

Gammage,Trillany

From: Melendi, Rick
Sent: Tuesday, November 30, 2010 9:33 AM
To: Hickmon,Angelina; Moreno,Elisa; Gammage,Trillany; Schatzberg,Beth
Subject: FW: 13th Circuit Foreclosure Stats.xlsx
Attachments: 13th Circuit Foreclosure Stats.xlsx

Good morning,

Pursuant to my email request below, please send me the November, 2010, data spreadsheet. As requested, I need to forward November's data on to the Office of The States Court Administrator (OSCA) today.

Thank you.

From: Melendi, Rick
Sent: Monday, November 08, 2010 3:45 PM
To: Hickmon,Angelina; Moreno,Elisa; Gammage,Trillany; Schatzberg,Beth
Subject: FW: 13th Circuit Foreclosure Stats.xlsx

Case Managers,

Pursuant to a request made by the Office of the States Court Administrator in Tallahassee, you will need to start tracking hearings scheduled and hearings canceled data for the next two (2) months. The information that you need to capture is contained and limited to the data requested in the attached spreadsheet. As you can see the data collection is only for one week in November and December, 2010. Please take a minute to review the attached and note the weeks in the month you will gather data.

Your cooperation and assistance is greatly appreciated.

From: Albury, Janice
Sent: Monday, November 08, 2010 12:06 PM
To: Melendi, Rick
Subject: 13th Circuit Foreclosure Stats.xlsx

Moreno,Elisa

From: Melendi, Rick
Sent: Thursday, November 18, 2010 4:16 PM
To: Hickmon,Angelina; Moreno,Elisa; Valdes,Ryan; caranant@hillsclerk.com; healy@hillsclerk.com; mnassief@hcsotampa.fl.us; csomella@hcsotampa.fl.us; jlivingston@hcsotampa.fl.us; sgibson@hcsotampa.fl.us
Cc: Greno, Linda; Barton, James ; Williams, Judy; Arnold, James; Albury, Janice; Snavely Carla; Bridenback, Mike; Menendez, Manuel; Wells, Tracy; Schatzberg,Beth; Gammage,Trillany; Sequeira, Maria; Causey,Michael; Roberts, Julie; Taylor, Kenneth; Stafford, Becki; Drake, Patricia; Gant, Kimberly
Subject: Section I - Mortgage Foreclosure Courtroom Location - Week of November 22, 2010

Please note that Section I – Mortgage Foreclosure Hearings will be conducted in Courtroom 501, Edgecomb Building, 5th floor on **Monday, November 22, 2010, Tuesday, November 23, 2010 and Wednesday, November 24, 2010.**

A courtroom location schedule for Section I - Mortgage Foreclosure Hearings starting on Monday, November 29, 2010, will be forthcoming.

Nauman, Chris

From: Rowland, Dave
Sent: Wednesday, December 15, 2010 11:35 AM
To: Nauman, Chris
Subject: FW: Foreclosure Initiative
Attachments: 10.27.10.laurent.memo.docx

From: Cash, Kim **On Behalf Of** Menendez, Manuel
Sent: Tuesday, December 14, 2010 3:24 PM
To: Rowland, Dave
Subject: FW: Foreclosure Initiative

From: Bridenback, Mike
Sent: Monday, November 01, 2010 2:27 PM
To: Menendez, Manuel
Subject: FW: Foreclosure Initiative

Here it is

Michael L. Bridenback
Court Administrator
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Tampa, FL 33602
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From: Sue Bruce [<mailto:bruces@flcourts.org>]
Sent: Thursday, October 28, 2010 11:51 AM
To: Trial Court Chief Judges
Cc: Trial Court Budget Commission
Subject: Foreclosure Initiative

Please see the attached memorandum from Judge John Laurent. Thanks!

Sue Bruce

Personal Secretary II
Office of the State Courts Administrator
500 S. Duval Street
Tallahassee, FL 32399
Phone: 850/922-5081
Fax: 850/488-0156



MEMORANDUM

TO: Chief Judges of the Circuit Courts

FROM: John Laurent 

DATE: October 28, 2010

SUBJECT: Foreclosure Initiative

*The Honorable
John F. Laurent, Chair*

*The Honorable
Margaret Steinbeck,
Vice-Chair*

Members

- Catherine Brunson, Circuit Judge*
- Paul S. Bryan, Circuit Judge*
- Joseph P. Farina, Circuit Judge*
- Charles A. Francis, Circuit Judge*
- Mark Mahon, Circuit Judge*
- J. Thomas McGrady, Circuit Judge*
- Wayne M. Miller, County Judge*
- Belvin, Perry, Jr., Circuit Judge*
- Robert E. Roundtree, Jr., Circuit Judge*
- Clayton D. Simmons, Circuit Judge*
- Elijah Smiley, Circuit Judge*
- Patricia V. Thomas, Circuit Judge*
- Mike Bridenback, Court Administrator*
- Tom Genung, Court Administrator*
- Sandra Lonergan, Court Administrator*
- Carol Lee Ortman, Court Administrator*
- Walt Smith, Court Administrator*
- Mark Weinberg, Court Administrator*
- Robin Wright, Court Administrator*

Ex-Officio Members

*The Honorable Kevin M. Emas
Florida Conference of Circuit Court Judges*

*The Honorable Susan F. Schaeffer
Chair Emeritus*

Supreme Court Liaison

Justice James E. C. Perry

Florida State Courts System

500 South Duval Street

Tallahassee, FL 32399-1900

www.flcourts.org

In follow up to the Judicial Administration Committee conference call held on October 18, 2010, I am writing to reiterate the Trial Court Budget Commission's purpose for tracking the progress of cases the trial courts are hearing using funding provided for the foreclosure and economic recovery initiative. When the Florida Legislature appropriated special funding of \$6 million to help the trial courts with the significant backlog of foreclosure cases, the Trial Court Budget Commission established a measurement of progress that corresponded to the funding received: 62% of the backlog cases potentially could be processed because the Legislature funded 62% of the original request from the courts. A simple case tracking system was set up to monitor the progress and identify any reasons for delays. This is so that we will be able to report to the Legislature on how these funds were used. However, the Legislature has not specifically directed us to make such a report.

The 62% rate is not a quota. The 62% rate is simply a goal set by the TCBC to help measure the courts' progress in this initiative and document how the appropriation for the foreclosure initiative is being spent. The 62% rate was set before the initiative began and, most notably, before many of the lender moratoriums and other delays occurred. Please assure judges working on this project that the 62% rate was never intended to interfere with their ability to adjudicate each case fairly on its merits.

We will continue to monitor the progress of this initiative because we have an obligation to account for how these funds have been used. But we also will document all issues related to any difficulties that prevent or delay the court from hearing and disposing of cases before them.

JL/ks

cc: TCBC Members

Nauman, Chris

From: Rowland, Dave
Sent: Wednesday, October 27, 2010 2:48 PM
To: Nauman, Chris
Subject: FW: RF - Procedures
Attachments: RESIDENTIAL Mortgage Foreclosure AO (2).docx; RESIDENTIAL Mortgage Foreclosure Procedures for Circuit Civil Sections I & II (2).docx

ACLU PRR

From: Menendez, Manuel
Sent: Wednesday, June 23, 2010 12:15 PM
To: Barton, James ; Snavelly Carla; Cohen Harry; Frank, Pat; Rowland, Dave
Subject: FW: RF - Procedures

From: Menendez, Manuel
Sent: Wednesday, June 23, 2010 12:12 PM
To: Greno, Linda
Subject: RE: RF - Procedures

From: Greno, Linda
Sent: Wednesday, June 23, 2010 11:20 AM
To: Menendez, Manuel
Subject: RF - Procedures

How about looking over the attached. Is that ok?

I made the changes but since we have already existing procedures concerning the cancellations of sales (see below) should we include those as well?

Cancellation of Foreclosure Sales - Effective April 6, 2009

The clerk will cancel any scheduled foreclosure sale upon receipt, no later than 2:00 p.m. on the date of the scheduled foreclosure sale, of a Notice of Cancellation of Foreclosure Sale submitted by plaintiff's counsel. The clerk will accept a

facsimile of the Notice of Cancellation of Foreclosure Sale at the number designated on the clerk's website at www.hillsclerk.com (Foreclosure Sales) and the Thirteenth Judicial Circuit website at www.fljud13.org (General Civil Division). The original Notice of Cancellation of Foreclosure Sale must be filed with the clerk. The uniform Notice of Cancellation of Foreclosure Sale form may be found at www.fljud13.org/formspage.asp

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

ADMINISTRATIVE ORDER S-2010-????
(Supplements Administrative Order S-2009-098)

RESIDENTIAL MORTGAGE FORECLOSURE SECTIONS AND PROCEDURES

Inasmuch as the Florida Legislature has authorized and designated funds for the purpose of processing the backlog of residential mortgage foreclosure cases, it is necessary to establish and implement appropriate procedures in order to effectuate this purpose. Accordingly, two sections within the Civil Division of the Circuit Court and procedures relating to the processing of residential mortgage foreclosure cases are hereby established.

By the power vested in the chief judge under Florida rules of Judicial Administration 2.215(b)(2), it is therefore ORDERED:

1. ESTABLISHMENT OF NEW CIRCUIT CIVIL SECTIONS

All existing and newly filed residential mortgage foreclosure cases shall be assigned to one of the two newly created circuit civil division sections as follows:

Section I – cases filed in current circuit civil divisions A, B, C, D, & F

Section II – cases filed in current circuit civil divisions G, H, I, J & K

2. IMPLIMENTATION OF ADDITIONAL PROCEDURES

Detailed procedures for residential mortgage cases are located at

<http://www.fljud13.org/divisionspage.asp> (RESIDENTIAL MORTGAGE

FORECLOSURE PROCEDURES FOR CIRCUIT CIVIL SECTIONS I & II).

3. PREVIOUS ADMINISTRATIVE ORDER SUPPLEMENTED

The procedures implemented by this Administrative Order supplement the foreclosure procedures of Administrative Order S-2009-098, which remain in full force and effect.

4. EFFECTIVE DATE

This administrative order is effective July 1, 2010.

It is ORDERED in Tampa, Hillsborough County, Florida, on this _____ day of _____, 2010.

Manuel Menendez, Jr., Chief Judge

Original to: Pat Frank, Clerk of the Court

copies to: All General Civil Division Judges
Hillsborough County Bar Association

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

RESIDENTIAL MORTGAGE FORECLOSURE PROCEDURES
FOR CIRCUIT CIVIL SECTIONS I & II

I. CASE FILING, ASSIGNMENT AND IDENTIFICATION

A. Any existing or new residential mortgage foreclosures (“RF”) pleadings shall be designated as assigned to Section I or Section II as follows:

SECTION I – Divisions A, B, C, D, & F

SECTION II – Divisions, G, H, I, J, & K

B. Attorneys shall indicate the appropriate Section on all papers and pleadings filed with the Clerk by designating the Section and “RF” beneath the case number and division as set forth in the example below:

JOHN DOE,
Plaintiff,

vs.

JANE DOE,
Defendant.

CASE NO. _____

DIVISION: [A,B,C,D,F,G,H,I,J or K]

RF – SECTION [I] or [II]

II. CALENDARING

A. All hearings must be scheduled through the Judicial Automated Workflow System (JAWS). A copy of any motion scheduled and the notice of hearing must be uploaded at the time hearing is scheduled.

B. For any telephonic hearings, all parties must be conferenced in prior to the call being placed to the court.

III. FORECLOSURE PACKETS

All foreclosure packets must be received at least five (5) business days, prior to the scheduled hearing. All packets must include the original proposed final judgment along with sufficient copies of the final judgment, certificate of sale, certificate of disbursement, certificate of title, and three (3) sets of stamped addressed envelopes.

IV. SALE DATES AND CANCELLATION OF SALES

A. Judicial sales will be held daily (excluding weekends and holidays) at 10:00 a.m. and 2:00 p.m. by the clerk of the court.

B. The deadlines for the cancellation of a judicial sale and for the payment of the clerk's sale fee shall be the day of the scheduled sale, no later than 9:30 a.m. for any 10:00 a.m. sale, and no later than 1:30 p.m. for any 2:00 p.m. sale. The clerk will cancel any scheduled foreclosure sale upon receipt, no later than these deadlines, of a Notice of Cancellation of Foreclosure Sale submitted by plaintiff's counsel. The clerk will accept a facsimile of the Notice of Cancellation of Foreclosure Sale at the number designated on the clerk's website at www.hillsclerk.com (Foreclosure Sales) and the Thirteenth Judicial Circuit website at www.fljud13.org (General Civil Division). The original Notice of Cancellation of Foreclosure Sale must be filed with the clerk. The uniform Notice of Cancellation of Foreclosure Sale form may be found at www.fljud13.org/formspage.asp

V. EFFECTIVE DATES

A. All hearings currently scheduled for July, 2010 will be heard by the appropriate Section I or Section II Judge at the time and date designated in the Notice of Hearing.

B. Beginning August 2, 2010, all hearings will be scheduled and heard as described in these Procedures.

Bridenback, Mike

From: Bridenback, Mike
Sent: Friday, May 07, 2010 11:59 AM
To: Menendez, Manuel
Subject: Re: Foreclosure and Economic Recovery Program Allocations

Yes

Sent from my iPhone

On May 7, 2010, at 11:57 AM, "Menendez, Manuel" [REDACTED] wrote:

Will you be back on Monday?

From: Bridenback, Mike
Sent: Friday, May 07, 2010 11:42 AM
To: Menendez, Manuel; Barton, James ; Fernandez, Gaston
Subject: FW: Foreclosure and Economic Recovery Program Allocations

We need to discuss where to cut. Attached was our original and new allocation. The new allocation is \$ 259,760 less. The due date is Wednesday May 12.

From: Heather Thuotte-Pierson [REDACTED]
Sent: Friday, May 07, 2010 11:27 AM
To: Trial Court Chief Judges; Trial Court Administrators
Cc: Lisa Goodner; Kristine Slayden; Sharon Buckingham; Charlotte Jerrett; Dorothy Wilson; Arlene Johnson; Patty Harris; Theresa Westerfield; Elizabeth Garber; Greg Youchock; Gary Phillips
Subject: Foreclosure and Economic Recovery Program Allocations

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

Office of the State Courts Administrator

Court Statistics Consultant

(850) 410-3376



Bridenback, Mike

From: Bridenback, Mike
Sent: Monday, May 24, 2010 9:35 AM
To: Barton, James
Subject: RE: Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11

We are

Michael L. Bridenback
Court Administrator
800 E. Twiggs Street, Suite 604
Tampa, FL 33602
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f: 813.301.3800
[REDACTED]
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From: Barton, James
Sent: Monday, May 24, 2010 9:11 AM
To: Bridenback, Mike
Subject: RE: Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11

Shouldn't we start lining up the senior judges now? I'm ready to start using them July 1.

From: Bridenback, Mike
Sent: Friday, May 21, 2010 3:31 PM
To: Barton, James ; Melendi, Rick
Cc: Thullbery, Heather
Subject: FW: Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11

Our plan was approved. We can proceed with recruitment of the 4 court Program Specialist II's and 2 senior secretaries. Rick, you should not try to get commitments from senior judges. When we hear from the clerk about their resources, we will need to escalate our plans to get this program in place by July 1.

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From: Kristine Slayden [REDACTED]
Sent: Friday, May 21, 2010 2:42 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 [REDACTED] by COB Tuesday, May 25th. 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 10th, 12th, and 15th 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 4th 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 [redacted] 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.

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

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

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

Please let me know if you have any questions. Kris

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

Bridenback, Mike

From: Melendi, Rick
Sent: Monday, June 28, 2010 11:22 AM
To: Bridenback, Mike
Subject: RE: ECONRECOV: List of Possible Events

The legal terms Stay(ed) and Abate(d) have very specific and different meanings in the law. My suggestion would be that in most foreclosure actions the basis for not proceeding to disposition is due to a "Stay of the proceedings". As such, I would suggest the following tracking categories.

- ~~Case Stayed or Abated~~ - Bankruptcy
- ~~Case Stayed or Abated~~ - Pending resolution of another case
- ~~Case Stayed or Abated~~ - by Agreement ~~by all~~ of the parties
- ~~Case Stayed or Abated~~ - ~~Stay on~~ Appeal pending
- ~~No Action~~ Inactivity or Pending - Attorney inaction/ivity
- ~~No Action~~ Inactivity or Pending - Insufficient/~~Inaccurate~~ pleadings or documentation
- ~~No Action~~ - ~~Lack of available court resources~~
- ~~No Action~~ Inactivity or Pending - Other (see comments) The reason for non-disposition above can be noted in the Other category, instead of having its own standalone category which may draw attention.

From: Bridenback, Mike
Sent: Thursday, June 24, 2010 4:09 PM
To: Barton, James ; Melendi, Rick
Subject: FW: ECONRECOV: List of Possible Events

I would appreciate your suggestions.

Michael L. Bridenback
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[Redacted]
www.fljud13.org



From: P.J. Stockdale [Redacted]
Sent: Thursday, June 24, 2010 3:57 PM
To: Bridenback, Mike
Cc: Kristine Slayden; Arlene Johnson
Subject: ECONRECOV: List of Possible Events

Mike,

Sorry for the delay in getting back to you. Back to back meetings all ran long. As Kris was saying, we are trying to capture those circumstances that would prevent the court system from actively moving the case through to disposition. We started with a list of 23 events but we really want to pare that down to say 5 – 8 significant circumstances. Here's where we are at now

Type of Event

Set Default Judgment Hearing - routine
Set Default Judgment Hearing - expedited
Default Judgment Entered
Case Set for Hearing/Motions by Plaintiff - routine
Case Set for Hearing/Motions by Plaintiff - expedited
Summary Judgment/Final Judgment
Order to Show Cause
Emergency Motions - Other
Emergency Motions - Motion to Cancel/Reschedule Sale
Case Stayed or Abated - Bankruptcy
Case Stayed or Abated - Pending resolution of another case
Case Stayed or Abated - Agreement by all parties
Case Stayed or Abated - Neglect
Case Stayed or Abated - Stay on appeal
Case Stayed or Abated - Other
Case Disposed - Awaiting Sale
Petition/Motion - Other
Order - Other
Conference
Hearing
Trial
Postponement - Other
Mediation

Based upon our discussion today, maybe we can reduce it to something like

Case Stayed or Abated – Bankruptcy
Case Stayed or Abated - Pending resolution of another case
Case Stayed or Abated - Agreement by all parties
Case Stayed or Abated - Stay on appeal
No Action – Attorney inaction
No Action – Insufficient/Inaccurate Documentation
No Action – Lack of available court resources
No Action – Other (see comments)

The idea is that a case would be placed in one of these status' when the case is in the courts ball field but the court can't take action on a case because of these circumstances. Also, we are looking for a good term to use to reflect the "can't take action" status that doesn't already have a loaded meaning within the courts. For example "inactive" has a specific meaning as does "stayed". I was thinking "No Action" but maybe "Delayed" would be better.

I was planning on having an prototype of the case tracking application ready to send to a few TCA's early next week. I'd appreciate if you would take a look at it. It is difficult to quickly knock off a one size fits all application but it will be very helpful to get some suggestions on how to make it more usable in the field.

Look forward to hearing from you

Thanks

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

Bridenback, Mike

From: Bridenback, Mike
Sent: Thursday, September 23, 2010 4:58 PM
To: Menendez, Manuel
Subject: Trib Article

Foreclosure document gaffes may extend Florida's economic recovery

By SHANNON BEHNKEN | The Tampa Tribune

Mishandled paperwork in thousands of foreclosure documents threatens to halt the clearing of Florida's distressed property backlog.

The problem is spreading to some of the nation's largest mortgage lenders because they all used the same processor who signed off on affidavits without reading them first.

Without proper documentation, the foreclosure cases are at risk of being overturned. Making matters worse, economists say the spiraling problem could delay Florida's economic recovery, far beyond the housing market.

"This could actually delay the day of reckoning," said Chris Lafakis, an economist who covers Florida for Moody's Economy.com. "Our forecast is based on homes completing their journey through the foreclosure process. If this is slowed, it could take longer for home prices to stop falling, and that affects every industry."

The paperwork problems came to light after Ally Financial Inc.'s GMAC Mortgage unit halted evictions and sales of foreclosed homes in 23 states, including Florida. These are the states that require a judge to sign off on foreclosures.

New foreclosure cases, however, won't be suspended and will continue with "no interruption," Ally spokeswoman Gina Proia said a statement posted Tuesday on the company's website.

Apparently, GMAC's Jeffrey Stephan and his foreclosure document processing team, signed 10,000 affidavits a month. These documents are required to move forward with foreclosure proceedings, and the law requires the signer to read the documents and make sure they are justified and accurate, and then sign in front of a notary.

But Stephan has said in sworn depositions that he didn't have time to do any of this. According to Bloomberg News, he said he relied on lawyers to verify the accuracy of documents. The documents were used in court to complete the foreclosure process.

Christopher Immel, a lawyer who deposed Stephan for a case in Palm Beach, said GMAC isn't alone.

"The spotlight is on GMAC because they issued a press release, but they aren't the only ones signing off on documents without reading them," he said. "This is the business model, and if lenders are foreclosing on unreliable evidence it could have extensive negative implications on the economy."

The moratorium comes at a time when Florida is struggling to work through a backlog of cases clogging its court system. At the same time, real estate professionals are working to find buyers for vacant homes already taken by lenders. Both of these things need to happen in order for the state's fragile economy to rebound.

The problem could have huge repercussions for Florida because Ally, the nation's fourth-largest home lender, also services loans for hundreds of other lenders. Affidavits for any loan it serviced may have been handled the same way, and Florida attorneys say they're already receiving notices halting some of those foreclosures.

Matt Weidner, a St. Petersburg foreclosure defense attorney, said he received a notice that Tampa-based Florida Default Law Group was withdrawing an affidavit on behalf of U.S. Bank. In that case, GMAC was the servicer of the loan.

"There are consequences for shortcuts and sloppy procedures," Weidner said. "This could be very widespread."

Florida Attorney General Bill McCollum is investigating law firms, including on in Tampa, that have been accused of mishandling documents used in foreclosure suits.

The attorney general's office said Wednesday it is not investigating GMAC, but it claimed some of the credit for the company's decision.

"It appears to us this type of corrective action on behalf of GMAC could be a result of our efforts and the attention our office has paid to this issue," said Ryan Wiggins, acting communications director for the Florida Attorney General's Office.

GMAC officials say they have not discovered any false information in the affidavits in question.

The "defect" in affidavits used to support evictions was "technical" and was discovered by the company, Proia said in an e-mailed statement. Employees submitted affidavits containing information they didn't personally know was true and sometimes signed without a notary present, according to the statement. Most cases will be resolved in the next few weeks and those that can't be fixed will "require court intervention," Proia said.

The moratorium on sales of foreclosed homes has put buyers in difficult position.

That's little consolation to buyers like Michelle Faulkner, who was supposed to close on a foreclosed property in Polk County last week. Faulkner went through the Coldwell Banker office hired by Freddie Mac to sell the five-bedroom house.

A week before closing, she said she was informed that GMAC owned the loan and had halted the deal.

Faulkner, who wants to move in quickly so her ill father can get settled into the house, is furious about the paperwork inquiry.

"We've already put money into this home, and we can't move into it," said Faulkner, who is 7 months pregnant. "I can't believe this could happen, and no one is giving us the answers we need."

Michael L. Bridenback
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www.fljud13.org



Bridenback, Mike

From: Melendi, Rick
Sent: Friday, October 08, 2010 10:51 AM
To: Bridenback, Mike
Subject: MF - Dismissal Docket

Spoke with Linda Greno , the dismissal docket is set for January 19, 2011 in CR #1. At this time, it is my understanding that coverage on this day has not been discussed with Sr. Judge Sandra Taylor. Also, I will need to work on the case management piece for this specially set docket.

9/29/10 Mtg. w/ Charles, Dana (Clark's Office),
Linda Moore, Steven H. & Ron

ready to go - 700 administrative classes
- 1400 - ^{continue w/} permit docket (clerk)
in cooperation w/ W&L setting c.m.
- 300 - cases pulled & distributed
for clerk to enter

addressed -
Court will run off Banner
paper run # & court
form will be populated
w/ #s, def's, arguments

Court to get
clerk together

- Clerk provided envelopes
clerk will pay for
postage

Talk w/ Julie re: creating separate
a docket.

* How do we scan notes - Scot -
mtg. w/ Julie / Shawn / Ron & Linda

2 wks. ^{JAs ->} Sending calendar through JAs
by Utah clerk

Scot Trial calendar ^{dated} - based on Judge

Taylor's return ⁱⁿ January, 2011

✓ - Trial wk. 11/24/11; 11/17/11, 11/18/11 -

Bridenback, Mike

From: Menendez, Manuel
Sent: Wednesday, November 17, 2010 1:42 PM
To: Bridenback, Mike; Barton, James
Subject: foreclosures

Court disparities highlight flaws

11/17/2010 © Palm Beach Post

Before a Miami-Dade County foreclosure hits a judge's dais, it has already been reviewed by a case manager who decides whether the paperwork is acceptable. About 30 percent of the time, it's not, and the case is kicked back to the banks for a do-over.

The circuit court's chief judge, Jennifer Bailey, credits the review with Miami-Dade's low rate of summary judgments - quickie foreclosure hearings, sometimes called "rocket dockets," that are held in lieu of a traditional trial.

Just 28 percent of Miami-Dade's foreclosures were decided by summary judgment between July 1 and Sept. 30, according to a report Florida's State Courts Administration released this month.

The state average for summary judgments, as well as Palm Beach County's, is 71 percent. In Florida's 13th Circuit Court, which includes Hillsborough County, 93 percent of foreclosures were decided in summary judgment, while the 4th Circuit, which includes Duval County, had 60 percent of its cases end that way.

So why the large disparity in how foreclosures are handled?

Palm Beach County Chief Judge Peter Blanc, who said 80 percent of the county's foreclosures are not contested, pointed to the fact that the state court report is new.

While he agrees with the data for Palm Beach County, where 10 summary judgment hearings are scheduled every half hour in foreclosure court, he said information may have been collected differently in each circuit.

Still, concern over how the courts are funneling cases through the system is enough that the House Judiciary Committee, at the urging of U.S. Rep. Ted Deutch, D-Boca Raton, will conduct a hearing in Washington to discuss the role of the magistrate in the foreclosure crisis. The hearing was scheduled for today but was postponed. It is expected to be rescheduled soon.

"An accelerated court for foreclosure cases means that fewer of the traditional safeguards are in place to protect homeowners from abuse or even clerical errors," said Deutch in an October letter to House Judiciary Chairman John Conyers, D-Mich. "Too many families are learning what it means for the American dream of homeownership to become a nightmare; and, when they face foreclosure, they deserve to have all the protections of the law."

Florida lawmakers gave the state's court system a onetime check this year for \$9.6 million to hire judges, case managers and clerk employees to clear a backlog of 508,755 foreclosure cases. From July 1 to Sept. 30, 63,344 cases, about 12 percent of the backlog, were cleared.

That leaves 344,353 backlogged cases, 70,400 of which are in Miami-Dade.

"We think it's more important to get it right than do it fast," Bailey said. "Having said that, we are dedicated to attacking the backlog as quickly and efficiently as we can so long as we don't sacrifice any integrity."

Bailey said case managers have a checklist of what kind of documents are required for a summary judgment, such as proof of note ownership. But the managers also are given the authority to question document details.

For example, if a foreclosure has high costs for process serving, it could get kicked back. It generally costs about \$45 for a sheriff's office to serve a summons, Bailey said, but prices have risen as private companies move in to meet the demand.

The Wall Street Journal reported last week that Judge Susan Gardner of Florida's 6th Circuit ordered three lawyers to appear in her courtroom to defend foreclosure fees. In one case, an affidavit included a \$1,630 bill for process service.

Case managers also review foreclosures in Palm Beach County, putting a note in a file if paperwork isn't complete. The case still goes to summary judgment, where the judge decides how to proceed.

Foreclosure defense attorneys say judges' scrutiny of files has increased this fall as some banks paused to withdraw and resubmit flawed or fraudulent paperwork.

"Yes, there have been too many summary judgments, there is no question about that," said Deerfield Beach-based attorney Peter Ticktin. "But that's because it's so hard to believe how massive the fraud is."

Ticktin is being investigated by the Florida Bar for his billing practices but maintains there has been no wrongdoing at his firm.

But even if judges are faced with questionable foreclosures, there is debate over how far they can go to play homeowner advocate if no argument is raised on the homeowner's behalf.

"There is friction between what some people see as common sense versus what a judge's true role should be in a court proceeding," Blanc said.

Imported: Nov 17 2010 2:25AM Indexed: Nov 17 2010 2:33AM

***Manuel Menendez, Jr.
Chief Judge, 13th Judicial Circuit of Florida
800 E. Twiggs St., Suite 602, Tampa, FL 33602
813-272-5022***

Bridenback, Mike

From: Bridenback, Mike
Sent: Wednesday, June 30, 2010 1:27 PM
To: P.J. Stockdale
Cc: Arlene Johnson; Kristine Slayden
Subject: RE: Attachment A, Foreclosure and Economic Recovery Initiative Data Collection Plan

PJ

Call me on your question – (813) 272-5391

Michael L. Bridenback
Court Administrator
800 E. Twiggs Street, Suite 604
Tampa, FL 33602
p: 813.272.5894
f: 813.301.3800



www.fjud13.org

From: P.J. Stockdale
Sent: Wednesday, June 30, 2010 11:18 AM
To: Bridenback, Mike
Cc: P.J. Stockdale; Arlene Johnson; Kristine Slayden
Subject: RE: Attachment A, Foreclosure and Economic Recovery Initiative Data Collection Plan

Mike,

Sorry to bother you but we have a field type question for you. We are trying to nail down the cases to be sent in this June 30 upload. Monroe has asked whether they should include cases that are currently stayed on appeal. We aren't sure whether an appeal constitutes a reopen of the case or whether it is mixed. That is, if a case is disposed and on appeal, then we do not want the case sent to us. On the other hand, if the case has been reopened and is on appeal, then we would want the case.

We also aren't all that certain how often an appeal can occur. If the overwhelming majority of the appealed cases are in the disposition-appeal class then it probably won't be worth reporting them initially. What do you think?

Sorry to keep bugging you with the little details. Thanks
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

From: P.J. Stockdale
Sent: Wednesday, June 30, 2010 8:57 AM
To: Arlene Johnson; Kristine Slayden
Subject: FW: Attachment A, Foreclosure and Economic Recovery Initiative Data Collection Plan

This is a good question. I'm thinking yes because even though these cases are currently deferred pending resolution of the appeal they won't always be in that status. We even have a status for that "Stayed - Appeal pending". On the other hand, I don't want to fill up the workbooks with a lot of extraneous cases ... What do you all think?

PJ

From: Lance Guerry [REDACTED]
Sent: Wednesday, June 30, 2010 8:52 AM
To: P.J. Stockdale
Subject: Attachment A, Foreclosure and Economic Recovery Initiative Data Collection Plan

PJ,

Would you like Circuit Civil Foreclosure cases that have been appealed include in the file?

Thanks, Lance

Bridenback, Mike

From: Barton, James
Sent: Monday, August 09, 2010 2:42 PM
To: Menendez, Manuel
Cc: Bridenback, Mike
Subject: RE: Foreclosure and Economic Recovery Initiative

We need to discuss how proactive we can be in forcing the lawyers for plaintiffs to set final hearings.

From: Menendez, Manuel
Sent: Monday, August 09, 2010 12:48 PM
To: Bridenback, Mike; Barton, James
Cc: CIRCCIVJUD
Subject: FW: Foreclosure and Economic Recovery Initiative
Importance: High

From: Kristine Slayden [mailto:krs@claydock.com]
Sent: Friday, August 06, 2010 2:55 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 30th 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 30th, 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

Bridenback, Mike

From: Melendi, Rick
Sent: Monday, August 23, 2010 11:02 AM
To: Bridenback, Mike
Subject: RE: Foreclosure questions

These are clerk/Carla questions

From: Bridenback, Mike
Sent: Monday, August 23, 2010 11:01 AM
To: Melendi, Rick
Subject: FW: Foreclosure questions

Do you know the answers to these questions or should I ask Carla?

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f: 813.301.3800
mlb@tdc13.org
www.tdca13.org



From: Barbara Dawicke [REDACTED]
Sent: Monday, August 23, 2010 10:52 AM
To: Trial Court Administrators
Subject: Foreclosure questions

Dear All:

If possible, please help me out with the following questions by responding by this Wednesday or Thursday (August 25th or 26th):

1. When a summary judgment is entered by the Court, it takes approximately how long before the information is docketed by the clerk?
2. In your circuit, is there a delay with the clerk holding the sales of the foreclosed properties? If so, what is that lag time?
3. In your circuit, what is the time of sale to issuance of certificate of title?
4. In your circuit, is there a lag time with the docketing of other foreclosure documents (other than summary judgments) and if so, approximately how long does it take the docket to reflect the filing?
5. What is the standard docket time for a newly filed foreclosure filing?

Please be advised that Florida has a broad public records law, and all correspondence to me via email may be subject to disclosure. Under Florida records law (SB80 effective 7-01-06), email addresses are public records. If you do not want your email address released in response to a public records request, do not send public records request to this entity. Instead, contact this office by phone or in writing.

Melendi, Rick

From: Melendi, Rick
Sent: Thursday, November 18, 2010 4:16 PM
To: Hickmon, Angelina; Moreno, Elisa; Valdes, Ryan; caranant@hillsclerk.com; healy@hillsclerk.com; mnassief@hcsotampa.fl.us; csomella@hcsotampa.fl.us; jlivingston@hcsotampa.fl.us; sgibson@hcsotampa.fl.us
Cc: Greno, Linda; Barton, James ; Williams, Judy; Arnold, James; Albury, Janice; Snavely Carla; Bridenback, Mike; Menendez, Manuel; Wells, Tracy; Schatzberg, Beth; Gammage, Trillany; Sequeira, Maria; Causey, Michael; Roberts, Julie; Taylor, Kenneth; Stafford, Becki; Drake, Patricia; Gant, Kimberly
Subject: Section I - Mortgage Foreclosure Courtroom Location - Week of November 22, 2010

Please note that Section I – Mortgage Foreclosure Hearings will be conducted in Courtroom 501, Edgecomb Building, 5th floor on **Monday, November 22, 2010, Tuesday, November 23, 2010 and Wednesday, November 24, 2010.**

A courtroom location schedule for Section I - Mortgage Foreclosure Hearings starting on Monday, November 29, 2010, will be forthcoming.

Albury, Janice

From: Melendi, Rick
Sent: Wednesday, September 29, 2010 4:46 PM
To: Bridenback, Mike; Albury, Janice
Cc: Noll, Sharon; Roberts Julie
Subject: Mortgage Foreclosure Project -: Specially Set Docket re: Order Setting Trial, Case Management & Pending Motions

A meeting was called for this morning by Carla Snavely. In attendance were Carla, Dana Caranante Linda Greno, Sharon Noll and myself. The topics of discussion were the hearing date(s), number of foreclosure cases identified and the pieces of the process the clerk will be responsible for doing, and the pieces the AOC staff and contractual resources will be responsible for doing.

Linda Greno spoke with Judge Barton following the meeting and he has approved for the hearings to take place the week of December 13, 2010. The clerk has identified 600 cases to place on the docket for that week. That amounts to 120 hearings/day, with 60 hearings in the a.m. and 60 in the p.m. Sr. Judge Sandra Taylor is scheduled to serve in Section I the week of December 13, 2010, and has agreed to handle the week long hearing docket. That being the case, my office will begin making calls to the existing sr. judges' in Section I to secure alternate sr. judge cover in Section I for Judge Taylor.

As a result of the above meeting, I have set a meeting with Linda, Julie Roberts and Sharon Noll tomorrow to discuss issues regarding the production of the hearing notice utilizing JAWS in conjunction with Banner, as well as the scheduling of these case within the JAWS application and preparation of the docket.

As things develop, I will keep you apprised.

Albury, Janice

From: Albury, Janice
Sent: Thursday, July 15, 2010 10:53 AM
To: 'Rogers Padgett'; 'Winston Burrell'; 'Ralph Steinberg'; 'perrylittle7@aol.com'; 'Donald Evans'
Subject: Compensation Forms for Foreclosure Divisions

I forgot to mention that the completed forms should still be submitted to me. Thanks.

Hickmon,Angelina

From: Wells, Tracy
Sent: Friday, September 10, 2010 10:45 AM
To: Schatzberg,Beth; Hickmon,Angelina; Sequeira, Maria; Valdes,Ryan; Gammage,Trillany
Cc: Greno, Linda
Subject: Hearings

For your information,

I am going to sit in the courtroom on Monday and Tuesday (Sections I & II) to observe to see if it is necessary to have to telecommute via- e-mail during hearings.

T.

Valdes,Ryan

From: Valdes,Ryan
Sent: Monday, October 11, 2010 9:00 AM
To: Melendi, Rick
Subject: RE: Possible Fannie Mae Meeting in the 13th

Ok no problem. Thanks

From: Melendi, Rick
Sent: Monday, October 11, 2010 8:48 AM
To: Valdes,Ryan
Subject: FW: Possible Fannie Mae Meeting in the 13th

Ryan,

Please print this email for Judge Steinberg's review.

Thank you.

From: Bridenback, Mike
Sent: Friday, October 08, 2010 6:50 PM
To: Melendi, Rick
Subject: Fwd: Possible Fannie Mae Meeting in the 13th

Check with the senior judges scheduled for next week to see if they would like to meet with the Fanne Mae rep.

Sent from my iPhone

Begin forwarded message:

From: "Ned Pope" <npope@collinscenter.org>
Date: October 7, 2010 6:01:27 PM EDT
To: "Bridenback, Mike" <bridenml@fljud13.org>
Subject: Possible Fannie Mae Meeting in the 13th

Mike,

I hope things are going well in Tampa.

Mike Hernandez, Fannie Mae VP, is making stops at different circuits to meet with judges regarding a new pre-filing foreclosure mediation program that Fannie Mae is about to engage in.

The basic premise of this process is to begin contacting delinquent borrowers at 65-75 days of delinquency with the hopes that outreach at a much earlier stage will prompt more participation in the program. Another key element of this process is the requirement that Fannie Mae is placing on the servicer to provide substantive loan modification and/or liquidation offers before mediation can begin. This

way the mediation itself can be utilized to work towards a final agreement, as opposed to the “plans of action” that tend to result for the post filing program and often times get no follow-up directly from the servicer.

Other advantages to this process include: a more robust credit counseling component and document exchange, more interaction directly with the servicers on the loans, and lessening the requirements and activity of the foreclosure law firms.

As you know, the Supreme Court’s recommended administrative order encourages pre-suit programs of this kind with the caveat that they substantially comply with the court’s process model. Mr. Hernandez would like to review the process elements of the program with the appropriate judges in the 13th to get their input and suggestions on how to make sure they are fully compliant with the spirit of the local administrative order.

The Fannie Mae reps will be in Tampa next Wednesday and early Thursday morning if some of the civil judges, and/or the chief judge, are available. I’m happy to work with their JA’s if you can point me in the right direction.

Thanks for your time, talk to you soon.

-Ned

Ned Pope

Vice President of Project Management and ADR Initiatives

Director, Mortgage Foreclosure Mediation Program

npope@collinscenter.org

www.collinscenter.org

2600 Centennial Place, Suite 201

Tallahassee, Florida 32308

Office: 850-219-0082 ex.106

Fax: 850-219-0491

Valdes,Ryan

From: Valdes,Ryan
Sent: Thursday, July 29, 2010 10:18 AM
To: Wells, Tracy
Subject: RE: PHONE NUMBER TO SCHEDULE FORECLOSURE MEDIATIONS

Thank you very much Tracy.

Ryan.

From: Wells, Tracy
Sent: Thursday, July 29, 2010 10:07 AM
To: Sequeira, Maria; Valdes,Ryan
Subject: PHONE NUMBER TO SCHEDULE FORECLOSURE MEDIATIONS

For your information,

The number to refer plaintiffs/defendants, if they want to schedule a mediation for foreclosure is **(813) 221-7777**. That is the number for the Florida Bar.

Thank you.

Tracy.

Moreno,Elisa

From: Wells, Tracy
Sent: Thursday, July 22, 2010 1:03 PM
To: Sequeira, Maria; Hickmon,Angelina; Moreno,Elisa; Schatzberg,Beth; Gammage,Trillany
Subject: Afternoon mail pick-up time change

For your information.

Subject: Afternoon mail pick-up time change

The afternoon mail pick-up will be occurring 30 minutes earlier for the next 3 days through next Tuesday. We need to pick up the mail at 2:30 instead of 3 for that period. Next Wednesday we will return to the normal 3 pm time.

Thanks

Kirby

Moreno,Elisa

From: Hickmon,Angelina
Sent: Tuesday, July 13, 2010 1:30 PM
To: Moreno,Elisa
Subject: FW: law firm contacts
Attachments: large law firms info.doc

From: Schatzberg,Beth
Sent: Tuesday, July 13, 2010 1:19 PM
To: Hickmon,Angelina
Subject: law firm contacts

Here's the list that I started. I also want to contact their cell # for the ones that appear in person (Jessica Conte)

Beth

Wells, Tracy

From: Bridenback, Mike
Sent: Wednesday, November 17, 2010 10:43 AM
To: Barton, James ; Melendi, Rick
Cc: Wells, Tracy
Subject: RE: Mortgage Foreclosure Proceedings

Rick,

Please do this.

Michael L. Bridenback
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Tampa, FL 33602
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f: 813.301.3800
[REDACTED]
www.fljud13.org



From: Barton, James
Sent: Wednesday, November 17, 2010 10:34 AM
To: Bridenback, Mike; Melendi, Rick
Subject: RE: Mortgage Foreclosure Proceedings

We need to send the Chief Justice's memo to all of the judges, staff, bailiffs and clerks involved in the foreclosure hearings.

From: Bridenback, Mike
Sent: Wednesday, November 17, 2010 8:33 AM
To: Barton, James ; Melendi, Rick
Subject: FW: Mortgage Foreclosure Proceedings

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www.fljud13.org



From: Debbie Howells [REDACTED]
Sent: Wednesday, November 17, 2010 8:03 AM
To: Trial Court Chief Judges
Cc: Trial Court Administrators; Lisa Goodner; Blan Teagle; Laura Rush; Kristine Slayden; Brenda Johnson; Judge John Laurent
Subject: Mortgage Foreclosure Proceedings

Please see the attached memorandum from Chief Justice Canady regarding mortgage foreclosure proceedings.

Bridenback, Mike

From: Bridenback, Mike
Sent: Thursday, September 02, 2010 10:34 AM
To: Callanan, Richard
Subject: Re: Foreclosure Trial List Notice/Case Management Conf

Not a problem

Sent from my iPhone

On Sep 1, 2010, at 10:12 PM, "Callanan, Richard" [REDACTED] wrote:

Sorry for delay Mike, she is really slammed right now on this project

20th Judicial Circuit > Integrity, Fairness, Service

On Sep 1, 2010, at 3:18 PM, "Bridenback, Mike" [REDACTED] wrote:

Rick/Nancy,

When do you think you could send me a copy of your trial notice?

Michael L. Bridenback

Court Administrator

800 E. Twiggs Street, Suite 604

Tampa, FL 33602

p: 813.272.5894

f: 813.301.3800

<image001.jpg>

[REDACTED]
www.fjud13.org

From: Callanan, Richard [mailto:rcallanan@tca13.com]
Sent: Friday, August 27, 2010 3:42 PM
To: Aloia, Nancy K
Cc: Bridenback, Mike
Subject: Foreclosure Trial List Notice/Case Management Conf

Hi Nancy

When you get a moment, please send Mike Bridenback, TCA in the 13th, a copy of the Trial Notice were are using to set these Foreclosure Case Management/Docket Sounding dates. Also, it might be helpful to Mike to get him a copy of the Foreclosure settings thru October/stat report that we discussed yesterday.

Also, Mike wanted to know how we are hearing motions on those foreclosure cases – on that date or as referred to judge/magistrate at another setting? I don't know the answer to that!

Thanks Nancy.

Rick

Richard Callanan, Trial Court Administrator

20th Judicial Circuit

1700 Monroe Street

Fort Myers, FL. 33901

239 533-1712

Bridenback, Mike

From: Melendi, Rick
Sent: Tuesday, October 05, 2010 8:53 AM
To: Bridenback, Mike
Subject: Paperwork problems put foreclosures in limbo

<http://www2.tbo.com/content/2010/oct/05/thousands-of-foreclosures-in-limbo-because-of-pape/news-money/>

Bridenback, Mike

From: Bridenback, Mike
Sent: Tuesday, October 19, 2010 1:28 PM
To: Melendi, Rick
Subject: FW: Foreclosure Information

fyi

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Tampa, FL 33602
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[REDACTED]
www.fjud13.org



From: Kristine Slayden [REDACTED]
Sent: Tuesday, October 19, 2010 1:23 PM
To: Trial Court Chief Judges; Trial Court Administrators
Cc: Lisa Goodner; Laura Rush; P.J. Stockdale; Arlene Johnson
Subject: Foreclosure Information

Chief Judges/Trial Court Administrators – As a follow up to the JAC conference call yesterday, we would like to request any information you can provide on the cancellations of hearings or suspension of foreclosure cases by the plaintiff. You can either send summary information by email, case specific information in a spreadsheet or you can provide information in the comment section of the existing Foreclosure Case Tracking application. Please note, in order to determine the magnitude of the cancellation, we need to know total number of hearing scheduled. We will compile the data and attempt to quantify a statewide estimate of the impact. Please contact me if you have any questions. Thank you. 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)

Bridenback, Mike

From: Bridenback, Mike
Sent: Tuesday, August 31, 2010 3:18 PM
To: Menendez, Manuel
Cc: Rowland, Dave
Subject: 6th Circuit Mortgage Foreclosure Backlog Process

I found this description of the 6th circuit's backlog project on their website.

The foreclosure calendars will be presided over by senior judges, retired judges who have been certified by the State Supreme Court to fill in for sitting judges when needed. The goal is to schedule up to 100 summary judgment cases per day during twice-a-week sessions at each of four courthouses in the Circuit.

A summary judgment hearing is the last step in the foreclosure process and clears the way for the property to be sold at auction. As more new cases are filed – currently at the rate of more than 500 a month in Pinellas County – it has become increasingly difficult for attorneys representing lenders to schedule summary judgment hearings.

The new calendars will be on Tuesdays and Thursdays in Dade City; on Tuesdays and Fridays in St. Petersburg; on Wednesdays and Thursdays in Clearwater; and Wednesdays and Fridays in New Port Richey. Dedicated phone lines have been set up for attorneys who have summary judgment motions ready to be heard: 352-521-4274, ext. 5867 in Dade City; 727-847-2411, ext. 7246 in New Port Richey; 727-464-3300 in Clearwater; and 727-582-7700 in St. Petersburg.

The senior judges will primarily hear summary judgment motions, McGrady said, pointing out that discovery and other preliminary motions will still be heard on the regular judicial calendars.

Michael L. Bridenback
Court Administrator
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Tampa, FL 33602
p: 813.272.5894
f: 813.301.3800

www.mla13.org



Melendi, Rick

From: Bridenback, Mike
Sent: Wednesday, July 07, 2010 8:42 AM
To: stockdap@flcourts.org
Cc: Melendi, Rick
Subject: FW: ECONRECOV: Prototype of Foreclosure Case Tracking System
Attachments: SRS Category.docx; SRSCategory001.docx

PJ

I agree with Rick's comments. We need to keep this simple.

From: Melendi, Rick
Sent: Tuesday, July 06, 2010 4:08 PM
To: Bridenback, Mike; Noll, Sharon
Subject: RE: ECONRECOV: Prototype of Foreclosure Case Tracking System

Mike,

In reviewing the Case Tracking Form, I question why in the SRS category drop down box (please open attachments and review) the form would include commercial foreclosure when this project is limited to residential foreclosure actions. I would strongly suggest that OSCA remove this data category from the drop down since the project does not include commercial foreclosure actions.

I also question the relevance in breaking down the SRS category for the purposes of backlogged foreclosure actions between Residential Mortgage Foreclosure - Homestead and Non-Homestead Residential Foreclosures. The backlog project is handling all residential mortgage foreclosure actions whether it is homestead or non-homestead. I do not understand the significance of why this needs to be broken down to this level for collection purposes. A residential mortgage foreclosure is a residential mortgage foreclosure. Again, I would suggest that breaking down the data collection down to this level is time consuming and question whether the case managers will have time to enter the data, much less, time to try and determine whether it was a homestead or non-homestead foreclosure. Please note: I can see breaking the data down to this level when reporting the data for the Managed Mediation Project because that is for Homestead - Residential Mortgage Foreclosure actions filed after July 1, 2010.

Same thing with the last category RP/MF – Other Real Property, why do we care it's a backlogged foreclosure action without an improvement on the property. It's still a backlog case and being foreclosed on.

An additional data request is broken down to the estimated value of the property by category. The categories were originally created and broken down to this level in order to determine the increase/escalating filing fee based on the estimated value of the property. Again, I question the value in collecting this information.

Finally, to report track the data requested, we are going to have the case managers read the pleadings ("Complaint") to determine whether each piece of real property is homestead or non-homestead, improved or non-improved and the estimated value: \$0-50K, \$50-249K or \$250K+ The case managers are going to have plenty to do in the big circuits based on each circuits back log numbers just to get the cases ready for hearing.

From: Bridenback, Mike
Sent: Thursday, July 01, 2010 3:56 PM

To: Melendi, Rick; Noll, Sharon

Subject: Fwd: ECONRECOV: Prototype of Foreclosure Case Tracking System

Please review

Sent from my iPhone

Begin forwarded message:

From: "P.J. Stockdale" <stockdap@flcourts.org>

To: "Bridenback, Mike" <bridenml@fljud13.org>, "Callanan, Richard" <rcallanan@ca.cjis20.org>

Cc: "Kristine Slayden" <slaydenk@flcourts.org>, "Arlene Johnson" <johnsona@flcourts.org>

Subject: ECONRECOV: Prototype of Foreclosure Case Tracking System

Mike, Rick,

Please find attached a copy of the Foreclosure and Economic Recovery Case Tracking System (fercts_devel_v10-8-1a.xls). We know it isn't a complete solution but I guess the first question we have is whether this application is workable to capture this data. The idea was to find some balance between the needs of small and large circuits. I would be most appreciative to hear your suggestions on how we might make this application more usable for the initiative staff. There are still a few minor bugs that we are working out but all the major components work. In order to meet our deadline to get the workbooks out to the circuits by 7/16, I will need to finalize the application by next Friday (7/9)

I've also attached a draft summary which contains a brief overview of the application and a list of the data captured along with their definitions. Mostly we used the standard SRS definitions. However, there are two fields, case status and reopen closed date that do not have SRS definitions. We have proposed a definition for these fields that we believe to be consistent with SRS that should help initiative staff complete the workbooks. Please take a look at these, particularly the one for reopen closed date. Does this seem to be a workable definition for this project?

Since this tracking application is based upon VBA macros, there are a few steps that need to be taken to get it installed and running. I've attached a set of installations instructions but you may want to have one of your IT people set it up. Please have your IT folks give me a call, if needed, and I'll go through it with them.

I look forward to hearing from you. Thanks

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



Foreclosure and Economic Recovery Initiative Case Tracking Form

Case Data | Search

Case Identification

UCN: 602004CA000509XXXXXX

Filing Date: 5/10/2004

SRS Case Category:

Real Prop/Mort Foreclosure (Pre2010)

Disposition/Status

Date Disposed

Disposition Type

Date Status Change

Case Status

Real Prop/Mort Foreclosure (Pre2010)

Real Prop/Mort Foreclosure-Commercial \$0-50K

Real Prop/Mort Foreclosure-Commercial \$50-249K

Real Prop/Mort Foreclosure-Commercial \$250K+

Real Prop/Mort Foreclosure-Homestead, Residential \$0-50K

Real Prop/Mort Foreclosure-Homestead, Residential \$50-249K

Real Prop/Mort Foreclosure-Homestead, Residential \$250K+

Real Prop/Mort Foreclosure-Non-Homestead, Residential \$0-50K

Case Closed for Court Action

Date Case Closed 6/25/2010

Update

Post-Judgement

Open Date 10/25/2009

Closed Date 6/25/2010

Previous

Case Comments

Next

Exclude



Foreclosure and Economic Recovery Initiative Case Tracking Form

Case Data | Search

Case Identification

UCN: 602004CA000509XXXXXX

Filing Date: 5/10/2004

SRS Case Category:

- Real Prop/Mort Foreclosure (Pre2010)
- Real Prop/Mort Foreclosure-Homestead, Residential \$50-249K
- Real Prop/Mort Foreclosure-Homestead, Residential \$250K+
- Real Prop/Mort Foreclosure-Non-Homestead, Residential \$0-50K
- Real Prop/Mort Foreclosure-Non-Homestead, Residential \$50-249K
- Real Prop/Mort Foreclosure-Non-Homestead, Residential \$250K+
- Real Prop/Mort Foreclosure-Other Real Property \$0-50K
- Real Prop/Mort Foreclosure-Other Real Property \$50-249K
- Real Prop/Mort Foreclosure-Other Real Property \$250K+

Disposition/Status

Date Disposed

Disposition Type

Date Status Change

Case Status

Case Closed for Court Action

Date Case Closed 6/25/2010

Update

Post-Judgement

Open Date 10/25/2009

Closed Date 6/25/2010

Previous

Next

Case Comments

Exclude

Melendi, Rick

From: Bridenback, Mike
Sent: Tuesday, July 06, 2010 4:18 PM
To: stockdap@flcourts.com
Cc: Melendi, Rick
Subject: Fwd: ECONRECOV: Prototype of Foreclosure Case Tracking System
Attachments: SRS Category.docx; ATT122425.htm; SRSCAteory001.docx; ATT122426.htm

Provided below are Rick Melendi's comments for which I agree. Let's keep this data collection as simple as possible.

Sent from my iPhone

Begin forwarded message:

From: "Melendi, Rick" <MELENDRT@fljud13.org>
Date: July 6, 2010 4:07:49 PM EDT
To: "Bridenback, Mike" <BRIDENML@fljud13.org>, "Noll, Sharon" <NOLLSL@fljud13.org>
Subject: RE: ECONRECOV: Prototype of Foreclosure Case Tracking System

Mike,

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From: Bridenback, Mike
Sent: Thursday, July 01, 2010 3:56 PM
To: Melendi, Rick; Noll, Sharon
Subject: Fwd: ECONRECOV: Prototype of Foreclosure Case Tracking System

Please review
Sent from my iPhone

Begin forwarded message:

From: "P.J. Stockdale" <stockdap@flcourts.org>
To: "Bridenback, Mike" <bridenml@fljud13.org>, "Callanan, Richard" <rcallanan@ca.cjis20.org>
Cc: "Kristine Slayden" <slaydenk@flcourts.org>, "Arlene Johnson" <johnsona@flcourts.org>
Subject: **ECONRECOV: Prototype of Foreclosure Case Tracking System**

Mike, Rick,

Please find attached a copy of the Foreclosure and Economic Recovery Case Tracking System (ferets_devel_v10-8-1a.xls). We know it isn't a complete solution but I guess the first question we have is whether this application is workable to capture this data. The idea was to find some balance between the needs of small and large circuits. I would be most appreciative to hear your

suggestions on how we might make this application more usable for the initiative staff. There are still a few minor bugs that we are working out but all the major components work. In order to meet our deadline to get the workbooks out to the circuits by 7/16, I will need to finalize the application by next Friday (7/9)

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I look forward to hearing from you. Thanks

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

Albury, Janice

From: Albury, Janice
Sent: Monday, June 21, 2010 12:20 PM
To: Rogers Padgett
Subject: July Foreclosure Hearings

Just so you know, I've completed the July schedule for foreclosure hearings. We will not start the two-week rotations until August. Right now, I have you scheduled for Monday, July 12 through Thursday, July 15. I'll forward you the hearing room location later this week. Thanks.

Hickmon,Angelina

From: Greno, Linda
Sent: Wednesday, October 06, 2010 3:18 PM
To: Hickmon,Angelina; Schatzberg,Beth
Subject: FW: New Sale Dates
Attachments: Revised Calendar Oct 2010 through July 2011.pub

Please make copies for everyone! Thanks

From: Gary, Angela [<mailto:GARY@hillsclerk.com>]
Sent: Wednesday, October 06, 2010 2:56 PM
To: Greno, Linda
Cc: Snavely Carla; Caranante, Dana
Subject: New Sale Dates

Good afternoon Linda,

Attached are calendars with the new sale dates for the sections to begin using next Monday that Judge Barton approved yesterday. Please distribute as necessary and let me know if you have any questions.

Thank you

Angela L Gary

Angela L Gary

Manager

Circuit Civil Division

800 E Twiggs St Room 530

PO Box 989

Tampa FL 33601-0989

Phone # 813.276.8100 ext 3886

Fax # 813.272.5508

gary@hillsclerk.com

Hickmon,Angelina

From: Wells, Tracy
Sent: Friday, September 10, 2010 10:45 AM
To: Schatzberg,Beth; Hickmon,Angelina; Sequeira, Maria; Valdes,Ryan; Gammage,Trillany
Cc: Greno, Linda
Subject: Hearings

For your information,

I am going to sit in the courtroom on Monday and Tuesday (Sections I & II) to observe to see if it is necessary to have to telecommute via- e-mail during hearings.

T.

Nauman, Chris

From: Rowland, Dave
Sent: Wednesday, December 15, 2010 10:12 AM
To: Nauman, Chris
Subject: FW:

From: Cash, Kim **On Behalf Of** Menendez, Manuel
Sent: Tuesday, December 14, 2010 3:11 PM
To: Rowland, Dave
Subject: FW:

From: Barton, James
Sent: Thursday, November 18, 2010 11:42 AM
To: Menendez, Manuel
Subject: RE:

I'll contact them.

From: Menendez, Manuel
Sent: Thursday, November 18, 2010 11:00 AM
To: Barton, James
Subject: RE:

As to your #1, please contact them all so that the letter is in fact accurate.

From: Barton, James
Sent: Thursday, November 18, 2010 10:16 AM
To: Menendez, Manuel; Bridenback, Mike; Rowland, Dave; Nauman, Chris
Cc: Cash, Kim
Subject: RE:

I have three suggestions:

1. On page 1, in the fourth paragraph, you write that all of the judges hearing foreclosure cases have been contacted about this issue. Is that accurate? I'm sure they would know that all foreclosure hearings are open to the public, in any event.
2. On page 2, in the first line of the last paragraph, there is a typo: "experience" should be replaced with "experienced".
3. On page 3, in the last line of the second full paragraph, you use the term "rather exaggerated". I would use the phrase "unadulterated lies".

From: Menendez, Manuel
Sent: Wednesday, November 17, 2010 4:28 PM
To: Bridenback, Mike; Rowland, Dave; Nauman, Chris; Barton, James
Cc: Cash, Kim

Subject:

Importance: High

Here's a draft response to the Chief Justice's memo. Please review and give me your thoughts.

Manuel Menendez, Jr.

Chief Judge, 13th Judicial Circuit of Florida

800 E. Twiggs St., Suite 602, Tampa, FL 33602

813-272-5022

Nauman, Chris

From: Rowland, Dave
Sent: Wednesday, October 27, 2010 2:47 PM
To: Nauman, Chris
Subject: FW: Residential Foreclosure Procedures Administrative Order

ACLU PRR

From: Barton, James
Sent: Monday, June 28, 2010 4:32 PM
To: Rowland, Dave
Cc: Menendez, Manuel
Subject: RE: Residential Foreclosure Procedures Administrative Order

I have forwarded the draft AO to the other circuit civil judges for comment. It looks good to me. Thanks for working on this, David, and welcome back.

From: Rowland, Dave
Sent: Monday, June 28, 2010 2:08 PM
To: Menendez, Manuel
Cc: Barton, James ; Pride, Lisa; Melendi, Rick; Nauman, Chris
Subject: Residential Foreclosure Procedures Administrative Order

Attached is a proposed administrative order regarding the residential foreclosure cases that will be handled by senior judges in Section I and Section II of the General Civil Division. I incorporated the stand-alone "procedures" into the administrative order but left open the possibility for additional procedures to be posted to the website.

If anyone has comments please let me know. Thanks – Dave

From: Menendez, Manuel
Sent: Monday, June 28, 2010 11:06 AM
To: Rowland, Dave
Subject: RMF

*Manuel Menendez, Jr.
Chief Judge, 13th Judicial Circuit of Florida
800 E. Twiggs St., Suite 602, Tampa, FL 33602
813-272-5022*

Bridenback, Mike

From: Bridenback, Mike
Sent: Wednesday, May 12, 2010 10:25 AM
To: Heather Thuotte-Pierson
Cc: Menendez, Manuel; Barton, James ; Melendi, Rick
Subject: RE: Foreclosure and Economic Recovery Program Allocations
Attachments: ForeclosureandEconomicRecovery_Distribution.xls; FORECLOSURE AND ECONOMIC RECOVERY PROGRAM.docx

Attached is the 13th circuit's revised plan.

Michael L. Bridenback

Court Administrator
800 E. Twiggs Street, Suite 604
Tampa, FL 33602
p: 813.272.5894
f: 813.301.3800



www.fjud13.org

From: Heather Thuotte-Pierson
Sent: Friday, May 07, 2010 11:27 AM
To: Trial Court Chief Judges; Trial Court Administrators
Cc: Lisa Goodner; Kristine Slayden; Sharon Buckingham; Charlotte Jerrett; Dorothy Wilson; Arlene Johnson; Patty Harris; Theresa Westerfield; Elizabeth Garber; Greg Youchock; Gary Phillips
Subject: Foreclosure and Economic Recovery Program Allocations

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
Office of the State Courts Administrator
Court Statistics Consultant
(850) 410-3376


Foreclosure and Economic Recovery Program (05/2010)

Circuit 13th

General Magistrates				
OPS	Contracted Services	GM/Senior Judge Expense	Senior Judge Days @ \$350 a day	Total
		2,500	195,000	\$197,500.00

Case Managers			
OPS	Contracted Services	Expense	Total
168,477		5,355	\$173,832.00

This total includes the additic

General Magistrate/Senior Judge Admin Support			
OPS	Contracted Services	Expense	Total
56,172			\$56,172.00

This total includes the additic

Mediation Admin Support			
OPS	Contractual Services	Expense	Total
			\$0.00

onal 7.65% for FICA

onal 7.65% for FICA

FORECLOSURE AND ECONOMIC RECOVERY PROGRAM

13th Judicial Circuit

Original Plan

780 Senior Judge Days

7 Case Managers

3 Admin Secretaries

\$40,612 – Expenses

Total Budget - \$687,264

Revised Plan

520 Senior Judge Days

4 Case Managers

2 Admin Secretaries

\$7,855 - Expenses

Total Budget - \$427,504

Bridenback, Mike

From: Bridenback, Mike
Sent: Monday, June 28, 2010 11:27 AM
To: P.J. Stockdale
Cc: Kristine Slayden; Arlene Johnson
Subject: RE: ECONRECOV: List of Possible Events

The legal terms Stay(ed) and Abate(d) have very specific and different meanings in the law. My suggestion would be that in most foreclosure actions the basis for not proceeding to disposition is due to a "Stay of the proceedings". As such, I would suggest the following tracking categories.

- ~~Case Stayed or Abated~~ – Bankruptcy
- ~~Case Stayed or Abated~~ - Pending resolution of another case
- ~~Case Stayed or Abated~~ – by Agreement ~~by all~~ of the parties
- ~~Case Stayed or Abated~~ - ~~Stay on~~ Appeal pending
- ~~No Action~~ Inactivity or Pending – Attorney inactivity
- ~~No Action~~ Inactivity or Pending – ~~Insufficient/Inaccurate~~ pleadings or documentation
- ~~No Action~~ – ~~Lack of available court resources~~
- ~~No Action~~ Inactivity or Pending – Other (see comments) The reason for non-disposition above can be noted in the Other category, instead of having its own standalone category which may draw attention.

I hope this helps.

Michael L. Bridenback
Court Administrator
800 E. Twiggs Street, Suite 604
Tampa, FL 33602
p: 813.272.5894
f: 813.301.3800
www.fljud13.org



From: P.J. Stockdale
Sent: Thursday, June 24, 2010 3:57 PM
To: Bridenback, Mike
Cc: Kristine Slayden; Arlene Johnson
Subject: ECONRECOV: List of Possible Events

Mike,

Sorry for the delay in getting back to you. Back to back meetings all ran long. As Kris was saying, we are trying to capture those circumstances that would prevent the court system from actively moving the case through to disposition. We started with a list of 23 events but we really want to pare that down to say 5 – 8 significant circumstances. Here's where we are at now

Type of Event

- Set Default Judgment Hearing - routine
- Set Default Judgment Hearing - expedited

Default Judgment Entered
Case Set for Hearing/Motions by Plaintiff - routine
Case Set for Hearing/Motions by Plaintiff - expedited
Summary Judgment/Final Judgment
Order to Show Cause
Emergency Motions - Other
Emergency Motions - Motion to Cancel/Reschedule Sale
Case Stayed or Abated - Bankruptcy
Case Stayed or Abated - Pending resolution of another case
Case Stayed or Abated - Agreement by all parties
Case Stayed or Abated - Neglect
Case Stayed or Abated - Stay on appeal
Case Stayed or Abated - Other
Case Disposed - Awaiting Sale
Petition/Motion - Other
Order - Other
Conference
Hearing
Trial
Postponement - Other
Mediation

Based upon our discussion today, maybe we can reduce it to something like

Case Stayed or Abated – Bankruptcy
Case Stayed or Abated - Pending resolution of another case
Case Stayed or Abated - Agreement by all parties
Case Stayed or Abated - Stay on appeal
No Action – Attorney inaction
No Action – Insufficient/Inaccurate Documentation
No Action – Lack of available court resources
No Action – Other (see comments)

The idea is that a case would be placed in one of these status' when the case is in the courts ball field but the court can't take action on a case because of these circumstances. Also, we are looking for a good term to use to reflect the "can't take action" status that doesn't already have a loaded meaning within the courts. For example "inactive" has a specific meaning as does "stayed". I was thinking "No Action" but maybe "Delayed" would be better.

I was planning on having an prototype of the case tracking application ready to send to a few TCA's early next week. I'd appreciate if you would take a look at it. It is difficult to quickly knock off a one size fits all application but it will be very helpful to get some suggestions on how to make it more usable in the field.

Look forward to hearing from you
Thanks
PJ

PJ Stockdale
Senior Court Statistics Consultant

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(fax) 850.414.1342

94-94
94 - 2007 - old cases @ 600 cases

CASES IN AN OPEN STATUS

- PENDING *1400 cases identified ready to be finalized.*
- DISMISSAL DOCKET *2009-145 Date of \$ to be signed (DuPont) / DuPont / Court Date = DuPont*
 - UPDATE ADDRESS *but can't sign case -*
 - OBTAIN HEARING DATE
 - PREPARE AND MAIL NOTICES
 - ATTEND HEARING
 - CLOSE ELIGIBLE CASES WITH DISMISSAL DOCKET CODE *Linda*
 - CLOSE *Need to obtain SRS report / any ME cleared w/ date for every month closed*
 - USE ESTABLISHED CODES FOR PARTICULAR CIRCUMSTANCE
 - USE DATE OF FINAL JUDGMENT/ORDER
 - REPORTS TO SRS *every month*

CASES IN A REOPEN STATUS

- PENDING
 - DISMISSAL-
 - UPDATE ADDRESS
 - OBTAIN HEARING DATE
 - PREPARE AND MAIL NOTICES
 - ATTEND HEARING
 - CLOSE ELIGIBLE CASES WITH DISMISSAL DOCKET CODE
 - CLOSE / *be opened - Debra to process report.*
 - USE CODE XFSU (FORECLOSURE REOPEN STATUS UPDATE)
 - USE DATE OF ORDER
 - DOES NOT REPORT TO SRS *Nates Mtg. 9/16/10*
- apply. 600 cases to close*
apply 200 cases already closed
Debra's strategy to process data reporting, re: clearing / disposed

\$ for marketing to not going to come out of clerk's budget?

2 sub-sets / cases

- no activity for a yr. N row = ~~Document~~
(4500 cases typically) = 1400 identified ~~Documents~~
help for documentat.
- Case w/ activity & set for case - ~~cases~~
33,439

also addressed - data / address used to be
input.
(last known address)

Bridenback, Mike

From: Barton, James
Sent: Wednesday, September 01, 2010 3:16 PM
To: Bridenback, Mike
Subject: RE: 20th Circuit

Can we get their form?

From: Bridenback, Mike
Sent: Friday, August 27, 2010 3:43 PM
To: Menendez, Manuel; Barton, James
Subject: 20th Circuit

I talked to Rick Callanan in the 20th and they are experiencing the same problem we are will the summary judgment calendars not being filled up. They have gone to a trial notice process when any case that has been pending over 12 months, a notice is sent to schedule a trial or disposition date. He says that so far, they are getting dispositions in about 60 percent of the case scheduled. He is sending me their notice and the calendars they use. The typical calendar has 80 cases scheduled and they are doing this 4 days a week.

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f: 813.301.3800
www.fljud13.org



Melendi, Rick

From: Bridenback, Mike
Sent: Friday, October 08, 2010 3:26 PM
To: Barton, James ; Melendi, Rick; Wells, Tracy
Subject: FW: Clarification of Foreclosure Reporting Requirements

fyi

Michael L. Bridenback
Court Administrator
800 E. Twiggs Street, Suite 604
Tampa, FL 33602
p: 813.272.5894
f: 813.301.3800
bridenml@fjud13.org
www.fjud13.org



From: P.J. Stockdale [<mailto:stockdap@fpcourts.org>]
Sent: Friday, October 08, 2010 3:22 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

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Senior Court Statistics Consultant
OSCA - Court Services
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Tallahassee FL 32301-1900
(ph) 850.410.1523
(fax) 850.414.1342

Albury, Janice

From: Drake, Patricia
Sent: Thursday, June 24, 2010 12:25 PM
To: Albury, Janice
Cc: Noll, Sharon
Subject: RE: Phones for Foreclosure Training

Thank you!

From: Albury, Janice
Sent: Thursday, June 24, 2010 12:23 PM
To: Drake, Patricia
Cc: Noll, Sharon
Subject: RE: Phones for Foreclosure Training

Attached is the July schedule. The two-week rotation won't start until August, but I don't have the schedule yet for August or beyond. All of the senior judges on rotation will be here on Monday, June 28 @ noon for a meeting with Judge Barton and Judge Arnold if you prefer to train them on that day since they are pretty scattered during the month of July. But I'll leave that all up to you.

From: Drake, Patricia
Sent: Thursday, June 24, 2010 12:16 PM
To: Albury, Janice
Subject: FW: Phones for Foreclosure Training

Do you have the foreclosure senior judge rotation list yet? If so, may I have a copy? If not, will you please send me a copy when ready? Thanks!!

From: Noll, Sharon
Sent: Thursday, June 24, 2010 9:01 AM
To: Drake, Patricia
Cc: Melendi, Rick
Subject: Phones for Foreclosure Training

Pat: One more thing, please make sure that we obtain a copy of the schedule for the senior judges that will be covering foreclosures. Until the secretaries are hired and fully trained on the phones, I need you to make sure that training is coordinated for the judges as they rotate in (every two weeks), so that the judge coming in is familiar with the phones before they start hearings. Perhaps – if you already haven't – can make up an instruction sheet to leave with them along with the Help Desk number printed on it in case they have a problem. THANKS!

Moreno,Elisa

From: Melendi, Rick
Sent: Tuesday, November 30, 2010 11:01 AM
To: Moreno,Elisa
Subject: RE: 13th Circuit Foreclosure Stats.xlsx

Thank you.

From: Moreno,Elisa
Sent: Tuesday, November 30, 2010 10:39 AM
To: Melendi, Rick
Cc: Hickmon,Angelina
Subject: FW: 13th Circuit Foreclosure Stats.xlsx

Please let us know if you have any questions, thank you!

Elisa

From: Hickmon,Angelina
Sent: Monday, November 22, 2010 10:13 AM
To: Wells, Tracy
Cc: Moreno,Elisa
Subject: 13th Circuit Foreclosure Stats.xlsx

Wells, Tracy

From: Wells, Tracy
Sent: Tuesday, August 03, 2010 10:21 AM
To: Melendi, Rick
Subject: VOLUNTEERS

Rick, this is what I want to send out to those that volunteered. What do you think?

Thank you all for volunteering to assist with the Foreclosure cases. However, the majority have all volunteered to do the same thing and we need help in other areas.

I just wanted to warn you that we may be approaching you to assist in other areas that we need help in the most in order to get this project off the ground and running.

We will contact your liaison as soon as we get all of the kinks out of the way.

Again, thank you for assisting us in this very unique project.

T.

Bridenback, Mike

From: Melendi, Rick
Sent: Monday, October 11, 2010 3:53 PM
To: Bridenback, Mike
Subject: FW: Cancelled Hearings

Section I had 27 total cancelled cases for today.

From: Moreno,Elisa
Sent: Monday, October 11, 2010 3:46 PM
To: Melendi, Rick
Subject: RE: Cancelled Hearings

Good afternoon Rick,

3 total cancellations for PM

Reasons:

1. FTA
2. missing original note
3. problem with existence of original plaintiff

Thank you!

Elisa

From: Melendi, Rick
Sent: Monday, October 11, 2010 1:34 PM
To: Moreno,Elisa
Subject: RE: Cancelled Hearings

Thank you. And, please update me later on the p.m. cancellations at time of hearing.

From: Moreno,Elisa
Sent: Monday, October 11, 2010 1:29 PM
To: Melendi, Rick
Subject: RE: Cancelled Hearings

Yes, 2 for am and I can update you on PM cancellations at time of hearing...

From: Melendi, Rick
Sent: Monday, October 11, 2010 1:28 PM
To: Moreno,Elisa
Subject: RE: Cancelled Hearings

Does the a.m. & p.m. number include those cancellations which may occur at the time of the telephonic hearing?

From: Moreno,Elisa
Sent: Monday, October 11, 2010 1:25 PM
To: Melendi, Rick
Subject: RE: Cancelled Hearings

Rick,

24 total cancelled for today

Breakdown:

15 AM cancellations (two cancellations at the time of hearing)

9 PM cancellations

Thanks!

Elisa

From: Melendi, Rick
Sent: Monday, October 11, 2010 1:18 PM
To: Moreno,Elisa
Subject: RE: Cancelled Hearings

All cancelled a.m. & p.m. hearings for "today" - which will include cancellations prior to the hearing and those cancellations that occur at the time of the hearing.

Sorry for not being clear.

From: Moreno,Elisa
Sent: Monday, October 11, 2010 1:14 PM
To: Melendi, Rick
Cc: Hickmon,Angelina
Subject: RE: Cancelled Hearings

Rick,

Do you need the cancelled hearings "at the table" or a list of all that were cancelled prior to today?

Thanks,

Elisa

From: Melendi, Rick
Sent: Monday, October 11, 2010 12:22 PM
To: Moreno,Elisa; Hickmon,Angelina; Schatzberg,Beth; Gammage,Trillany
Subject: Cancelled Hearings

Please provide me the total number of hearings cancelled this morning asap. Also, I will need the total number of hearings canceled by 3:30; 3:45 at the latest.

Thank you.

Bridenback, Mike

From: Bridenback, Mike
Sent: Monday, June 28, 2010 4:33 PM
To: Barton, James
Subject: RE: Recommendations - Case Managers and Secretaries

Also 2 of the case managers, Beth and Elisa, cannot start until July 6. "Best laid plans..."

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Court Administrator
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p: 813.272.5894
f: 813.301.3800

www.fjud13.org



From: Barton, James
Sent: Monday, June 28, 2010 4:23 PM
To: Bridenback, Mike
Subject: RE: Recommendations - Case Managers and Secretaries

Full speed ahead.

From: Bridenback, Mike
Sent: Monday, June 28, 2010 11:07 AM
To: Arnold, James; Barton, James
Cc: Thullbery, Heather
Subject: FW: Recommendations - Case Managers and Secretaries

Based on the qualifications, experience, interview performance, background check and references comments, I recommend we offer the positions to the following:

Case Managers (4 FTE's)

Angelina Hickmon
Trillany Gammage
Beth Schatzberg
Tammie Shirey

Senior Secretaries (2 FTE's)

Katie Buck
Maria Sequeria

Michael L. Bridenback

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From: Bridenback, Mike
Sent: Friday, June 25, 2010 12:26 PM
To: Barton, James ; Arnold, James
Subject: Recommendations - Case Managers and Secretaries

I have completed my review of the applicants. We are in the process of checking references. Provided below are the applicants that I recommend be given consideration.

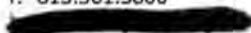
Case Manager (4 positions are available)

1. **Angelina Hickmon** – She currently works as a legal assistant at the Albertelli Law firm. She presented herself very well in the interview. She has passed her background check and we received very positive feedback from her supervisor at the law firm.
2. **Christopher Mercer** – He is extremely bright and professional. He has a B. S. degree from Florida State in Political Science and is working on his MBA. He has plans to apply to law school with Stetson as his first choice. His relevant experience is in the banking and loan industry. He has his Florida Mortgage Brokers License. However, his background check revealed that he was charged with felony possession of marijuana and possession of a weapon back in April of 2002 in Volusia County. The charges were nolle prossed. I am awaiting comments from his references.
3. **Trillany Gammage** - She worked as a legal assistant with Carlton Fields and Holland & Knight for 4 years. She has been out of the workplace since 2001 in order to raise of family. The kids are now in school and she is ready to return. She presented herself very well and seemed very knowledgeable about the legal system though she has no experience with mortgage foreclosure litigation. She has passed her background check but we are awaiting feedback from her references at the two firms she worked for.
4. **Beth Schatzberg** – As you know, she has recently served as a sub-JA in 3 Circuit Civil Divisions and 1 Dependency division. Both of you have personal knowledge of her skills and work habits. Her experience has primarily been in the private and non-profit arenas. I found her to be very intelligent and professional in the interview. She has passed the background check and we received very positive comments from her references.
5. **Elisa Moreno** – She has worked in the banking industry for the past 7 years. She was very articulate and personable in the interview. She also is fluent in Spanish. She has passed her background check but we are still waiting of comments from her references.
6. **Tammie Shirey** – She has extensive paralegal experience of almost 20 years. She was laid-off by the law firm of Fee & Jeffries in October 2008 and has been unable to get a job in the field since. She did not interview well but her experience may outweigh her nervousness in meeting with me. She has good references and her background check has cleared.

Senior Secretary (2 positions available)

1. **Maria Sequeria** – She has 25 years of experience as a legal secretary working for multiple law firms in New York. She just moved to Tampa in February. She presented herself well in the interview. Her background check did reveal that that she was charged with misdemeanor possession of marijuana in February of 2001 in New York. The charges were dropped after she successfully completed a pretrial intervention program. She also is involved in a pending civil domestic violence case where she sought an injunction for protection. We are awaiting comments from her references.
2. **Katie Buck** – She has 21 years of experience in the banking and mortgage business. She has worked as a secretary, compliance specialist underwriter and loan closer during her employment history. She lost her job during the recent banking crisis. She interviewed well. We are awaiting the results of her background check and comments from her references.
3. **Terry Gagnon** – She worked 4 years with the court in the 15th Judicial Circuit (Palm Beach) as a secretary and deputy clerk, but does not have any experience working with mortgage foreclosure cases. She left the work place to raised a family and now she is back looking for work. She interviewed well. Her background check has cleared but we are awaiting comments from her references.

Let me know when you would like to meet to discuss how you would like to proceed. I plan to be in the office today until 2 pm. I can also meet any time after 10 am on Monday. All of these applicants indicated that they could begin work on July 1.

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Bridenback, Mike

From: P.J. Stockdale [REDACTED]
Sent: Friday, July 02, 2010 11:19 AM
To: P.J. Stockdale; Bridenback, Mike; Callanan, Richard
Cc: Kristine Slayden; Arlene Johnson
Subject: RE: ECONRECOV: Prototype of Foreclosure Case Tracking System

Mick, Rick

Just wanted to follow up on my email yesterday. Kris tried to run the application directly from the email that I sent and I thought to myself that I hadn't specifically mentioned the fact that the application has to be installed in order to work properly.

If you do click on the application file from your email, it will probably come up but without the data entry screen. All you would see is the spreadsheet. Never fear, there is a data entry user form there. There is a button at the top of the spreadsheet that says "Security Warning Macros have been disabled" with an options button to allow you to enable the macros. If you select the Enable Macros option, the application will run. However, you may get some unexpected errors since the application isn't actually installed.

I realize that all this security and macro stuff is a little problematic at first but, once it is installed, things should run smoothly.

Again, please call me if I can help in any way

PJ

From: P.J. Stockdale
Sent: Thursday, July 01, 2010 2:24 PM
To: Mike Bridenback; Richard Callanan
Cc: Kristine Slayden; Arlene Johnson
Subject: ECONRECOV: Prototype of Foreclosure Case Tracking System

Mike, Rick,

Please find attached a copy of the Foreclosure and Economic Recovery Case Tracking System (fercts_devel_v10-8-1a.xls). We know it isn't a complete solution but I guess the first question we have is whether this application is workable to capture this data. The idea was to find some balance between the needs of small and large circuits. I would be most appreciative to hear your suggestions on how we might make this application more usable for the initiative staff. There are still a few minor bugs that we are working out but all the major components work. In order to meet our deadline to get the workbooks out to the circuits by 7/16, I will need to finalize the application by next Friday (7/9)

I've also attached a draft summary which contains a brief overview of the application and a list of the data captured along with their definitions. Mostly we used the standard SRS definitions. However, there are two fields, case status and reopen closed date that do not have SRS definitions. We have proposed a definition for these fields that we believe to be consistent with SRS that should help initiative staff complete the workbooks. Please take a look at these, particularly the one for reopen closed date. Does this seem to be a workable definition for this project?

Since this tracking application is based upon VBA macros, there are a few steps that need to be taken to get it installed and running. I've attached a set of installations instructions but you may want to have one of your IT people set it up. Please have your IT folks give me a call, if needed, and I'll go through it with them.

I look forward to hearing from you. Thanks
PJ

PJ Stockdale
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(fax) 850.414.1342

Bridenback, Mike

From: Bridenback, Mike
Sent: Wednesday, April 21, 2010 2:25 PM
To: Menendez, Manuel; Baumann, Herbert J.
Subject: Mortgage Foreclosure Project

The differences in the House and Senate proposed budget for this project were not resolved in the Criminal and Civil Appropriations conference committee and has been bumped to the Full Appropriations Conference Committee chairs. They are meeting tonight at 5:30 pm.

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Bridenback, Mike

From: Melendi, Rick
Sent: Thursday, August 19, 2010 2:09 PM
To: Bridenback, Mike
Subject: RE: Foreclosure Project

No, problems.

Carla just wanted to update you on the project Debi Martinez is working on since your meeting with the clerk this month was canceled. Debi is working on the project I mentioned to you where the clerk's office found cases in the dead sea scrolls that were not probably closed out by their office and the clerk plans to close them out.

From: Bridenback, Mike
Sent: Thursday, August 19, 2010 1:24 PM
To: Melendi, Rick
Subject: Fwd: Foreclosure Project

Is there a problem?

Sent from my iPhone

Begin forwarded message:

From: "Snavelly, Carla" [REDACTED]
Date: August 19, 2010 11:16:49 AM MDT
To: "Bridenback, Mike" <[REDACTED]>
Subject: FW: Foreclosure Project

Mike,

When you have a chance give me a call. I would like to meet with you regarding this project. C

From: Martinez, Debi
Sent: Thursday, August 19, 2010 10:56 AM
To: Snavelly, Carla
Subject: FW: Foreclosure Project

FYI

From: Martinez, Debi
Sent: Thursday, August 19, 2010 10:55 AM
To: 'Melendi, Rick'
Subject: Foreclosure Project

Hey Rick,

Please call me when you have an opportunity concerning the Foreclosure closing codes.

Thank you

Debi Martinez

Director of County Criminal
Telephone 813.276.2029 Ext. 4648

RESIDENTIAL FORECLOSURE BENCH BOOK

Prepared by

Honorable Jennifer D. Bailey
Administrative Judge
Circuit Civil Jurisdiction Division
Eleventh Judicial Circuit of Florida

and

Doris Bermudez-Goodrich
Assistant General Counsel
Eleventh Judicial Circuit of Florida

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Introduction

1. Foreclosure is the enforcement of a security interest by judicial sale of collateral. All mortgages shall be foreclosed of equity. § 702.01, Fla. Stat. (2010).

2. **Definitions:**

(a) **Mortgage:** any written instrument securing the payment of money or advances including liens to secure payment of assessments for condominiums, cooperatives and homeowners' associations. § 702.09, Fla. Stat. (2010).

A mortgage creates only a specific lien against the property; it is not a conveyance of legal title or of the right of possession. § 697.02, Fla. Stat. (2010); *Fla. Nat'l. Bank & Trust Co. of Miami v. Brown*, 47 So. 2d 748 (1949).

(b) **Mortgagee:** refers to the lender; the secured party or holder of the mortgage lien. § 721.82(6), Fla. Stat. (2010).

(c) **Mortgagor:** refers to the obligor or borrower; the individual or entity who has assumed the obligation secured by the mortgage lien. § 721.82(7), Fla. Stat. (2010). The mortgagor holds legal title to the mortgaged property. *Hoffman v. Semet*, 316 So. 2d 649, 652 (Fla. 4th DCA 1975).

3. To foreclosure the mortgage lien and extinguish equities of redemption, secured parties must file a civil action. § 45.0315, Fla. Stat. (2010).

Lender's Right to Foreclose

1. Constitutional obligation to uphold mortgage contract and right to foreclose. F. S. A. Const. Art 1 § 10.

(a) Right unaffected by defendant's misfortune. *Lee County Bank v. Christian Mut. Found., Inc.*, 403 So. 2d 446, 449 (Fla. 2d DCA 1981); *Morris v. Waite*, 160 So. 516, 518 (Fla. 1935).

(b) Right not contingent on mortgagor's health, good fortune, ill fortune, or the regularity of his employment. *Home Owners' Loan Corp. v. Wilkes*, 178 So. 161, 164 (Fla. 1938).

(c) Contract impairment or imposition of moratorium is prohibited by court. *Lee County Bank v. Christian Mut. Foundation, Inc.*, 403 So. 2d 446, 448 (Fla. 1981).

Default

1. Right to foreclosure accrues upon the mortgagor's default.
2. Basis for default:
 - (a) mortgagor's failure to tender mortgage payments; or
 - (b) impairment of security, including failure to pay taxes or maintain casualty insurance.

Acceleration

1. Acceleration - gives the mortgagee the authority to declare the entire mortgage obligation due and payable immediately upon default.
2. Mortgage Acceleration Clause - confers a contract right upon the note or mortgage holder which he may elect to enforce upon default. *David v. Sun Fed. Sav. & Loan Ass'n.*, 461 So. 2d 93, 94 (Fla. 1984).
 - (a) Absent acceleration clause, lender can only sue for amount in default. *Kirk v. Van Petten*, 21 So. 286 (Fla. 1896).
3. Commencement - upon delivery of written notice of default to the mortgagor; prior notice is not required unless it is a contractual term. *Millett v. Perez*, 418 So. 2d 1067 (Fla. 3d DCA 1982); *Fowler v. First Sav. & Loan Ass'n. of Defuniak Springs*, 643 So. 2d 30, 34 (Fla. 1st DCA 1994), (filing of complaint is notice of acceleration).
4. Pre-acceleration - mortgagor may defeat foreclosure by the payment of arrearages, thereby reinstating the mortgage. *Pici v. First Union Nat'l. Bank of Florida*, 621 So. 2d 732, 733 (Fla. 2d DCA 1993).

Statute of Limitations

1. Five year statute of limitations period - applies specifically to mortgage foreclosure actions. § 95.11(2)(c), Fla. Stat. (2010); *Farmers & Merch. Bank v. Riede*, 565 So. 2d 883, 885 (Fla. 1st DCA 1990).
2. Commencement of limitations period:
 - (a) General rule – commencement upon accrual of the cause of action; this occurs when the last element of the cause of action is satisfied (for example, default).

§ 95.031(1), Fla. Stat. (2010); *Maggio v. Dept. of Labor & Employment Sec.*, 910 So. 2d 876, 878 (Fla. 2d DCA 2005).

(b) A note or other written instrument - when the first written demand for payment occurs. *Ruhl v. Perry*, 390 So. 2d 353, 357 (Fla. 1980).

(c) Oral loan payable on demand - commencement upon demand for payment. *Mosher v. Anderson*, 817 So. 2d 812, 813 (Fla. 2002).

3. Tolling of the limitations period - acknowledgment of the debt or partial loan payments subsequent to the acceleration notice toll the statute of limitations. § 95.051(1)(f), Fla. Stat. (2010); *Cadle Company v. McCartha*, 920 So. 2d 144, 145 (Fla.5th DCA 2006).

(a) Tolling effect - starts the running anew of the limitations period on the debt. *Wester v. Rigdon*, 110 So. 2d 470, 474 (Fla. 1st DCA 1959).

Jurisdiction

1. Court's judicial authority over real property based on *in rem* jurisdiction.

2. Two part test to establish *in rem* jurisdiction: (1) jurisdiction over the class of cases to which the case belongs, and (2) jurisdictional authority over the property or *res* that is the subject of the controversy. *Ruth v. Dept. of Legal Affairs*, 684 So. 2d 181, 185 (Fla. 1996).

(a) Class of case - jurisdictional parameters defined by Article V Section 5(b), Florida Constitution, implemented by Section 26.012(2)(g), Fla. Stat. (2010). *Alexdex Corp. v. Nachon Enter., Inc.*, 641 So. 2d 858 (Fla. 1994), (concurrent equity jurisdiction over lien foreclosures of real property that fall within statutory monetary limits). *Id.*, at 863.

(b) Jurisdictional authority over real property only in the circuit where the land is situated. *Hammond v. DSY Developers, LLC.*, 951 So. 2d 985, 988 (Fla. 2d DCA 2007). *Goedmakers v. Goedmakers*, 520 So. 2d 575, 578 (Fla. 1988); (court lacks *in rem* jurisdiction over real property located outside the court's circuit). If real property lies in two counties, the foreclosure suit may be maintained in either county, however, the notice of sale must be published in both. § 702.04, Fla. Stat. (2010).

Parties to the Foreclosure Action

Plaintiff

1. Must be the owner/holder of the note as of the date of filing suit. *Jeff-Ray Corp. v. Jacobsen*, 566 So. 2d 885 (Fla. 4th DCA 1990); see also, *WM Specialty Mortgage, LLC v. Salomon*, 874 So. 2d 680, 682 (Fla. 4th DCA 2004).

(a) The holder of a negotiable instrument means the person in possession of the instrument payable to bearer or to the identified person in possession. § 671.201(21), Fla. Stat. (2010).

(1) Endorsement in blank – where unsigned and unauthenticated, an original note is insufficient to establish that the plaintiff is the owner and holder of the note. Must have affidavits or deposition testimony establishing plaintiff as owner and holder. *Riggs v. Aurora Loan Services, LLC*, 2010 WL 1561873 (Fla. 4th DCA 4/21/10).

(b) The holder may be the owner or a nominee, such as a servicer, assignee or a collection and litigation agent. Rule 1.210(a), Fla. R. Civ. P. (2010) provides that an action may be prosecuted in the name of an authorized person without joinder of the party for whose benefit the action is brought. See also, *Kumar Corp. v. Nopal Lines, Ltd.*, 462 So. 2d 1178, 1184 (Fla. 3d DCA 1985).

(c) Plaintiff's nominee has standing to maintain foreclosure based on real party in interest rule. *Mortgage Electronic Registration Systems, Inc. v. Revoredo*, 955 So. 2d 33 (Fla. 3d DCA 2007), (*MERS* was the holder by delivery of the note); *Mortgage Elec. Registration Systems, Inc. v. Azize*, 965 So. 2d 151 (Fla. 2d DCA 2007); *Philogene v. ABN AMRO Mortgage Group, Inc.*, 948 So. 2d 45 (Fla. 4th DCA 2006).

2. Assignment of note and mortgage - Plaintiff should assert assignee status in complaint. Absent formal assignment of mortgage or delivery, the mortgage in equity passes as an incident of the debt. *Perry v. Fairbanks Capital Corp.*, 888 So. 2d 725, 726 (Fla. 5th DCA 2004); *Johns v. Gillian*, 134 Fla. 575, 579 (Fla. 1938); *Warren v. Seminole Bond & Mortg. Co.*, 127 Fla. 107 (Fla. 1937), (security follows the note, the assignee of the note secured by a mortgage is entitled to the benefits of the security). Assignments must be recorded to be valid against creditors and subsequent

purchasers. § 701.02, Fla. Stat. (2010). See also, *Glynn v. First Union Nat'l. Bank*, 912 So. 2d 357, 358 (Fla. 4th DCA 2005).

(a) No requirement of a written and recorded assignment of the mortgage to maintain foreclosure action where evidence establishes plaintiff as owner and holder of the note on date of filing suit. *Perry*, 888 So. 2d at 726; *WM Specialty Mortgage, LLC*, 874 So. 2d at 682; *Chem. Residential Mortgage v. Rector*, 742 So. 2d 300 (Fla. 1st DCA 1998); *Clifford v. Eastern Mortg. & Sec. Co.*, 166 So. 562 (Fla. 1936). However, the incomplete, unsigned and unauthenticated assignment of mortgage attached as an exhibit to purported mortgage holder and note holder's response to motion to dismiss did not constitute admissible summary judgment evidence sufficient to establish standing. *BAC Funding Consortium, Inc. ISAOA/ATIMA v. Jean Jacques*, 2010 WL 476641 (Fla. App. 2 DCA Feb. 12, 2010). If plaintiff has an assignment of mortgage recorded prior to the date of filing suit, then he can enforce even if possession of note never physically delivered. Florida courts recognize constructive delivery. "The absence of the note does not make a mortgage unenforceable." *Lawyers Title Ins. Co. Inc v. Novastar Mortgage, Inc.*, 862 So. 2d 793, 798 (Fla. 4th DCA 2004). Assignment may be by physical delivery (provide evidence) or by written assignment.

3. MERS – What is it? Mortgage Electronic Registration Systems is a corporation which maintains an electronic registry tracking system of servicing and ownership rights to mortgages throughout the United States. In many cases MERS is the mortgagee of record and is identified in the mortgage. On each MERS loan there is an 18 digit number used for tracking. Through the MERS servicer ID number, homeowners can identify their lender with borrower name and property address.

4. Since the promissory note is a negotiable instrument, plaintiff must present the original note or give a satisfactory explanation for its absence. § 90.953(1), Fla. Stat. (2010); *State Street Bank and Trust Co. v. Lord*, 851 So. 2d 790, 791 (Fla. 4th DCA 2003). A satisfactory explanation includes loss, theft, destruction and wrongful possession of the note. § 673.3091(1), Fla. Stat. (2010). Reestablishment of the note is governed by § 673.3091(2), Fla. Stat. (2010).

Necessary and Proper Defendants

1. The owner of the fee simple title - only indispensable party defendant to a foreclosure action. *English v. Bankers Trust Co. of Calif., N. A.*, 895 So 2d 1120, 1121 (Fla. 4th DCA 2005). Foreclosure is void if titleholder omitted. *Id.* If a spouse fails to sign the mortgage, lender may still foreclose on property owned by husband and wife when both spouses knew of loan and purchased in joint names. *Countrywide Home Loans v. Kim*, 898 So. 2d 250 (Fla. 2005).

(a) Indispensable parties defined - necessary parties so essential to a suit that no final decision can be rendered without their joinder. *Sudhoff v. Federal Nat'l. Mortgage Ass'n.*, 942 So. 2d 425, 427 (Fla. 5th DCA 2006).

2. Failure to join other necessary parties - they remain in the same position as they were in prior to foreclosure. *Abdoney v. York*, 903 So. 2d 981, 983 (Fla. 2d DCA 2005).

3. Omitted party - only remedies are to compel redemption or the re-foreclosure in a suit de novo. *Id.*; *Quinn Plumbing Co. v. New Miami Shores Corp.*, 129 So. 2d 690, 693 (Fla. 1930).

4. Death of titleholder prior to entry of final judgment - beneficiaries of the titleholder and the personal representative are indispensable parties. *Campbell v. Napoli*, 786 So. 2d 1232 (Fla. 2d DCA 2001).

(a) If indispensable parties not joined, action abated pending proper joinder. *Id.* As such, suit against a decedent alone will result in abatement.

(b) Post-judgment death of titleholder, these parties are not deemed indispensable parties. *Davis v. Scott*, 120 So. 1 (Fla. 1929).

5. Necessary parties to the foreclosure action - all subordinate interests recorded or acquired subsequent to the mortgage.

(a) Includes: junior mortgagees, holders of judgments and liens acquired after the superior mortgage, lessees and tenants/parties in possession of the real property. *Posnansky v. Breckenridge Estates Corp.*, 621 So. 2d 736, 737 (Fla. 4th DCA 1993); *Commercial Laundries, Inc., v. Golf Course Towers Associates*, 568 So. 2d 501, 502

(Fla. 3d DCA 1990); *Crystal River Lumber Co. v. Knight Turpentine Co.*, 67 So. 974, 975 (Fla. 1915).

(b) If junior lien holders are not joined, their rights in the real property survive the foreclosure action.

(c) Joinder of original parties to the deed or mortgage are essential when a reformation count is needed to remedy an incorrect legal description contained in the deed and/or mortgage. *Chanrai Inv., Inc. v. Clement*, 566 So. 2d 838, 840 (Fla. 5th DCA 1990). As such, the original grantor and grantee are necessary parties in an action to reform a deed. *Id.*

6. Prior titleholders that signed the note and mortgage do not have to be named in the foreclosure action unless:

(a) Mortgagee seeks entry of a deficiency judgment against the prior unreleased mortgagors in the foreclosure action. *PMI Ins. Co. v. Cavendar*, 615 So. 2d 710, 711 (Fla. 3d DCA 1993).

Superior Interests

1. First or senior mortgagees are never necessary or proper parties to the foreclosure action by the junior mortgagee. *Garcia v. Stewart*, 906 So. 2d 1117, 1119 (Fla. 4th DCA 2005); *Poinciana Hotel of Miami Beach, Inc. v. Kasden*, 370 So. 2d 399, 401 (Fla. 3d DCA 1979).

(a) Senior liens are unaffected by the foreclosure of a junior mortgage.

2. **Purchase money mortgage defined** - proceeds of the loan are used to acquire the real estate or to construct improvements on the real estate. § 7.2(a), Restatement (Third) of Property; Mortgages (2008). The purchase and conveyance of real property occur simultaneously and are given as security for a purchase money mortgage.

(a) Purchase money mortgages - priority over all prior claims or liens that attach to the property through the mortgagor, even if latter be prior in time. *BancFlorida v. Hayward*, 689 So. 2d 1052, 1054 (Fla. 1997); *Sarmiento v. Stockton, Whatley, Davin & Co.*, 399 So. 2d 1057, 1058 (Fla. 3d DCA 1981).

(1) Priority does not extend beyond the amount of the purchase money advanced. *Citibank v. Carteret Sav. Bank, F.A.*, 612 So. 2d 599, 601 (Fla. 4th DCA 1992).

Association Liens and Assessments

1. Condominium Associations - Section 718.116(1)(b), Fla. Stat. (2010) establishes the liability of the first mortgagee, its successor or purchaser for condominium assessments and maintenance as the lesser of:

(a) unit's unpaid common expenses and regular periodic assessments which came due 6 months prior to title acquisition; or

(b) one per cent of the original mortgage debt (provided condominium association is joined as a defendant).

(1) The law is clear that the purchaser of a condominium unit has liability for unpaid condominium assessments. § 718.1176, Fla. Stat (2010). This statutory cap, limits the liability of foreclosing mortgagees for unpaid condominium assessments that become due prior to acquisition of title. This safe harbor applies only to the first mortgagee or a subsequent holder of the first mortgage. *Bay Holdings, Inc. v. 2000 Island Boulevard Condo. Ass'n.*, 895 So. 2d 1197 (Fla. 3d DCA 2005. The term "successor or assignee" as used with respect to a first mortgagee includes only a subsequent holder of the first mortgage. § 718.116(1)(g), Fla. Stat. (2010). Other entities that acquire title are not entitled to this limitation of liability and are "jointly and severally liable for all unpaid assessments that come due up to the time of transfer of title." § 718.116(1)(a), Fla. Stat. (2010).

2. Homeowners' Association's - Section 720.3085(2)(c)(1), Fla. Stat. (2010) establishes the liability of the first mortgagee, its successor or purchaser for homeowner's assessments and maintenance as the lesser of:

(a) parcel's unpaid common expenses and regular periodic or special assessments which accrued 12 months prior to acquisition of title; or

(b) one per cent of the original mortgage debt.

(c) Homeowners' Association's lien for assessments had priority over purchase money mortgage where Association's declaration of covenants contained express

provision establishing priority. *Ass'n. of Poinciana Vill. v. Avatar Props.*, 724 So. 2d 585, 587 (Fla. 5th DCA 1999).

(d) The limitations on the first mortgagee's liability only apply if the lender filed suit and initially joined the homeowner's association as a defendant. § 720.3085(2)(c), Fla. Stat. (2010).

(e) Statutory revisions of the 2008 Legislature failed to remedy the potential super-priority of liens recorded prior to July 1, 2008. (Prior statutory version amended by the 2007 Legislature gave homeowner's association liens a priority, even if the mortgage was filed first in time.) Arguably, many homeowners' associations have subordination language in their declaration of covenants providing that their lien is subordinate to the mortgage. However, the subordination language is not standard in all declarations. Any challenge to the priority if the mortgage will likely be resolved on the basis of impairment of contract.

3. "Reverse foreclosures" defined – where association takes title and pursues lender or where association sets done the motion for summary judgment due to delays by lenders.

4. Cannot force lenders to pay association fees during pendency of foreclosure. *U. S. Bank Nat'l. Ass'n. as Trustee v. Tadmire*, 2009 WL 4281301 (Fla. 3d DCA 12/2/09).

Judgment Liens

1. Section 55.10(1), Fla. Stat. (2010) applies to judgment liens.

(a) Requirements: (1) must contain address of the party in the judgment or in an accompanying affidavit; and (2) a certified copy of judgment lien must be recorded in the official records of the county.

(b) Judgment liens recorded after July 1, 1994 retain their judgment lien status for a period of 10 years from recording. A judgment lien is renewable by recording a certified copy of the judgment containing a current address prior to the expiration of the judgment lien. § 55.10(2), Fla. Stat. (2010).

Filing of the Lis Pendens

1. Filing of lis pendens - cuts off the rights of any person whose interest arises after filing. *Bowers v. Pearson*, 135 So. 562 (Fla. 1931).

(a) Constitutes bar to the enforcement against the subject real property of any other unrecorded interests and liens unless the holder of the unrecorded interest intervenes within twenty days of the notice of the lis pendens. § 48.23(1)(b), Fla. Stat. (2010).

2. Validity of a notice of lis pendens is one year from filing. § 48.23(2), Fla. Stat. (2010).

(a) Exception: One year period may be tolled by the trial court's exercise of discretion or appellate review. *Olesh v. Greenberg*, 978 So. 2d 238, 242 (Fla. 5th DCA 2008); *Vonmitschke-Collande v. Kramer*, 841 So. 2d 481, 482 (Fla. 3d DCA 2002).

3. Lis pendens automatically dissolved upon dismissal of foreclosure. Rule 1.420(f), Fla. R. Civ. P. (2010).

(a) Lis pendens revived or reinstated upon the reversal of dismissal. *Vonmitschke-Collande*, 841 So. 2d at 482.

The Foreclosure Complaint

1. Florida Supreme Court Form for foreclosure - Form 1.944, Fla. R. Civ. P. (2010). Requisite allegations assert: jurisdiction, default, acceleration and the legal description of the real property. As of 2/11/10, complaint must be verified. Rule 1.110(b), Fla. R. Civ. P. (2010).

(a) Plaintiff must allege that he is the present owner and holder of the note and mortgage. *Edason v. Cent. Farmers Trust Co.*, 129 So. 698, 700 (Fla. 1930).

(b) If plaintiff is a nonresident corporation, it must comply with the condition precedent of filing a nonresident bond, upon commencement of the action. § 57.011, Fla. Stat. (2010). If plaintiff has failed to file the requisite bond within 30 days after commencement, the defendant may move for dismissal (after 20 days notice to plaintiff).

(c) Rule 1.130(a), Fla. R. Civ. P. (2010) mandates that a copy of the note and mortgage be attached to the complaint. *Eigen v. FDIC*, 492 So. 2d 826 (Fla. 2d DCA 1986).

(d) If note and mortgage assigned, complaint should allege assignment. Attachment of the assignment is preferred but may not be required since the cause of action is based on the mortgage; not the assignment. Rule 1.130(a), Fla. R. Civ. P. (2010), *WM Specialty Mortgage, LLC v. Salomon*, 874 So. 2d 680, 682 (Fla. 4th DCA 2004); *Chemical Residential Mortgage v. Rector*, 742 So. 2d 300 (Fla. 1st DCA 1998); *Johns v. Gillian*, 184 So. 140, 144 (Fla. 1938).

(e) Junior lien holders - allegation is sufficient if it states that the interest of a defendant accrued subsequent to the mortgage and he is a proper party. *InterNat'l. Kaolin Co. v. Vause*, 46 So. 3, 7 (Fla. 1908).

(f) Federal tax lien allegation must state interest of the United States of America, including: the name and address of the taxpayer, the date and place the tax lien was filed, the identity of the Internal Revenue office which filed the tax lien and if a notice of tax lien was filed. Title 28 U. S. C. § 2410(b). A copy of the tax lien must be attached as an exhibit.

(g) Local taxing authority or State of Florida party defendant - allegation should state with particularity the nature of the interest in the real property. § 69.041(2), Fla. Stat. (2010).

(h) Complaint must include statement of default. Default based on unpaid taxes or insurance must be allege default with particularity. *Siahpoosh v. Nor Props.*, 666 So. 2d 988, 989 (Fla. 4th DCA 1996).

(i) Complaint should allege compliance with condition precedent, particularly notices.

(j) Legal description of the subject real property.

(k) Attorney fees - must be pled or it is waived. *Stockman v. Downs*, 573 So. 2d 835, 838 (Fla. 1991). Allegation as to obligation to pay a reasonable attorney fee is sufficient to claim entitlement. *Wallace v. Gage*, 150 So. 799, 800 (Fla. 1933). The claim of attorney fees is based on contractual language in the note and mortgage.

(l) Additional counts include: reestablishment of the note and reformation. Reestablishment of the note is necessary if the note is lost; reformation of the note is needed if material terms are missing. Reformation of the mortgage applies if there is a legal description discrepancy; reformation of deed is there is a deed problem.

(m) Deficiency judgment – if plaintiff seeks a deficiency, the guarantors must be sued.

Original Document Filing and Reestablishment of the Note

1. Note - Lender is required to either present the original promissory note or give a satisfactory explanation for the lender's failure to present it prior to it being enforced. *Nat'l. Loan Investors, L.P. v. Joymar Associates*, 767 So. 2d 549, 550 (Fla. 3d DCA 2000).

(a) A limited exception applies to lost, destroyed or stolen instruments. *Id.*

2. A lost promissory note is a negotiable instrument. § 673.1041(1), Fla. Stat. (2008); *Thompson v. First Union Bank*, 643 So. 2d 1179 (Fla. 5th DCA 1994).

(a) Loss or unintentional destruction of a note does not affect its validity or enforcement.

3. Reestablishment of the lost note - An owner of a lost, stolen or destroyed instrument may maintain an action by showing proof of his ownership, facts that prevent the owner from producing the instrument and proof of the terms of the lost instrument. § 673.3091(2), Fla. Stat. (2004); *Lawyer's Title Ins. Co., Inc. v. Novastar Mortgage, Inc.*, 862 So. 2d 793, 798 (Fla. 4th DCA 2004); *Gutierrez v. Bermudez*, 540 So. 2d 888, 890 (Fla. 5th DCA 1989).

(a) Owner of note is not required to have held possession of the note when the loss occurred to maintain an action against the mortgagor. *Deaktor v. Menendez*, 830 So. 2d 124, 126 (Fla. 3d DCA 2002). Further, plaintiff is not required to prove the circumstances of the loss or destruction of the note to seek enforcement. *Id.*, at 127. Plaintiff must show only that it was entitled to enforce the note at the time of loss or that it has directly or indirectly acquired ownership of the instrument from a person who was entitled to enforce the instrument when loss of possession occurred.