any enabling statute. The rule is effective immediately, with the understanding that there is a 60 day comment period. Our proposal is to require the form beginning April 1<sup>st</sup>. This is roughly consistent with the comment period and will give us an opportunity to make the plaintiff firms aware of our requirement in this regard, presumably through Mr. Hill and Mr. Goetz. This would mostly effect the cancellations that occur when the plaintiff firm calls the clerk's office and asks to cancel the sale before any motion has been filed or order signed. Under the new procedure the clerk's office would decline to cancel the sale and tell them the appropriate motion needs to be filed. Let me know your thoughts on this issue so we can decide the appropriate way to proceed.

Thanks,  
Mike.

---

**From:** Winesett, Sherra

**Sent:** Thursday, March 04, 2010 6:12 PM

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

**Subject:** Re: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

I reviewed the opinion in the consolidated Fla. Sup. Ct. Case No. SC09-1460 entitled In Re: Amendments to the Florida Rules of Civil Procedure and Case No. SC09-1579 entitled In Re: amendments to the Florida Rules of Civil Procedure – Form 1.996 (Final Judgment of Foreclosure).

Case No. SC 09-1460 amends rule 1.110(b) to require verification of mortgage foreclosure complaints involving residential real property, adopts new form 1.924, Affidavit of Diligent Search and Inquiry and new form 1.996(b), Motion to Cancel and Reschedule Foreclosure Sale which provides for a reason to be checked to explain why the foreclosure sale needs to be cancelled and rescheduled. Fla. Sup. Ct. Case SC 09-1579 amends Form 1.996, the Final Judgment of Foreclosure form and numbers it Form 1.996(b).

As I read the opinion on the consolidated cases, the amendments made by SC 09-1460 were effective immediately upon the release of the opinions on Feb. 11, 2010. However, there is a 60 day period from that date during which comments on the amendments made to form 1.996(a) may be filed.

2010 CIR 01998

I think the question is, Is the use of these forms, or the information required by them, mandatory? If so, effective immediately, we need to make sure new Complaints filed are verified, Diligent Search affidavits in compliance with the new rule are filed for constructive service, and a reason is stated in a motion for cancellation of the sale.

You should note in its opinion, the Court rejected including a provision in the Final Judgment form that the sale be cancelled if Plaintiff's representative is not present at the sale, finding that to be in conflict with the new form for Motion to Cancel and Reschedule Foreclosure Sale.

Judge Gerald has suggested that with respect to the Final Judgment Form we require the Plaintiff's attorney to file a certification with the proposed final judgment, listing any provisions in the proposed judgment that are not in Form 1.996(a) so that the presiding judge can quickly review those additional provisions to determine if they are allowable provisions.

Comments or suggestions? Sherra

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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.**

**From:** Rose, Penelope </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=PROSE>

**To:** Kellum, Ken

**CC:**

**Date:** 3/3/2010 10:54:24 AM

**Subject:** ?FW: Scam in foreclosure hearings

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**From:** Rose, Penelope  
**Sent:** Monday, March 01, 2010 10:34 AM  
**To:** Kellum, Ken  
**Subject:** Scam in foreclosure hearings

Judge Schoonover just alerted me to something new that occurred last Friday.

A woman claiming to be an interpreter stepped forward with a defendant to assist her with the foreclosure proceeding. When Judge Schoonover asked her what her relationship was to the defendant, she reluctantly stated she was a "friend". This happened several times last Friday.

Then the Bailiff became suspicious and went outside the courtroom and found the "interpreter" and another women pretending to represent the Court and charging people \$500 to assist them with the foreclosure matters.

The Bailiff chased the two women away.

Judge Schoonover wanted you to be aware that this is a new scam that's going on inside the courthouse.

**From:** Conderman, Ellen </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ECONDERMAN>

**To:** JA-Lee

**CC:**

**Date:** 3/30/2010 8:26:00 AM

**Subject:** Telephonic Appearances

Good Morning,

Just want to clarify that Judge Schreiber does not permit any telephonic appearances in our residential foreclosure hearings. We've had several attorney offices tell us they were told we issue orders permitting telephonic appearances. Thanks.

Ellen Conderman

Judicial Assistant  
Judge Lee Ann Schreiber  
239-533-2603 Lee County  
941-833-3033 Charlotte County  
econderman@ca.cjis20.org

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

**To:** Porter, Joan

Poulston, Lisa

Trammell, Cindy

Hayslip, Linda

Johnston, Linda

**CC:**

**Date:** 3/31/2009 2:25:10 PM

**Subject:** Foreclosure packets

---

Hi everyone,

Just an FYI on the firm of Morris, Hardwick, and Snyder which is a new client to Mr. Goetz and Mr. Goetz. They have been mailing their packets directly to the Courts. If you have any, please forward the packets to LJ if you have them and Mr. Goetz will pick them up from her. Mr. Goetz has assured me that he has informed them of the procedures and how to handle them correctly Thanks for your help.

Diana :)

**From:** Slater, Michael </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=MSLATER>

**To:** Hendrickx, Jo-Ann

**CC:**

**Date:** 3/31/2009 1:28:04 PM

**Subject:** ?RE: Order of Referral



Jo-Ann,

Here's a link to download a blank order of referral:

[http://www.ca.cjis20.org/web/main/magistrates\\_downloads.asp](http://www.ca.cjis20.org/web/main/magistrates_downloads.asp)

I also attached a word version that can be filled out electronically.

Mike

**From:** Hendrickx, Jo-Ann

**Sent:** Tuesday, March 31, 2009 2:19 PM

**To:** Slater, Michael

**Subject:** RE: Order of Referral

**I did not send it to you yet....**

***Jo-Ann Hendrickx***

***Judicial Assistant to***

***Honorable Christine Greider***

***Circuit Judge***

***Tel: 863-675-5225***

***Fax: 863-675-5361***

**From:** Slater, Michael

**Sent:** Tuesday, March 31, 2009 2:16 PM

**To:** Hendrickx, Jo-Ann

**Subject:** RE: Order of Referral

Jo-Ann,

I don't believe I received the order of referral. Send it to me and I'll get it posted.

Mike

**From:** Hendrickx, Jo-Ann

**Sent:** Tuesday, March 31, 2009 1:53 PM

**To:** Slater, Michael

**Subject:** Order of Referral

**Good afternoon,**

**We will be having Magistrates coming over from Naples to do Foreclosure Hearings. I was advised of the procedure with the order of referral that we email you and that you put on the website. I was wondering if I emailed you Judge Greider signed Order of Referral, if you could indeed put it on the website and if so, could you give me the link and how to get to the order so I**

20TH CIR 02005

can advise the attorneys.

Thank you

*Jo-Ann Hendrickx*

*Judicial Assistant to*

*Honorable Christine Greider*

*Circuit Judge*

*Tel: 863-675-5225*

*Fax: 863-675-5361*

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

**To:** McHugh, Michael

Gerald, Lynn

Rosman, Jay

Winesett, Sherra

Fuller, Joseph

**CC:** Poulston, Lisa

Golden, Diana

Trammell, Cindy

Hamsharie, Deborah

Thompson, Lucinda

**Date:** 3/4/2010 3:52:26 PM

**Subject:** Online foreclosure sales

---

It's finally happening. Effective tomorrow, we will insert the online sale location on all new foreclosure judgments. The first actual online sale will be April 5<sup>th</sup>. We will continue to have "courthouse" sales for those cases already set on the calendar (through June 15<sup>th</sup>). Courthouse sales will only be on Tuesdays, while the online sales will be set for Mondays, Wednesdays, Thursdays and Fridays. Please let me know if any issues arise as a result. As one bidder said today, "There goes the corruption!" Hope so!

Thank you,

Sandi C. Sauls

Civil Division Manager

P.O. Box 310

Fort Myers, FL 33902

239-533-9188

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

**To:** Gerald, Lynn

McHugh, Michael

Fuller, Joseph

Schreiber, Lee Ann

Rosman, Jay

Winesett, Sherra

**CC:**

**Date:** 3/4/2010 6:12:04 PM

**Subject:** Re: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

---

I reviewed the opinion in the consolidated Fla. Sup. Ct. Case No. SC09-1460 entitled In Re: Amendments to the Florida Rules of Civil Procedure and Case No. SC09-1579 entitled In Re: amendments to the Florida Rules of Civil Procedure – Form 1.996 (Final Judgment of Foreclosure).

Case No. SC 09-1460 amends rule 1.110(b) to require verification of mortgage foreclosure complaints involving residential real property, adopts new form 1.924, Affidavit of Diligent Search and Inquiry and new form 1.996(b), Motion to Cancel and Reschedule Foreclosure Sale which provides for a reason to be checked to explain why the foreclosure sale needs to be cancelled and rescheduled. Fla. Sup. Ct. Case SC 09-1579 amends Form 1.996, the Final Judgment of Foreclosure form and numbers it Form 1.996(b).

As I read the opinion on the consolidated cases, the amendments made by SC 09-1460 were effective immediately upon the release of the opinions on Feb. 11, 2010. However, there is a 60 day period from that date during which comments on the amendments made to form 1.996(a) may be filed.

I think the question is, Is the use of these forms, or the information required by them, mandatory? If so, effective immediately, we need to make sure new Complaints filed are verified, Diligent Search affidavits in compliance with the new rule are filed for constructive service, and a reason is stated in a motion for cancellation of the sale.

You should note in its opinion, the Court rejected including a provision in the Final Judgment form that the sale be cancelled if Plaintiff's representative is not present at the sale, finding that to be in conflict with the new form for Motion to Cancel and Reschedule Foreclosure Sale.

Judge Gerald has suggested that with respect to the Final Judgment Form we require the Plaintiff's attorney to file a certification with the proposed final judgment, listing any provisions in the proposed judgment that are not in Form 1.996(a) so that the presiding judge can quickly review those additional provisions to determine if they are allowable provisions.

Comments or suggestions? Sherra

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

**To:** Sauls, Sandi

**CC:**

**Date:** 3/5/2010 10:28:32 AM

**Subject:** ?RE: Online sale auctions

---

Thanks, Sandi, for the update.

---

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

**Sent:** Friday, March 05, 2010 10:06 AM

**To:** Cary, G. Keith; Carlin, John S.

**Subject:** Online sale auctions

It's finally happening. Effective today, we will insert the online sale location on all new foreclosure judgments. The first actual online sale will be April 5<sup>th</sup>. We will continue to have "courthouse" sales for those cases already set on the calendar (through June 15<sup>th</sup>). Courthouse sales will only be on Tuesdays, while the online sales will be set for Mondays, Wednesdays, Thursdays and Fridays. Please let me know if any issues arise as a result. As one bidder said today, "There goes the corruption!" Hope so!

P.S. I sent notification to all civil judges.

Thank you,

Sandi C. Sauls

Civil Division Manager

P.O. Box 310

Fort Myers, FL 33902

239-533-9188

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:** Gerald, Lynn </O=SAO20/OU=CACJIS/CN=RECEIVENTS/CN=LG2228>

**To:** Golden, Diana

**CC:**

**Date:** 3/5/2010 10:59:58 AM

**Subject:** ?FW: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

---

**From:** Schreiber, Lee Ann

**Sent:** Friday, March 05, 2010 10:35 AM

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

**Subject:** RE: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

This is very helpful information. Thanks for the analysis, Judge Winesett. I like Judge Gerald's suggestion, or something akin thereto, which requires the attorneys to disclose if there are surplus provisions in a FJ that do not appear in the FL SC form. It will save time. I have been asking the attorneys, with whom I am not familiar, if there are extraneous provisions that I might find objectionable. Once I spot it & strike it, they get the idea.

My first week has been great! Thanks for all your mentoring and support.

Have a nice weekend, everyone.

---

**From:** Winesett, Sherra

**Sent:** Thursday, March 04, 2010 6:12 PM

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

**Subject:** Re: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

I reviewed the opinion in the consolidated Fla. Sup. Ct. Case No. SC09-1460 entitled In Re: Amendments to the Florida Rules of Civil Procedure and Case No. SC09-1579 entitled In Re: amendments to the Florida Rules of Civil Procedure – Form 1.996 (Final Judgment of Foreclosure).

Case No. SC 09-1460 amends rule 1.110(b) to require verification of mortgage foreclosure complaints involving residential real property, adopts new form 1.924, Affidavit of Diligent Search and Inquiry and new form 1.996(b), Motion to Cancel and Reschedule Foreclosure Sale which provides for a reason to be checked to explain why the foreclosure sale needs to be cancelled and rescheduled. Fla. Sup. Ct. Case SC 09-1579 amends Form 1.996, the Final Judgment of Foreclosure form and numbers it Form 1.996(b).

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You should note in its opinion, the Court rejected including a provision in the Final Judgment form that the sale be cancelled if Plaintiff's representative is not present at the sale, finding that to be in conflict with the new form for Motion to Cancel and Reschedule Foreclosure Sale.

Judge Gerald has suggested that with respect to the Final Judgment Form we require the Plaintiff's attorney to file a certification with the proposed final judgment, listing any provisions in the proposed judgment that are not in Form 1.996(a) so that the presiding judge can quickly review those additional provisions to determine if they are allowable provisions.

Comments or suggestions? Sherra

20TH CIR 02008

12\_6\_2010

**From:** Schreiber, Lee Ann </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=LSCHREIBER>

**To:** Winesett, Sherra

Gerald, Lynn

McHugh, Michael

Fuller, Joseph

Rosman, Jay

**CC:**

**Date:** 3/5/2010 10:34:36 AM

**Subject:** ?RE: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

---

This is very helpful information. Thanks for the analysis, Judge Winesett. I like Judge Gerald's suggestion, or something akin thereto, which requires the attorneys to disclose if there are surplus provisions in a FJ that do not appear in the FI SC form. It will save time. I have been asking the attorneys, with whom I am not familiar, if there are extraneous provisions that I might find objectionable. Once I spot it & strike it, they get the idea.

My first week has been great! Thanks for all your mentoring and support.

Have a nice weekend, everyone.

---

**From:** Winesett, Sherra

**Sent:** Thursday, March 04, 2010 6:12 PM

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

**Subject:** Re: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

I reviewed the opinion in the consolidated Fla. Sup. Ct. Case No. SC09-1460 entitled In Re: Amendments to the Florida Rules of Civil Procedure and Case No. SC09-1579 entitled In Re: amendments to the Florida Rules of Civil Procedure – Form 1.996 (Final Judgment of Foreclosure).

Case No. SC 09-1460 amends rule 1.110(b) to require verification of mortgage foreclosure complaints involving residential real property, adopts new form 1.924, Affidavit of Diligent Search and Inquiry and new form 1.996(b), Motion to Cancel and Reschedule Foreclosure Sale which provides for a reason to be checked to explain why the foreclosure sale needs to be cancelled and rescheduled. Fla. Sup. Ct. Case SC 09-1579 amends Form 1.996, the Final Judgment of Foreclosure form and numbers it Form 1.996(b).

As I read the opinion on the consolidated cases, the amendments made by SC 09-1460 were effective immediately upon the release of the opinions on Feb. 11, 2010. However, there is a 60 day period from that date during which comments on the amendments made to form 1.996(a) may be filed.

I think the question is, Is the use of these forms, or the information required by them, mandatory? If so, effective immediately, we need to make sure new Complaints filed are verified, Diligent Search affidavits in compliance with the new rule are filed for constructive service, and a reason is stated in a motion for cancellation of the sale.

You should note in its opinion, the Court rejected including a provision in the Final Judgment form that the sale be cancelled if Plaintiff's representative is not present at the sale, finding that to be in conflict with the new form for Motion to Cancel and Reschedule Foreclosure Sale.

Judge Gerald has suggested that with respect to the Final Judgment Form we require the Plaintiff's attorney to file a certification with the proposed final judgment, listing any provisions in the proposed judgment that are not in Form 1.996(a) so that the presiding judge can quickly review those additional provisions to determine if they are allowable provisions.

Comments or suggestions? Sherra

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

**To:** McHugh, Michael

Gerald, Lynn

Fuller, Joseph

Schreiber, Lee Ann

Rosman, Jay

**CC:** Sauls, Sandi

English, Sharon

Crongeyer, Robert L.

**Date:** 3/5/2010 11:20:10 AM

**Subject:** ?RE: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

---

As I read the opinion, the 60 day comment period only applies to the new final judgment form, Form 1.996(a), not the new form on the Motion to Cancel and Reschedule Foreclosure Sale, so its effective as of 2/11/10. However, I do agree we need to give a prospective date when we will require the new form. Otherwise, we're going to have a lot of motions to set aside sales that didn't get cancelled under the prior procedures allowed, or worse, hearings on whether the form is procedural and not mandatory.

I've also copied our new case manager and magistrate with this e-mail because they attended the meeting where the Sup.Ct. opinion was brought up, and although we don't anticipate them being involved with foreclosures, they should be in the loop. Sorry, I overlooked you on the first e-mail.

---

**From:** McHugh, Michael

**Sent:** Friday, March 05, 2010 10:20 AM

**To:** Winesett, Sherra; Gerald, Lynn; Fuller, Joseph; Schreiber, Lee Ann; Rosman, Jay

**Cc:** Sauls, Sandi

**Subject:** RE: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

Judge Winesett and I had a conversation about the cancellation and rescheduling of foreclosure sales issue. It was our opinion that since the Supreme Court has promulgated the new form for the cancellation and rescheduling of sales, we should require the plaintiffs in these cases to use it. The rule adopted appears to be purely procedural, therefore not needing any enabling statute. The rule is effective immediately, with the understanding that there is a 60 day comment period. Our proposal is to require the form beginning April 1<sup>st</sup>. This is roughly consistent with the comment period and will give us an opportunity to make the plaintiff firms aware of our requirement in this regard, presumably through Mr. Hill and Mr. Goetz. This would mostly effect the cancellations that occur when the plaintiff firm calls the clerk's office and asks to cancel the sale before any motion has been filed or order signed. Under the new procedure the clerk's office would decline to cancel the sale and tell them the appropriate motion needs to be filed. Let me know your thoughts on this issue so we can decide the appropriate way to proceed.

Thanks,  
Mike.

---

**From:** Winesett, Sherra

**Sent:** Thursday, March 04, 2010 6:12 PM

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

**Subject:** Re: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

I reviewed the opinion in the consolidated Fla. Sup. Ct. Case No. SC09-1460 entitled In Re: Amendments to the Florida Rules of Civil Procedure and Case No. SC09-1579 entitled In Re: amendments to the Florida Rules of Civil Procedure – Form 1.996 (Final Judgment of Foreclosure).

Case No. SC 09-1460 amends rule 1.110(b) to require verification of mortgage foreclosure complaints involving residential real property, adopts new form 1.924, Affidavit of Diligent Search and Inquiry and new form 1.996(b), Motion to Cancel and

20TH CIR 02010

Reschedule Foreclosure Sale which provides for a reason to be asked to explain why the foreclosure sale needs to be cancelled and rescheduled. Fla. Sup. Ct. Case SC 09-1579 amends Form 1.996, the Final Judgment of Foreclosure form and numbers it Form 1.996(b).

As I read the opinion on the consolidated cases, the amendments made by SC 09-1460 were effective immediately upon the release of the opinions on Feb. 11, 2010. However, there is a 60 day period from that date during which comments on the amendments made to form 1.996(a) may be filed.

I think the question is, Is the use of these forms, or the information required by them, mandatory? If so, effective immediately, we need to make sure new Complaints filed are verified, Diligent Search affidavits in compliance with the new rule are filed for constructive service, and a reason is stated in a motion for cancellation of the sale.

You should note in its opinion, the Court rejected including a provision in the Final Judgment form that the sale be cancelled if Plaintiff's representative is not present at the sale, finding that to be in conflict with the new form for Motion to Cancel and Reschedule Foreclosure Sale.

Judge Gerald has suggested that with respect to the Final Judgment Form we require the Plaintiff's attorney to file a certification with the proposed final judgment, listing any provisions in the proposed judgment that are not in Form 1.996(a) so that the presiding judge can quickly review those additional provisions to determine if they are allowable provisions.

Comments or suggestions? Sherra

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

**To:** Cambareri, Kimberly

**CC:**

**Date:** 3/8/2010 9:58:24 AM

**Subject:** ?RE: Judge Schreiber

---

Not a problem.....thanks for the update.

---

**From:** Cambareri, Kimberly

**Sent:** Monday, March 08, 2010 9:56 AM

**To:** Carlin, John S.

**Cc:** McLean, Craig

**Subject:** Judge Schreiber

Good morning Judge Carlin,

I have a quick question to ask in regards to Judge Schreiber's docket. Since it was transferred from Judge Richards, I wasn't sure if you still wanted to monitor the requests. Judge Schreiber has requested to change one of her Wednesday foreclosure weeks in Lee County to the following; \*\*it is currently 200 slots for foreclosures starting at 08:30am.; at 1:30 there were 10 slots for 5 min hearings , at 2:30-3:30 there were 7 slots for 10 min hearings and from 3:30-4:30 there are 15 slots for 5 min hearings. Please let me know how you would like me to proceed.

**This is the email:**

Hi Kim,

Judge Schreiber is requesting to change her residential mortgage foreclosure docket in Lee County to the following timeslots:

On the Wednesday of the Fourth FULL week of the month (or the 2<sup>nd</sup> Lee Co week) and the Fifth Wednesday (if there is one):

9:00 am

10:30 am

1:30 am

3:00 pm

25 cases in each timeslot (for a total of 100 cases per day) with 10 and 15 minute hearings in the afternoon as we have now. If you have any questions, give me call.

Kimberly Cambareri

Computer Programmer/Analyst

20th Judicial Circuit Courts

(239) 533-9103 work

(239) 357-4506 mobile

<mailto:kcambareri@ca.cjis20.org>

**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 02013**



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

**To:** McHugh, Michael

**CC:**

**Date:** 4/23/2009 2:07:18 PM

**Subject:**

---

Mike-

LJ said that she thought that we would have enough volume to keep setting Monday hearings, one Senior Judge hearing 400 cases and one civil judge rotating in weekly for 400 cases or whatever the civil judges are comfortable hearing. Judge Cary offered to be part of the rotation. Let me know if I can be of any further assistance. Thanks for taking the lead with the civil judges on the foreclosure matter.

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

**To:** Metcalfe, Jan

**CC:**

**Date:** 4/30/2009 12:29:24 PM

**Subject:** ?FW: multiple letters from condo associations

---

From: Pivacek, Cynthia

Sent: Thursday, April 30, 2009 1:20 PM

To: Hayes, Hugh

Subject: RE: multiple letters from condo associations

sounds good to me...i will pull the file from david's stack!!!

From: Hayes, Hugh

Sent: Thursday, April 30, 2009 1:15 PM

To: Pivacek, Cynthia; Friedman, David

Cc: Metcalfe, Jan

Subject: RE: multiple letters from condo associations

Hi Gang:

I had decided to not respond to the condo Prez, but I did ask Jan to talk to the foreclosure clerks to make sure that we don't run into a problem I have been reading about where, in order to avoid paying the doc stamps and the special assessments/maintenance fees, the bank just files the foreclosure action so that they put the world on notice of their claim, but then just sit on the file until it is worked out at a later time. The Mortgagor doesn't mind because this gives them additional time to try to work it out/refinance...or to continue to live in the residence "rent free".

From: Pivacek, Cynthia

Sent: Thursday, April 30, 2009 12:51 PM

To: Friedman, David; Hayes, Hugh

Subject: multiple letters from condo associations

I am sending you a file in the run to review a letter sent by a condo association. I believe Judge Hayes also has a group of these letters coming in.

My initial response is to do no response at all or perhaps one generic letter?. Please review letter and make a recommendation to both Judge Hayes and myself. I would like to stay consistent without answering multiple letters.

CAP

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

**To:** Cambareri, Kimberly

**CC:**

**Date:** 4/5/2010 9:10:40 PM

**Subject:** ?RE: Foreclosure Stats

---

Yes, please. If you could send an amended calendar for the next six weeks, that would be great. Thank you.

---

**From:** Cambareri, Kimberly

**Sent:** Monday, April 05, 2010 2:48 PM

**To:** Carlin, John S.

**Subject:** RE: Foreclosure Stats

Yes sir. Do you want all of hers for the same six weeks?

---

**From:** Carlin, John S. <Fla. R. Court 2.420 >

**Sent:** Monday, April 05, 2010 1:54 PM

**To:** Cambareri, Kimberly <KCambareri@CA.CJIS20.ORG>

**Subject:** RE: Foreclosure Stats

Thanks for the explanation. When you send me information for the 6 week picture, can you give me all of Judge Schreiber's cases that are scheduled each day?

---

**From:** Cambareri, Kimberly

**Sent:** Monday, April 05, 2010 1:02 PM

**To:** Carlin, John S.

**Subject:** RE: Foreclosure Stats

Judge Carlin,

The foreclosure docket I send out on Monday is just foreclosure hearings only. Her information is all of her hearings, not just foreclosures. Attached to this email is the type of motions (all) of them that she is referring to.

Kimberly Cambareri

Computer Programmer/Analyst

(239) 533-9103 work

(239) 357-4506 mobile

<mailto:kcambareri@ca.cjis20.org>

---

**From:** Carlin, John S.

**Sent:** Monday, April 05, 2010 12:51 PM

**To:** Cambareri, Kimberly

**Subject:** FW: Foreclosure Stats

**Importance:** High

Kim-

Can you read the below emails and let me know if the numbers that you sent to me were inaccurate? Thanks.

---

**From:** Schreiber, Lee Ann

**Sent:** Monday, April 05, 2010 11:39 AM

**To:** Carlin, John S.

**Cc:** Conderman, Ellen; McHugh, Michael; Johnston, Linda; Cary, G. Keith

20TH CIR 02018

**Subject:** RE: Foreclosure Stats  
**Importance:** High

Good morning all,  
 I am at a loss to understand where these numbers were pulled from

My JACs calendar shows the following

(Mon) 04/19/10	68 hearings are set
(Tues) 04/20/10	72 hearings are set
(Wed) 04/21/10	209 hearings are set (this is the mass docket)
(Thur) 04/22/10	67 hearings are set
(Fri) 04/23/10	14 hearings are set (these are extended hearings of 30 mins each)
(Mon) 04/26/10	68 hearings are set
(Tues) 04/27/10	67 hearings are set
(Wed) 04/28/10	58 hearings are set - this is the mass docket that LJ schedules. Pursuant to my discussion with LJ and Ellen last Monday, we will trying to fill the remaining slots with other than SJ motions due to the time periods for filing same
(Thurs) 04/29/10	40 hearings are set
(Fri) 04/30/09	this is my ONE office day per month
(Mon) 05/17/10	65 hearings are set
Tues) 05/18/10	56 hearings are set
Wed) 05/19/10	146 hearings are set
(Thurs) 05/20/10	51 hearings are set
(Fri) 05/21/10	18 hearings are set (these are extended 30" hearings)

When we met ion 02/24/10 to talk about the foreclosure docket, we discussed setting 25 cases at EACH of the following intervals: 9:00, 10:30, 1:30 and 3:00 for a total of 100 hearings. We contacted Kim C. to set this up and were told she needed a "start" date (where there was nothing scheduled) in order to change the time template in JACs. Wed, Sept 1<sup>st</sup> was the first date that nothing was scheduled so that date was selected as the "start date" for the revised template.

For September forward we can expect 100 slots for hearings on Mondays, Tuesdays and Thursdays; Wednesday is the mass docket & Fridays are extended hearings

I will be attending AJS the end of May ( A lee County week).

I am taking a vacation June 21 to 28 (Also a Lee County week)which was scheduled before I got the appointment)

I am attending FL Conference of Circuit Judges July 26,27,28 – also a Lee County week

The Dependency Summit is Aug 24 to 26 (3 Lee County days = travel)and I have a dependency docket in Charlotte County, so I plan to attend

Please keep in mind we are only in Lee County 10 days $\pm$ per month which means we may need to set farther out than we might otherwise prefer. We are working to close some gaps since this was brought to my attention last Monday.

I have to have a root canal this afternoon, so I hope your afternoon is more pleasant than mine!

Lee

P.S. I saw the subsequent email re "the numbers may not be accurate", but the first email was disturbing enough that I looked into it right away.

---

**From:** Carlin, John S.  
**Sent:** Monday, April 05, 2010 10:57 AM  
**To:** Schreiber, Lee Ann  
**Cc:** Conderman, Ellen; McHugh, Michael; Johnston, Linda; Cary, G. Keith  
**Subject:** FW: Foreclosure Stats

I am forwarding to you the scheduled hearings for the next 6 weeks for foreclosures. As you can see, a few set on

the dates in April and May. I met with LJ this a.m. and requested that she contact the large foreclosure firms and try to fill these available dates i.e. we only have 4 hearings set for April 19 and 2 hearings set for April 20 and there are many other examples as you read the attachment. I would appreciate Ellen trying to fill these dates in April and May as we implement our new policy of not scheduling anything more than 60 days out from the request for hearing time. If anybody has any questions, please feel free to contact me at [REDACTED]. I appreciate your assistance in trying to get this schedule under control.

John

---

**From:** Cambareri, Kimberly  
**Sent:** Sunday, April 04, 2010 7:50 PM  
**To:** Aloia, Nancy K; Carlin, John S.  
**Subject:** Foreclosure Stats

Hello,

Here are the six week foreclosure stats from April 5, 2010 to May 12, 2010.  
Have a good week.

Kimberly Cambareri  
Computer Programmer/Analyst  
20th Judicial Circuit Courts  
(239) 533-9103 work  
(239) 357-4506 mobile  
<mailto:kcambareri@ca.cjis20.org>

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

**To:** Gerald, Lynn

Rosman, Jay

Fuller, Joseph

McHugh, Michael

Winesett, Sherra

**CC:** Golden, Diana

Trammell, Cindy

Porter, Joan

Poulston, Lisa

Hamsharie, Deborah

Cary, G. Keith

**Date:** 5/1/2009 9:17:14 AM

**Subject:** ?FW: Clearance rate

---

Please find attached our clearance rate for foreclosure cases in April which unfortunately was only 89.75. We are in the process of deciding how to best use Senior Judge time beginning July 1 with our new state fiscal year. It appears that we will have about the same number of days for next year as we had for this year. I understand that all of the civil judges are meeting next week to discuss how you want to "tackle" this mortgage foreclosure crisis. We have approximately 30,000 pending foreclosure cases and the backlog increases monthly when we do not clear at least 100% of the new filings for each month. You may have heard that Lee County will not be receiving a judge for one additional week beginning in July for civil due to the situation in Charlotte County which places them down one circuit judge. Judge Cary has agreed to assist with mortgage foreclosure cases in Lee County. I look forward to hearing about your ideas and plan for handling mortgage foreclosure cases.

John

---

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

**Sent:** Friday, May 01, 2009 8:24 AM

**To:** Carlin, John S.

**Subject:** Clearance rate



**CA MORTGAGE FORECLOSURE STATISTICS**

Case File Date Between 01/01/06 12:00 AM, 04/30/09 12:00 AM

Case First Disposition Date 01/01/06 12:00 AM, 04/30/09 12:00 AM

**CASE BACKLOG**

# of Cases  
 23999

**MONTHLY FILINGS & DISPOSITIONS**

Year	#	Month	# Filed	# Disposed	Difference	Clearance
2006	1	January	92	134	+42	145.65%
2006	2	February	105	84	-21	80.00%
2006	3	March	129	99	-30	76.74%
2006	4	April	103	81	-22	78.64%
2006	5	May	152	84	-68	55.26%
2006	6	June	176	127	-49	72.16%
2006	7	July	178	157	-21	88.20%
2006	8	August	204	149	-55	73.04%
2006	9	September	212	127	-85	59.91%
2006	10	October	324	139	-185	42.90%
2006	11	November	324	157	-167	48.46%
2006	12	December	371	126	-245	33.96%
2007	1	January	481	140	-341	29.11%
2007	2	February	558	195	-363	34.95%
2007	3	March	716	209	-507	29.19%
2007	4	April	721	227	-494	31.48%
2007	5	May	866	193	-673	22.29%
2007	6	June	962	287	-675	29.83%
2007	7	July	1,160	328	-832	28.28%
2007	8	August	1,330	309	-1,021	23.23%
2007	9	September	1,308	323	-985	24.69%
2007	10	October	1,805	424	-1,381	23.49%
2007	11	November	1,760	541	-1,219	30.74%
2007	12	December	1,895	393	-1,502	20.74%
2008	1	January	2,293	615	-1,678	26.82%
2008	2	February	2,460	570	-1,890	23.17%
2008	3	March	2,346	682	-1,664	29.07%
2008	4	April	2,463	989	-1,474	40.15%
2008	5	May	2,352	867	-1,485	36.86%
2008	6	June	2,519	1,771	-748	70.31%
2008	7	July	2,300	982	-1,318	42.70%
2008	8	August	2,154	1,134	-1,020	52.65%
2008	9	September	2,447	1,308	-1,139	53.45%
2008	10	October	2,603	1,349	-1,254	51.82%
2008	11	November	1,647	1,199	-448	72.80%
2008	12	December	2,202	3,350	+1,148	152.13%
2009	1	January	2,076	2,392	+316	115.22%
2009	2	February	1,960	1,886	-74	96.22%



CHARLIE GREEN: CLERK OF COURT

### CA MORTGAGE FORECLOSURE STATISTICS

Case File Date Between 01/01/06 12:00 AM, 04/30/09 12:00 AM

Case First Disposition Date 01/01/06 12:00 AM, 04/30/09 12:00 AM

Year	#	Month	# Filed	# Disposed	Difference	Clearance
2009	3	March	2,199	2,189	-10	99.55%
2009	4	April	1,902	1,707	-195	89.75%

**From:** Linda Doggett <ldoggett@leeclerk.org>

**To:** Green, Charlie

Cary, G. Keith

Duryea, John

Carlin, John S.

Callanan, Richard

Sauls, Sandi

Pleasant, Karen

**CC:** Atkins, Joanne

Harkey, Sandra D

Bennett, Laura

Kiesel, Lisa

Stockman, Marrikka

Kellum, Susan G

**Date:** 5/13/2010 2:35:10 PM

**Subject:** ?FW: Amended eFiling Application to Incl Foreclosures

---

Good afternoon,

The good news is that we received approval from the Supreme Court to start our eFiling project in the Probate Division (attached AOSC10-21). We had agreed in prior meetings that our goal was to include foreclosures in our initial eFiling effort. The AO approval, however, is not as open-ended as the wording in our application. I need your help with how we can best accomplish our goal. One thought is to submit a revised application (attached) to the Supreme Court with only the following change:

- 19. Describe the court divisions that will be impacted by the new system.

**Our long term project plan includes all court divisions to be implemented with a phased-in approach starting with Probate. Additionally, since we are not using paper case files in Foreclosures as approved by the Twentieth Judicial Circuit, we will also start implementing in Foreclosures as well. Each division to be implemented will move ahead with the input and consent of the Chief Judge.**

I hope Joanne will have a meeting scheduled next week to discuss this (Agenda attached) and to kick-off our eFiling project.

Best regards,

Linda Doggett  
Director, Courts Department  
Lee County Clerk of Circuit Court  
(239) 533-2554

---

**From:** Karen Pleasant  
**Sent:** Wednesday, May 12, 2010 1:40 PM  
**To:** Linda Doggett  
**Cc:** Lisa DiDonato  
**Subject:** Amended eFiling Application to Incl Foreclosures

Amended eFiling application attached.  
Thanks

**Have A Pleasant Day**  
\*\*\*\*\*

Karen Pleasant  
Application System Analyst

20TH CIR 02024

**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.**

# Supreme Court of Florida

No. AOSC10-21

IN RE: ELECTRONIC TRANSMISSION AND FILING OF  
DOCUMENTS UNDER FLORIDA RULE OF JUDICIAL  
ADMINISTRATION 2.525 FOR LEE COUNTY, IN THE  
TWENTIETH JUDICIAL CIRCUIT

## ADMINISTRATIVE ORDER

Pursuant to rule 2.525, Florida Rules of Judicial Administration, “[a]ny court or clerk of court may accept electronic transmission of documents for filing after the clerk, with input from the chief judge of the circuit, has obtained approval of the procedures and program for doing so from the Supreme Court of Florida.”

The Lee County Clerk of Court has submitted an Electronic Transmission and Filing of Documents Plan, requesting approval to accept documents filed by electronic transmission in the probate division of the court.

The Electronic Filing Committee of the Florida Courts Technology Commission, pursuant to the procedure established by the Supreme Court, reviewed the request and recommended that the Supreme Court of Florida approve the request from Lee County. The Florida Courts Technology Commission concurred with the recommendation of the Electronic Filing Committee.

Accordingly, the plan submitted by the Lee County Clerk of Court is hereby approved subject to the following terms and conditions:

**20TH CIR 02026**

- a. The Lee County Clerk of Court may implement the aforementioned technology procedures in accordance with the approved plan effective on the date of this order and must adhere to the statewide standards for electronic access to the courts as outlined in In re: Statewide Standards for Electronic Access to the Courts, AOSC09-30 (Fla. July 1, 2009).
- b. The Lee County Clerk of Court shall ensure that there is no possibility for vendors to release or distribute court data to third parties and that the clerk of court retains the designation as custodian of the court records.
- c. The Lee County Clerk of Court shall ensure that contract provisions prohibit any vendor from extracting, data mining, or engaging in similar activities with regard to information from original court filings and other court records or any associated databases containing court records in the circuit for commercial or other non-court related uses.
- d. The Lee County Clerk of Court shall ensure that no fees other than statutorily required fees can be assessed or collected by the clerk of court.
- e. The Lee County Clerk of Court shall ensure that remote data backups will be stored in a protected environment a minimum of 50 miles from

the primary production location of the court record or at a certified hardened facility, and that the circuit will comply with established data backup standards as they are revised and updated.

- f. This approval does not constitute an approval of any electronic forms that may be used in this process.
- g. The Lee County Clerk of Court shall submit monthly progress reports to the court system during the 90-day pilot test. Copies of the monthly progress reports shall be provided to the Chief Judge of the Twentieth Judicial Circuit, the State Courts Technology Officer in the Office of the State Courts Administrator, and the Clerk of the Supreme Court of Florida.
- h. Any attorney, party, or other person who files a document by electronic transmission with the Lee County Clerk of Court shall immediately thereafter file the identical document in paper form with an original signature of the attorney, party, or other person if a signature is otherwise required by the Rules of Judicial Administration (hereinafter referred to as the follow-up filing). The follow-up filing of any document that has been previously filed by electronic transmission may be discontinued if, after a 90-day period of accepting electronically filed documents, the clerk of court and

chief judge certify to this Court that the electronic filing system is efficient, reliable, and meets the demands of all parties, and this Court has issued an administrative order authorizing the elimination of the follow-up filing for the Lee County Probate Division.

- i. The Lee County Clerk of Court shall abide by In re: Revised Interim Policy on Electronic Release of Court Records, AOSC07-49 (Fla. Sept. 7, 2007).
- j. The Supreme Court anticipates the approval of a statewide e-filing “portal” to ensure equal access to electronic filing across the state and has directed that the Florida Courts Technology Commission make implementation of such a system a priority of the judicial branch. All local electronic filing systems must be compatible with the statewide electronic filing portal and approval of Lee County’s request is contingent on the system’s compatibility with the statewide portal when it is approved.
- k. At the present time, the Court is considering enhancements to current electronic filing practices throughout the State. There is a possibility that these enhancements may include the development and application of new business practices and technology standardization. Because these enhancements may occur in the near future, it will be the

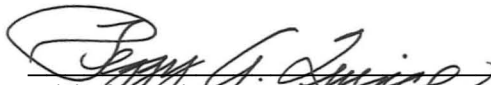


responsibility of the Clerk of Court for Lee County to ensure that functionality of the proposed system related to electronic court records will also be made compliant with these new technological enhancements.

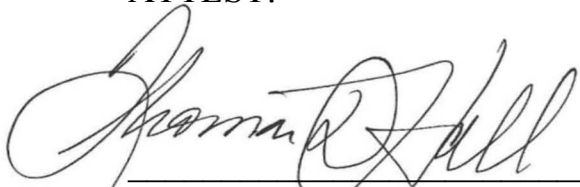
1. The Lee County Clerk of Court must continue to provide paper to the judiciary until the chief judge authorizes the elimination of paper files. At such time, the Lee County Clerk of Court must convert all documents to searchable PDFs.

In addition to the foregoing enumerated terms and conditions, the chief judge may, pursuant to the chief judge's constitutional and statutory responsibility for administrative supervision of the courts within the circuit, impose e-filing system or related requirements by local administrative order that are consistent with this administrative order.

DONE AND ORDERED at Tallahassee, Florida, on May 5, 2010.

  
 Chief Justice Peggy A. Quince

ATTEST:

  
 Thomas D. Hall, Clerk, Supreme Court



**From:** [Friedman, David </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=DFRIEDMAN>](mailto:Friedman, David </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=DFRIEDMAN>)

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

**CC:**

**Date:** 5/14/2009 11:34:28 AM

**Subject:** Foreclosure procedures

---

Jo-Ann.

Please let Judge Greider know, in case she was not aware, that these are the procedures that Judge Pivacek and Judge Hayes have used. After my day of foreclosure hearings, I enter a blanket Report on all the hearings, adopting the minutes that the clerk of court prepares. Fifteen days later, to comply with time limitations in 1.490, the Magistrate Rule, the Final Judgments are presented with the court file to the Judge. In Collier the Judges have me review the forms of the judgments, but that is obviously different in Hendry County. I have attached the form of the Report which the Clerk in Hendry will need to figure out where to file since there is no case number. If the Judge wants to implement any different procedure please let me know. I will bring a blank Report so that I can sign it at the end of the day on the 22d.

DCF

**From:** [Friedman, David </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=DFRIEDMAN>](mailto:Friedman, David </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=DFRIEDMAN>)

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

**CC:**

**Date:** 5/15/2009 10:53:34 AM

**Subject:** ?RE: Foreclosure procedures

---

I know what Judges Hayes and Pivacek and the clerks want changed or deleted from these judgments. Does Judge Greider have any provisions she wants me to look out for? For example, which Legal Aid office is supposed to be inserted in the surplus warning section – Florida Rural Legal Services in Fort Myers? Thanks.

---

**From:** Hendrickx, Jo-Ann  
**Sent:** Friday, May 15, 2009 11:50 AM  
**To:** Friedman, David  
**Subject:** RE: Foreclosure procedures

**The Clerk doesn't review the Judgments of the file.**

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

---

**From:** Friedman, David  
**Sent:** Friday, May 15, 2009 11:48 AM  
**To:** Hendrickx, Jo-Ann  
**Subject:** RE: Foreclosure procedures

That is a problem. I would suggest that in foreclosure cases we ask the clerk to copy their scratch docket and put them in the files so that my "recommendation" is in the court file when a party examines the file after the hearing. If that is what the clerk will do, I will change the Report which I sign to substitute "the clerk of court's scratch docket" for "the minutes of the clerk of court"; unless there is another reasonable solution out there that does not involve the preparation of one report of the magistrate on each foreclosure case.

Since the Judge is asking me to review the Judgments, I would like to know whether the clerks in Hendry do any of the prep work that the Collier clerks do, such as a checklist for the judgments and reviewing the judgments for the Judge.

Let me know when you can. Thanks.

---

**From:** Hendrickx, Jo-Ann  
**Sent:** Friday, May 15, 2009 11:40 AM  
**To:** Friedman, David  
**Subject:** RE: Foreclosure procedures

**David**

**I just wanted to let you know that the Clerk do not type up the minutes and put them in the files. They have a docket and keep a scratch docket with the ruling on it but no minutes in the file**

***Jo-Ann Hendrickx***  
***Judicial Assistant to***  
***Honorable Christine Greider***

20TH CIR 02032

**Circuit Judge**

**Tel: 863-675-5225**

**Fax: 863-675-5361**

---

**From:** Friedman, David  
**Sent:** Thursday, May 14, 2009 12:34 PM  
**To:** Hendrickx, Jo-Ann  
**Subject:** Foreclosure procedures

Jo-Ann.

Please let Judge Greider know, in case she was not aware, that these are the procedures that Judge Pivacek and Judge Hayes have used. After my day of foreclosure hearings, I enter a blanket Report on all the hearings, adopting the minutes that the clerk of court prepares. Fifteen days later, to comply with time limitations in 1.490, the Magistrate Rule, the Final Judgments are presented with the court file to the Judge. In Collier the Judges have me review the forms of the judgments, but that is obviously different in Hendry County. I have attached the form of the Report which the Clerk in Hendry will need to figure out where to file since there is no case number. If the Judge wants to implement any different procedure please let me know. I will bring a blank Report so that I can sign it at the end of the day on the 22d.

DCF

**From:** Greider, Christine </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=CGREIDER>

**To:** Hendrickx, Jo-Ann

**CC:**

**Date:** 5/15/2009 12:44:00 PM

**Subject:** ?RE: Magistrate Friedman's questions on Foreclosure Judgments

---



- 1) Florida Rural Legal Services in Fort Myers or Palm Beach is acceptable.
- 2) Delete provision that requires that the Plaintiff be present for sale.
- 3) Any other provision that Pivacek or Hayes requires to be deleted.

Many Thanks and have a Good Weekend!

---

**From:** Hendrickx, Jo-Ann

**Sent:** Friday, May 15, 2009 11:55 AM

**To:** Greider, Christine

**Subject:** Magistrate Friedman's questions on Foreclosure Judgments

I know what Judges Hayes and Pivacek and the clerks want changed or deleted from these judgments. Does Judge Greider have any provisions she wants me to look out for? For example, which Legal Aid office is supposed to be inserted in the surplus warning section – Florida Rural Legal Services in Fort Myers? Thanks.

***Jo-Ann Hendrickx***

***Judicial Assistant to  
Honorable Christine Greider  
Circuit Judge  
Tel: 863-675-5225  
Fax: 863-675-5361***

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

**To:** Cary, G. Keith

**CC:**

**Date:** 5/17/2010 1:38:56 PM

**Subject:** ?RE:

---

Looks like we are going to go forward without him. June 1 p.m. was not good for you in Susie's email. Is that correct?

---

**From:** Cary, G. Keith

**Sent:** Monday, May 17, 2010 2:30 PM

**To:** Carlin, John S.

**Subject:** FW:

Since this involves Foreclosure only could have w/o Duryea?

G. Keith Cary

239-Fla. R. Court 2,420

Fla. R. Court 2,420

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**From:** Stockman, Marrikka

**Sent:** Monday, May 17, 2010 2:28 PM

**To:** Kellum, Susan G; Carlin, John S.; Cary, G. Keith; Duryea, John

**Cc:** Atkins, Joanne

**Subject:** RE:

Judge Duryea is only available June 1<sup>st</sup> @ lunchtime or in the afternoon. Judge Duryea will be in the election workshop the entire day on June 2<sup>nd</sup> and out of the office on June 3<sup>rd</sup> and 4<sup>th</sup>.

*Marrikka Stockman, Judicial Assistant*

John E. Duryea, County Court Judge

(239) 533-9157

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**From:** Kellum, Susan G

**Sent:** Monday, May 17, 2010 2:16 PM

**To:** Carlin, John S.; Cary, G. Keith; Duryea, John

**Cc:** Atkins, Joanne; Stockman, Marrikka

**Subject:** RE:

Judge Cary is available June 1 Morning

June 2 Morning or afternoon

June 4 Morning

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**From:** Carlin, John S.

**Sent:** Monday, May 17, 2010 2:09 PM

**To:** Cary, G. Keith; Duryea, John

**Cc:** Atkins, Joanne; Kellum, Susan G; Stockman, Marrikka

**Subject:**

We need to meet with the Clerk's office on June 1, 2, 3 or 4. Can each of you give me your available times on each date and I will set a meeting that is good for all. Thank you.

**From:** McHugh, Michael </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=MMCHUGH>

**To:** Carlin, John S.

**CC:**

**Date:** 5/19/2010 1:36:00 PM

**Subject:** ?RE: Civil ideas

---

They might be a candidate for the trials of the foreclosure cases that we set. They might also be able to help out on some of the contested foreclosure summary Judgment cases. We might be able to pick up the pace on the case management conferences for the older civil cases as well.

---

**From:** Carlin, John S.

**Sent:** Wednesday, May 19, 2010 2:32 PM

**To:** McHugh, Michael

**Subject:** FW: Civil ideas

We did not discuss the cases for the 1.5 Magistrates beginning July 1. They have to be involved in back-log reduction. Any ideas?

---

**From:** Carlin, John S.

**Sent:** Wednesday, May 19, 2010 1:16 PM

**To:** McHugh, Michael

**Subject:** Civil ideas

Here are some thoughts for our meeting tomorrow:

Foreclosure docket with Senior Judges

1. Block schedule all hearings with 75 hearings beginning at 8:30 a.m. and 100 hearings in the p.m. beginning at 1:00 p.m.
2. Set all future hearings for 8:30 and 1:00
3. See if civil judges would agree to handle Motions to Substitute Party without setting for hearing
4. In July, Judge Schreiber would handle the foreclosure docket for the last time. We would set contested summary judgment hearings ( we have a request for 600 from Default Group) and trial calls with Senior Judges in July for cases in 2007 and set some trial time for possible trials in July.
5. Senior Judges would handle all foreclosure hearings beginning Aug. 1. We need to decide how many days to allocate for uncontested hearings, contested summary judgment hearings, high volume summary judgment, trial calls and trials. We have 180 total days beginning July 1. Could set fewer than 15 in early months and more in later months if necessary.
6. See if Sharon English has time to case manage foreclosure cases from 2006 and older and serve as a feeder for court dates.

Judge Schreiber civil docket in Lee beginning Aug. 1

1. Reassign cases 2006 and older that are not foreclosure cases to Lee which is approximately 550 cases.
2. Need to have Lee's availability from Aug. 1 through June 30 to set court dates. She is assigned to Lee the third and fourth weeks of the month beginning with the third Monday. Some months have more than 10 days.
3. Have Sharon case manage these cases and serve as a feeder for court dates that would include hearing dates and trial dates. Set parameters with Lee's approval regarding the scheduling of hearings and trials.
4. Need to decide how many days to use for hearings v. trials during her Lee weeks.

Mike, please feel free to add or delete any items and email back to me, if possible, prior to our meeting at 9:30. Thanks!

**20TH CIR 02036**

11\_30\_2010

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

**To:** Kellum, Ken

**CC:** Rose, Penelope

McHugh, Michael

Aloia, Nancy K

**Date:** 5/21/2010 2:39:52 PM

**Subject:** ?RE: courtrooms

---

I only gave you a schedule for July for the 9 days of hearings with Senior Judges but future months will have 15 or more hearings. It would be best to assign one courtroom permanently to the Senior Judges for foreclosure hearings and put EID in a separate courtroom. It will work fine for July but for the other 11 months let's dedicate one courtroom for Senior Judges only. Thanks for putting together this plan.

---

**From:** Kellum, Ken

**Sent:** Friday, May 21, 2010 2:47 PM

**To:** Carlin, John S.

**Cc:** Rose, Penelope

**Subject:** courtrooms

Ok. Per our conversation Here is the plan for courtrooms

New Magistrate will use courtroom 1-B (old CR J) – Will use adjacent judicial chambers formerly occupied by Judge Richards.

DOR Hearing Officers will use courtrooms 1-D (old HR 18) and if needed 1-C (old HR 17). \*If we experience problems with this I will move them to a large courtroom on the 5<sup>th</sup> floor but I want to be sure I keep at least two courtrooms on the 5<sup>th</sup> floor free for the Circuit Civil Judges.

Senior Judges will use Courtroom 5-E (old CR B) – The only other activity scheduled in that room is EID and looking at the schedule you gave me there is no conflict. If a conflict develops with EID, I will move EID to another courtroom.

The part-time magistrate will use courtroom 5-I (old CR F) two weeks a month. When you know which weeks we will mark those off and make 5-I available the other two weeks for the Circuit Civil judges.

That leaves Courtrooms 5-F (old CR A) and 5-J (old CR E) open for the Circuit Civil Judges.

If you see any problems here let me know. I want to be sure we are meeting your needs.

*Ken Kellum*



## Starnes, Hugh E

---

**From:** Carlin, John S.  
**Sent:** Friday, May 21, 2010 2:30 PM  
**To:** Rose, Penelope  
**Cc:** Johnston, Linda; Kellum, Ken; McHugh, Michael; Aloia, Nancy K; Starnes, Hugh E; Thompson, James  
**Subject:** Contested Foreclosure hearings in July

Penelope-

Please book Judge Thompson for July 19, 20, 26, 27 for contested foreclosure hearings.

Please book Judge Starnes for July 21, 22, 23, 29 and 30 for contested foreclosure hearings.

Please confirm with me that Judge Starnes and Thompson are available on all of these July dates.

LJ- We can book 40 contested hearings for the morning session beginning at 8:30 a.m. and 40 contested hearings for the afternoon session beginning at 1:00 p.m. Can you let FL Default group know of these dates today since there is a timeline for summary judgment hearings. Do you also want to contact other firms regarding this time availability for contest foreclosure hearings in July? We really need to book 80 hearings each day to make this work.

Ken- Please respond to all with the 5<sup>th</sup> floor courtroom for these hearings so LJ can get the word out today as she is out of the office next week.

Please let me know if anybody has any questions. Thank you.

**From:** Cambareri, Kimberly </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=KCAMBARERI>

**To:** Carlin, John S.

Aloia, Nancy K

**CC:**

**Date:** 5/3/2010 7:09:54 AM

**Subject:** Docket

---

Good morning – Attached are the two requested dockets ranging from 05/03/2010 to 06/18/2010. The foreclosure docket only looks for a specific motion of summary judgments and the docket for Judge Schreiber is all of her motions, sorted by date.

Please let me know if you have any questions.

Kimberly Cambareri  
Computer Programmer/Analyst  
20th Judicial Circuit Courts  
(239) 533-9103 work  
(239) 357-4506 mobile  
<mailto:kcambareri@ca.cjis20.org>

Foreclosure docket from 5/3/2010 to 6/18/2010

**JUDGE GERALD**

Hearing Date 05/03/2010 2

**JUDGE GERALD**

Hearing Date 05/10/2010 2

**JUDGE MC HUGH**

Hearing Date 05/11/2010 1

**SENIOR JUDGE THOMPSON**

Hearing Date 05/14/2010 447

**JUDGE GERALD**

Hearing Date 05/17/2010 2

**JUDGE LEE SCHREIBER**

Hearing Date 05/17/2010 4

**JUDGE MC HUGH**

Hearing Date 05/17/2010 2

**JUDGE LEE SCHREIBER**

Hearing Date 05/18/2010 2

**JUDGE LEE SCHREIBER**

Hearing Date 05/19/2010 114

**JUDGE LEE SCHREIBER**

Hearing Date 05/20/2010 7

**JUDGE GERALD**

Hearing Date 05/24/2010 4

**JUDGE MC HUGH**

Hearing Date 05/24/2010 1

**JUDGE J ROSMAN**

Hearing Date 06/01/2010 5

**JUDGE LEE SCHREIBER**

Hearing Date 06/01/2010 4

**JUDGE MC HUGH**

Hearing Date 06/01/2010 1

**JUDGE LEE SCHREIBER**

Hearing Date 06/02/2010 10

**JUDGE LEE SCHREIBER**

Hearing Date 06/03/2010 11

**SENIOR JUDGE THOMPSON**

Hearing Date 06/04/2010 326

**JUDGE GERALD**

Hearing Date 06/07/2010 3

# Foreclosure docket from 5/3/2010 to 6/18/2010

## **JUDGE MC HUGH**

Hearing Date	06/07/2010	1
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## **JUDGE GERALD**

Hearing Date	06/14/2010	1
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## **JUDGE MC HUGH**

Hearing Date	06/14/2010	2
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## **SENIOR JUDGE THOMPSON**

Hearing Date	06/18/2010	165
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Total cases From 5/3/2010 to 6/18/2010	1,117
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*\*Six week listing of to include hearings with a motion = foreclosure ONLY*

Judge Schreibers Docket from 5/3/2010 to 6/18/2010 - All  
hearings

On Hearing Date	05/17/2010	
Distribute 3rd Party funds and disburse surplus funds		1
Drop Party		1
Extension of Time		1
Issue Writ of Possession		1
M/Dismiss and Strike		1
M/Relief FJ		1
Motion: AMEND		5
Motion: COMPEL		1
Motion: CONTINUE		1
Motion: DEFAULT		1
Motion: DEFICIENCY JUDGMENT		1
Motion: DISMISS		7
Motion: ENFORCE		1
Motion: FINAL DEFAULT JUDGMENT		1
Motion: Motion to Withdraw Counsel		1
Motion: QUASH		1
Motion: SET ASIDE		1
Motion: STRIKE		3
Motion: SUBSTITUE PARTY PLAINTIFF		36
Motion: SUMMARY JUDGMENT		4
FORECLOSURE		
Motion: VACATE		3
Motion: WITHDRAW		1
Relief of FJ and M/Stay Foreclosure Sale		1
Reset Sale		1
STRIKE AND DISMISS		1
Strike; Compel Discovery and Compel Mediation		1
Sub party and MSJ		1
Sub party Plaintiff and MSJ		2
SUBSTITUTE PLAINTIFF COUNSEL		1
to Disburse Funds		1
to order Mediation		1
Writ of Possession		1
Writ of Posession		1
Writ of Possession		1
Writ of Possession/Assistance		1
<b>Total For Hearing Date</b>	<b>05/17/2010</b>	<b>88</b>

On Hearing Date 05/18/2010

20TH CIR 02042

# Judge Schreibers Docket from 5/3/2010 to 6/18/2010 - All hearings

Additional Advances	1
Enlargement of Time and OTC for Payment not to be made	1
Extend Time to Respond	1
Issuance of Writ of Possession	1
Issue Writ of Possession	2
M/Deficiency Judgment	1
Mediation	1
Mediation and Homestead	1
Motion to Compel and for Sanctions	1
Motion: AMEND	5
Motion: ATTORNEYS FEES	1
Motion: CONTINUE	1
Motion: DEFICIENCY JUDGMENT	5
Motion: DISMISS	9
Motion: MOTION TO WITHDRAW	1
Motion: STRIKE	3
Motion: SUBSTITUE PARTY PLAINTIFF	22
Motion: SUMMARY JUDGEMENT	3
Motion: SUMMARY JUDGMENT	2
FORECLOSURE	
Motion: VACATE	6
Motion: WITHDRAW	3
Objection of Sale	1
Objection to Sale	3
Order of Show Cause	1
Order to Show Cause	1
Ratify sale and issue certificate	1
Rehearing	1
Release of FJ of Foreclosure	1
Reopen and M/ Transfer Venue	1
Reopen and Vacate Dismissal	1
Sub Party and MSJ	3
to Issue Certificate of Title	1
to Reopen	1

**Total For Hearing Date      05/18/2010      87**

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**On Hearing Date      05/19/2010**

Dismiss and Sub-Counsel	1
Enter to make repairs	1
for Mediation	2
for Writ of Possession	1

Judge Schreibers Docket from 5/3/2010 to 6/18/2010 - All  
hearings

M/ for Writ of Possession	5
M/ to Release Originals	1
M/Deficiency Judgment	1
M/for Order Compelling Discovery	1
M/for Supplemental Complaint	1
M/Reschedule Sale	1
M/SJ & M/Substitute Party	1
M/to Amend SFJ and Reset Sale	1
M/to Reschedule Sale	1
M/Writ of Possession	4
Motion: ABATE	1
Motion: AMEND	18
Motion: COMPEL	3
Motion: DEFAULT	1
Motion: DEFICIENCY JUDGMENT	1
Motion: DISMISS	6
Motion: FINAL DEFAULT JUDGMENT	1
Motion: FINAL JUDGMENT	3
Motion: Motion to Compel	1
Motion: Motion to Withdraw Counsel	2
Motion: SET ASIDE	1
Motion: SUBSTITUE PARTY PLAINTIFF	4
Motion: SUMMARY JUDGEMENT	13
Motion: SUMMARY JUDGMENT	114
FORECLOSURE	
Motion: VACATE	4
Motion: WITHDRAW	4
Order to Amend	1
Sub Party and MSJ	4
Sub Party Plaintiff and MSJ	5
Writ of Possession	12

**Total For Hearing Date      05/19/2010      221**

**On Hearing Date      05/20/2010**

Amend Answer and Mediation	1
Amend FJ, Correct Address and Writ of Possession	1
Compel and Atty Fees	1
Compel interrogatories, request to produce	1
Dismiss and Set Aside	1
Extension of Time	1

# Judge Schreibers Docket from 5/3/2010 to 6/18/2010 - All hearings

Leave to file counterclaim and 3rd party complaint	1
M/for Leave to File Supplemental Complaint	1
M/to Correct Scrivener Error	1
Mediation	1
Motion: AMEND	10
Motion: COMPEL	3
Motion: DEFAULT	1
Motion: DEFICIENCY JUDGMENT	4
Motion: DISBURSE FUNDS	1
Motion: DISMISS	9
Motion: FINAL DEFAULT JUDGMENT	1
Motion: FINAL JUDGMENT	2
Motion: MOTION TO WITHDRAW	1
Motion: SANCTIONS	1
Motion: SET ASIDE	2
Motion: SHOW CAUSE	1
Motion: STRIKE	2
Motion: SUBSTITUE PARTY PLAINTIFF	7
Motion: SUMMARY JUDGEMENT	7
Motion: SUMMARY JUDGMENT	7
FORECLOSURE	
Motion: VACATE	4
Motion: WITHDRAW	1
Protective Order on 3rd Request for Production	1
Quash and Set Aside Default	1
Refer to Mediation	1
Release Original Documents	2
Schedule Foreclosure Sale	1
Strike, Dimiss, Sanctions and Judgment	1
Subsitute Plaintiff	1
To Qaush Service	1
To reinstate	1
to Reopen	1
To Transfer Documents	1
Writ of Possession	2

**Total For Hearing Date      05/20/2010      88**

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**On Hearing Date      05/21/2010**

All Pending Motions	1
DEFENDANT'S OBJECTION	1



# Judge Schreibers Docket from 5/3/2010 to 6/18/2010 - All hearings

Motion: COMPEL	2
Motion: DEFICIENCY JUDGMENT	4
Motion: DISMISS	4
Motion: STRIKE	1
Motion: SUMMARY JUDGEMENT	2
MSJ/strike	1
MSJ/STRIKE DEMAND	1
Objection (2); Disclosure	1
Temp and Perm Injunctive Relief Reconsider and Amend to consolodate	1
To Extend answer to Summons	1
<b>Total For Hearing Date</b>	<b>21</b>
<b>05/21/2010</b>	

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**On Hearing Date**      **06/01/2010**

Compel, Admissions admitted and Mediation	1
Extend/Require Mediation	1
Leave to Amend	1
Mediation	1
Motion: AMEND	4
Motion: COMPEL	5
Motion: CONSOLIDATE	1
Motion: DEFAULT	2
Motion: DEFICIENCY JUDGMENT	3
Motion: DISMISS	18
Motion: FINAL DEFAULT JUDGMENT	1
Motion: STRIKE	5
Motion: SUBSTITUE PARTY PLAINTIFF	2
Motion: SUMMARY JUDGEMENT	11
Motion: SUMMARY JUDGMENT	4
FORECLOSURE	
Motion: VACATE	2
Motion: WITHDRAW	3
Objection to Sale	2
Ratify sale and Objection to Sale	1
Renewed SJ and Ward of Fees	1
Reopen	1
Scriveners Error	1
Stay	1
Sub Party and MSJ	4
to Deem Admissions Timely Filed	1
To extend time and for Mediation	1

Judge Schreibers Docket from 5/3/2010 to 6/18/2010 - All  
hearings

to Reinstate	1
Vacate and Recind Judicial Sale	1
Writ	1
Writ of Possession	2

**Total For Hearing Date      06/01/2010      83**

**On Hearing Date      06/02/2010**

M/ Reset Sale	1
M/Dismiss	1
Motion: AMEND	2
Motion: DISMISS	11
Motion: SET ASIDE	1
Motion: SUBSTITUE PARTY PLAINTIFF	12
Motion: SUMMARY JUDGEMENT	3
Motion: SUMMARY JUDGMENT	10
FORECLOSURE	
Motion: VACATE	1
Motion: WITHDRAW	2
Protective Order and MSJ	1
To consolidate	1
To Correct Scrivners Error	1
Writ of Possession	2

**Total For Hearing Date      06/02/2010      49**

**On Hearing Date      06/03/2010**

Amended M/Dismiss	1
Compel and Extension of Time	1
Default and Substitution Party Plaintiff	1
Default Final Judgment	1
Extension of Time	1
for Mediation	1
M/ for Leave to file Amended Supplemental Complaint	1
M/ for Writ of Possession	1
M/to Quash Service	1
Mediation and to Extend Time	1
Motion for Mediation	1
Motion: ABATE	1
Motion: AMEND	2
Motion: COMPEL	3
Motion: CONSOLIDATE	1
Motion: DEFAULT	1

# Judge Schreibers Docket from 5/3/2010 to 6/18/2010 - All

## hearings

Motion: DISMISS	17
Motion: FINAL JUDGMENT	2
Motion: STRIKE	7
Motion: SUBSTITUE PARTY PLAINTIFF	8
Motion: SUMMARY JUDGEMENT	6
Motion: SUMMARY JUDGMENT	11
FORECLOSURE	
Motion: WITHDRAW	2
Protective Order	1
Reaffirmation	1
Reestablish Lost Summons	1
Refund foreclosure Fees	1
Reinstate	1
Release of Funds	1
Stike and Dismiss Counter Claim	1
Strike and Mediation	1
Sub Party and MSJ	4
Substitution of Counsel	1
To Reaffirm	2
Writ of Posession	1
Writ of Possession	1

<b>Total For Hearing Date</b>	<b>06/03/2010</b>	<b>89</b>
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<b>On Hearing Date</b>	<b>06/14/2010</b>	
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Sub Party and MSJ		1
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<b>Total For Hearing Date</b>	<b>06/14/2010</b>	<b>1</b>
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Total cases From 5/3/2010 to 6/18/2010		<b>727</b>
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Six week listing of all Judge Schreibers hearings *sorted by motion*