

**From:** Friedman, David </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=DFRIEDMAN>

**To:** Schreiber, Lee Ann

**CC:**

**Date:** 3/16/2010 2:20:28 PM

**Subject:** ?RE: foreclosures

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non-responsive	non-responsive	non-responsive			

Attached is "Friedman on Foreclosures"

No interviews set yet as far as I know.

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**From:** Schreiber, Lee Ann  
**Sent:** Tuesday, March 16, 2010 2:36 PM  
**To:** Friedman, David  
**Subject:** RE: foreclosures

Yes, great – I can use all the help I can get! Have they held interviews yet for the Lee County GM position?

---

**From:** Friedman, David  
**Sent:** Tuesday, March 16, 2010 2:28 PM  
**To:** Schreiber, Lee Ann  
**Subject:** foreclosures

I prepared a seven page summary for the Judges to assist in their summary judgment hearings. Let me know if you would like a copy.

## **FORECLOSURE CHECKLIST REVIEW**

From: Magistrate David C. Friedman

March 15, 2010

To: Judges Turner, Murphy, Crown, Carr, Provost and Martin:

The checklist for summary and default judgments in foreclosure is now familiar to you but I attach it for ease of reference. As to each section of the checklist, I have attempted to provide a description of legal issues presented over the course of my twenty-seven months presiding over foreclosure hearings, and how I have arrived at the recommendations regarding some of those issues.

After my review I will place the checklist in the front of each file and the checklist is intended to fall within the provisions of Rule 2.420, Florida Rules of Judicial Administration. It is not to remain in the court file for the clerk to file stamp as a public record.

I will not be placing the case name and case number at the top but will indicate the date of my review. I will make note of all pleadings relevant to the checklist which are neither docketed nor filed, and some which are docketed but not filed. There will be documents filed after my review and before the hearing which appear in the file or on the clerk's docket after the date of my review. I have suggested to the court clerks (Donna Woodruff, supervisor) that her staff attach by clip or otherwise to the outside of the file all documents which were filed after my review so that they may draw the attention of the presiding judge. The documents often sent to the clerk's office days before a hearing are the Original Note and Mortgage and the proposed Judgment. On occasion updated Affidavits may also be filed late.

Rather than fill in the spaces on the checklist to include names of all parties, dates and types of service, date of filing of pleadings, etc., I have chosen to note on the checklist only those papers and pleadings which are absent or raise potential issues for the hearing. If no notation is found on the checklist next to a listed pleading or paper I have found nothing in the pleadings filed to bring to your attention - and that is also true if only the date of my review appears on the checklist.

**NOTICE OF HEARING:**

The Notice must be filed a reasonable time prior to the hearing on the summary judgment. (ten days has been found to be sufficient (See 560 So.2d 1337). Rule 1.510, the summary judgment rule, does not require a specific number days between the service of the Notice and the date of the hearing. For a default judgment under rule 1.500, if no arithmetic calculations are required, the hearing on a default judgment may proceed without service of the notice of hearing.

I will be checking the service list on the Notice of Hearing to examine whether all parties are correctly listed where they were served with initial process, or at the address of any attorney of record.

**ORIGINAL NOTE OR LOST NOTE ESTABLISHED**

If the Original Note is not in the file and there is a count in the complaint to reestablish a lost Note, the essential provisions of F.S. 673.3091 are to be alleged in the Complaint and the instrument may be reestablished under F. S. 71.011 and 673.3091. The Judgment should provide for indemnification of the borrower or maker. I will examine the Lost Note Affidavit to ensure it comports with the basic requirements of the statute and that it was timely served.

**IS PLAINTIFF ORIGINAL LENDER?**

I will examine the Note if it is in the file to ensure it contains a blank endorsement on the front or the back of the Note or on an Allonge, or that the instrument is specifically endorsed to the Plaintiff. I will examine any Assignment(s) to ensure that the chain from transferor to transferee of the Note is complete. Sometimes, the Note may not have a specific endorsement to the Plaintiff. Then, to establish standing, the Plaintiff will rely on a valid Assignment of Mortgage which by its specific terms transfers the Note or other obligation listed in the Mortgage along with the Assignment of the Mortgage.

Whether the Plaintiff who is not the originator of the loan had standing as the real party in interest at the time the foreclosure action was filed is best proven by the filing of a copy of a recorded assignment which was executed by a corporate official before the date the action was filed. This does not occur often. Where there was a transfer of the

negotiable instrument (the Note), the Assignment, if filed in the court file, often was executed after the date the action was filed. In my view, this only creates an issue if there is either an affirmative defense or stated opposition to the Motion for Summary Judgment. While a blank endorsement on the Note suffices to establish that the Plaintiff is the holder, what does the Court do when the Assignment reflects that the Mortgage (and the Note) were physically delivered after the action was filed? Does the Court find no material issue of disputed fact as to standing because Florida permits a holder of a Note or Mortgage to file foreclosure, or does the Court deny the Motion without prejudice and afford an evidentiary hearing to the Plaintiff to meet its burden under WM Specialty Mortgage v. Salomon, 874 So.2d 680 (4<sup>th</sup> DCA 2004) and establish an equitable assignment? I have opted for the latter and postponed a summary judgment hearing or denied the Motion without prejudice because the Plaintiff's own evidence conflicts with the allegation in the complaint that it held or owned the instruments when it filed the suit.

Where there are multiple endorsements on the Note, I have required the Plaintiff to file a copy of each Assignment of Mortgage to establish standing and a clear chain of transfer of the negotiable instrument each step of the way. The Plaintiff must establish that as the assignee of the mortgage it receive those rights the transferor had acquired. (See FL-Mortgages §7-2, an excellent reference) I will draw your attention to this issue when it is apparent.

**DEFENDANTS, SERVICE, ANSWER, AFFIRMATIVE DEFENSES, DEFAULT**

I will examine the returns of service to ensure each named party-defendant was served and will note if any Affirmative Defenses appear in any Defendant's responsive pleading. The presence or absence of a Default does not prohibit the entry of summary judgment. The Default is of course a prerequisite to a Motion under 1.500.

I will also check the non-military affidavit(s).

The presence of an Affirmative Defense at the hearing on summary judgment requires that the Court ensure that the Moving Party refute by its evidence each and every Affirmative Defense before the Court can determine that there are no material issues of disputed fact. The absence of an Answer and an unresolved Motion for Extension of

Time does not prohibit summary judgment, but the plaintiff has a higher burden to conclusively show that the defendant cannot plead a genuine issue of material fact.

Off-cited cases by parties opposing summary judgment include the following: Frost v. Regions Bank, 15 So.3<sup>rd</sup> 905 (3<sup>rd</sup> DCA 2009), which requires the bank to refute an affirmative defense alleging that the lender did not comply with the condition precedent requiring mailing of the notice of default/notice of intent to accelerate. Also cited is Howdeshell v. First National Bank of Clearwater, 369 So.2d 432 (2d DCA 1979), holding that plaintiff must disprove affirmative defenses or establish their legal insufficiency, particularly as it relates to equitable defenses. Finally, Judge Hugh Hayes' opinion for the 2d DCA in Nard v. Devito, 769 So.2d 1138 (2d DCA 2000), is quoted for the proposition that the possibility or slightest doubt that an issue might exist must be resolved against the moving party. ( I also note the opinion contains a footnote from the trial record revealing how not to criticize a conflict in appellate decisions).

### **MOTION FOR SUMMARY JUDGMENT FILED**

I will examine the Motion to ensure that it was timely served at least 20 days prior to the date of the hearing. There are two appellate decisions suggesting that the 5 day mail rule must be added and that therefore 25 days must separate the service date and the date of the hearing (excluding the date of service). Berman in West's Florida Practice Series on Civil Procedure, citing the following two cases, says that five days must be added and that the Motion must be served no less than 25 days prior to the hearing. The first cited case, Nelson v. Balkany, 620 So.2d 1138, is easily distinguishable due to the litany of procedural problems in the short opinion; the other case, Ultimate v. C G Data, 575 So.2d 1138, seems to require demonstrable prejudice to establish a claim of untimeliness. On March 3, 2010, the 2d DCA in Verizzo v. BONY addressed timeliness of both service and filing under 1.510 and, in quoting the 20 day period stated in the rule, did not add the 5 day mailing period. (See case cited in Verizzo, Coastal Caribbean v. Rawlings, 361 So.2d 719, on the 20 day filing interpretation and on affidavit requirements)

In the absence of an objection (demonstrable prejudice) at the hearing it appears that 20 days is sufficient, particularly where there is a default – that is an argument the

lender asserts. I had for a few months early in 2008 required summary judgment hearings to be rescheduled where the Motion was served between 20 and 25 days before the hearing. I came around to agreeing with the lenders that a party not present at the hearing whether defaulted or not, who presented no affirmative defenses and no affidavits in opposition, could be served with the Motion and Affidavits 20 days prior to hearing (exclusive of the date of service). See Azanza v. Private Funding Group, 4<sup>th</sup> DCA, Oct. 7, 2009)

### **SUPPORTING AFFIDAVITS FILED**

I will examine the Affidavits for several purposes. Are they originals? Are they served at least 20 days prior to the hearing? Are the line items in the proposed judgment (if present at the time of my review) properly supported by the affidavits – I will not be adding the total of each line item, but supplemental affidavits are often filed which may include line items in the proposed judgment not listed on earlier filed affidavits. These later affidavits most often include taxes and insurance made for the escrow account of the defaulted borrower, property inspections and other expenses accruing later during the litigation. There is no requirement that the affidavits list interest accumulated to the date of the hearing – but it helps to see the per diem listed in the affidavit.

Affidavits must be served timely – and appellate decisions hold that a party is entitled to timely service of proof of all sums sought. (Ellis v. Barnett Bank, 341 So.2d 545 (1977)). So, where additional attorney fees, costs, or expenses are included only in affidavits filed untimely, the Plaintiff may reschedule or ask the Court to delete an item or two and reduce the amount of the judgment. The fact that a clerk or judicial default was entered against the Defendant does not change the requirement that a party have timely notice of all sums sought and the evidence supporting the claims.

1.510(e) requires attachment of the document reviewed to support a personal knowledge affidavit. I have, upon an objection to admissibility of an affidavit or an argument in opposition, agreed that the Motion should be denied or continued if the essential documents referred to in an affidavit are not attached. Sworn or certified copies of the documents are required by the Rule.

Some cases helpful in resolving questions regarding admissibility of affidavits include the following: West Edge II v. Kunderas, 910 So2d 953 (2d DCA 2005), Kimball v. Publix, 901 So2d 293 92d DC A 2005), Lenhal Realty v. Transamerica, 615 So2d 207 (4<sup>th</sup> DCA 1993), and Foster v. Weber, 5778 So2d 857 95<sup>th</sup> DCA 1991). Also see cases annotated under F.S. 90.803(6), the business records exception to the hearsay rule.

### **SERVICE AND FILING OF ORIGINAL NOTE**

Very often the Note has been filed and not served, and just as often it is filed and served but less than twenty days before the hearing on summary judgment. Untimeliness under 1.510 can be cured over objection if the copy of the Note attached to the complaint or otherwise filed is identical to the Original Note. If standing is asserted as an Affirmative Defense or in opposition at the hearing, and the back (not the front) of the Note has the proof of delivery, I have postponed the hearing if the Defendant objects to untimeliness and an inadequate opportunity to prepare, having never seen the exhibit offered as evidence in support of the Motion.

### **PENDING DISCOVERY**

As a general rule where discovery is pending summary judgment is inappropriate. Where the moving party at summary judgment has objected to discovery the next expected step is a Motion to Compel or a Motion for Protective Order. But there may be occasions where the Court can determine that the pending discovery issues are moot, so insignificant that summary judgment may proceed, or that the non-movant has been dilatory. There are occasions where at the eleventh hour the defense serves discovery upon the plaintiff who may still proceed to obtain summary judgment. The trial court can reach the conclusion that the record is sufficiently clear to disclose that further discovery is not needed to develop significant issues through the discovery process. (as cited in Colby v. Ellis, 562 So.2d 356 (2d DCA 1990), where the Court said a party does not have an unlimited right to discovery before summary judgment; also see 49 Fla. Jur. 2d Summary Judgment, §72, for exceptions to general rule stating it is abuse of discretion to proceed where no opportunity to complete discovery).

## **FORM OF FINAL JUDGMENT**

On February 11, 2010, the Florida Supreme Court amended the form for Final Judgments in foreclosure cases. Some of the bank's firms have already made the changes, but some have not moved as quickly. One of the provisions which still finds its way into some of the proposed judgments requires that the clerk not conduct the judicial sale if the plaintiff or its representative is not present. This has been stricken by me and the Supreme Court in its February 11 opinion also declined to allow it to be inserted.

Often the attorney for the condo or homeowners association will appear at the hearing and had filed affirmative defenses and limited opposition. Under 718.116 and 720.3085 the assessments may have priority over the first mortgagee. The applicable language usually appears at the end of the proposed judgment. Judge Casanueva's opinion for the 2<sup>nd</sup> DCA on February 19, 2010, in Coral Lakes v. Busey Bank is very helpful in its analysis of some of the issues often raised at summary judgment.

## **MEDIATION**

Rule 1.700(a) permits the Court to order any circuit civil case to mediation. Until the 20<sup>th</sup> Circuit adopts by Administrative Order the Florida Supreme Court's mandatory mediation order and the managed mediator is selected (to start no later than July 1<sup>st</sup> according Part H of the Request for Proposal on circuit's website), the Rule governs. I have, with the blessing of our Circuit Judges, sent at least 120 cases to mediation and have used a list of certified civil mediators on rotation. If at a summary judgment hearing, you are inclined to send a case to mediation and postpone the hearing, I will be available to draft the Order for Mediation to the assigned Circuit Judge for execution, as I always have. This will permit the rotation list to continue until the managed mediator is on board.



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

**To:** Schreiber, Lee Ann

Carlin, John S.

**CC:** Cary, G. Keith

Steinbeck, Margaret

**Date:** 2/2/2010 11:08:38 AM

**Subject:** ?RE: my official start date of Monday February 8

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Lee, if there is still time/opportunity to "shadow," you may want to try and come up for DV Court next Tues. (Judge Richards will be presiding) and either the 16th or 23rd to watch me conduct DV hearings to get a flavor of different styles. I'm glad you are watching foreclosures up here tomorrow as we do conduct them a little differently up here compared to Lee Co. (we do not get the same level of assistance from the Clerk's office up here in comparison to Lee Co. in terms of review of paperwork, FJ's, etc.). I also strongly encourage you to come up on one of the two monthly judicial dependency days; e.g. Thursday 2/11).

From: Schreiber, Lee Ann

Sent: Tuesday, February 02, 2010 10:54 AM

To: Carlin, John S.; Kyle, Keith

Cc: Cary, G. Keith; Steinbeck, Margaret

Subject: my official start date of Monday February 8

Good morning Judges,

We're just less than a week out from my officially reporting for duty. I've been doing a few things unofficially, as time permits, and plan to observe Judge Richards' foreclosure docket for part of the morning tomorrow and have been invited to attend the Charlotte County Judge's meeting on Thursday which I plan to do.

I'm not sure where I'm supposed to go on Monday morning (I assume Charlotte County) or what schedule I will be observing. Let me know when and where I am need on Monday. These times, they are exciting!

Cordially,

Lee

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

**To:** Schreiber, Lee Ann

**CC:**

**Date:** 2/4/2010 3:45:44 PM

**Subject:** ?RE: my official start date of Monday February 8

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How about tomorrow at 1:30?

From: Schreiber, Lee Ann

Sent: Thursday, February 04, 2010 2:59 PM

To: McHugh, Michael

Subject: RE: my official start date of Monday February 8

Do you have any time today or tomorrow that I can stop by? I think it will be more helpful for me to meet face to face since email is a little cumbersome. Thanks.

From: McHugh, Michael

Sent: Wednesday, February 03, 2010 3:11 PM

To: Schreiber, Lee Ann

Subject: RE: my official start date of Monday February 8

I would be more than happy to work out some days to shadow Judges in Lee County. Most of the foreclosure cases are now handled by Judge Richards and senior judges, so it might be difficult to watch many foreclosures with other judges. We could set you up with general civil hearings and first appearance, however. Let me know what days you are looking for and what you are interested in watching. Feel free to come by and talk to me.

From: Schreiber, Lee Ann

Sent: Wednesday, February 03, 2010 3:06 PM

To: Carlin, John S.; Kyle, Keith

Cc: Cary, G. Keith; Steinbeck, Margaret; McHugh, Michael; Atkins, Joanne; Conderman, Ellen

Subject: RE: my official start date of Monday February 8

So far, at the suggestion of Judge Kyle, I have placed the following dates on my schedule for shadowing:

Tuesday 2/9 shadow Judge Richards DV court

Thursday 2/11 shadow Judge Kyle dependency court

**20TH CIR 03019**

I'd like to shadow a few criminal first appearance judges to get an idea of what all the "Duty Judges" cover I've not yet read the handbook) in both counties during my 3 week orientation if possible. I'd like to observe some contested foreclosure cases as well. Also, anything on the civil dockets with different judges/different styles would be welcome.

From: Carlin, John S.  
Sent: Tuesday, February 02, 2010 2:40 PM  
To: Schreiber, Lee Ann; Kyle, Keith  
Cc: Cary, G. Keith; Steinbeck, Margaret; McHugh, Michael; Atkins, Joanne  
Subject: RE: my official start date of Monday February 8

Lee,

Once you have a Charlotte county schedule, let me know and I will put together a Lee County "shadow" schedule. I am copying Judge McHugh as I will ask that he assist with this coordination. It would be good to see some civil hearings in Lee County as well as the Friday foreclosure docket. We have a total of three shadow weeks prior to your official start on March 1. As you know, you will be in Charlotte for the weeks of March 1 and March 8 and then return to Lee the week of March 15. I think that it would also be beneficial for you, Ellen and me to meet with Judge Richards and Dana Davis to discuss their current scheduling of foreclosure hearings and see if they have any ideas on how to improve this foreclosure system. I will have Joanne coordinate this meeting. Please let me know what else I can assist you with during your transition.

John

From: Schreiber, Lee Ann  
Sent: Tuesday, February 02, 2010 10:54 AM  
To: Carlin, John S.; Kyle, Keith  
Cc: Cary, G. Keith; Steinbeck, Margaret  
Subject: my official start date of Monday February 8

Good morning Judges,

We're just less than a week out from my officially reporting for duty. I've been doing a few things unofficially, as time permits, and plan to observe Judge Richards' foreclosure docket for part of the morning tomorrow. I have also been invited

to attend the Charlotte County Judge's meeting on Thursday. I plan to do.

I'm not sure where I'm supposed to go on Monday morning (I assume Charlotte County) or what schedule I will be observing. Let me know when and where I am need on Monday. These times, they are exciting!

Cordially,

Lee

**From:** McLean, Craig </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=CRAIGM>

**To:** Thomas, Manuel

Judges-Charlotte

Judges-Collier

Judges-Glades

Judges-Hendry

Judges-Lee

Magistrates-All

**CC:** Kiesel, Lisa

Callanan, Richard

Ackerman, Paul

Woelfel, Joe

Friess, Joseph

Middlebrook, Mark

Embury, Jon

Goodpasture, Penelope

Rosemond, Larry

**Date:** 9/10/2009 2:52:12 PM

**Subject:** ?RE: Registration Now Open for Tenants' Rights in Foreclosures Course 10/2/09

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All,

We have purchased through our CJIS agency a piece of equipment that will allow us to do video conferences to the state (or outside our network) from anywhere in our circuit. This will allow us to do these trainings from individual counties. We are in process of configuring this "bridge" and should have it up for the video conference training on the 17th. We are very happy with this new technology for our circuit and were able to share in the cost of the equipment with the State's Attorney and the Public Defender. We can also now do circuit wide calls with every county at the same time, before we could only do up to 4. Thanks to the CJIS and AOC networking staff for configuring this and installing the equipment. It was not an easy task.

If you have any questions, please give me a call.

Thanks,

Craig

Craig McLean

Information Services Director

20TH CIR 03022

20th Judicial Circuit Court

239.533.1722

cmclean@ca.cjis20.org

From: Thomas, Manuel

Sent: Thursday, September 10, 2009 10:20 AM

To: Judges-Charlotte; Judges-Collier; Judges-Glades; Judges-Hendry; Judges-Lee; Magistrates-All

Cc: Kiesel, Lisa; McLean, Craig; Callanan, Richard

Subject: FW: Registration Now Open for Tenants' Rights in Foreclosures Course 10/2/09

Good Morning Your Honors and Magistrates:

Judges and Magistrates who are interested in attending the Videoconference on "Tenants' Rights in Foreclosures"

on October 2, 2009 in Conference Room B in the Lee Justice Center Annex may register by using the link

<http://caintra/events/login.asp> and selecting this videoconference.

Tenants' Rights in Foreclosures Videoconference

for County Court Judges and Senior Judges

Friday, October 2, 2009

12:15 p.m. - 1:30 p.m. ET

Faculty and Course Content

**20TH CIR 03023**

11\_16\_2010

- \* Identify the issues facing renters whose homes are in mortgage or association foreclosure;
- \* Correctly apply 12 USC Sec. 5220 to ameliorate some of those issues; and
- \* Identify issues that may be raised that are not answered by the recent federal legislation.

#### Location

This course will be offered LIVE from a videoconferencing location at each circuit. Contact your local Court Technology Officer for the location in your circuit.

#### Continuing Judicial Education Credit (CJE) and Evaluation

A maximum of 1.25 hours of CJE credit for judges is available. Sign in on the form provided at your location. You will receive an email after the course for instructions on completing online CJE and evaluation forms.

#### How to Register

Space may be limited in some locations so registration is required. Use the password rent to register at this link -

<http://www.flcourts.org/UltimateSurvey/Surveys/TakeSurvey.aspx?s=27C0DF85C3A940D1815697CEB9FFE0FD>

The deadline to register is September 25, 2009. If you are a person who needs an accommodation in order to register or participate, please submit your request to Beverly Brown at 850-922-5084 or [brownb@flcourts.org](mailto:brownb@flcourts.org).

#### Contact Information

Bart Moore, Court Education Senior Attorney  
850-413-9642 or [mooreb@flcourts.org](mailto:mooreb@flcourts.org)

#### Website

[http://intranet.flcourts.org/osca/Judicial\\_Education/DistanceLearning/2009TenantsRights/main.html](http://intranet.flcourts.org/osca/Judicial_Education/DistanceLearning/2009TenantsRights/main.html)

**From:** Paul Alessandroni <Paul.Alessandroni@co.charlotte.nc.us>

**To:** McLean, Craig  
Thomas, Manuel  
Judges-Charlotte  
Judges-Collier  
Judges-Glades  
Judges-Hendry  
Judges-Lee  
Magistrates-All

**CC:** Kiesel, Lisa  
Callanan, Richard  
Ackerman, Paul  
Woelfel, Joe  
Friess, Joseph  
Middlebrook, Mark  
Embury, Jon  
Goodpasture, Penelope  
Rosemond, Larry

**Date:** 9/10/2009 2:53:38 PM

**Subject:** ?RE: Registration Now Open for Tenants' Rights in Foreclosures Course 10/2/09

---

Excellent work Craig and ALL!

Judge Alessandroni

From: McLean, Craig [mailto:CMcLean@CA.CJIS20.ORG]

Sent: Thursday, September 10, 2009 3:52 PM

To: Thomas, Manuel; Judges-Charlotte; Judges-Collier; Judges-Glades; Judges-Hendry; Judges-Lee; Magistrates-All

Cc: Kiesel, Lisa; Callanan, Richard; Ackerman, Paul; Woelfel, Joe; Friess, Joseph; Middlebrook, Mark; Embury, Jon; Goodpasture, Penelope; Rosemond, Larry

Subject: RE: Registration Now Open for Tenants' Rights in Foreclosures Course 10/2/09

All,

We have purchased through our CJIS agency a piece of equipment that will allow us to do video conferences to the state (or outside our network) from anywhere in our circuit. This will allow us to do these trainings from individual counties. We are in process of configuring this "bridge" and should have it up for the video conference training on the 17th. We are very happy with this new technology for our circuit and were able to share in the cost of the equipment with the State's Attorney and the Public Defender. We can also now do circuit wide calls with every county at the same time, before we could only do up to 4. Thanks to the CJIS and AOC networking staff for configuring this and installing the equipment. It was not an easy task.

20TH CIR 03025



If you have any questions, please give me a call.

Thanks,

Craig

Craig McLean

Information Services Director

20th Judicial Circuit Court

239.533.1722

cmclean@ca.cjis20.org

From: Thomas, Manuel

Sent: Thursday, September 10, 2009 10:20 AM

To: Judges-Charlotte; Judges-Collier; Judges-Glades; Judges-Hendry; Judges-Lee; Magistrates-All

Cc: Kiesel, Lisa; McLean, Craig; Callanan, Richard

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<http://caintra/events/login.asp> and selecting this videoconference.

for County Court Judges and Senior Judges

Friday, October 2, 2009  
12:15 p.m. – 1:30 p.m. ET

### Faculty and Course Content

Broward County Court Judge Jane Fishman will present this timely topic to include the following objectives:

- Identify the issues facing renters whose homes are in mortgage or association foreclosure;
- Correctly apply 12 USC Sec. 5220 to ameliorate some of those issues; and
- Identify issues that may be raised that are not answered by the recent federal legislation.

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This course will be offered LIVE from a videoconferencing location at each circuit. Contact your local Court Technology Officer for the location in your circuit.

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### How to Register

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<http://www.flcourts.org/UltimateSurvey/Surveys/TakeSurvey.aspx?s=27C0DF85C3A940D1815697CEB9FFE0FD>

The deadline to register is September 25, 2009. If you are a person who needs an accommodation in order to register or participate, please submit your request to Beverly Brown at 850-922-5084 or [brownb@flcourts.org](mailto:brownb@flcourts.org).

### Contact Information

**20TH CIR 03027**

850-413-9642 or mooreb@flcourts.org

Website

[http://intranet.flcourts.org/osca/Judicial\\_Education/DistanceLearning/2009TenantsRights/main.html](http://intranet.flcourts.org/osca/Judicial_Education/DistanceLearning/2009TenantsRights/main.html)

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

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



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

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

**CC:** Pivacek, Cynthia  
Hayes, Hugh

**Date:** 6/16/2010 10:32:00 AM

**Subject:** ?FW: case Mr. Goetz quoted to Judge about the 20 day rule can be waived if no objection is made prior during or within the 10 day re-hearing

---

This is FYI - please free to share with other civil Judges who may be hearing foreclosure cases.

From: Conderman, Ellen  
Sent: Wednesday, June 16, 2010 10:17 AM  
To: Schreiber, Lee Ann  
Subject: FW: case quoted to Judge about the 20 day rule can be waived if no objection is made prior during or within the 10 day re-hearing

FYI

Ellen Conderman

Judicial Assistant

Judge Lee Ann Schreiber

239-533-2603 Lee County

941-833-3033 Charlotte County

econderman@ca.cjis20.org