



**From:** Janet Gilbert  
**To:** Marcia K. Phelps  
**Subject:** RE: 1st Circuit Statistics

**Sent:** Thu, 22 Apr 2010 10:45:00 GMT

Thanks

*Janet E. Gilbert*

Family Court Manager  
Court Administration  
1st Judicial Circuit of Florida  
190 Governmental Center  
Pensacola, FL 32502  
Phone: 850-595-0379  
FAX: 850-595-3246  
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**From:** Marcia K. Phelps  
**Sent:** Thursday, April 22, 2010 10:42 AM  
**To:** Janet Gilbert  
**Subject:** FW: 1st Circuit Statistics

Looks like the Collins Center agrees with us ☺ So there were 876 mediations conducted with 526 settlements (60%). Let me know if you need anything more from me on this --

*Marcia*

Marcia K. Phelps, Ph.D.  
Director, Alternative Dispute Resolution  
1st Judicial Circuit of Florida  
850-595-4415  
[Marcia.Phelps@FLCOURTS1.gov](mailto:Marcia.Phelps@FLCOURTS1.gov)

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**From:** Jay Facemire [<mailto:jayfacemire@collinsmediation.org>]  
**Sent:** Thursday, April 22, 2010 10:41 AM  
**To:** Marcia K. Phelps  
**Subject:** RE: 1st Circuit Statistics

Marcia,

You are correct, there have been:

876 mediations  
526 settlements  
350 impasses  
152 cases settled prior to mediation

The cases settled prior to mediation should not have been added in. I have attached the updated pie chart. Let me know if this answers your questions. Thanks

-Jay

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**From:** Marcia K. Phelps [mailto:Marcia.Phelps@FLCOURTS1.GOV]  
**Sent:** Thursday, April 22, 2010 10:59 AM  
**To:** Jay Facemire  
**Subject:** RE: 1st Circuit Statistics

Jay – a couple of questions. If I add the number of settlements (526) to the number of impasses (350) I get 876, but the “mediations conducted” number is 1,028. This is a difference of 152, which just equals the number of cases settled before mediation. Are these 152 cases included in the mediations conducted number?

Thanks, in advance, for the clarification – and thanks for your prompt response!

*Marcia*

**Marcia K. Phelps, Ph.D.**  
Director, Alternative Dispute Resolution  
1st Judicial Circuit of Florida  
850-595-4415  
[Marcia.Phelps@FLCOURTS1.gov](mailto:Marcia.Phelps@FLCOURTS1.gov)

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**From:** Jay Facemire [mailto:jayfacemire@collinsmediation.org]  
**Sent:** Thursday, April 22, 2010 9:47 AM  
**To:** Marcia K. Phelps  
**Subject:** 1st Circuit Statistics

Marcia,

Attached are the statistics that you have requested. Please let me know if this what you need and if I can provide any additional information. Thanks.

**Jay Facemire**  
Senior Management Analyst

Collins Center Mortgage Foreclosure Mediation Program  
850-219-0082 ex.117  
[jayfacemire@collinsmediation.org](mailto:jayfacemire@collinsmediation.org)

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**From:** [Robin Wright](#) **Sent:** Mon, 24 May 2010 11:05:58 GMT  
**To:** [Janet Gilbert](#)  
**Subject:** FW: Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11

[ForeclosureandEconomicRecovery FundingPlans Updated05212010.pdf \(10Kb\)](#) [62% Estimated RPMF Backlog.pdf \(14Kb\)](#) [Foreclosure and Economic Recovery Responses from Circuits May 2010 v2.pdf \(20Kb\)](#)

FYI

I am amending the budget and will copy you on it.

**From:** Kristine Slayden [mailto:slaydenk@flcourts.org]  
**Sent:** Friday, May 21, 2010 1:42 PM  
**To:** Trial Court Chief Judges; Trial Court Administrators  
**Cc:** Trial Court Budget Commission; Lisa Goodner; Charlotte Jerrett; Dorothy Wilson; Gary Phillips; Theresa Westerfield; Heather Thuotte-Pierson; Kristine Slayden; Sharon Bosley; Sharon Buckingham  
**Subject:** Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11

Chief Judges/Trial Court Administrators – The Trial Court Budget Commission met yesterday and approved the following 5 issues for the implementation of the Foreclosure and Economic Recovery Funding for FY 2010/11. Any adjustments to your circuit’s plan based on these decisions need to be emailed to Dorothy Wilson at [burked@flcourts.org](mailto:burked@flcourts.org) by COB Tuesday, May 25<sup>th</sup>. Please refer to the bottom of this email for further submission instructions.

Please note that the allocations will be provided to the Chief Justice and the Legislature for final approval.

**Issue 1: FY 2010/11 Funding Allocations Approved**

- 1) Approved the FY 2010/11 circuit allocations for the Foreclosure and Economic Recovery Funding, with an adjustment to the contracted services category for case management and administrative support for the 10<sup>th</sup>, 12<sup>th</sup>, and 15<sup>th</sup> circuits (due to restrictions with using contractual dollars). The revised allocation chart is attached.
- 2) Approved effective date for the implementation of the circuits’ plans so resources can be deployed on July 1, 2010, using existing FY 2009/10 funds for advertising if necessary.

**Issue 2: Types of Cases and Disposition Goals Approved**

- 1) Approved real property/mortgage foreclosure cases as the focus of this initiative. If a circuit has cleared all real property/mortgage foreclosure cases from backlog, the circuit may request in writing to the TCBC Chair, with a copy to the TCBC Budget Management Committee Chair, and to the State Courts Administrator, asking to use the funds to handle contracts and indebtedness cases, and county civil cases valued from \$5,001 to \$15,000.
- 2) Approved a targeted goal for the disposition of backlog cases of 62%, which corresponds to the reduction in funding (\$9.6 million proposal reduced down to \$6.0 million appropriation is a 38% reduction).

The attached chart indicates the targeted backlog reduction for the **estimated** Real Property/Mortgage Foreclosure backlog cases for each circuit. The actual number of backlog cases will need to be produced at the beginning of the initiative for tracking purposes.

**Issue 3: Budget Policy Considerations Approved**

- a) In order to comply with legislative intent, any expenditure of any type utilizing this funding is strictly limited to direct support of the backlog reduction of the approved case types listed in Issue 2.
- b) In order to ensure that senior judges who are assigned to the Foreclosure and Economic Recovery initiative are paid with the appropriate funds, the current senior judge application will be modified to allow circuits to specify from which funding source the senior judge should be paid. The Trial Court Administrators are responsible for ensuring that the information is reported properly.
- c) Expenditures from the Expense category are limited to intra-circuit travel for staff, intra- and inter-circuit travel for Senior Judges, consumable office supplies, postage, copying, printing and reproduction. To maximize the Expense allotment, circuits are encouraged to use existing resources or surplus furnishings for any office furniture needs for OPS staff and/or Senior Judges. Subscriptions and the like are not allowable expenditures for this funding, neither are computers or other communication devices as those items are a county funding responsibility.
- d) A contingency for the Expense category was approved in the original proposal and factored into the appropriated amount. In order to access these contingency funds, a circuit must have exhausted its Foreclosure and Economic Recovery Expense allotment. Requests for additional Expense are to be made in writing to the TCBC Chair, with a copy to the TCBC Budget Management Committee Chair, and to the State Courts Administrator. The request must provide a complete, detailed explanation of how Expense funding came to be exhausted, what steps were taken to alleviate the impending shortfall, the amount requested and how that amount was calculated.

**Issue 4: Funding/Plan Monitoring Approved**

- a. The Budget Management Committee (BMC) will monitor expenditures on a monthly basis to ensure that resources are only being used for the purpose of backlog reduction for the approved case types. In addition, the BMC will monitor case event data to ensure that expenditures correlate with the TCBC approved activities.
- b. The Supreme Court Inspector General will also be reviewing the Foreclosure and Economic Recovery initiative for potential inclusion in the branch's FY 2010/11 audit plan.

**Issue 5: Clerk Assistance Approved**

Information on in-courtroom resources (general magistrates and senior judges) that will be assigned in each county and the maximum number of courtrooms that will be scheduled at any one time in each county will be shared with clerks once it has been finalized (see attached chart – please update this information, if needed). The chief judge in each circuit should work with their clerks to ensure the clerks appropriately support their plan. These plans need to be shared with the Office of the State Courts Administrator so that the legislature can be informed of the collaborative work on this issue. In addition, the TCBC approved the requirement that the clerks of court provide data support for this initiative.

Two other issues on performance measurement and FY 2011/12 Legislative Budget Request were

postponed until the June 4<sup>th</sup> TCBC meeting.

**Directions:**

If the decisions above require you to modify your plan allocations, please make the adjustments and notify Dorothy Wilson of the specific changes to the allocation categories by email at [burked@flcourts.org](mailto:burked@flcourts.org) by COB, Tuesday, May 25, 2010. If no changes are needed, please indicate that in an email to Dorothy. In addition, if any changes in your allocations require a revision to the in courtroom resources, please provide that information also.

Listed below are the job classes and hourly rates for OPS positions that were used in the original proposal for the Foreclosure and Economic Recovery Funding. The TCBC approved the circuit allocations with direction to the circuits that they hire within these guidelines.

Element	Position	Maximum rate
Magistrates:	Magistrate	\$35.48 hourly
Case Management:	Court Program Specialist II	\$17.36 hourly
	Court Program Specialist I	\$14.58 hourly
and Pinellas	Court Program Specialist I	\$15.40 hourly w/ CAD – Hillsborough
Monroe, Palm Beach	Court Program Specialist I	\$15.40 hourly w/ CAD – Broward, Dade,
Admin. Support:	Senior Secretary	\$11.89 hourly
	Senior Secretary	\$12.10 hourly w/ CAD – Hillsborough
and Pinellas	Senior Secretary	\$12.48 hourly w/ CAD – Broward,
Dade, Monroe, Palm Beach		

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

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

Please let me know if you have any questions. Kris

Kris Slayden  
 Research and Data  
 Office of the State Courts Administrator  
 Florida Supreme Court  
 500 S. Duval Street  
 Tallahassee, Florida 32399  
 850-922-5106 (wk)  
 850-556-2335 (cell)  
 850-414-1342 (fax)

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**From:** Janet Gilbert

**Sent:** Thu, 27 May 2010 12:27:00 GMT

**To:** Judge Keith Brace; parnham: [REDACTED]

**Subject:**

[Hearing Memo of Status.doc \(29Kb\)](#) [Foreclosure Form for Final Hearing.doc \(59Kb\)](#)

Judges, here is memorandum of status and the Foreclosure Information Form for your review. Thank you.

*Janet E. Gilbert*

Family Court Manager

Court Administration

1st Judicial Circuit of Florida

190 Governmental Center

Pensacola, FL 32502

Phone: 850-595-0379

FAX: 850-595-3246

[janet.gilbert@flcourts1.gov](mailto:janet.gilbert@flcourts1.gov)

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IN THE CIRCUIT COURT, FIRST JUDICIAL CIRCUIT  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Plaintiff(s)

vs.

CASE NO.: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant(s)

**MORTGAGE FORECLOSURE HEARING MEMORANDUM OF STATUS**

The plaintiff files this memorandum of status in compliance with Administrative Order #2010-01; Re: Mortgage Foreclosure Case Management.

Hearing Date: \_\_\_\_\_ Time: \_\_\_\_\_

1. This memorandum is served, and a copy provided by email, fax, or hand delivery directly to the office of the presiding judge at least seven (7) calendar days prior to the scheduled foreclosure hearing.

2. As to each defendant:

Defendant	Service Date	Answer Date	Publication Date	Default Date	Date Dropped
-----------	-----------------	----------------	---------------------	-----------------	-----------------

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Original Note Filed Yes \_\_\_\_\_ No \_\_\_\_\_ Date Filed \_\_\_\_\_  
or Note to be Filed at Hearing \_\_\_\_\_  
(In the even of a lost note, the Court may require the posting of security.)

4. Affidavits:

Lost Note Affidavit	Yes _____	No _____	Date Filed _____
Affidavit of Indebtedness	Yes _____	No _____	Date Filed _____
Affidavit of Costs	Yes _____	No _____	Date Filed _____
Affidavit of Attorney's Time	Yes _____	No _____	Date Filed _____
Affidavit of Attorney's Fees	Yes _____	No _____	Date Filed _____
Affidavit of Non-Military Service	Yes _____	No _____	Date Filed _____

5. Copy of each Assignment of Mortgage: Yes \_\_\_\_\_ No \_\_\_\_\_ Date Filed \_\_\_\_\_  
If you answered No, explain why not: \_\_\_\_\_

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6. Attorney's fee requested: \$ \_\_\_\_\_

7. I have confirmed the legal description contained in the mortgage. Yes \_\_\_ No \_\_\_

8. I have confirmed the legal description of any mobile home on the property.

N/A \_\_\_ Yes \_\_\_ No \_\_\_

A. Is mobile home included in foreclosure? Yes \_\_\_ No \_\_\_

B. If so, is the mobile home included in the legal description as required in  
paragraph 7? Yes \_\_\_ No \_\_\_

9. At the mortgage foreclosure hearing, counsel for the plaintiff will have in hand  
the original and copies of each:

- A. Proposed final judgment
- B. Notice of Sale
- C. Adequate copies of each document with stamped, addressed envelopes
- D. Original Note if not previously filed.

10. State the date the borrower was first contacted and current status of any  
communication with the borrower regarding settlement, restructure, refinance, etc.

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11. State the name, telephone number, fax number and email address of the person the borrower may contact to attempt a work out.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

DATED: \_\_\_\_\_

\_\_\_\_\_  
(Attorney Signature)

Attorney's Name: \_\_\_\_\_

Florida Bar No.: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**Certificate of Service**

I HEARBY CERTIFY that a copy of the foregoing was furnished to counsel by U.S. Mail\_\_\_\_\_, Fax\_\_\_\_\_, Email\_\_\_\_\_, and a copy was provided to the office of Circuit Judge \_\_\_\_\_ by Fax\_\_\_\_\_, Email\_\_\_\_\_, Hand Delivery\_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. I further certify that service was at least seven (7) days prior to the scheduled hearing time.

\_\_\_\_\_  
(Signature)

v.  
CASE NO: \_\_\_\_\_ OKALOOSA COUNTY

DATE FORM FAXED TO JUDGE STONE'S OFFICE (850-651-7467):

**FORECLOSURE FORM FOR FINAL HEARING**

DEFENDANT(S) (Every Defendant <u>Must</u> be listed)	RETURN OF SERVICE FILED/ DATE SERVED	DATE ANSWER FILED	DEFAULT PUBLICATION DATE FILED	DATE PARTIES DROPPED OR VOL. DISMISSED

Please enter into the columns above, the docket entry # (DE#) if known; otherwise, insert date for the action.

Date Motion for Summary Judgment was served (at least 25 days before hearing date, if by mail) \_\_\_\_\_

Have the following been filed? (Circle as Applicable)				FINAL JUDGMENT FORM (Circle as Applicable)		
Original Promissory Note:	YES	NO	N/A	YES	NO	Is the form shown in compliance with F.R.C.P 1.996? RCP 1.996?
Substantial Copy of Note:	YES	NO	N/A	YES	NO	Is post-judgment interest as provided in FS 55.03?
Original Mortgage:	YES	NO	N/A	YES	NO	Does Final Judgment include language re-establishing note?
Certified Copy of Mortgage	YES	NO	N/A	YES	NO	Does Final Judgment include language reforming the mortgage?
Assignment (if any):	YES	NO	N/A	YES	NO	Does Final Judgment dispose of all counts of the Complaint?
<b>AFFIDAVITS</b>	<b>DATE</b>	<b>AMOUNT</b>		YES	NO	Is the cost of service less than \$35 per Defendant?
1) Amounts Due:				YES	NO	Is the cost of Title Search less than \$225?
2) Costs				YES	NO	Is there an award for "Title Examination"?
3) Attorney's Fees				YES	NO	Does it include relief against unknowns or "John Doe"?
a. Expert Affidavit				YES	NO	Does it include post-acceleration late fees?
b. Plaintiff's attorney's Affidavit (time and fee arrangement with client)				YES	NO	Is cover letter regarding form of judgment and costs provided?
4) Affidavit of Lost Instrument: (IF ANSWER IS "YES" HEARING MUST BE SET PRIOR SETTING FINAL HEARING— PERSONAL APPEARANCE REQUIRED)				YES	NO	If the U.S.A. is a defendant, does the proposed final summary judgment provide for USA's 120 day (or other) right of redemption under 28 U.S.C. § 2410?
a. Note	YES	NO	N/A			
b. Mortgage	YES	NO	N/A			

PREPARED BY: _____ ATTORNEY SIGNATURE	PREPARED BY: _____ ATTORNEY PRINTED NAME DATED: _____
--	---



**From:** Robin Wright  
**To:** Janet Gilbert  
**Subject:** FW: Foreclosure and Economic Recovery Funding - Reporting Issues  
**Sent:** Thu, 10 Jun 2010 15:07:00 GMT

FYI

**From:** Kristine Slayden [mailto:slaydenk@flcourts.org]  
**Sent:** Thursday, June 10, 2010 9:42 AM  
**To:** Trial Court Administrators  
**Cc:** Lisa Goodner; P.J. Stockdale; Arlene Johnson; Randy Long; 'John Dew'  
**Subject:** Foreclosure and Economic Recovery Funding - Reporting Issues

Trial Court Administrators - On June 4, 2010, the Trial Court Budget Commission (TCBC) discussed the monitoring of the Foreclosure and Economic Recovery Funding Initiative. As reported in an earlier email from me, the TCBC voted at their May meeting that the focus for this project will be on Real Property/Mortgage Foreclosure cases and adopted as the primary goal of the Foreclosure and Economic Recovery Funding Initiative:

- ❖ 62% of all Real Property/Mortgage Foreclosure cases pending (non-disposed and reopened) will be disposed in FY2010-11

In order to monitor the success of this initiative, the following statistics will be calculated:

- Clearance rates
- The number of cases disposed
- The percent of backlogged cases
- The average age of target cases

To calculate the above statistics, you will need to track the foreclosure cases throughout the year. As a starting point, you will need information on the cases pending in your circuit at the beginning of this initiative. The following information will need to be requested from the clerks of court:

1. Circuit,
2. County,
3. Uniform Case Number,
4. The date the case was initiated,
5. The applicable SRS case type of the case
6. The date the case was reopened, if applicable
7. The date the case was originally disposed (for reopened cases only)
8. The SRS disposition category (for reopened cases only)

We met with the FACC yesterday and are planning to send out a letter to all 67 clerks of court asking them to send this data to the OSCA. **Please allow us to contact the clerks for this data so that the request can be uniform across the state and the timeframe will be consistent.** Once we get the data from the clerks (we are hoping to get it by July 9, 2010), we will format it in a reporting worksheet and send it out to you to track the cases, along with detailed instructions.

One issue that came up during the meeting yesterday was the issue of reopened cases not being reported as closed due to the SRS reporting requirements. We believe that the list of open cases that the clerks will provide may include some cases that are actually closed. Our instructions will request that you review the list to identify those cases that need to be removed due to the fact that they are already closed. Information from the JIS should allow your case manager to determine the status of the cases. Please let us know if the staff person that will be tracking the cases doesn't have access to JIS and we will make sure they get it.

In addition, the OSCA will include in its audit schedule additional time to audit this data to ensure that the data reported is accurate. The Court Statistics and Workload Committee of the Trial Court Performance and Accountability Commission will oversee the data collection instruments and reporting elements.

Please contact me if you have any questions or concerns about this reporting. Thanks. Kris

Kris Slayden  
Research and Data  
Office of the State Courts Administrator  
Florida Supreme Court  
500 S. Duval Street  
Tallahassee, Florida 32399  
850-922-5106 (wk)  
850-556-2335 (cell)  
850-414-1342 (fax)

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**From:** [Judge Terrell](#) **Sent:** Fri, 02 Jul 2010 08:30:38 GMT  
**To:** [Judge Brace](#); [Judge Parnham](#);  
**CC:** [Robin Wright](#); [Janet Gilbert](#);  
**Subject:** FW: MSJ CHECKLIST

[MSJ Checklist updated.xls \(39Kb\)](#)

This checklist and another which will be sent contemporaneously may be helpful for the judges and case managers.

---

**From:** Bailey, Jennifer [<mailto:JBailey@jud11.flcourts.org>]  
**Sent:** Friday, July 02, 2010 7:55 AM  
**To:** Burton Conner; Judge Terrell  
**Subject:** FW: MSJ CHECKLIST

This is the summary judgment checklist we developed for our case managers. It is a program of data fields that they can enter the data into, so a hard copy prints for judge and data is in the computer.

*Jennifer D. Bailey*

Administrative Judge, Civil Division  
11th Judicial Circuit  
Miami-Dade County Courthouse  
73 W. Flagler St., Room 1307  
Miami, FL 33130  
(305) 349-7152

---

**From:** Castellanos, Mery  
**Sent:** Monday, June 21, 2010 12:05 PM  
**To:** Bailey, Jennifer  
**Subject:** FW: MSJ CHECKLIST

**Merylee Castellanos**

Executive Assistant to Director of Operations  
(305) 349-5765  
(305) 416-0866

---

**From:** Castellanos, Mery  
**Sent:** Monday, June 07, 2010 2:30 PM  
**To:** Bailey, Jennifer  
**Subject:** FW: MSJ CHECKLIST

Here is the checklist.

**Merylee Castellanos**

Executive Assistant to Director of Operations  
(305) 349-5765  
(305) 416-0866

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**MOTION FOR SUMMARY JUDGMENT CHECKLIST**

Case Number \_\_\_\_\_

Date of first review  
 \_\_\_ accepted \_\_\_ rejected  
 Date of second review  
 \_\_\_ accepted \_\_\_ rejected  
 Date completed

Case Number & Style: \_\_\_ correct \_\_\_ incorrect

Plaintiff's certification of residential mortgage foreclosure case status: \_\_\_ submitted \_\_\_ not submitted

Date Hearing Placed on Calendar \_\_\_\_\_ Date of MSJ Hearing \_\_\_\_\_ Calendared by \_\_\_\_\_

<u>ITEM TO CHECK</u>	<u>First Review</u>	<u>COMMENTS</u>	<u>Second Review</u>
<b>1. Service of Process</b>			
Proper parties served*			
Confirm addresses of defendants & spelling of names			
Service – individual, substitute or by publication			
Affidavit of Diligent Search and Inquiry			
Non-military affidavits			
Defaults			
Drops and /or voluntary dismissal of party			
Missing Service			
<b>2. Documents</b>			
<u>Mortgage Copy</u>			
Confirm property address/legal description			
<u>Original Note</u>			
<u>Assignments/Endorsements</u>			
To Plaintiff			
Payable to plaintiff			
Payable to bearer holder in due course			
Payable to lender/not plaintiff			
Plaintiff is proper mortgagee			
<u>Lost Note</u>			
Copy			
Count for Reestablishment			
Lost note affidavit			
Dated & notarized			
* Check Plaintiff's certification of residential mortgage foreclosure case status (or non-homestead status), verifying service on all defendants, dates of service, type of service.			
<b>3. Mediation compliance</b>			
Form A filed			
Mediator's report filed			
Result			
Total fee paid to program manager			
Certificate of compliance filed			
<b>4. Answers &amp; Affidavits in opposition to motion for summary judgment</b>			
Affirmative defenses			
Pending motions (motions to dismiss...)			
Affidavits in opposition to summary judgment			
<b>5. Motion for summary judgment (MSJ) filed</b>			

ITEM TO CHECK	First Review	COMMENTS	Second Review
Dated			
Affidavits attached			
Proper parties/attorneys & addresses on service list			
Packet includes copies and postage paid envelopes			
<b>6. Affidavits</b>			
<b>(a) Affidavit of indebtedness</b>			
Check unpaid principal balance (UPB)			
Check notice of default and default date in complaint			
Check figures & interest (default thru FJ)			
Make sure per diem interest listed			
Check property address			
Check late fees (pre-acceleration only)			
Confirm notarized signature & person w/custodian of business record			
All figures match FJ			
<b>(b) Affidavit of costs</b>			
Check against service, publication			
Check filing fee			
Check title fees			
Check RMFM Program fee			
Notarized and dated			
All figures match FJ			
<b>(c) Affidavit of attorneys' fees</b>			
Hours & hourly fee listed			
Signed by attorney			
All figures match FJ			
<b>(d) Affidavit as to reasonableness of attorneys' fees</b>			
Signed/notarized by independent practitioner			
<b>7. Additional Counts</b>			
Reformation			
Legal Description -- need language in FJ			
Lost instrument-- Reestablishment language in FJ			
Foreclosure omitted parties			
Summary Judgment of Foreclosure Form			
Approved Form			
Failure to comply with Rule 1.510, Fla. R. Ci			
Additional Comments			



**From:** [Janet Gilbert](#)  
**To:** [Linda Warren](#)  
**Subject:** Foreclosure Forms

**Sent:** Tue, 06 Jul 2010 14:26:00 GMT

Hi Linda, Judge Brace gave me a packet of forms used for foreclosure including checklist, mortgage foreclosure requirements, final judgment, service and final disposition form. I was hoping to get these emailed so that we could use them as templates for creating standard circuit wide forms. Do you know how I might be able to get them in MS Word or WP format? Thanks very much.

*Janet E. Gilbert*

Family Court Manager

Court Administration

1st Judicial Circuit of Florida

190 Governmental Center

Pensacola, FL 32502

Phone: 850-595-0379

FAX: 850-595-3246

[janet.gilbert@flcourts1.gov](mailto:janet.gilbert@flcourts1.gov)

**Attention: The information contained in this E-mail message may be privileged and confidential under Fla. R. Jud. Admin. 2.420 and information intended only for the use of the individual(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this communication is strictly prohibited. If you have received this communication in error, please contact the sender by reply E-mail and destroy all copies of the original message. Thank you.**



From: Janet Gilbert

Sent: Mon, 19 Jul 2010 09:47:00 GMT

To: parnham; Mark A. Lehmann;

Subject: Forms

Pre Trial Order.doc (39Kb) CHECKLIST.rtf (41Kb) Parnham Docket Days.doc (31Kb)

Here is the checklist, pre trial order, and updated docket. Thank you.

*Janet E. Gilbert*  
Family Court Manager  
Court Administration  
1st Judicial Circuit of Florida  
190 Governmental Center  
Pensacola, FL 32502  
Phone: 850-595-0379  
FAX: 850-595-3246  
[janet.gilbert@flcourts1.gov](mailto:janet.gilbert@flcourts1.gov)

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REQUIREMENTS EFFECTIVE 1/1/10  
MORTGAGE FORECLOSURE REQUIREMENTS  
WALTON COUNTY  
(updated 1/2/10)

**TELEPHONIC APPEARANCE WILL**  
**NO LONGER BE ALLOWED FOR**  
**COUNSEL IN REAL ESTATE**  
**FORCLOSURE (FINAL**  
**HEARINGS/MOTIONS FOR**  
**SUMMARY JUDGMENT) CASES.**

THE FOLLOWING REQUIREMENTS WILL APPLY TO ALL WALTON COUNTY JUDGES (JUDGE DAVID W. GREEN/JUDGE W. HOWARD LaPORTE/JUDGE KELVIN C. WELLS)

COUNSEL SHOULD MAKE ARRANGEMENTS TO EITHER APPEAR IN PERSON FOR ALL FORECLOSURE HEARINGS OR MAKE ARRANGEMENTS WITH LOCAL COUNSEL.

IT IS THE RESPONSIBILITY OF COUNSEL FOR THE PLAINTIFF AND/OR LOCAL COUNSEL TO EXAMINE THE COURT FILE PRIOR TO THE SCHEDULED HEARING ENSURING THAT ALL DOCUMENTS HAVE BEEN FILED (i.e. Note, Mortgage, Assignment of Mortgage(s) if any, and all affidavits) AND THAT THE FILE IS READY FOR THE HEARING. IF THE FILE IS FOUND NOT TO BE READY THE HEARING WILL BE IMMEDIATELY CANCELLED AND IT WILL BE COUNSEL'S RESPONSIBILITY TO RE-SCHEDULE THE MATTER FOR HEARING WITH THE ASSIGNED JUDGE.

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FAILURE TO COMPLY WITH THESE REQUIREMENTS COULD RESULT IN A DELAY IN RESOLUTION OF THE MATTER.

THE FOLLOWING ATTACHMENTS ARE PROVIDED AS A GUIDE.  
BELOW IS A CHECKLIST OF DOCUMENTS THAT THE FILE MUST CONTAIN AT THE TIME OF THE HEARING.

- ✓ Motion for Summary Judgment, if applicable.

- ✓ Motion for Default Final Judgment, if applicable.
- ✓ Affidavit of Indebtedness (with supporting attachments)
- ✓ Affidavit of Costs (with supporting attachments)
- ✓ Attorney's Fee Affidavit
- ✓ Supporting Attorney's Fee Affidavit (original)
- ✓ Attorney's Affidavit of Filing Supporting Documents
- ✓ Original Note and Mortgage (filed with a Notice of Filing—Certified Copies of Mortgage are acceptable only if certified by the Walton County Clerk of Court)
- ✓ Assignment(s) of Mortgage
- ✓ Affidavit of Lost Note and/or Mortgage, if applicable.
- ✓ Copies of warranty deeds, as applicable.

**I. FINAL SUMMARY JUDGMENT PACKET:** The Foreclosure Packet containing the proposed Final Summary Judgment of Foreclosure/Final Judgment of Foreclosure, Notice of Sale, Certificate of Sale, Certificate of Title and supporting affidavits shall be submitted prior to the hearing or at the time of the hearing directly to the court. In accordance with F.R.C.P. 1.080, please provide substantial copies of documents and self-addressed postage paid envelopes for mailing. **Do not provide the court copies of documents already filed in the court file.**

**a. Form for Final Summary Judgment: (attachment 2)** Any proposed final summary judgment must substantially conform to Form 1.996 (Final Judgment of Foreclosure), Florida Rules of Civil Procedure and Florida Statutes 45.031. The standard form must be revised to include the appropriate summary judgment language (and shall ensure all counts in the complaint are clearly addressed). Further, the parties may believe other changes to the standard form are necessary either based upon the facts of a particular case or as a matter of practice. For example, the Court also finds that the appropriate language to award reasonable attorney's fees in accordance with Florida Patients' Compensation Fund v Rowe, 472 So. 2d 1145 (Fla. 1985) may be inserted. **To assist the Court in easily identifying any changes (deletion or addition) to the standard Form 1.996 beyond those identified above, the party submitting the proposed Final Summary Judgment shall in cover letter, identify and justify for the Court all changes to the standard form.**

Attachment 1, SAMPLE COVER LETTER

Attachment 2, FORM FINAL SUMMARY JUDGMENT

**b. Title Search Expenses:** Based on the ordinary and reasonable charges prevailing in this area, the Court will award up to \$225.00 in aggregate for title search-related expenses. If more than \$225.00 is claimed, proof of the additional amounts must be submitted (i.e. copy of the invoice from the entity rendering service *and* proof of payment must be attached). Acceptable "proof of payment" includes, for example, a cancelled check or paid receipt. In addition, the movant shall file a cover letter justifying for the Court the expenses which exceed the ordinary and reasonable charges prevailing in this area.

**c. Service of Process Expenses:** Based on the ordinary and reasonable charges prevailing in this area, the Court will award up to \$40.00 per person or entity, unless unusual circumstances. If more than \$40.00 per person or entity is claimed, proof of the additional amounts must be submitted (i.e. copy of invoices and documentation regarding service of process and proof of payment must be attached). Acceptable "proof of payment" includes, for example, a cancelled check or paid receipt. In addition, the movant shall file a cover letter justifying for the Court the expenses which exceed the ordinary and reasonable charges prevailing in this area.

**d. Final Disposition Form: (attachment 3)** A completed Form 1.998 Final Disposition Form shall be submitted with the Final Judgment.

**II. OTHER INFORMATION:** The Courts' requirements are self-explanatory. The Courts and the staff **WILL NOT GIVE ADDITIONAL DIRECTIONS BY TELEPHONE OR LETTER.** It is your responsibility to be familiar with the legal requirements of filing and proving a lawsuit. If you want to schedule a hearing without the information the Court requires, you may coordinate with the Judicial Assistant to set a ten (10) minute hearing. You are responsible for issuing the notice of hearing.

///-----///

Attachments (3):

1. Form - Sample Cover Letter to Court (re: changes to standard form judgment; expenses)
2. Form - Checklist

**ATTACHMENT 1 SAMPLE/FORM COVER LETTER TO COURT**

[Date]

The Honorable \_\_\_\_\_  
Circuit Judge  
Walton County Courthouse  
571 U.S. Hwy. 90 East,  
DeFuniak Springs, FL 32433

RE: **Plaintiff's Name v Defendants' Names**  
County Case No. 0\_\_-CA-XXXX

Dear Judge \_\_\_\_\_:

Please find enclosed a proposed Final Summary Judgment in the above-mentioned foreclosure case.

The following changes have been made to the standard Form 1.996:

- (1) At para. 5, the following words "....." have been added after the words "....." The reason for this change is: \_\_\_\_\_.
- (2) At para. 6, the last sentence which reads, "....." has been added. The reason for this change is: \_\_\_\_\_.
- (3) At para. 9, the words "....." have been deleted. The reason for this change is: \_\_\_\_\_.
- (4) Para. 14 is an additional paragraph and is necessary in this case for the following reason: \_\_\_\_\_.

Plaintiff claims title search expenses in the amount of [>\$225.00]. The expenses over \$225.00 are reasonable and necessary for the following reasons: \_\_\_\_\_.

Plaintiff claims service of process fees in the amount of [>\$40.00] for Defendant XXXXX. The reasons for these additional service fees are as follows: \_\_\_\_\_.

Sincerely,

ATTORNEY'S SIGNATURE BLOCK

cc: (Opposing counsel/parties)





FIRST JUDICIAL CIRCUIT, \_\_\_\_\_ COUNTY, FLORIDA

**FORECLOSURE CHECKLIST FOR FINAL HEARING**

PLAINTIFF \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

vs.  
Please enter the docket entry # (DE#) if known; otherwise, insert date for the action.

DEFENDANT(S)	ANSWER (DATE FILED)	RETURN OF SERVICE FILED/ DATE SERVED	DEFAULT OR PUBLICATION DATE FILED	PARTIES DROPPED OR VOL. DISMISSED

Date Motion for Summary Judgment FILED: \_\_\_\_\_

Have the following documents been filed?

- 1. Original Promissory Note:      YES    NO    N/A      DATE FILED: \_\_\_\_\_
- 2. Substantial Copy of Note:    YES    NO    N/A      DATE FILED: \_\_\_\_\_
- 3. Original Mortgage:            YES    NO    N/A      DATE FILED: \_\_\_\_\_
- 4. Certified Copy of Mortgage: YES    NO    N/A      DATE FILED: \_\_\_\_\_
- 5. Assignment (if any):          YES    NO    N/A      DATE FILED: \_\_\_\_\_
- 6. Affidavit of Lost Instrument:
  - a. Note                            YES    NO    N/A      DATE FILED: \_\_\_\_\_
  - b. Mortgage                    YES    NO    N/A      DATE FILED: \_\_\_\_\_

**AFFIDAVITS**

- 1) Amounts Due:                  YES    NO    N/A      DATE FILED: \_\_\_\_\_
- 2) Costs:                            YES    NO    N/A      DATE FILED: \_\_\_\_\_
- 3) Attorney's Fees:            YES    NO    N/A      DATE FILED: \_\_\_\_\_
  - a. Expert Affidavit:        YES    NO    N/A      DATE FILED: \_\_\_\_\_
  - b. Plaintiff's Attorney's   YES    NO    N/A      DATE FILED: \_\_\_\_\_
    - Affidavit (time and fee  
arrangement with client)

I, the undersigned, certify that I have reviewed the file and verified the information provided herein to be true and correct.

\_\_\_\_\_  
Signature of Attorney for Plaintiff

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Printed Name of Attorney

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MORTGAGE FORECLOSURE REQUIREMENTS  
WALTON COUNTY  
(updated 1/2/10)

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///-----///

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1. Form—Sample Cover Letter to Court (re: changes to standard form judgment; expenses)
2. Form--*proposed* Final Summary Judgment of Foreclosure
3. Form—Final Disposition Form, Form 1.998

**ATTACHMENT 1 SAMPLE/FORM COVER LETTER TO COURT**

[Date]

The Honorable \_\_\_\_\_  
Circuit Judge  
Walton County Courthouse  
571 U.S. Hwy. 90 East,  
DeFuniak Springs, FL 32433

RE: **Plaintiff's Name v Defendants' Names**  
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Dear Judge \_\_\_\_\_:

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Plaintiff claims title search expenses in the amount of [>\$225.00]. The expenses over \$225.00 are reasonable and necessary for the following reasons: \_\_\_\_\_.

Plaintiff claims service of process fees in the amount of [>\$40.00] for Defendant XXXXX. The reasons for these additional service fees are as follows: \_\_\_\_\_.

Sincerely,

ATTORNEY'S SIGNATURE BLOCK

cc: (Opposing counsel/parties)

**ATTACHMENT 2 PROPOSED FINAL SUMMARY JUDGMENT OF FORECLOSURE**

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT  
IN AND FOR WALTON COUNTY, FLORIDA  
CIVIL DIVISION

[XXXXXXXXXXXXXXXXXX],  
Plaintiff,

vs.

CASE NO. 0\_\_-CA-000\_\_

[DEFENDANT # 1; DEFENDANT # 2;  
and DEFENDANT # 3];  
Defendants.

FINAL SUMMARY JUDGMENT

THIS CAUSE came before the Court for hearing on \_\_\_\_\_, 200\_\_, upon Plaintiff's Motion for Summary Judgment. Having reviewed the instant Motion and the supporting affidavits and the court file, having heard argument of counsel, and being otherwise fully advised in the premises, it is

**ORDERED AND ADJUDGED that:**

1. The Court has jurisdiction of the subject matter and the parties of this cause.
2. There are no genuine issues of material fact [as to Count I for foreclosure]. Plaintiff's Motion for Final Summary Judgment [on all counts] [on Count I for foreclosure] is **GRANTED**.
3. Plaintiff is entitled to an award of reasonable attorney's fees in the total amount of \$\_\_\_\_\_ [at rate of \$\_\_\_\_\_/hour for \_\_\_\_ total *attorney* hours; at the rate of \$\_\_\_\_\_/hour for \_\_\_\_ total *paralegal* hours] [per flat fee agreement]. In awarding same, the Court has considered all of the criteria set forth in Florida Patients' Compensation Fund v. Rowe, 472 So. 2d 1145 (Fla. 1985).

4. Plaintiff is due the following:

Principal	\$ _____
Interest to the date of this Judgment	_____
Title search expense (as allowed)	_____
Taxes	_____
Insurance premiums	_____
Attorney's fees	_____
<u>Court costs (itemize each here):</u>	
Clerk's filing fee	_____
Service of Process fee (# of Defendants: ____)	_____
Diligent search & inquiry fees (if applicable)	_____
Publication of Notice of Action (if applicable)	_____
Other: [specify]	_____
	_____
<u>Less:</u>	
Undisbursed escrow funds	(\$ _____)
Unearned insurance premiums, under the note and mortgage sued on in this action	(\$ _____)

making a **total sum of \$ \_\_\_\_\_**, that shall bear interest at the rate of \_\_\_\_\_ % per year, or as otherwise prescribed by law, whichever is less.

5. Plaintiff holds a lien for the total sum superior to any claim or estate of Defendant(s) on the following property in Walton County, Florida, commonly known as **[insert street address]** and legally described as: the legal description is set forth in Attachment "A" to this Final Summary Judgment, and is incorporated herein.



6. If the total sum with interest at the rate described in paragraph 4 and all costs accrued subsequent to this judgment are not paid, the clerk of this court shall sell the property at public sale on \_\_\_\_\_, 200\_\_\_, at 11:00 a.m. (Central Time), or as soon thereafter as the sale may proceed, to the highest bidder for cash, except as prescribed in paragraph 7, at [www.walton.realforeclose.com](http://www.walton.realforeclose.com), in accordance with Chapter 45, Florida Statutes.)

7. Plaintiff shall advance all subsequent costs of this action and shall be reimbursed for them by the clerk if plaintiff is not the purchaser of the property for sale. If plaintiff is the purchaser, the clerk shall credit plaintiff's bid with the total sum with interest and cost accruing subsequent to this judgment, or such part of it, as is necessary to pay the bid in full.

8. On filing the certificate of title the clerk shall distribute the proceeds of the sale, so far as they are sufficient, by paying: first, all of plaintiff's costs; second, documentary stamps affixed to the certificate; third, plaintiff's attorney's fees; fourth, the total sum due to plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 4 from this date to the date of the sale; and by retaining any remaining amount pending the further order of this court.

9. On filing the certificate of title defendant(s) and all persons claiming under or against defendant(s) since the filing of the notice of lis pendens shall be foreclosed of all estate or claim in the property and the purchaser at the sale shall be let into possession of the property.

10. Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, writs of possession and deficiency judgment.

11. IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THIS FINAL JUDGMENT.

IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER

THAN 60 DAYS AFTER THIS SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

*If the property being foreclosed on has qualified for the homestead tax exemption in the most recent approved tax roll, the final judgment shall additionally contain the following statement in conspicuous type:*

IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER, OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE CHECK WITH THE CLERK OF COURT, WALTON COUNTY, COURTHOUSE 571 U.S. HIGHWAY 90 EAST, 2<sup>ND</sup> FLOOR, DEFUNIAK SPRINGS, FLORIDA 32433, WITHIN TEN (10) DAYS AFTER THE SALE TO SEE IF THERE IS ADDITIONAL MONEY FROM THE FORECLOSURE SALE THAT THE CLERK HAS IN THE REGISTRY OF THE COURT.

IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO HELP YOU CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ VERY CAREFULLY ALL PAPERS YOU ARE REQUIRED TO SIGN, ASK SOMEONE ELSE, PREFERABLY AN ATTORNEY WHO IS NOT RELATED TO THE PERSON OFFERING TO HELP YOU, TO MAKE SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING AND THAT YOU ARE NOT TRASFERRING YOUR PROPERTY OR THE EQUITY IN YOUR PROPERTY WITHOUT THE PROPER INFORMATION. IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT LEGAL SERVICES OF NORTH FLORDIA, INC., 133 STAFF DRIVE, SUITE B, FORT WALTON BEACH, FLORIDA 32548, (850) 862-3279, TO SEE IF YOU QUALIFY FINANCIALLY FOR THEIR SERVICES. IF THEY CANNOT ASSIST YOU, THEY MAY BE ABLE TO REFER YOU TO A LOCAL BAR REFERRAL AGENCY OR SUGGEST OTHER OPTIONS. IF YOU CHOOSE TO CONTACT LEGAL SERVICES OF NORTH FLORIDA, INC. FOR ASSISTANCE, YOU

**SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.**

12. [IF APPLICABLE]: **In Rem Judgment:** This final summary judgment is an **in rem judgment** against Defendant(s): \_\_\_\_\_ [insert name(s)] \_\_\_\_\_, and there are no in personam damages or costs against said Defendant(s). A deficiency judgment may be sought against only those defendants who executed or assumed the Note, who were personally served in this action, and whose debts have not been discharged in bankruptcy.

13. [IF APPLICABLE]: **Count [?] of [Complaint] [First Amended Complaint] - Reestablishment of Lost [Note] [and/or] [Mortgage]:** The lost [Note] [and] [Mortgage] is/are hereby **REESTABLISHED.**

14. [IF APPLICABLE]: **Count [?] of Complaint - Reformation of Mortgage:**  
Plaintiff is entitled to reformation of the Mortgage. The mortgage contains a scrivener's error in the legal description, to wit: [describe]. Accordingly, the legal description in the mortgage recorded on \_\_\_\_\_, 20\_\_, in Official Records Book \_\_\_\_, at Page \_\_\_\_, of the public records of Walton County, Florida, is hereby reformed, *nunc pro tunc* to the date of the original recording, to read as follows: the correct legal description is set forth in Attachment "A" to this Final Summary Judgment, and is incorporated herein.

15. [OTHER/AS APPLICABLE AND WARRANTED IN PARTICULAR CASE]:

**DONE AND ORDERED** in Chambers at DeFuniak Springs, Walton County, Florida,

this \_\_\_\_ day of \_\_\_\_\_ 200\_\_.

\_\_\_\_\_  
**Circuit Judge**

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a copy of the foregoing Final Summary Judgment has been furnished to the following:

\_\_\_\_\_, ESQ.  
**LAW OFFICES OF** \_\_\_\_\_  
[Street Address]  
[City/State/Zip]  
(Counsel for Plaintiff)

\_\_\_\_\_, ESQ.  
\_\_\_\_\_, P.A.  
[P.O. Box \_\_\_\_\_]  
[City/State/Zip]  
(Counsel for Defendant(s) \_\_\_\_\_)

[List Name & mailing addresses of all other Defendants that are not represented by counsel.]  
[Provide addressed stamped envelopes for mailing]

by regular U.S. mail this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

**Martha Ingle**

BY: \_\_\_\_\_  
Deputy Clerk

**ATTACHMENT "A"**  
**(Legal Description of Property)**

**ATTACHMENT 3. FORM 1.998. FINAL DISPOSITION FORM**

This form shall be filed by the prevailing party for the use of the Clerk of Court for the purpose of reporting judicial workload data pursuant to Florida Statutes section 25.075. (See instructions on the reverse of the form.)

**I. CASE STYLE**

(Name of Court)

Plaintiff \_\_\_\_\_

Case #: \_\_\_\_\_

\_\_\_\_\_

Judge: \_\_\_\_\_

vs.

Defendant \_\_\_\_\_

\_\_\_\_\_

---

**II. MEANS OF FINAL DISPOSITION** (Place an "x" in one box for major category and one subcategory, if applicable, only)

- Dismissed Before Hearing
  - Dismissed Pursuant to Settlement – Before Hearing
  - Dismissed Pursuant to Mediated Settlement – Before Hearing
  - Other – Before Hearing
- Dismissed After Hearing
  - Dismissed Pursuant to Settlement – After Hearing
  - Dismissed Pursuant to Mediated Settlement – After Hearing
  - Other After Hearing – After Hearing
- Disposed by Default
- Disposed by Judge
- Disposed by Non-jury Trial
- Disposed by Jury Trial
- Other

DATE \_\_\_\_\_

SIGNATURE OF ATTORNEY FOR PREVAILING PARTY \_\_\_\_\_

**FORM 1.998. INSTRUCTIONS FOR ATTORNEYS COMPLETING FINAL DISPOSITION FORM**

**I. Case Style.** Enter the name of the court, the appropriate case number assigned at the time of filing of the original complaint or petition, the name of the judge assigned to the case and the names (last, first, middle initial) of plaintiff(s) and defendant(s).

**II. Means of Final Disposition.** Place an "x" in the appropriate major category box and in the appropriate subcategory box, if applicable. The following are the definitions of the disposition categories.

- (A) Dismissed Before Hearing—the case is settled, voluntarily dismissed, or otherwise disposed of before a hearing is held;
- (B) Dismissed Pursuant to Settlement - Before Hearing—the case is voluntarily dismissed by the plaintiff after a settlement is reached without mediation before a hearing is held;
- (C) Dismissal Pursuant to Mediated Settlement - Before Hearing—the case is voluntarily dismissed by the plaintiff after a settlement is reached with mediation before a hearing is held;
- (D) Other - Before Hearing—the case is dismissed before hearing in an action that does not fall into one of the other disposition categories listed on this form;
- (E) Dismissed After Hearing—the case is dismissed by a judge, voluntarily dismissed, or settled after a hearing is held;
- (F) Dismissal Pursuant to Settlement - After Hearing—the case is voluntarily dismissed by the plaintiff after a settlement is reached without mediation after a hearing is held;
- (G) Dismissal Pursuant to Mediated Settlement - After Hearing—the case is voluntarily dismissed by the plaintiff after a settlement is reached with mediation after a hearing is held;
- (H) Other - After Hearing—the case is dismissed after hearing in an action that does not fall into one of the other disposition categories listed on this form;
- (I) Disposed by Default—a defendant chooses not to or fails to contest the plaintiff's allegations and a judgment against the defendant is entered by the court;
- (J) Disposed by Judge—a judgment or disposition is reached by the judge in a case that is not dismissed and in which no trial has been held. Includes stipulations by the parties, conditional judgments, summary judgment after hearing and any matter in which a judgment is entered excluding cases disposed of by default as in category (I) above;
- (K) Disposed by Non-Jury Trial—the case is disposed as a result of a contested trial in which there is no jury and in which the judge determines both the issues of fact and law in the case;
- (L) Disposed by Jury Trial—the case is disposed as a result of a jury trial (consider the beginning of a jury trial to be when the jurors and alternates are selected and sworn);
- (M) Other—the case is consolidated, submitted to arbitration or mediation, transferred, or otherwise disposed of by other means not listed in categories (A) through (L).

**DATE AND ATTORNEY SIGNATURE.** Date and sign the final disposition form.



**From:** [Janet Gilbert](#)

**Sent:** Mon, 19 Jul 2010 09:59:00 GMT

**To:** [Judge Keith Brace](#)

**Subject:**

 [CHECKLIST.rtf \(41Kb\)](#)

Judge Brace, attached is the updated checklist for your review. Thank you.

*Janet E. Gilbert*

Family Court Manager

Court Administration

1st Judicial Circuit of Florida

190 Governmental Center

Pensacola, FL 32502

Phone: 850-595-0379

FAX: 850-595-3246

[janet.gilbert@flcourts1.gov](mailto:janet.gilbert@flcourts1.gov)

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FIRST JUDICIAL CIRCUIT, \_\_\_\_\_ COUNTY, FLORIDA

FORECLOSURE CHECKLIST FOR FINAL HEARING

PLAINTIFF \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

vs.  
Please enter the docket entry # (DE#) if known; otherwise, insert date for the action.

DEFENDANT(S)	ANSWER (DATE FILED)	RETURN OF SERVICE FILED/ DATE SERVED	DEFAULT OR PUBLICATION DATE FILED	PARTIES DROPPED OR VOL. DISMISSED

Date Motion for Summary Judgment FILED: \_\_\_\_\_

Have the following documents been filed?

- 1. Original Promissory Note:      YES    NO    N/A      DATE FILED: \_\_\_\_\_
- 2. Substantial Copy of Note:    YES    NO    N/A      DATE FILED: \_\_\_\_\_
- 3. Original Mortgage:            YES    NO    N/A      DATE FILED: \_\_\_\_\_
- 4. Certified Copy of Mortgage: YES    NO    N/A      DATE FILED: \_\_\_\_\_
- 5. Assignment (if any):          YES    NO    N/A      DATE FILED: \_\_\_\_\_
- 6. Affidavit of Lost Instrument:
  - a. Note                            YES    NO    N/A      DATE FILED: \_\_\_\_\_
  - b. Mortgage                    YES    NO    N/A      DATE FILED: \_\_\_\_\_

AFFIDAVITS

- 1) Amounts Due:                  YES    NO    N/A      DATE FILED: \_\_\_\_\_
- 2) Costs:                            YES    NO    N/A      DATE FILED: \_\_\_\_\_
- 3) Attorney's Fees:              YES    NO    N/A      DATE FILED: \_\_\_\_\_
  - a. Expert Affidavit:          YES    NO    N/A      DATE FILED: \_\_\_\_\_
  - b. Plaintiff's Attorney's    YES    NO    N/A      DATE FILED: \_\_\_\_\_  
Affidavit (time and fee  
arrangement with client)

I, the undersigned, certify that I have reviewed the file and verified the information provided herein to be true and correct.

\_\_\_\_\_  
Signature of Attorney for Plaintiff

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Printed Name of Attorney



**From:** [Janet Gilbert](#)

**Sent:** Mon, 19 Jul 2010 14:04:06 GMT

**To:** [Amanda Balley](#)

**Subject:**

[FORECLOSURE CHECKLIST 1ST CIRCUIT .rtf \(41Kb\)](#) [2010-32 DIVISION W - FORECLOSURE.pdf \(139Kb\)](#) [Data and Contacts.doc \(31Kb\)](#) [Travel Reimbursement Foreclosure Project.xls \(55Kb\)](#)

Amanda, Here are some forms I wanted you to be able to save. Thanks

*Janet E. Gilbert*

Family Court Manager

Court Administration

1st Judicial Circuit of Florida

190 Governmental Center

Pensacola, FL 32502

Phone: 850-595-0379

FAX: 850-595-3246

[janet.gilbert@flcourts1.gov](mailto:janet.gilbert@flcourts1.gov)

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FIRST JUDICIAL CIRCUIT, \_\_\_\_\_ COUNTY, FLORIDA

**FORECLOSURE CHECKLIST FOR FINAL HEARING**

PLAINTIFF \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

vs.

Please enter the docket entry # (DE#) if known; otherwise, insert date for the action.

DEFENDANT(S)	ANSWER (DATE FILED)	RETURN OF SERVICE FILED/ DATE SERVED	DEFAULT OR PUBLICATION DATE FILED	PARTIES DROPPED OR VOL. DISMISSED

Date Motion for Summary Judgment FILED: \_\_\_\_\_

Have the following documents been filed?

- 1. Original Promissory Note:      YES    NO    N/A      DATE FILED: \_\_\_\_\_
- 2. Substantial Copy of Note:    YES    NO    N/A      DATE FILED: \_\_\_\_\_
- 3. Original Mortgage:            YES    NO    N/A      DATE FILED: \_\_\_\_\_
- 4. Certified Copy of Mortgage:   YES    NO    N/A      DATE FILED: \_\_\_\_\_
- 5. Assignment (if any):           YES    NO    N/A      DATE FILED: \_\_\_\_\_
- 6. Affidavit of Lost Instrument:
  - a. Note                            YES    NO    N/A      DATE FILED: \_\_\_\_\_
  - b. Mortgage                        YES    NO    N/A      DATE FILED: \_\_\_\_\_

**AFFIDAVITS**

- 1) Amounts Due:                  YES    NO    N/A      DATE FILED: \_\_\_\_\_
- 2) Costs:                            YES    NO    N/A      DATE FILED: \_\_\_\_\_
- 3) Attorney's Fees:                YES    NO    N/A      DATE FILED: \_\_\_\_\_
  - a. Expert Affidavit:            YES    NO    N/A      DATE FILED: \_\_\_\_\_
  - b. Plaintiff's Attorney's      YES    NO    N/A      DATE FILED: \_\_\_\_\_
 Affidavit (time and fee arrangement with client)

I, the undersigned, certify that I have reviewed the file and verified the information provided herein to be true and correct.

\_\_\_\_\_  
Signature of Attorney for Plaintiff

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Printed Name of Attorney

IN THE COURTS OF THE FIRST JUDICIAL CIRCUIT  
IN AND FOR THE STATE OF FLORIDA

ADMINISTRATIVE ORDER NO. 2010-32

IN RE: Foreclosure

*Foreclosure and Economic Recovery Program;  
Creation of Division "W"*

ORDER

WHEREAS, the Legislature, pursuant to a recommendation from the Supreme Court of Florida, recognizes the need to address the backlog of foreclosure actions across the State and has established the *Foreclosure and Economic Recovery Program* for statewide implementation; and

WHEREAS, the First Judicial Circuit qualifies for funding under the *Foreclosure and Economic Recovery Program* due to a backlog of foreclosure actions; it is,

ORDERED that:

1. In each county within the First Judicial Circuit a Division will be created to address backlogged foreclosure actions filed in the First Judicial Circuit.
2. The division created in each county to address those foreclosure actions as identified in this order shall be designated "Division W."
3. With the exception of cases in which the Motion for Summary Judgment hearing or a final hearing has been scheduled, foreclosure actions filed on or before

December 31, 2009, shall be reassigned to Division "W" as of the effective date of this order.


4. The Clerk in each county shall propose a procedural mechanism for reassigning qualified foreclosure cases to Division "W" and shall obtain approval from the Chief Judge for implementation of that procedural mechanism. The Clerks in the First Judicial Circuit shall create the reassignment mechanism with the understanding that should funding for the *Foreclosure and Economic Recovery Program* cease, the cases reassigned under this order shall, under a subsequent order, be reassigned consistent with then existing civil division structure.
5. The creation of a Division "W" in each county creates the need for judicial assignments. The judicial assignments for the First Judicial Circuit are as follows:

Escambia County Division "W"	-	Senior Judge John Parnham
Okaloosa County Division "W"	-	Senior Judge A. Keith Brace
Santa Rosa County Division "W"	-	Senior Judge John Parnham
Walton County Division "W"	-	Senior Judge A. Keith Brace
6. Court Administration of the First Judicial Circuit shall employ a half time case manager (supported by other court administration staff) for services to both Escambia and Santa Rosa counties and one full-time case manager for services to both Okaloosa and Walton counties. Every effort shall be expended to facilitate circuit-wide best practices, uniformity, communication, and coordination of case management services to Division "W".
7. This order does not amend, vacate or supersede the content and/or directives in either First Judicial Circuit Administrative Orders 2009-18 or 2010-01.

8. The judges assigned to Division "W" shall have full authority as permitted by law to adopt case management orders and case management techniques to facilitate uniformity and coordination of processes across the First Judicial Circuit to avoid scheduling conflicts. That authority shall extend to other issues expected because of the unique challenges presented by foreclosure cases to include scheduling of cases handled by the large law firms which predominantly represent Plaintiffs in foreclosure actions.
9. Personal appearance by Plaintiff's attorney (or local counsel retained by plaintiff's attorney to appear) is required.
10. Urgent motions and proposed orders must be hand delivered to the assigned Division "W" judge, if available, or the duty judge for signature when requesting cancellation of sales. The Clerk is not required to deliver to the division judge "urgent" or "emergency" motions when plaintiff is requesting the cancellation of a sale. The Clerk has authority to cancel sales upon a defendant filing a copy of a Notice of Bankruptcy in the foreclosure action in which the sale is scheduled.
11. Payment of the required \$70.00 Foreclosure Sale Fee is required to be made at the time the Final Judgment of Foreclosure is submitted to the court for signature. The Clerk will hold the funds until the day prior to the sale.
12. Compliance with a completed checklist is required prior to setting any Final Hearing before the Court.
13. The Division "W" judge will hear any motions involving lack of prosecution in all qualifying foreclosure cases filed prior to December 31, 2009.

14. The effective date of this order is July 1, 2010, through June 30, 2011, unless extended.

**DONE AND ORDERED** in Pensacola, Escambia County, Florida this 30<sup>th</sup> day of June, 2010.



HERBERT D. TERRELL  
CHIEF JUDGE

Copies furnished to:

Honorable A. Keith Brace, Senior Judge  
Honorable John Parnham, Senior Judge  
All Judges, First Judicial Circuit  
All Clerks, First Judicial Circuit  
Robin Wright, Trial Court Administrator  
Escambia/Santa Rosa Bar Association, for publication  
Okaloosa/Walton Bar Association, for publication  
Craig VanBrussel, CTO, *First Judicial Circuit Website*

## FORECLOSURE

	COUNTY CIVIL	CONTRACT INDEBTNESS	FORCLOSURE	TOTAL
ESCAMBIA	24	826	2390	3240
SANTA ROSA	488	360	1347	2195
OKALOOSA	1102	807	3506	5415
WALTON	362	360	2389	3111

	CLERK SYSTEMS	CONTACTS
ESCAMBIA	Courtview	Kim Davis 595-4313 / 595-3788 (Juvenile) Cheri High 595-4173
SANTA ROSA	Clericus	Adair Cotton 981-5536 / 393-6034 (cell) Brandy Norris 981-5676
OKALOOSA	Benchmark	Kathy Henley 850-651-7200 Vicky Jackson 850-651-7200 ext 225
WALTON	Clericus	Linda Warren 850-892-8115 ext 2230

Judge Brace:  
Home: 682-9078  
Cell: 826-0988

Janet: 850-595-0379





**From:** Vicki Jackson

**Sent:** Tue, 20 Jul 2010 11:58:18 GMT

**To:** Janet Gilbert

**Subject:** FW: Division W Cases

[new division w - foreclosure.pdf \(360Kb\)](#)

Janet,  
Attached is the list for Okaloosa County of the cases that have been assigned to Division "W"  
Please let me know if you have any questions.  
Vicki

Vicki Jackson  
Civil Courts Director  
Okaloosa County Clerk of Courts  
T (850) 651-7200 ext 4351  
F (850) 651-7670

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\*\*\*\*\*

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**From:** Janet Gilbert

**Sent:** Tue, 20 Jul 2010 14:18:55 GMT

**To:** Amanda Bailey

**Subject:** FW: Division W Cases

[new division w - foreclosure.pdf \(360Kb\)](#)

*Janet E. Gilbert*

Family Court Manager  
Court Administration  
1st Judicial Circuit of Florida  
190 Governmental Center  
Pensacola, FL 32502  
Phone: 850-595-0379  
FAX: 850-595-3246  
[janet.gilbert@flcourts1.gov](mailto:janet.gilbert@flcourts1.gov)

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**From:** Vicki Jackson [<mailto:vjackson@clerkofcourts.cc>]

**Sent:** Tuesday, July 20, 2010 11:54 AM

**To:** Janet Gilbert

**Subject:** FW: Division W Cases

Janet,

Attached is the list for Okaloosa County of the cases that have been assigned to Division "W"  
Please let me know if you have any questions.

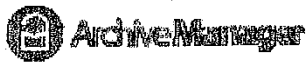
Vicki

Vicki Jackson  
Civil Courts Director  
Okaloosa County Clerk of Courts  
T (850) 651-7200 ext 4351  
F (850) 651-7670

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**From:** [Mark A. Lehmann](#)  
**To:** [egish@powellbearson.com](mailto:egish@powellbearson.com)  
**CC:** [Janet Gilbert](#)  
**Subject:** Foreclosure checklist

**Sent:** Wed, 21 Jul 2010 10:22:00 GMT

 [CHECKLIST.rtf \(41 Kb\)](#)

Ms. Gish,  
Here is the checklist you requested.

Mark A Lehmann  
Court Program Specialist II  
Foreclosure and Economic Recovery Program  
Escambia and Santa Rosa Counties  
850-595-4533



**From:** Connie Capps  
**To:** Janet Gilbert; Mark A. Lehmann;  
**Subject:** CMC Order

**Sent:** Thu, 29 Jul 2010 14:22:15 GMT

CMC Scheduling Order.doc (37Kb) image001.jpg (75Kb)

Please check for typos. Thanks.

***Connie S. Capps***  
Administrative Secretary  
Mediation / Family Court  
First Judicial Circuit  
(850) 595-4482  
(850) 595-3246 fax  
[connie.capps@flcourts1.org](mailto:connie.capps@flcourts1.org)

***LOVE, LAUGH, PHOTOGRAPH***

IN THE CIRCUIT COURT OF THE  
FIRST JUDICIAL CIRCUIT IN AND  
FOR ESCAMBIA COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

**Plaintiff,**

VS

**CASE NO.:**

**Defendant.**

**CASE MANAGEMENT CONFERENCE SCHEDULING ORDER**

**This Case is scheduled for** a Case Management Conference in accordance with Rule 1.200(a), Florida Rules of Civil Procedure and current administrative orders of the court. The case management hearing is scheduled for \_\_\_\_\_, 2010 at \_\_\_\_\_ A.M. / P.M. in Courtroom \_\_\_\_\_, at the M.C. Blanchard Judicial Building, 190 W. Governmental Center, Pensacola, Florida, before the Honorable John T. Parnham.

The purpose of this Case Management Order is to identify and resolve outstanding issues and determine what action is necessary to move the case expeditiously to resolution, because of the length of the time that this case has been pending. The parties are hereby notified that all pending motions may be considered at the Case Management Conference, including any pending summary judgment motion, and all opposition to any such motion must be filed and served in accordance with Rule 1.510 (c), Florida Rules of Civil Procedure, with a courtesy copy to Mark Lehmann, Foreclosure Division Case Manager, 190 W. Governmental Center, 3<sup>rd</sup> Floor, Suite 34002, Pensacola, FL 32502. The Court will also consider discovery motions and attorneys should appear having first attempted to resolve those issues with opposing counsel and fully prepared to argue those motions.

**Appearance at Case Management Conference:**

The Court has determined that the presence of the parties, Plaintiff and Borrowers:

\_\_\_\_\_ is required \_\_\_\_\_ is not required.

For Plaintiff, appearance shall be by a person with specific knowledge of the file and the ability to answer questions by the Court, including but not limited to the status of loss mitigation efforts, knowledge and consent of investors as to settlement, vacancy/tenancy in the property, and diligent search for borrowers. **Where attendance is required, failure to appear by either party**

**or failure to appear with requisite knowledge shall be grounds for dismissal, striking of pleadings and entry of default and/or such other sanctions as the Court deems appropriate.**

For the Plaintiff, telephone appearance of a representative: \_\_\_ is allowed \_\_\_ is not allowed.  
For the Borrower, telephone appearance: \_\_\_ is allowed \_\_\_ is not allowed. Any other party \_\_\_ is allowed \_\_\_ is not allowed to appear by telephone.

**A Case Management Report as detailed in this order shall be filed by the Plaintiff and any appearing Defendant in the case as required below, except that the Parties may file the following, and only the following, in lieu of the Case Management Report:**

1. A stipulation of Voluntary Dismissal and Proposed Order of Dismissal agreed to by parties.
2. A stipulation of settlement or forbearance with a Proposed Order of Dismissal reserving jurisdiction to enforce the settlement of forbearance.
3. In a situation in which the case has been finalized, but remains open on the court's docket, a Motion for Case Closure and Proposed Order to Close Case. A photocopy of the order which finalized the case shall be attached as an exhibit to the motion, for example, a final judgment, an order of dismissal, an order dismissing for lack of prosecution. This category is for cases that should have been closed but due to error are still listed as open cases. The proposed order should provide that this case shall be closed due to: \_\_\_\_\_ (state grounds)
4. In cases which are stayed or abated due to bankruptcy, a Motion Advising of Bankruptcy Status, which attaches a current bankruptcy case docket and an indication of whether or when relief from stay will be sought, with a Proposed Order regarding Bankruptcy Status reflecting that the case is still in bankruptcy.

**Required Case Management Report:**

A Case Management Report shall be filed by each party with the Clerk of Court, served on opposing parties, with a courtesy copy delivered to Mark Lehmann, Foreclosure Division Case Manager, 190 W. Governmental Center, 3<sup>rd</sup> Floor, Suite 34002, Pensacola, Fl 32502. This report shall be filed and delivered no later than ten (10) days prior to the scheduled Case Management Hearing Date.

**The Case Management Report shall include:**

1. **Date of filing of complaint and status** of complaint, including any lost note count.
2. **Status of pleadings of each defendant.** An accurate statement as to the:
  - a. Service, method of service, non-military affidavit

b. Response filed:

- i. Motion to dismiss, pending or resolved
- ii. Motions for extension of time, pending or resolved
- iii. Answers from Defendants identified by name
- iv. Motions to strike affirmative Defenses, pending or resolved
- v. Copies of all outstanding Motions and responses shall be attached to the Case Management Report

**3. Status of the Property:** Whether owner-occupied, tenant-occupied, or vacant. If vacant, Plaintiff must advise whether they will seek an expedited sale date if available.

**4. Status of Documents:** Is Plaintiff in possession of the original note? What is the chain of ownership of the note? Are there assignments of mortgage? The original documents should be brought to the Case Management Conference for examination by the Court.

- a. If the case is a lost note case, an adequate lost note affidavit that complies with statute should be filed separately in the case and a copy provided with the Case Management Report.

**5. Status of Mediation:** Has any party requested mediation? Should mediation be Ordered? If mediation was ordered, has it occurred and what was the outcome?

**6. Status of Loss Mitigation:**

- a. Does this properly qualify for the HAMP Program?
- b. Identify and list what HAMP outreach has occurred. Proof/documentation of same should be brought to hearing.
- c. Has the foreclosure been put on hold at any time?
- d. Are there current active loss mitigation efforts, including short sale?
- e. What if anything, is delaying a loss mitigation determination?
- f. Results of eligibility determination for loss mitigation
- g. The status of compliance with all U.S. Treasury directives and regulations

**7. Status of the Case:**

- a. Has Plaintiff sought summary judgment?
  - i. Was the motion set for hearing, when, what result? If the hearing was cancelled, advise as to reasons for cancellation.
  - ii. If the motion was not set for hearing, advise as to reasons and whether it is ripe for summary judgment.
  - iii. If all affidavits have been filed, is the matter ready for determination of a motion for summary judgment at the time of the case management



conference?

- b. What discovery, if any, has occurred or is outstanding?
  - i. If there is discovery outstanding, has a motion to compel been filed?
  - ii. If objections have been filed, has a discovery hearing and order been previously held?
  - iii. What reasons exist for delays in discovery?
  - iv. Indicate outstanding objections to discovery that are pending and the basis for those objections.
  - v. Counsel/parties are directed to confer on any outstanding discovery between the time of the filing of the report and the Case Management Conference to attempt to narrow the issues. Failure to do so will result in sanctions.
  - vi. Courtesy copies of all outstanding discovery and responses thereto shall be attached to the Case Management Report.

**8. Status of Related Cases/Title:** Are there any other related cases involving any other foreclosures, ownership, lien or title issues, and are there any related cases involving insurance issues? If so, each case should be identified by complete case style.

**9. Status for Trial:** If Summary Judgment has been denied, or no summary judgment will be sought, is the case ready for trial?

- a. Parties must list known witnesses and exhibits on the Case Management Report.
- b. Parties must list what discovery is necessary to prepare the case for trial.
- c. Motion which must be resolved prior to trial (limine, etc)
- d. Any other issues which may affect trial status should be brought to the court's attention.
- e. Coordinate the course of the case, including:
  - (a) Allocation of time for trial;
  - (b) Scheduling disclosure of final witness lists, discovery and exhibits;
  - (c) Discussion of evidence and affirmative defenses to claim;
  - (d) Setting of trial thirty (30) days from case management conference;
- f. Require filing of preliminary stipulations if issues can be narrowed.

**The information contained in the report must be accurate as to the status of the case. By signing the Case Management Report, the attorney signing is certifying accuracy. The attorney signing the report should be the attorney appearing at the Case Management**

**Conference. Plaintiff must bring stamped addressed envelopes for all parties on the service list to the Case Management Conference.**

**Scheduling of Dates**

Parties must bring their calendars to the Case Management Conference to schedule remaining court events and court-related events. The Court cautions Counsel that it is the objective of this Court Division to promptly and efficiently provide resolutions to outstanding foreclosure cases. Counsel shall be prepared to schedule those events according to priorities established by administrative order of this Court.

**IF THE PARTIES OR COUNSEL FAIL TO ATTEND THIS CONFERENCE, THE COURT MAY DISMISS THE ACTION, STRIKE PLEADINGS, LIMIT PROOF OF WITNESSES OR TAKE ANY OTHER APPROPRIATE ACTION AS PROVIDED IN RULE 1.200**

**THIS CASE MANAGEMENT CONFERENCE MAY BE CANCELLED ONLY BY THE COURT. Rescheduling should be sought through a motion to continue for good cause.**

**DONE and ORDERED** in Escambia County, Florida, on this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
CIRCUIT COURT JUDGE

**If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact: Shelia Sims, 190 Governmental Center, 5<sup>th</sup> Floor, Pensacola, FL 32502 (850) 595-4400 at least 7 days before your scheduled mediation appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.**



**From:** Mark A. Lehmann

**Sent:** Thu, 05 Aug 2010 13:56:00 GMT

**To:** Janet Gilbert

**Subject:** Judge's Input form for FERCTS

 [Judge input form.xls \(18Kb\)](#)

Janet,  
We can change this anyway you want. I just reflected the input form with FERCTS

Mark A Lehmann  
Court Program Specialist II  
Foreclosure and Economic Recovery Program  
Escambia and Santa Rosa Counties  
850-595-4533

# Foreclosure and Economic Recovery Case Tracking Form

1st Judicial Circuit

**Escambia County**

Real Property/Mortgage Foreclosure

Case Number \_\_\_\_\_

Filing Date \_\_\_\_\_

Disposition/Status \_\_\_\_\_

Date Disposed		
Disposition Type		
Check one	Summary/Final Judgment	
	Trial	
	Dismissed	
	unknown	

Date Status Change \_\_\_\_\_

Case Status:	Active	
Check one	Stayed-Bankruptcy	
	Stayed-Pending resolution of another case	
	Stayed-by agreement of parties	
	Stayed- Appeal Pending	
	Inactivity- Attorney Inactivity	
	Inactivity- Insufficient pleading or documentation	
	Inactivity- Mediation/Settlement negotiations	
	Inactivity-other(see coments below)	

Comments:

- Filing date- Initial document stamp date per the SRS Manuel
- Date of Disposition- Report cases as disposed after the final judicial decision which terminates a civil proceeding by a summary judgment or ordered entered by the court
- Disposition Type- Summary /Final Judgment, Trial, and Dismissed
- Date of Case Status Change- Captures the date case status changed from on category to another.
- Current Case Status- Captures information on the state of a case as it relates to judicial activity. Over broad catagories, it identifies whether the court is actively working to resolve a case or whether the judicial action cannot be concluded due to extenuating circumstances



**From:** [Judge Terrell](#) **Sent:** Fri, 06 Aug 2010 14:00:19 GMT  
**To:** [Judge Parnham](#); [Judge Brace](#)  
**CC:** [Robin Wright](#); [Janet Gilbert](#)  
**Subject:** FW: Foreclosure and Economic Recovery Initiative

 [62% Estimated RPFM Backlog.pdf \(14Kb\)](#)

---

**From:** Kristine Slayden [mailto:slaydenk@flcourts.org]  
**Sent:** Friday, August 06, 2010 1:53 PM  
**To:** Trial Court Chief Judges; Trial Court Administrators  
**Cc:** Lisa Goodner; Judge John Laurent; Judge Margaret O. Steinbeck; P.J. Stockdale; Arlene Johnson; Charlotte Jerrett  
**Subject:** Foreclosure and Economic Recovery Initiative

Chief Judges and Trial Court Administrators – As mentioned at the JAC meeting in Marco Island, the OSCA plans to provide you with monthly feedback on your progress in achieving the 62% backlog reduction goal. As a reminder, I have attached the target backlog reduction statistics for the foreclosure and economic recovery initiative. We have received a number of inquiries from judges requesting these statistics. You may want to forward the attachment to those judges who are directly working on the initiative.

We plan to send you the following two reports monthly so that you can monitor the statistics that we get in Tallahassee:

- 1) As data comes in from the clerks of court on their SRS reports of filings and dispositions, we will provide you with your circuit's progress in reducing the backlog by 62%. We will send the first report out to you on August 30<sup>th</sup> and then monthly from then on.
- 2) As data comes in from court administration on the status of the cases from the tracking system, we will provide you with analysis of the status and age of cases currently being handled as part of the initiative. We will send the first report out to you on September 30<sup>th</sup>, and then monthly from then on.

These monthly statistics will be provided to you only for internal use and will not be released externally without prior approval. Please let me know if you have any questions. Thanks. Kris

Kris Slayden  
Research and Data  
Office of the State Courts Administrator  
Florida Supreme Court  
500 S. Duval Street

Tallahassee, Florida 32399  
850-922-5106 (wk)  
850-556-2335 (cell)  
850-414-1342 (fax)

\*\*\*\*\*

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**Target Backlog Reduction**  
**Foreclosure and Economic Recovery Funding**  
**Backlog Cases**  
**FY 2006/07 through Estimated FY 2010/11**

<b>Circuit</b>	<b>Estimated Real Property/ Mortgage Foreclosure Backlog Cases</b>	<b>62% of Estimated Real Property/ Mortgage Foreclosure Backlog Cases</b>
1	12,960	8,035
2	4,385	2,719
3	1,325	822
4	21,523	13,344
5	19,931	12,357
6	39,394	24,424
7	21,585	13,383
8	2,575	1,597
9	50,600	31,372
10	12,979	8,047
11	87,955	54,532
12	25,557	15,845
13	38,180	23,672
14	4,634	2,873
15	63,402	39,309
16	2,671	1,656
17	57,514	35,659
18	31,052	19,252
19	20,717	12,844
20	41,005	25,423
<b>Total</b>	<b>559,945</b>	<b>347,165</b>



**From:** Mark A. Lehmann

**Sent:** Thu, 12 Aug 2010 09:01:51 GMT

**To:** Janet Gilbert

**Subject:** RE: Letters and Forms

Parnham letterhead2.doc (46Kb) CMC Scheduling Order Janet.doc (48Kb)

Janet,  
Yes here are the latest order and cover letter from Judge Parnham

Mark A Lehmann  
Court Program Specialist II  
Foreclosure and Economic Recovery Program  
Escambia and Santa Rosa Counties  
850-595-4533

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---

**From:** Janet Gilbert  
**Sent:** Thursday, August 12, 2010 8:51 AM  
**To:** Mark A. Lehmann  
**Cc:** Connie Capps  
**Subject:** Letters and Forms

Do you want me to put the sample letters and CMC Order on the shared Foreclosure drive so that Connie can use them to help you send out orders setting those hearings?

*Janet E. Gilbert*  
Family Court Manager  
Court Administration  
1st Judicial Circuit of Florida  
190 Governmental Center  
Pensacola, FL 32502  
Phone: 850-595-0379  
FAX: 850-595-3246  
[janet.gilbert@flcourts1.gov](mailto:janet.gilbert@flcourts1.gov)

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**IN THE CIRCUIT COURT  
OF THE FIRST JUDICIAL CIRCUIT  
IN AND FOR ESCAMBIA COUNTY, FLORIDA  
CIRCUIT CIVIL DIVISION**

**Plaintiff,**

VS

**CASE NO.:**

**Defendant.**

**ORDER SCHEDULING CASE MANAGEMENT CONFERENCE**

**This Case is scheduled for a Case Management Conference** in accordance with Rule 1.200(a), Florida Rules of Civil Procedure and current administrative orders of the court. The case management conference is scheduled for \_\_\_\_\_, 2010 at \_\_\_\_\_ a.m. /p.m. in Courtroom \_\_\_\_\_, at the M.C. Blanchard Judicial Building, 190 W. Governmental Center, Pensacola, Florida, before the Honorable John T. Parnham.

The purpose of this Case Management Order is to identify and resolve outstanding issues and determine what action is necessary to move the case expeditiously to resolution, because of the length of the time that this case has been pending. The parties are hereby notified that all pending motions may be considered at the Case Management Conference, including any pending summary judgment motion. All opposition to any such motion must be filed and served in accordance with Rule 1.510 (c), Florida Rules of Civil Procedure, with a courtesy copy to **Mark Lehmann, Foreclosure Division Case Manager, 190 W. Governmental Center, 3<sup>rd</sup> Floor, Suite 34002, Pensacola, Florida, 32502.** The Court will also consider discovery motions. Attorneys should appear having first attempted to resolve those issues with opposing counsel, and fully prepared to argue those motions.

**Appearance at Case Management Conference**

The Court has determined that presence at the Case Management Conference of the parties, Plaintiff and Borrowers is ( ) required ( ) not required.

For Plaintiff, appearance shall be by a person with specific knowledge of the case and the ability to answer questions by the Court, including but not limited to the status of loss mitigation efforts, knowledge and consent of investors as to settlement, vacancy/tenancy of the property, and diligent search for borrowers. **Where attendance is required, failure to appear by either party**

**or failure to appear with requisite knowledge shall be grounds for dismissal, striking of pleadings, entry of default and/or other sanctions as the Court deems appropriate.**

For the Plaintiff, telephone appearance of a representative is ( ) allowed ( ) not allowed.

For the Borrower, telephone appearance is ( ) allowed ( ) not allowed.

For any other party, telephone appearance is ( ) allowed ( ) not allowed.

**A Case Management Report as detailed in this order shall be filed by the Plaintiff and any appearing Defendant in the case as required below, except that the Parties may file the following, and only the following, in lieu of the Case Management Report:**

1. A Stipulation of Voluntary Dismissal and Proposed Order of Dismissal agreed to by parties.
2. A Stipulation of Settlement or Forbearance with a Proposed Order of Dismissal reserving jurisdiction to enforce the settlement of forbearance.
3. In a situation in which the case has been finalized, but remains open on the court's docket, a Motion for Case Closure and Proposed Order to Close Case. A photocopy of the order which finalized the case shall be attached as an exhibit to the motion, for example: a final judgment, an order of dismissal, or an order dismissing for lack of prosecution. This category is for cases that should have been closed, but are still listed as open due to some error. The proposed order should state that this case shall be closed due to *{state specific grounds}*\_\_\_\_\_.
4. In cases which are stayed or abated due to bankruptcy, a Motion Advising of Bankruptcy Status, which attaches a current bankruptcy case docket and an indication of whether or when relief from stay will be sought, with a Proposed Order regarding Bankruptcy Status reflecting that the case is still in bankruptcy.

**Required Case Management Report:**

A Case Management Report shall be filed by each party with the Clerk of Court, served on opposing parties, with a courtesy copy delivered to Mark Lehmann, Foreclosure Division Case Manager, 190 W. Governmental Center, 3<sup>rd</sup> Floor, Suite 34002, Pensacola, Florida 32502. This report shall be filed and delivered no later than ten (10) days prior to the scheduled Case Management Conference.

**The Case Management Report shall include:**

1. **Date of filing of complaint and status** of complaint, including any lost note count.
2. **Status of pleadings of each defendant.** An accurate statement as to:
  - a. Service, method of service, non-military affidavit

b. Response filed:

- i. Motion to dismiss, pending or resolved
- ii. Motions for extension of time, pending or resolved
- iii. Answers from Defendants identified by name
- iv. Motions to Strike Affirmative Defenses, pending or resolved
- v. Copies of all outstanding motions and responses shall be attached to the Case Management Report

3. **Status of the Property:** Whether owner-occupied, tenant-occupied, or vacant. If vacant, Plaintiff must advise whether they will seek an expedited sale date if available.
4. **Status of Documents:** Is Plaintiff in possession of the original note? What is the chain of ownership of the note? Are there assignments of mortgage? **The original documents should be brought to the Case Management Conference for examination by the Court.**
  - a. If the case is a lost note case, an adequate lost note affidavit that complies with Florida Statute should be filed separately in the case and a copy provided with the Case Management Report.
5. **Status of Mediation:** Has any party requested mediation? Should mediation be ordered? If mediation was ordered, has it occurred and what was the outcome?
6. **Status of Loss Mitigation:**
  - a. Does this properly qualify for the HAMP Program?
  - b. Identify and list what HAMP outreach has occurred. Proof/documentation of same should be brought to the Case Management Conference.
  - c. Has the foreclosure been put on hold at any time?
  - d. Are there any current active loss mitigation efforts, including short sale?
  - e. What if anything, is delaying a loss mitigation determination?
  - f. What are the results of eligibility determination for loss mitigation?
  - g. What is status of compliance with all U.S. Treasury directives and regulations?
7. **Status of the Case:**
  - a. Has Plaintiff sought summary judgment?
    - i. Was the motion set for hearing, when, what result? If the hearing was canceled, advise as to reasons for cancellation.
    - ii. If the motion was not set for hearing, advise as to reasons and whether it is ripe for summary judgment.
    - iii. If all affidavits have been filed, is the matter ready for determination of a

Motion for Summary Judgment at the time of the Case Management Conference?

- b. What discovery, if any, has occurred or is outstanding?
  - i. If there is discovery outstanding, has a motion to compel been filed?
  - ii. If objections have been filed, was a discovery hearing held and an order entered by the Court?
  - iii. What reasons exist for delays in discovery?
  - iv. Indicate outstanding objections to discovery that are pending and the basis for those objections.
  - v. Counsel/parties are directed to confer on any outstanding discovery between the time of the filing of the report and the Case Management Conference, in an attempt to narrow the issues. Failure to do so will result in sanctions.
  - vi. Courtesy copies of all outstanding discovery and responses thereto shall be attached to the Case Management Report.

**8. Status of Related Cases/Title:** Are there any other related cases involving any other foreclosures, ownership, lien or title issues, and are there any related cases involving insurance issues? If so, each case should be identified by complete case style.

**9. Status for Trial:** If summary judgment has been denied, or no summary judgment will be sought, is the case ready for trial?

- a. Parties must list known witnesses and exhibits on the Case Management Report.
- b. Parties must list what discovery is necessary to prepare the case for trial.
- c. Motions which must be resolved prior to trial (limine, etc)
- d. Any other issues which may affect trial status should be brought to the Court's attention.
- e. Coordinate the course of the case, including:
  - (a) Allocation of time for trial;
  - (b) Scheduling disclosure of final witness lists, discovery and exhibits;
  - (c) Discussion of evidence and affirmative defenses to claim;
  - (d) Setting of trial thirty (30) days from case management conference;
- f. Require filing of preliminary stipulations if issues can be narrowed.

The information contained in the report must be accurate as to the status of the case. By signing the Case Management Report, the attorney signing is certifying accuracy. The attorney signing the report should be the attorney appearing at the Case Management Conference. Plaintiff must bring stamped addressed envelopes for all parties on the service list to the Case Management Conference.

**Scheduling of Dates**

Parties must bring their calendars to the Case Management Conference to schedule remaining court events and court-related events. **The Court cautions Counsel that it is the objective of this Court Division to promptly and efficiently provide resolutions to outstanding foreclosure cases.** Counsel shall be prepared to schedule those events according to priorities established by administrative order of this Court.

**IF THE PARTIES OR COUNSEL FAIL TO ATTEND THIS CONFERENCE, THE COURT MAY DISMISS THE ACTION, STRIKE PLEADINGS, LIMIT PROOF OF WITNESSES OR TAKE ANY OTHER APPROPRIATE ACTION AS PROVIDED IN RULE 1.200**

**THIS CASE MANAGEMENT CONFERENCE MAY BE CANCELLED ONLY BY THE COURT. Rescheduling should be sought through a motion to continue for good cause.**

**DONE and ORDERED** in Escambia County, Florida, on this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
John T. Parnham  
Circuit Judge

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent via regular U.S. Mail on the \_\_\_\_ day of August, 2010, to the following:

ERNIE LEE MAGAHA  
CLERK OF COURTS

---

DEPUTY CLERK

**If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact: Shelia Sims, 190 Governmental Center, 5<sup>th</sup> Floor, Pensacola, FL 32502 (850) 595-4400 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.**



**From:** [Janet Gilbert](#) **Sent:** Mon, 30 Aug 2010 16:32:00 GMT  
**To:** [Vicki Jackson](#); [Adair Cotton](#); [Kathy Henley](#); [Linda Warren](#); [Brandy Norris](#); [Cheri High](#); [Kim Davis](#);  
**Subject:** Foreclosure Project

**DISPO FORM FOR DIV JUDGES.doc** (33Kb)

As you all know, we are required to report to Tallahassee on all cases filed up until July 1, 2010 even though our "W" division is only through December 31, 2009. Therefore, Judge Terrell has sent the attached disposition form to all judges requesting they complete them and give to our case managers on hearings scheduled in their division. Could you please help me get the word out to anyone who sees this form show up, to put them in the foreclosure case managers' incoming mail.

On one other note, one of the foreclosure judges believes some judges are asking the clerk to move some cases to the "W" division. We are only going to be able to hear and report on the cases sent to us for each county from Tallahassee (which you sent to them). Please let me know if anyone requests that a case be transferred to the "W" division, so this can be addressed. Thanks very much. I appreciate all of your help.

*Janet E. Gilbert*  
Family Court Manager  
Court Administration  
1st Judicial Circuit of Florida  
190 Governmental Center  
Pensacola, FL 32502  
Phone: 850-595-0379  
FAX: 850-595-3246  
[janet.gilbert@flcourts1.gov](mailto:janet.gilbert@flcourts1.gov)

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FORECLOSURE AND ECONOMIC RECOVERY DISPOSITION FORM  
 IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA  
 FIRST JUDICIAL CIRCUIT OF FLORIDA

Real Property/Mortgage Foreclosure

\_\_\_\_\_, Judge: \_\_\_\_\_  
 Plaintiff,  
 vs. Case No.: 20 \_\_\_\_\_ CA 00 \_\_\_\_\_  
 \_\_\_\_\_, Date: \_\_\_\_\_, 20 \_\_\_\_\_  
 Defendant(s).

Disposition	{check one}
Summary/Final Judgment	
Trial	
Dismissed	
Other (specify)	

Other Action	{check one}
Stayed – Bankruptcy	
Stayed – Pending resolution of another case	
Stayed – By agreement of parties	
Stayed – Appeal pending	
Lack of Prosecution (LOP) – Attorney Inactivity	
Rescheduled – Insufficient pleadings or documentation	
Ordered to Mediation/Awaiting Mediation Results	
Other – see comments below	

**Other Information/Comments:**

**IMPORTANT NOTICE:** This form is to be sent to the Foreclosure and Economic Recovery Case Manager listed below (care of Clerk’s Office, Circuit Civil) to report activity on any foreclosure case filed in your division before July 1, 2010.

Escambia and Santa Rosa: Mark Lehmann (850-595-4533)  
 Okaloosa and Walton: Amanda Bailey (850-689-7329)





First Judicial Circuit of Florida  
JOHN T. PARNHAM  
Circuit Judge (Senior)

Circuit Civil Division  
Foreclosure and Economic Recovery Program  
M. C. Blanchard Judicial Building

---

190 Governmental Center, Pensacola, Florida 32502 • (850) 595-4533 • Fax: (850) 595-3246

August 9, 2010

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RE: Case No.

Dear Counsel:

Pursuant to Administrative Order No. 2010-32 and in an effort to resolve this matter in a timely manner I have entered the attached Case Management Order and scheduled a case management conference. The conference is scheduled for: \_\_\_\_\_ . **Please make sure you read the attached order carefully** and ensure that you are prepared to address **all** relevant matters at the conference. (All times referenced in the case Management Order are **Central Standard Time**.)

**Personal appearance by Plaintiff's attorney (or local counsel retained by Plaintiff's attorney) is required.** The court cautions counsel that it is the objective of this Court Division to promptly, efficiently and fairly provide resolutions to "backlogged" foreclosure cases assigned to this division - unwarranted delays will not be tolerated. Please refer all inquiries about the Case Management Conference to Mark Lehmann, Foreclosure Division Case Manager, 190 W. Governmental Center 3<sup>rd</sup> Floor, Suite 34002, Pensacola, Florida 32502 (850-595-4533).

Sincerely,

Judge John T. Parnham  
Circuit Judge (Senior)

Hearing Schedule:   Date: \_\_\_\_\_  
                                  Time: \_\_\_\_\_  
                                  Location: \_\_\_\_\_  
                                  \_\_\_\_\_




**From:** [Judge Nobles](#)

**Sent:** Sun, 26 Sep 2010 11:30:00 GMT

**To:** [Janet Gilbert](#)

**CC:** [Judge Terrell](#)

**Subject:**

 [Foreclosure Checklist.doc \(51Kb\)](#)

I previously gave a copy of this form to Judge Parnham, but Judge Terrell asked me to send it to you as well. If you have any questions and can't reach me, feel free to ask Jane. I taught her the basics of foreclosures and how to use the form.





**From:** [Janet Gilbert](#) **Sent:** Mon, 11 Oct 2010 08:15:20 GMT  
**To:** [Robin Wright](#)  
**Subject:** RE: Clarification of Foreclosure Reporting Requirements

[ESC Tracking Form.xls \(24Kb\)](#)

No, we are tracking them per the attached tracking form. Please let me know if you want me to add that category to the weekly report as well. Thanks

*Janet E. Gilbert*

Sr. Deputy Court Administrator

Court Administration

1st Judicial Circuit of Florida

190 Governmental Center

Pensacola, FL 32502

Phone: 850-595-0379

FAX: 850-595-3246

[janet.gilbert@flcourts1.gov](mailto:janet.gilbert@flcourts1.gov)

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**From:** Robin Wright  
**Sent:** Monday, October 11, 2010 8:08 AM  
**To:** Janet Gilbert  
**Subject:** FW: Clarification of Foreclosure Reporting Requirements

Would it be difficult to track cancelled/continued cases?

**From:** P.J. Stockdale [<mailto:stockdap@flcourts.org>]  
**Sent:** Friday, October 08, 2010 2:22 PM  
**To:** Trial Court Administrators  
**Cc:** Kristine Slayden; Arlene Johnson  
**Subject:** Clarification of Foreclosure Reporting Requirements

Trial Court Administrators,

Thank you for your participation in yesterday's phone call. We appreciate your patience and insight into these projects.

I would like to summarize the issues discussed yesterday concerning the reporting requirements for the Foreclosure and Economic Recovery Case Tracking System (FERCTS) workbooks.

In the interest of keeping the project manageable while still satisfying the essential reporting requirements:

+ The importance of the 62% target numbers have been clarified to better reflect the goals of the initiative and the mission of the courts. The target numbers provide a goal to shoot for but should not be emphasized to the detriment of a fair and meaningful adjudicatory process.

+ In order to reduce the workload impact of the reporting component, circuits do not need to report the dates of reopen or reopen closed events. If a case that was disposed prior to July 1, 2010 that does not already appear in your application workbook is reopened, this case does not need to be added to the workbook.

+ It is still important that we track the number of cases achieving final disposition. Therefore, new cases that are opened after July 1, 2010 will need to be added to the application as appropriate.

Existing cases achieving final disposition should also be updated and reported.

+ As discussed, several mortgage companies within the state are enacting a voluntary moratorium on their foreclosure proceedings while they review their internal procedures. In many parts of the state, this will affect a significant number of cases currently being processed by initiative staff. While some concrete statistics on the number of cases affected would be useful, the additional workload required to report this circumstance does not justify the result. Active cases affected for more than thirty days by these voluntary stoppages should be reported in the "Inactive - Other" status category in the FERCTS workbook. Initiative staff are encouraged to identify cases affected by a moratorium in the comments field but this is not required.

We are open to suggestions from the circuits as to how we might obtain some hard numbers to help us better understand the impact of these moratoria.

Many jurisdictions report that they have enough cases not affected by the moratoria to keep initiative staff busy.

Thanks again for your input. Please contact myself or Kris if you have any questions or comments.

PJ

PJ Stockdale  
Senior Court Statistics Consultant  
OSCA - Court Services  
Supreme Court Building Annex  
500 S Duval St  
Tallahassee FL 32301-1900  
(ph) 850.410.1523  
(fax) 850.414.1342

\*\*\*\*\*

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PJ

PJ Stockdale  
Senior Court Statistics Consultant  
OSCA - Court Services  
Supreme Court Building Annex  
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Tallahassee FL 32301-1900  
(ph) 850.410.1523  
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**From:** Janet Gilbert  
**To:** Kristine Slayden  
**Subject:** RE: Foreclosure Project

**Sent:** Tue, 12 Oct 2010 14:23:00 GMT

Okay, thank you.

**From:** Kristine Slayden [mailto:slaydenk@flcourts.org]  
**Sent:** Tuesday, October 12, 2010 9:01 AM  
**To:** Janet Gilbert  
**Subject:** RE: Foreclosure Project

Janet – We don't have a contact information list for these people (We only have the names, since we pay them). You would probably need to contact each circuit to see if they have the contact information for them. Sorry. Kris

Kris Slayden  
 Research and Data  
 Office of the State Courts Administrator  
 Florida Supreme Court  
 500 S. Duval Street  
 Tallahassee, Florida 32399  
 850-922-5106 (wk)  
 850-556-2335 (cell)  
 850-414-1342 (fax)

**From:** Janet Gilbert [mailto:Janet.Gilbert@FLCOURTS1.GOV]  
**Sent:** Tuesday, October 12, 2010 9:33 AM  
**To:** Kristine Slayden  
**Subject:** Foreclosure Project

Kris, do you know how we may obtain a contact list of case managers and judges working the Mortgage Foreclosure Project? Thanks for your help.

*Janet E. Gilbert*  
 Sr. Deputy Court Administrator  
 Court Administration  
 1st Judicial Circuit of Florida  
 190 Governmental Center  
 Pensacola, FL 32502  
 Phone: 850-595-0379  
 FAX: 850-595-3246

[janet.gilbert@flcourts1.gov](mailto:janet.gilbert@flcourts1.gov)

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**From:** [Arlene Johnson](#)

**Sent:** Fri, 15 Oct 2010 08:23:24 GMT

**To:** [Janet Gilbert](#)

**Subject:** FW: Foreclosure Project

[Key Determinant Instructions.pdf \(43Kb\)](#) [Key Determinant Data Collection Instrument Excel.xls \(37Kb\)](#)

I apologize for this late response. Attached are the instructions and data collection form in Excel. Did you also want a list of program managers throughout the state?

Arlene

---

**From:** Kristine Slayden  
**Sent:** Tuesday, October 12, 2010 9:39 AM  
**To:** Arlene Johnson  
**Subject:** FW: Foreclosure Project

Kris Slayden  
Research and Data  
Office of the State Courts Administrator  
Florida Supreme Court  
500 S. Duval Street  
Tallahassee, Florida 32399  
850-922-5106 (wk)  
850-556-2335 (cell)  
850-414-1342 (fax)

---

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**Sent:** Tuesday, October 12, 2010 9:33 AM  
**To:** Kristine Slayden  
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Kris, do you know how we may obtain a contact list of case managers and judges working the Mortgage Foreclosure Project? Thanks for your help.

*Janet E. Gilbert*  
Sr. Deputy Court Administrator  
Court Administration  
1st Judicial Circuit of Florida  
190 Governmental Center  
Pensacola, FL 32502  
Phone: 850-595-0379  
FAX: 850-595-3246  
[janet.gilbert@flcourts1.gov](mailto:janet.gilbert@flcourts1.gov)

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## **Residential Mortgage Foreclosure Managed Mediation 120 Day Status Reporting (Key Determinants Identified by Supreme Court)**

This document provides guidance on procedures to be used when completing the Residential Mortgage Foreclosure Managed Mediation reporting form. For ease in understanding the report requirements of the form, this narrative is divided into three (3) major sections: Instructions, Definitions, and Audit Trails.

### **INSTRUCTIONS**

These instructions establish the reporting standards to be followed for residential foreclosure cases which are referred to the Residential Mortgage Foreclosure Managed Mediation Program ("RMFM Program") pursuant to Administrative Order No. AOSC09-54. The data from this report will be used to provide the Supreme Court of Florida with information pertaining to the number of cases statewide that are referred to managed mediation programs; the number of mediations with failures to appear; whether the cases were closed with a written agreement; and other relevant information. This report is a summary management report that provides key performance determinants for which the program will be measured. In addition, this report represents the **initial** amount of data that satisfies the reporting requirement of the supreme court in its administrative order. Expanded data requirements will be necessary and are forthcoming.

The following are specific instructions and procedures to use when submitting a Residential Mortgage Foreclosure Managed Mediation Report:

- Residential Mortgage Foreclosure Managed Mediation program managers are required to report monthly the status of cases at 120 days that have been referred and are case eligible to participate in the program. "Case eligible" means all of the following have been transmitted by plaintiff's counsel to the Program: 1) a complete Form A which indicates the case is eligible to participate in the program (homestead property/TILA loan), 2) facially complete contact information is received for all parties, and 3) a case number assigned by the Clerk of Court for the case. In the report and the instructions, cases referred to the RMFM Program which are case eligible will be referred to as "Form A referrals."
- The 120 Day Status Report represents an analysis of a monthly cohort of Form A referrals. The month of reporting is determined by the date the referral is case eligible as defined above.
- In accordance with rule 1.090(a), Florida Rules of Civil Procedure, day number one of the 120 Day Status Report begins one day after the case is determined eligible to participate. In addition, if day number 120 falls on a Saturday, Sunday, or legal holiday, then the end of the next day which is neither a Saturday, Sunday, or legal holiday is day number 120.

Example:

<b>Date the Referral becomes Case Eligible</b>	<b>Date of 120 Day Status Evaluation</b>	<b>Date the 120 Day Status Report should be Submitted to the Chief Judge</b>
on January 4, 2010	on May 4, 2010	on June 10, 2010
on January 15, 2010	on May 17, 2010	on June 10, 2010
on January 31, 2010	on June 1, 2010	on June 10, 2010

To track the case, day number one begins one day after the case is determined eligible to participate. For example, if a referral is case eligible on January 4, 2010, the 120 day status evaluation of the case should occur on May 4, 2010 (if it does not fall on a Saturday, Sunday, or legal holiday). Then, the 120 Day Status Report should be submitted to the chief judge (or designee) for the January 2010 cohort on June 10, 2010.

- The 120 Day Status Report must be submitted by the program manager on a monthly basis to the chief judge (or designee) in the circuit court in which they operate no later than the 10<sup>th</sup> day of each month.
- The 120 Day Status Report must be provided to the chief judge in the format provided by the Supreme Court Committee on Alternative Dispute Resolution Rules and Policy.
- Beginning September 1, 2010, each program manager must begin capturing and reporting the monthly 120 Day Status Report. If a program has been in existence for more than six (6) months, the program manager must retroactively produce monthly reports from March 1, 2010 forward. Your program's first report is due on October 10, 2010 even if you have no data and the report contains only zero's.
- The 120 Day Status Report must contain each Form A referral within a specific month. For example, the status of Form A referrals from January 1 to January 31 must be reported in the same the month.
- If there are no events to report, the program manager must submit a report to the chief judge with zero events.
- Data amendments can be made and will be accepted on the subsequent monthly report by overwriting the previous data which was submitted.



## **DEFINITIONS**

### **A. Listing of Totals**

#### 1. Total Form A Referrals Received for the Month-Case Eligible

- Report the total number of Form A referrals received during the reporting month for cases which are case eligible. "Case eligible" means all of the following have been transmitted by plaintiff's counsel to the Program: 1) a complete Form A which indicates the case is eligible to participate in the program (homestead property/TILA loan), 2) facially complete contact information is received for all parties, and 3) a case number assigned by the Clerk of Court for the case.

#### 2. Total Borrowers Contacted

- Report the total number of Form A referrals where all borrowers were contacted. Report only those Form A referrals where the Program Manager has spoken to the borrowers on the telephone or in person. If borrowers are married, contacting one spouse who indicates both spouses want to participate in the program, there is no need for the Program Manager to speak to the other spouse. If borrowers are married but separated or estranged, or if one spouse indicates the other spouse is unwilling to participate in the program, the Program Manager must contact each spouse to determine if they want to participate in the Program. If the borrowers are not married, one borrower cannot speak for another borrower, and each non-married borrower must be contacted by the Program Manager.
- Include Form A referrals where all borrowers were contacted and refused to participate in the program.
- DO NOT include Form A referrals where all borrowers have not been contacted.

#### 3. Total Mediations Scheduled

- Report the total number of mediation sessions scheduled and notice sent to parties.

#### 4. Total Mediations Conducted

- Report the total number of mediation sessions conducted. "Conducted" means a roll call was conducted by the Program Manager and the Program Manager is not required to report to the court any nonappearance by a required participant.
- Include mediation sessions that resulted in a partial written agreement, full written agreement, impasse, mediation terminated, and mediation adjourned.
- DO NOT include mediation sessions scheduled but not held.

5. Total Form A Referrals Closed With Failure to Appear: Borrower Only

- Report the total number of Form A referrals closed because one of the borrowers or the borrower's attorney failed to appear for a scheduled mediation session.

6. Total Form A Referrals Closed With Failure to Appear: Lender Only

- Report the total number of Form A referrals closed because the plaintiff's representative or the plaintiff's attorney failed to appear for a scheduled mediation session.

7. Total Form A Referrals Closed With Failure to Appear: Both Borrower and Lender

- Report the total number of Form A referrals closed because a failure to appear at a scheduled mediation is attributable to both the borrowers and the lender.

8. Total Form A Referrals Closed With Written Agreement

- Report the total number of Form A referrals closed with a written agreement. Report only those Form A referrals with a partial written agreement or full written agreement.

9. Total Form A Referrals Closed Without Agreement

- Report the total number Form A referrals closed with no written agreement. Report those Form A referrals in which there was an impasse or the mediation is terminated by the mediator for reasons other than an impasse. Impasse means the parties participated in mediation but reached no written agreement.

10. Total Form A Referrals Pending After 120 Days

- Report the total number Form A referrals which remain pending in the program 120 days after the Form A referral is case eligible as defined above.

**B. Results By Percentage**

1. Borrower Contacted Percentage

- Report the percentage of eligible Form A referrals in which all the borrowers were contacted. This value is the result of dividing Total Borrowers Contacted (A.2.) by Total Form A Referrals Received for the Month-Case Eligible (A.1).

2. Mediations: Lender Failure to Appear Percentage

- Report the percentage of Form A referrals closed in which the plaintiff's representative or plaintiff's attorney failed to appear for a scheduled mediation. This value is the result of dividing Total Form A Referrals Failure to Appear: Lender Only (A.6) by Total Mediations Scheduled (A.3).

3. Mediations: Borrower Failure to Appear Percentage

- Report the percentage of Form A referrals closed in which one of the borrowers or the borrower's attorney failed to appear for a scheduled mediation. This value is the result of dividing Total Form A Referrals Failure to Appear: Borrower Only (A.5) by Total Mediations Scheduled (A.3).

4. Mediations: Both Borrower and Lender Failure to Appear Percentage

- Report the percentage of Form A referrals closed in which the failure to appear for a scheduled mediation is attributable to both the borrower and the lender. This value is the result of dividing Total Form A Referrals Failure to Appear: Both Borrower and Lender (A.7) by Total Mediations Scheduled (A.3).

5. Mediations With Agreement Percentage

- Report the percentage of Form A referrals closed in which there is a written partial for full agreement after mediation. This value is the result of dividing Total Form A Referrals With Written Agreements (A.8) by Total Mediations Conducted (A.4).

6. Mediations Without Agreement Percentage

- Report the percentage of Form A referrals closed in which there is no written partial for full agreement after mediation. This value is the result of dividing Total Form A Referrals Without Written Agreements (A.9) by Total Mediations Conducted (A.4).

## **AUDIT TRAILS**

All programs are required to maintain an audit trail of each Form A referral within the Residential Mortgage Foreclosure Managed Mediation program. The audit trails must be made available to the chief judge upon request. Audit trails link each activity reported on the month 120 Day Status Report to specific case numbers and should validate whether the data was accurately reported. The audit trail information may be in any form (i.e., printouts, worksheets) and may include the use of codes (a code sheet must be provided for data verification if codes are used). Regardless of the format developed, the following information must be retained for each Form A referral.

- Date referral became case eligible;
- County of referral;
- Case number;
- Date borrower contacted;
- Date mediation scheduled;
- Date mediations conducted;
- Date Form A referral closed;
- Reason Form A referral closed (borrower failed to appear, lender failed to appear, borrower and lender failed to appear, partial written agreement after mediation, full written agreement after mediation, or no agreement); and
- Age of case.



**From:** [Judge Terrell](#) **Sent:** Thu, 28 Oct 2010 11:20:28 GMT  
**To:** [Judge Keith Brace](#)  
**CC:** [Judge Wells](#); [Robin Wright](#); [Janet Gilbert](#); [Judge Stone](#); [Judge Parnham](#);  
**Subject:** RE: Division W Foreclosure Cases Requiring Hearing Time Of One Hour or More

Please prepare the order to send lengthier cases back to the regular division if extended hearings are required. It is not the intent of the backlog program to use available time for more complex cases. The intent is to move the cases that can be resolved with proper attention to due process while not expending extraordinary time.

As to the extra time request, as last week's e-mail stated, it was hoped that the Supreme Court would provide some additional direction this week. That has not happened, yet. Under the circumstances of the cancellations, and while awaiting a reasonable time for further direction from the Supreme Court, please see if adjusting your block scheduling can accommodate the file review process you find necessary. In other words, for the short term please see if coming in at 8:00 but not setting hearings until 9:30 or 10:00 in the morning and doing review in the afternoon with hearings set at 2:00 or 2:30 will be adequate. Obviously, if firms are appearing by telephone from south Florida, that means hearing cease at 4:00. Of course, this is a broad suggestion, if you can devise a workable alternative for the short term, please feel free to do so.

If there is no further direction from the court in some reasonably short time (not likely more than a month), and if additional time continues to be needed to accommodate case processing issues, then adjustments will be forthcoming.

TDT

---

**From:** Judge Keith Brace [mailto:kb-sr@cox.net]  
**Sent:** Wednesday, October 27, 2010 8:36 PM  
**To:** Judge Terrell  
**Cc:** Robin Wright; Janet Gilbert  
**Subject:** Division W Foreclosure Cases Requiring Hearing Time Of One Hour or More

After our conversation in Pensacola concerning above referenced cases, I spoke with Judge Parnham. He and I feel that cases in which one hour or more hearing time is requested, should be returned to its regular Division for reassignment. Please advise if you are in agreement and I will prepare a proposed Order. If you prefer to have staff counsel prepare an Order, that is fine.

Also, John and I would like for you to consider making additional time available for each of us to be able to properly review and evaluate our cases. Due to the significant issues that have developed we are spending additional time on each case examining chain of title, proper standing and evaluating affidavits. I dismissed 10 of 55 cases on October 20th for improper affidavit or invalid assignment of mortgage. In addition, the administrative duties are time consuming for example: reviewing motions, pro-se correspondence, signing the multitude of orders substituting parties, substituting counsel, motions to continue or cancel hearing or sale etc. At present we set hearings the entire day, therefore, we have to come in frequently on days that we are not compensated.

Regards, Keith

\*\*\*\*\*

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**From:** [Kimberly Kosch](#) **Sent:** Fri, 05 Nov 2010 12:05:14 GMT

**To:** [Janet Gilbert](#); [Betty White \(bwhite@clrcuit5.org\)](#); [David Wolfson](#); [Stephanie Buck](#); [ipothof@17th.flcourts.org](#); [Wendy Whitsett](#); [Susana Fernandez \(sfernandez@ca.cjis20.org\)](#); [rbrown@ca.cjis20.org](#); [Ann Weeks \(aweeks@jud10.flcourts.org\)](#); [Bruce Waddell \(bwaddell@ca.cjis20.org\)](#); [Michelle Artman-Smith](#); [Robert Sterner \(rsterner@circuit7.org\)](#); [rjohnson@jud6.org](#); [JAMES GARDNER](#); [R.W. Joelle Haspil](#); [Carol Dunaway](#); [Diane Crawford \(crawfordd@jud14.flcourts.org\)](#); [Pam Mcleod](#); [Paul McGuire \(mcguirkp@fljud13.org\)](#); [Allen, John](#); [Sue Ann Murray](#); [Genie Williams](#); [ctadd3@ocncc.org](#); [Cynthia Nuce \(cnuce@circuit5.org\)](#); [Ron Lebio \(rlebio@earthlink.net\)](#); [Russell Hollingsworth \(russholl@tampabay.rr.com\)](#); [Fullerton, Cathy](#); [Cristal Cotmon \(ccotmon@17th.flcourts.org\)](#); [Mary Norwich \(mary\\_norwich@flcourts18.org\)](#); [Ollie Lyons \(ollie.lyons@flcourts18.org\)](#); [Karen Colbert](#); [Hal and Janet](#); [lourdes.leal@keysocourts.net](#); [Mark Palmquist \(carmar1@bellsouth.net\)](#); [Susan Gardner \(sgardner@jud12.flcourts.org\)](#); [Luanne Wolf \(luanne@ca.cjis20.org\)](#); [Steven Leigh](#); [Hanmer, Alyssa](#); [Stacy Kurnot](#); [Nathalie Gendron \(ngendron@pbccgov.org\)](#); [Vivian Perez Pollo](#); [Beverly Graper](#); [Sharon Cooksley](#); [Kara Krueger Lawson](#); [Bill Moreno](#); [Williams, Carol](#); [Don Schreiner](#); [Jana D. Sullivan](#); [Leon Plympton](#); [Marcia K. Phelps](#); [Marie Joy](#); [Terether Prophet \(tprophet@17th.flcourts.org\)](#)

**CC:** [Kimberly Kosch](#); [Janice Fleischer](#)

**Subject:** Clarification AO Re Foreclosures

[AOSC10-57 Clarification Med MF Program.pdf \(856Kb\)](#)

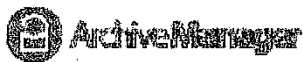
Dear ADR Directors and Mediation Service Coordinators,

Today Chief Justice Canady released AOSC10-57 clarifying several items related to AOSC09-54,  
 In Re: Final Report and Recommendations on Residential Mortgage Foreclosure Cases. AOSC10-57 is attached and will be discussed on our quarterly conference call on November 17<sup>th</sup>.

If you have any questions regarding the attached, please contact DRC Director Janice Fleischer who is copied on this email. Janice's email is [fleischerj@flcourts.org](mailto:fleischerj@flcourts.org).

TGIF, Kimberly

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**From:** [Judge Terrell](#) **Sent:** Tue, 09 Nov 2010 10:33:00 GMT  
**To:** [Robin Wright](#)  
**CC:** [Janet Gilbert](#)  
**Subject:** FW: Residential Mortgage Foreclosure Mediation Program - Key Determinant Report

Can we respond to this request?

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**From:** Arlene Johnson [mailto:[johnsona@flcourts.org](mailto:johnsona@flcourts.org)]  
**Sent:** Tuesday, November 09, 2010 5:44 AM  
**To:** Trial Court Chief Judges; Trial Court Administrators  
**Cc:** 'Burton Conner'; Kristine Slayden; Janice Fleischer; Leonard Helfand  
**Subject:** Residential Mortgage Foreclosure Mediation Program - Key Determinant Report

Good morning. As you are aware, on December 28, 2009, then Chief Justice Peggy Quince entered Administrative Order AOSC09-54 which approved various recommendations by the Mortgage Foreclosure Task Force. That administrative order directed the creation of a Residential Mortgage Foreclosure Mediation (RMFM) Programs in all 20 judicial circuits.

The Chief Justice's administrative order also directed the Supreme Court's Committee on Alternative Dispute Resolution Rules and Policy (ADR R&P Committee) to implement a reporting system to collect data and develop additional recommendations for the collection of data to assess the performance of RMFM Programs across the state. The Administrative Order identified certain key determinants which would be used to evaluate the success of the program.

In September 2010, each Program Manager was provided with the initial data report format (Key Determinant Report) developed by the ADR R&P Committee to capture the initial information identified by the supreme court as the ADR R&P Committee was developing a more comprehensive data reporting system. The program managers were instructed to provide you with monthly reports for new referrals received beginning September 1 (Note: If a program was in existence for more than six months, the ADR R&P Committee requested the program go back and capture data on a monthly basis for referrals received after March 1, 2010). The first report Key Determinant Report was due to you on October 10, 2010.

The OSCA has been tasked with compiling and analyzing the Key Determinant Report statistics to report to the supreme court by December 28, 2010. In order to complete our analysis, we request that you please forward the reports that were provided to you by your Program Manager to me at [johnsona@flcourts.org](mailto:johnsona@flcourts.org) by **Friday, November 12**. If you have not received a report, please contact your Program Manager as soon as possible.



Arlene Johnson  
OSCA, Research and Data  
Telephone 850.922.5103  
Facsimile 850.414.1342

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Keri Igney, Administrative Assistant to Chief Judge Terrell

**From:** [Robin Wright](#)**Sent:** Mon, 11 Jan 2010 17:30:59 GMT**To:** [Judge Terrell](#)**Subject:** FW: Economic Default Recovery Effort [Economic Default Recovery Effort.pdf \(7Kb\)](#) [EconomicDefaultRecoveryEffort\\_Distribution.xls \(29Kb\)](#)**From:** Heather Thuotte-Pierson [<mailto:piersonh@frcourts.org>]**Sent:** Monday, January 11, 2010 12:03 PM**To:** Trial Court Administrators**Cc:** Lisa Goodner; Sharon Buckingham; Kristine Slayden; Patty Harris; Theresa Westerfield; Arlene Johnson; Charlotte Jerrett; Greg Youchock; Elizabeth Garber**Subject:** Economic Default Recovery Effort

TCA's –

As discussed at the December meeting, the TCBC is requesting non-recurring funding authority from the Legislature for an Economic Default Recovery Effort, which will be filed as a supplemental FY 2010/11 LBR issue. These funds will be used to provide temporary resources in the trial courts to eliminate backlog in several civil areas, including cases involving mortgage foreclosures, real property, contracts and indebtedness, and county civil valued from \$5,001 to \$15,000.

The funding methodology developed for this Effort is based on the number of backlogged cases (in the aforementioned civil areas) in each circuit. A ratio of one General Magistrate, one Case Manager and two Administrative Support positions for every 15,000 backlogged cases was applied to estimate need. One Administrative Support position is dedicated to mediation for the coordination of civil cases covered under this Effort with the exclusion of residential homestead mortgage foreclosure cases. The annual salaries used to calculate the allocation amounts were approximately: \$79,688 for General Magistrates, \$39,126 for Case Managers, and \$26,090 for Admin Support.

You will find the estimated allocation amount for your circuit in the attached PDF file - Economic Default Recovery Effort. Please indicate, using the attached Economic Default Recovery Effort \_ Distribution spreadsheet, how you would like the funds for your circuit distributed – by category and element. For every element (General Magistrates, Case Managers, General Magistrate Admin Support and Mediation Admin Support) specify the dollar amount and category in which the funds should be allocated - OPS, contracted services and/or expenses dollars. To allow for maximum flexibility, funds may be expended in one or all of the elements. Also, funds dedicated to the General Magistrate element can be allocated as Senior Judge Days if preferred.

As usual we are under a tight timeframe for this Effort. Please respond by Thursday, January 14, C.O.B.

Please let me know if you have any questions or concerns.

Thanks,  
Heather

Heather Thuotte-Pierson  
Office of the State Courts Administrator  
Court Statistics Consultant  
(850) 410-3376  
piersonh@flcourts.org

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## Economic Default Recovery Effort

Circuit	Estimated Number of Backlog Cases (FY 2006-07 to FY 2010-11) <sup>1</sup>	Estimated Allocations for FY 2010/11
1	17,739	\$170,994
2	7,134	\$85,993
3	2,356	\$85,993
4	30,144	\$341,988
5	28,511	\$341,988
6	51,993	\$515,448
7	27,851	\$341,988
8	3,404	\$85,993
9	65,989	\$683,976
10	15,992	\$170,994
11	126,197	\$1,385,856
12	37,077	\$341,988
13	55,143	\$687,264
14	6,118	\$85,993
15	86,380	\$1,039,392
16	3,650	\$85,993
17	86,912	\$1,039,392
18	45,850	\$512,982
19	27,532	\$341,988
20	59,091	\$683,976
<b>Total</b>	<b>785,063</b>	<b>\$9,030,179</b>

<sup>1</sup> Estimated Number of Backlog Cases calculated for contract and indebtedness, real property/mortgage foreclosure, and county civil (\$5,001 to \$15,000) cases. Backlog cases were determined by subtracting the number of dispositions from the number of filings. The official trial court statistics were used for fiscal year 2006-07 to 2008-09, annualized data (July to October) were used for fiscal year 2009-10, and certification projections were used for fiscal year 2010-11. The dispositions for fiscal year 2010-11 were based on the filing to disposition ratio in fiscal year 2006-07.

**Economic Default Recovery Effort**

Circuit \_\_\_\_\_

General Magistrates				
OPS	Contracted Services	Expense	Senior Judge Days @ \$350 a day	Total
				\$0.00

Case Managers			
OPS	Contracted Services	Expense	Total
			\$0.00

General Magistrate Admin Support			
OPS	Contracted Services	Expense	Total
			\$0.00

Mediation Admin Support			
OPS	Contractual Services	Expense	Total
			\$0.00



**From:** [Heather Thuotte-Pierson](#) **Sent:** Thu, 21 Jan 2010 13:41:35 GMT

**To:** [Robin Wright](#); [Joseph Stelma, Jr.](#); [Mike Bridenback](#); [Carol Ortman](#); [Matthew Benefiel](#); [Mark Van Bever](#); [Mark Weinberg](#); [Nick Sudzina](#); [Walt Smith](#); [Gay Inskeep](#); [Richard Callanan](#); [slonerqan@jud11.flcourts.org](mailto:slonerqan@jud11.flcourts.org); [David M. Trammell](#); [Thomas Genung](#); [Barbara Dawicke](#)

**CC:** [Judge Terrell](#); [Kristine Slayden](#); [Lisa Goodner](#); [Charlotte Jerrett](#); [Judge Belvin Perry, Jr.](#); [Judge Manuel Menendez, Jr.](#); [Judge Donald R. Moran, Jr.](#); [Judge G. Keith Cary](#); [Judge David J. Walsh](#); [Judge J. Preston Silverna](#); [Judge Joel Brown](#); [Judge Victor Tobin](#); [Judge J. Thomas McGrady](#); [Sharon Buckingham](#); [Patty Harris](#); [Judge Daniel B. Merritt, Sr.](#); [Judge J. David Langford](#); [Theresa Westerfield](#); [Judge Lee E. Haworth](#); [Sandra Garcia](#); [Judge Steven Levin](#); [Judge Peter Blanc](#)

**Subject:** Economic Default Recovery Effort \_ Submission Review

[EconomicDefaultRecoveryEffort Distribution.xls \(29Kb\)](#)

TCAs-

The TCBC Executive Committee has approved to file a supplemental FY 10/11 LBR for additional non-recurring funding authority for the Economic Default Recovery Effort. In an effort to limit the number of budget amendments submitted to the Legislature if this funding is appropriated, the TCBC Executive Committee has asked for each circuit to review their submission, paying particular attention to the funding by category (OPS, contracted services, and expense) for each element. It is necessary that the dollar amounts in each category be as accurate as possible when the request for funding authority is presented to the Legislature. Therefore, if you have any revisions to your original funding plan, please use the attached spreadsheet to make these changes. The deadline for submission is Monday, January 25, 2010.

Thanks,  
Heather

Heather Thuotte-Pierson  
Office of the State Courts Administrator  
Court Statistics Consultant  
(850) 410-3376  
[piersonh@flcourts.org](mailto:piersonh@flcourts.org)

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**Economic Default Recovery Effort**

**Circuit** \_\_\_\_\_

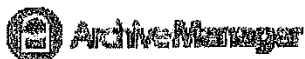
General Magistrates				
OPS	Contracted Services	GM/Senior Judge Expense	Senior Judge Days @ \$350 a day	Total
				\$0.00

Case Managers			
OPS	Contracted Services	Expense	Total
			\$0.00

General Magistrate Admin Support			
OPS	Contracted Services	Expense	Total
			\$0.00

Mediation Admin Support			
OPS	Contractual Services	Expense	Total
			\$0.00





This message was sent with High Importance.

**From:** Dorothy Wilson **Sent:** Tue, 23 Mar 2010 16:10:50 GMT  
**To:** Trial Court Administrators; Trial Court Chief Judges;  
**CC:** Kristine Slayden; Lisa Goodner; Charlotte Jerrett; Sharon Buckingham; Patty Harris; Heather Thuotte-Plerson; Theresa Westerfield; Elizabeth Garber;  
**Subject:** Foreclosure and Economic Recovery Funding Proposal

 **TCBCRecommendation ForeclosureEconomicProposal.pdf (22Kb)**

Good Afternoon,

At the meeting of the Florida Conference of Circuit Judges' Judicial Administration Committee today, it was decided to allow the circuits to amend their Foreclosure and Economic Recovery Funding Proposals by category within the same total allocation as approved by the Trial Court Budget Commission on February 2, 2010. The attached chart reflects the current amounts for each circuit by category. Please send your amended category amounts to me by COB, Friday, March 26, 2010.

Also, keep in mind when reviewing and amending your request for resources by category that there are a limited number of senior judges that are available in the state. We understand that some TCA's are planning to use senior judges from other circuits. This may limit the availability of the resource for other TCA's.

As part of the Recovery Proposal, we will be providing statistics to the legislature on progress of reducing the backlog of these cases. We need to make sure that our plan (resources) allows us to maximize the number of cases we clear.

Please feel free to contact me if you have any questions.

Thank you

*Dorothy P. Wilson  
OSCA - Office of Budget Services  
500 S. Duval Street  
Tallahassee, Florida 32399-1900  
(850) 488-3735 / (850) 487-0664 Fax*

*Dorothy P. Wilson  
OSCA - Office of Budget Services  
500 S. Duval Street  
Tallahassee, Florida 32399-1900  
(850) 488-3735 / (850) 487-0664 Fax*

Theresa D. Westerfield  
Budget Administrator  
Office of the State Courts Administrator  
500 South Duval St.  
Tallahassee, FL 32333  
850-410-1894  
Fax 850-487-0664

\*\*\*\*\*

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

**Executive Committee Recommendation**

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

1st Cir 0907



**From:** [Heather Thuotte-Pierson](#) **Sent:** Fri, 07 May 2010 10:25:26 GMT  
**To:** [Trial Court Administrators](#); [Trial Court Chief Judges](#);  
**CC:** [Arlene Johnson](#); [Kristine Slayden](#); [Lisa Goodner](#); [Charlotte Jerrett](#); [Greg Youchock](#); [Sharon Buckingham](#);  
[Patty Harris](#); [Dorothy Wilson](#); [Theresa Westerfield](#); [Gary Phillips](#); [Elizabeth Garber](#);  
**Subject:** Foreclosure and Economic Recovery Program Allocations

[Foreclosure and Economic Recovery Program.pdf \(17Kb\)](#)  
[ForeclosureandEconomicRecovery Distribution.xls \(29Kb\)](#)

Good morning,

The Legislature appropriated funding for the Foreclosure and Economic Recovery Program in the amount of \$5,955,606 for FY 2010/11 to the trial courts. These non-recurring funds will be used to provide temporary resources in the trial courts to eliminate backlog in the civil areas. We will be sending information on target backlog reduction goals as well as parameters for implementation and clerk involvement in this program after the May 20, 2010 Trial Court Budget Commission meeting.

The amount of funding authority appropriated for this program is less than the amount originally requested, thus the estimated allotment for each circuit also has been adjusted. You will find the estimated allocation by circuit along with estimated backlog cases in the attached PDF file – Foreclosure and Economic Recovery Program. **Considering your adjusted allocation, please indicate, using the attached ForeclosureandEconomicRecovery \_ Distribution spreadsheet, how you would like the funds for your circuit distributed – by category and element.** For every element (General Magistrates and/or Senior Judges, Case Managers, General Magistrate/Senior Judge Admin Support and Mediation Admin Support) specify the dollar amount and category in which the funds should be allocated - OPS, contracted services and/or expenses dollars. To allow for maximum flexibility, funds may be expended in one or all of the elements.

As a reminder, the funding methodology developed for this proposal is based on the number of backlogged cases (in the civil areas) in each circuit. A ratio of one General Magistrate, one Case Manager and two Administrative Support positions for every 15,000 backlogged cases was applied to estimate need. One Administrative Support position is dedicated to mediation for the coordination of civil cases covered under this program with the exclusion of residential homestead mortgage foreclosure cases handled through the managed mediation program. The annual salaries used to calculate the allocation amounts were approximately: \$79,688 for General Magistrates, \$39,126 for Case Managers, and \$26,090 for Admin Support.

Additional information is also needed again from the circuits as to how economic recovery resources will be deployed circuit-wide. Court leadership would like to be able to share this information with the clerks so they can plan accordingly, since they were appropriated \$3.6 million to support our initiative. Please provide:

-The amount of **magistrate/senior judge FTE's** that will be assigned in **each county** based on the expected workload from the backlogged cases. *Note: Single county circuits can ignore this question.*

-If you have multiple **magistrate/senior judge FTE's** in the proposal, what is the maximum number of courtrooms that will be scheduled at any one time **in each county**?

As usual we are under a tight timeframe. Please respond by **Wednesday, May 12th C.O.B.**

Please let me know if you have any questions or concerns.

Thanks,  
Heather

Heather Thuotte-Pierson  
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**Foreclosure and Economic Recovery  
Fiscal Year 2010/11 Proposed Allocation**

Circuit	Estimated Number of Backlog Cases (FY 2006-07 to FY 2010-11) <sup>1</sup>	FY 2010/11 Proposed Allocation
1	17,739	\$106,365
2	7,134	\$106,365
3	2,356	\$64,261
4	30,144	\$212,729
5	28,511	\$212,729
6	51,993	\$317,752
7	27,851	\$212,729
8	3,404	\$106,365
9	65,989	\$425,457
10	15,992	\$106,365
11	126,197	\$862,053
12	37,077	\$212,729
13	55,143	\$427,504
14	6,118	\$106,365
15	86,380	\$646,540
16	3,650	\$106,365
17	86,912	\$646,540
18	45,850	\$319,094
19	27,532	\$212,729
20	59,091	\$425,458
<b>Total</b>	<b>785,063</b>	<b>\$5,836,494</b>
<b>2% Expense Contingency</b>		<b>\$119,112</b>
<b>Economic Recovery Funding Authority</b>		<b>\$5,955,606</b>

<sup>1</sup> Estimated Number of Backlog Cases calculated for contract and indebtedness, real property/mortgage foreclosure, and county civil (\$5,001 to \$15,000) cases. Backlog cases were determined by subtracting the number of dispositions from the number of filings. The official trial court statistics were used for fiscal year 2006-07 to 2008-09, annualized data (July to October) were used for fiscal year 2009-10, and certification

<sup>2</sup> Estimates that 42% of backlog cases can be processed with resources funded through the Foreclosure and Economic Recovery Proposal