

state courts that involve residential homestead property will be referred to mediation, unless the plaintiff and borrower agree otherwise or unless effective pre-suit mediation that substantially complies with the managed mediation program requirements has been conducted. Referral of the borrower to foreclosure counseling prior to mediation, early electronic exchange of borrower and lender information prior to mediation, and the ability of a plaintiff's representative to appear at mediation by telephone are features of the model administrative order.

The Court approves this recommendation as the best method to open communication and facilitate problem-solving between the parties to foreclosure cases while conserving limited judicial resources. The Court therefore adopts, with minor changes, the Task Force's proposed model administrative order. The model administrative order is incorporated into and appended to this Administrative Order.

As part of the managed mediation program, the Task Force recommended specific written parameters for qualifying providers of managed mediation services, as appended to the model administrative order as Exhibit 13. The Court adopts these standards for providers. It is crucial that these non-profit organizations be independent of the judicial branch, capable of sustained operation without fiscal impact to the courts, politically and professionally neutral, and have a demonstrated ability to efficiently manage the extremely high volume of

foreclosure actions in the circuit or circuits in which services are to be provided. All providers will be responsible for receiving referrals to mediation, reaching out to borrowers, assigning mediators, facilitating the exchange of documents between the parties, scheduling mediation conferences within designated time frames, and developing procedures for verifying compliance with the managed mediation administrative order issued by the circuit chief judge.

The model administrative order applies to all residential mortgage foreclosure actions filed against homestead property involving loans that originated under federal truth in lending regulations. The administrative order issued by the chief judge will constitute a formal referral to mediation. A borrower may opt out of the process by declining to participate upon being contacted by the mediation manager, or by not completing the pre-mediation requirements of foreclosure counseling and submission of financial documentation to the mediation manager. The parties may also opt out of post-filing managed mediation if they participated in pre-suit mediation either directly through the managed mediation program or through a Supreme Court-certified circuit civil mediator specially trained to mediate residential mortgage foreclosure actions, providing the borrower has participated in foreclosure counseling, there has been a supervised exchange of plaintiff and borrower disclosures, and mediation resulted in either settlement or impasse. In order to qualify as an opt-out from the managed mediation program,

pre-suit mediation must share characteristics of the managed mediation program; that is, it must be independent, genuine, fair and impartial.

Only Florida Supreme Court-certified circuit civil mediators specially trained in residential mortgage foreclosure matters may be assigned to mediate cases referred to a managed mediation program. The Task Force developed training standards and objectives for training mediators in foreclosure matters, and the Court adopts these standards, as appended to the model administrative order as Exhibit 12.

Under the model administrative order, the mediation manager must schedule mediation no earlier than 60 days and no later than 120 days after suit is filed. The mediation manager is responsible for contacting borrowers to explain the program and to refer the borrower to one of several HUD-certified foreclosure counselors who are available to the program on a rotating basis. The mediation manager must also accept and deliver party disclosures through electronic means. While the Task Force recommended the creation of a web-enabled information platform or other secure information system in which to maintain plaintiff and borrower disclosures, the Court recognizes that establishment of such a platform may require time and resources that are not presently available in the midst of the current foreclosure crisis. The Court therefore supports and encourages, as an interim solution, the use of a secure dedicated e-mail address by managed mediation providers for the

purpose of accepting and exchanging plaintiff and borrower disclosures prior to scheduled mediations. The provider of managed mediation services must be responsible for protecting the confidentiality of borrower financial information in accordance with Florida law. The advantage of this solution is that it can be implemented immediately at little or no cost.

The Court recognizes, however, that a secure, encrypted, web-based shared electronic platform is the optimal solution, and urges managed mediation providers to research the availability and feasibility of implementing this method for maintaining and exchanging plaintiff and borrower information. The Court directs the Florida Courts Technology Commission to monitor the methods of electronic information exchange implemented by managed mediation providers in order to evaluate the effectiveness of these methods, and to report the Commission's findings to the Court one year from the date of this Administrative Order.

The Task Force majority recommended that costs of the managed mediation program be paid by the plaintiff, and the Court agrees with this recommendation as the most effective approach to getting plaintiffs and borrowers quickly into mediation for early resolution of their cases. Requiring borrowers to pay a portion of mediation up front would operate as a barrier to this Court's goal of efficiently managing these cases to avoid waste of judicial and party resources. The model administrative order provides for staged payments: part paid at the time the

complaint is filed and the balance paid after mediation is scheduled. These costs will be recoverable in the final judgment of foreclosure. Plaintiffs will be entitled to a refund of fees attributable to foreclosure counseling if the borrower did not participate. Plaintiffs also will be entitled to a refund of fees if cases settle prior to mediation or if borrowers decline to participate in the program before mediating the case. While the model administrative order proposed by the Task Force did not identify a specific fee amount to be paid by plaintiffs, the Court has determined that the total fee for managed mediation may not in any instance exceed \$750.

The Task Force concluded that plaintiffs must have present at the mediation conference a representative who has full authority to settle and who can bind the plaintiff to any mediated settlement agreement. Because of the high volume of foreclosure cases and the fact that many of the leading foreclosure filers are not Florida institutions, the Task Force concluded that the plaintiff's representative may appear at mediation by telephone or another electronic method. Electronic appearance is in compliance with existing mediation rules, including rule 1.720(b), Florida Rules of Civil Procedure, which permits a change in the appearance requirement by order of the court. Plaintiff's counsel, however, as well as the borrower and borrower's counsel, if any, must attend mediation in person.

In order for the managed mediation program to effectively facilitate early resolution of cases, the courts must know whether program requirements are being

met by the parties. The Task Force therefore recommended that the mediation manager, prior to commencement of the mediation conference, determine whether plaintiff's representative is present and whether the representative has full authority to settle the case. If the representative does not have full authority to settle, the mediation manager will report to the court that the plaintiff did not appear with full authority to settle, in violation of the model administrative order requirements. The Committee on Alternative Dispute Resolution Rules and Policy is examining the appearance issue in relation to all mediations as a potential change to Rule 1.720, Florida Rules of Civil Procedure. The Court approves this provision of the model administrative order as an interim measure in lieu of an immediate rule change.

Reporting and Data Collection

The Court cannot anticipate how effective the statewide managed mediation program will be in easing the backlog of pending residential foreclosure cases in Florida. The Court therefore directs the Committee on Alternative Dispute Resolution Rules and Policy to implement a reporting system to collect data on the number of cases statewide that are referred to managed mediation programs; whether the cases were settled, adjourned, or ended in impasse; and other relevant information. Key determinants in evaluating the success of the program will be:

- (1) the percentage of cases referred to the program that result in the program

manager successfully contacting borrowers; (2) the percentage of scheduled mediations failing to go forward because plaintiff's representative did not appear; (3) the percentage of scheduled mediations failing to go forward because the borrower did not appear; and (4) the percentage of mediations resulting in partial or complete agreements compared to those resulting in impasse. The Committee shall report these statistics to the court one year from the date of this Administrative Order.

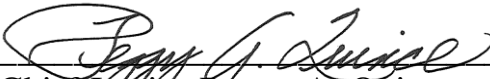
Case Management Strategies

In addition to approving the model administrative order and the forms attached to the model order, the Court also approves the "best practices" case management forms submitted as appendices to the Task Force's Final Report and Recommendations. The forms are incorporated into and appended to this Administrative Order. These forms may be adopted and modified by the courts for use in managing foreclosure cases that are not referred to managed mediation programs. The Court also approves the Task Force recommendation for use of sections 702.065 and 702.10, Florida Statutes, to expedite cases involving vacant properties. The Court further approves the Task Force recommendation that cases involving properties that are occupied by individuals other than the borrower may opt into the managed mediation program, at equal cost to the parties, and that

structural improvements, such as open calendars, be employed by courts to allow cases to move as quickly and smoothly as possible.

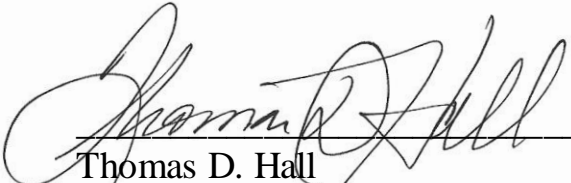
The Court commends the Task Force for the important work it has performed in addressing the residential mortgage foreclosure crisis in Florida in a brief time frame under significant budgetary constraints.

DONE AND ORDERED at Tallahassee, Florida, on December 28, 2009.



Chief Justice Peggy A. Quince

ATTEST:



Thomas D. Hall
Clerk, Supreme Court



APPENDIX

A. Model Administrative Order

B. Best Practices Case Management Forms

APPENDIX A

MODEL ADMINISTRATIVE ORDER

IN THE [number] JUDICIAL CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NUMBER 2009 –[#]

**ADMINISTRATIVE ORDER FOR CASE MANAGEMENT OF
RESIDENTIAL FORECLOSURE CASES AND MANDATORY REFERRAL
OF MORTGAGE FORECLOSURE CASES INVOLVING HOMESTEAD
RESIDENCES TO MEDIATION**

Whereas, pursuant to Article V, section 2(d) of the Florida Constitution, and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and power to do everything necessary to promote the prompt and efficient administration of justice, and rule 2.215(b)(3), Florida Rules of Judicial Administration, mandates the chief judge to “develop an administrative plan for the efficient and proper administration of all courts within the circuit;” and

Whereas, rule 2.545 of the Rules of Judicial Administration requires that the trial courts “...take charge of all cases at an early stage in the litigation and...control the progress of the case thereafter until the case is determined...”, which includes “...identifying cases subject to alternative dispute resolution processes;” and

Whereas, Chapter 44, Florida Statutes, and rules 1.700-1.750, Florida Rules of Civil Procedure, provide a framework for court-ordered mediation of civil actions, except those matters expressly excluded by rule 1.710(b), which does not exclude residential mortgage foreclosure actions; and

Whereas, residential mortgage foreclosure case filings have increased substantially in the [number] Judicial Circuit, and state and county budget constraints have limited the ability of the courts in the [number] Judicial Circuit to manage these cases in a timely manner; and

Whereas, high residential mortgage foreclosure rates are damaging the economies of the count[y]/[ies] in the [number] Judicial Circuit; and

Whereas, the Supreme Court of Florida has determined that mandatory mediation of homestead residential mortgage foreclosure actions prior to the matter

being set for final hearing will facilitate the laudable goals of communication, facilitation, problem-solving between the parties with the emphasis on self-determination, the parties' needs and interests, procedural flexibility, full disclosure, fairness, and confidentiality. Referring these cases to mediation will also facilitate and provide a more efficient use of limited judicial and clerk resources in a court system that is already overburdened; and

Whereas, the *[name of Program Manager]* is an independent, nonpartisan, nonprofit organization that has demonstrable ability to assist the courts with managing the large number of residential mortgage foreclosure actions that recently have been filed in the *[number]* Judicial Circuit.

NOW, THEREFORE, IT IS ORDERED:

Definitions

As used in this Administrative Order, the following terms mean:

“RMFM Program” (Residential Mortgage Foreclosure Mediation Program) means the mediation program managed by *[name of Program Manager]* to implement and carry out the intent of this Administrative Order.

“The Program Manager” means *[name of Program Manager]*, qualified in accordance with parameters attached as Exhibit 13. Also referred to as the “Mediation Manager.”

“Plaintiff” means the individual or entity filing to obtain a mortgage foreclosure on residential property.

“Plaintiff’s representative” means the person who will appear at mediation who has full authority to settle without further consultation and resolve the foreclosure suit.

“Borrower” means an individual named as a party in the foreclosure action who is a primary obligor on the promissory note which is secured by the mortgage being foreclosed.

“Homestead residence” means a residential property for which a homestead real estate tax exemption was granted according to the certified rolls of the last

assessment by the county property appraiser prior to the filing of the suit to foreclose the mortgage.

“Form A” means the certifications required herein in the format of Exhibit 1 attached.

“Plaintiff’s Disclosure for Mediation” means those documents requested by the borrower pursuant to paragraph 7 below.

“Borrower’s Financial Disclosure for Mediation” means those documents described in Exhibit 5 attached.

“Foreclosure counselor” means a counselor trained in advising persons of options available when facing a mortgage foreclosure, who has no criminal history of committing a felony or a crime of dishonesty, and who is certified by the United States Department of Housing and Urban Development (HUD) or National Foreclosure Mitigation Counseling Program (NFMC) as an agency experienced in mortgage delinquency and default resolution counseling.

“Communication equipment” means a conference telephone or other electronic device that permits all those appearing or participating to hear and speak to each other, provided that all conversation of the participants is audible to all persons present.

Scope

1. ***Residential Mortgage Foreclosures (Origination Subject to TILA)***. This Administrative Order shall apply to all residential mortgage foreclosure actions filed in the [number] Judicial Circuit in which the origination of the note and mortgage sued upon was subject to the provisions of the federal Truth in Lending Act, Regulation Z. However, compliance with this Administrative Order varies depending on whether the property secured by the mortgage is a homestead residence.

Upon the effective date of this Administrative Order, all newly filed mortgage foreclosure actions filed against a homestead residence shall be referred to the RMFM Program unless the plaintiff and borrower agree in writing otherwise or unless pre-suit mediation was conducted in accordance to paragraph 23. The parties to the foreclosure action shall comply with the conditions and requirements imposed by this Administrative Order. In

actions to foreclose a mortgage on a homestead residence, the plaintiff and borrower shall attend at least one mediation session, unless the plaintiff and borrower agree in writing not to participate in the RMFM Program or the Program Manager files a notice of borrower nonparticipation.

Upon the effective date of this Administrative Order, all newly filed residential mortgage foreclosure actions involving property that is not a homestead residence shall comply with the requirements of filing a Form A as required by paragraph 5 below and the requirements of paragraph 18 below (plaintiff's certification as to settlement authority).

At the discretion of the presiding judge, compliance with this Administrative Order may also be required for homestead residential mortgage foreclosure actions filed prior to the effective date of this Administrative Order, to residences which are not homestead residences, and any other residential foreclosure action the presiding judge deems appropriate. A party requesting that the case be sent to mediation with the RMFM Program at the discretion of the presiding judge shall make the request in format of Exhibit 3 attached.

2. ***Referral to Mediation.*** This Administrative Order constitutes a formal referral to mediation pursuant to the Florida Rules of Civil Procedure in actions involving a mortgage foreclosure of a homestead residence. The plaintiff and borrower are deemed to have stipulated to mediation by a mediator assigned by the Program Manager unless pursuant to rule 1.720(f), Florida Rules of Civil Procedure., the plaintiff and borrower file a written stipulation choosing not to participate in the RMFM Program. Referral to the RMFM Program is for administration and management of the mediation process and assignment of a Florida Supreme Court certified circuit civil mediator who has been trained in mediating residential mortgage foreclosure actions and who has agreed to be on the panel of available certified circuit civil mediators. Mediators used in the RMFM Program shall be trained in accordance with the standards stated in Exhibit 12 attached. Mediation through the RMFM Program shall be conducted in accordance with Florida Rules of Civil Procedure and Florida Rules for Certified and Court-Appointed Mediators.
3. ***Compliance Prior to Judgment.*** The parties must comply with this Administrative Order and the mediation process must be completed before the plaintiff applies for default judgment, a summary judgment hearing, or a

final hearing in an action to foreclose a mortgage on a homestead residence unless a notice of nonparticipation is filed by the Program Manager.

4. ***Delivery of Notice of RMFM Program with Summons.*** After the effective date of this Administrative Order, in all actions to foreclose a mortgage on residential property the clerk of court shall attach to the summons to be served on each defendant a notice regarding managed mediation for homestead residences in the format of Exhibit 2 attached.

Procedure

5. ***Responsibilities of Plaintiff's Counsel; Form A.*** When suit is filed, counsel for the plaintiff must file a completed Form A with the clerk of court. If the property is a homestead residence, all certifications in Form A must be filled out completely. Within one business day after Form A is filed with the clerk of court, counsel for plaintiff shall also electronically transmit a copy of Form A to the Program Manager along with the case number of the action and contact information for all of the parties. The contact information must include at a minimum the last known mailing address and phone number for each party.

In Form A, plaintiff's counsel must affirmatively certify whether the origination of the note and mortgage sued upon was subject to the provisions of the federal Truth in Lending Act, Regulation Z. In Form A, plaintiff's counsel must also affirmatively certify whether the property is a homestead residence. Plaintiff's counsel is not permitted to respond to the certification with "unknown," "unsure," "not applicable," or similar nonresponsive statements.

If the property is a homestead residence and if the case is not exempted from participation in the RMFM Program because of pre-suit mediation conducted in accordance with paragraph 23 below, plaintiff's counsel shall further certify in Form A the identity of the plaintiff's representative who will appear at mediation. Plaintiff's counsel may designate more than one plaintiff's representative. At least one of the plaintiff's representatives designated in Form A must attend any mediation session scheduled pursuant to this Administrative Order. Form A may be amended to change the designated plaintiff's representative, and the amended Form A must be filed with the court no later than five days prior to the mediation session. All amended Forms A must be electronically transmitted to the Program Manager via a secure dedicated e-mail address or on the web-enabled

information platform described in paragraph 8 no later than one business day after being filed with the clerk of court.

6. ***Responsibilities of Borrower.*** Upon the Program Manager receiving a copy of Form A, the Program Manager shall begin efforts to contact the borrower to explain the RMFM Program to the borrower and the requirements that the borrower must comply with to obtain a mediation. The Program Manager shall also ascertain whether the borrower wants to participate in the RMFM Program.

The borrower must do the following prior to mediation being scheduled: meet with an approved mortgage foreclosure counselor, and provide to the Program Manager the information required by the Borrower's Financial Disclosure for Mediation. The Borrower's Financial Disclosure for Mediation will depend on what option the borrower wants to pursue in trying to settle the action.

It shall be the responsibility of the Program Manager to transmit the Borrower's Financial Disclosure for Mediation via a secure dedicated e-mail address or to upload same to the web-enabled information platform described in paragraph 8; however, the Program Manager is not responsible or liable for the accuracy of the borrower's financial information.

7. ***Plaintiff's Disclosure for Mediation.*** Within the time limit stated below, prior to attending mediation the borrower may request any of the following information and documents from the plaintiff:

Documentary evidence the plaintiff is the owner and holder in due course of the note and mortgage sued upon.

A history showing the application of all payments by the borrower during the life of the loan.

A statement of the plaintiff's position on the present net value of the mortgage loan.

The most current appraisal of the property available to the plaintiff.

The borrower must deliver a written request for such information to the Program Manager in the format of Exhibit 6 attached no later than 25 days

prior to the mediation session. The Program Manager shall promptly electronically transmit the request for information to plaintiff's counsel.

Plaintiff's counsel is responsible for ensuring that the Plaintiff's Disclosure for Mediation is electronically transmitted via a secure dedicated e-mail address or to the web-enabled information platform described in paragraph 8 below no later than five (5) business days before the mediation session. The Program Manager shall immediately deliver a copy of Plaintiff's Disclosure for Mediation to the borrower.

8. ***Information to Be Provided on Web-Enabled Information Platform.*** All information to be provided to the Program Manager to advance the mediation process, such as Form A, Borrower's Financial Disclosure for Mediation, Plaintiff's Disclosure for Mediation, as well as the case number of the action and contact information for the parties, shall be submitted via a secure dedicated e-mail address or in a web-enabled information platform with XML data elements.
9. ***Nonparticipation by Borrower.*** If the borrower does not want participate in the RMFM Program, or if the borrower fails or refuses to cooperate with the Program Manager, or if the Program Manager is unable to contact the borrower, the Program Manager shall file a notice of nonparticipation in the format of Exhibit 4 attached. The notice of nonparticipation shall be filed no later than 120 days after the initial copy of Form A is filed with the court. A copy of the notice of nonparticipation shall be served on the parties by the Program Manager.
10. ***Referral to Foreclosure Counseling.*** The Program Manager shall be responsible for referring the borrower to a foreclosure counselor prior to scheduling mediation. Selection from a list of foreclosure counselors certified by the United States Department of Housing and Urban Development shall be by rotation or by such other procedures as may be adopted by administrative order of the chief judge in the circuit in which the action is pending. The borrower's failure to participate in foreclosure counseling shall be cause for terminating the case from the RMFM Program.
11. ***Referrals for Legal Representation.*** In actions referred to the RMFM Program, the Program Manager shall advise any borrower who is not represented by an attorney that the borrower has a right to consult with an attorney at any time during the mediation process and the right to bring an

attorney to the mediation session. The Program Manager shall also advise the borrower that the borrower may apply for a volunteer *pro bono* attorney in programs run by lawyer referral, legal services, and legal aid programs as may exist within the circuit. If the borrower applies to one of those agencies and is coupled with a legal services attorney or a volunteer *pro bono* attorney, the attorney shall file a notice of appearance with the clerk of the court and provide a copy to the attorney for the plaintiff and the Program Manager. The appearance may be limited to representation only to assist the borrower with mediation but, if a borrower secures the services of an attorney, counsel of record must attend the mediation.

12. *Scheduling Mediation.* The plaintiff's representative, plaintiff's counsel, and the borrower are all required to comply with the time limitations imposed by this Administrative Order and attend a mediation session as scheduled by the Program Manager. No earlier than 60 days and no later than 120 days after suit is filed, the Program Manager shall schedule a mediation session. The mediation session shall be scheduled for a date and time convenient to the plaintiff's representative, the borrower, and counsel for the plaintiff and the borrower, using a mediator from the panel of Florida Supreme Court certified circuit civil mediators who have been specially trained to mediate residential mortgage foreclosure disputes. Mediation sessions will be held at a suitable location(s) within the circuit obtained by the Program Manager for mediation. Mediation shall be completed within the time requirements established by rule 1.710(a), Florida Rules of Civil Procedure.

Mediation shall not be scheduled until the borrower has had an opportunity to meet with an approved foreclosure counselor. Mediation shall not be scheduled earlier than 30 days after the Borrower's Financial Disclosure for Mediation has been transmitted to the plaintiff via a secure dedicated e-mail address or uploaded to the web-enabled information platform described in paragraph 8.

Once the date, time, and place of the mediation session have been scheduled by the Program Manager, the Program Manager shall promptly file with the clerk of court and serve on all parties a notice of the mediation session.

13. *Attendance at Mediation.* The following persons are required to be physically present at the mediation session: a plaintiff's representative designated in the most recently filed Form A; plaintiff's counsel; the

borrower; and the borrower's counsel of record, if any. However, the plaintiff's representative may appear at mediation through the use of communication equipment, if plaintiff files and serves at least five (5) days prior to the mediation a notice in the format of Exhibit 7 attached advising that the plaintiff's representative will be attending through the use of communication equipment and designating the person who has full authority to sign any settlement agreement reached. Plaintiff's counsel may be designated as the person with full authority to sign the settlement agreement.

At the time that the mediation is scheduled to physically commence, the Program Manager shall enter the mediation room prior to the commencement of the mediation conference and, prior to any discussion of the case in the presence of the mediator, take a written roll. That written roll will consist of a determination of the presence of the borrower; the borrower's counsel of record, if any; the plaintiff's lawyer; and the plaintiff's representative with full authority to settle. If the Program Manager determines that anyone is not present, that party shall be reported by the Program Manager as a non-appearance by that party on the written roll. If the Program Manager determines that the plaintiff's representative present does not have full authority to settle, the Program Manager shall report that the plaintiff's representative did not appear on the written roll as a representative with full settlement authority as required by this Administrative Order. The written roll and communication of authority to the Program Manager is not a mediation communication.

The authorization by this Administrative Order for the plaintiff's representative to appear through the use of communication equipment is pursuant to rule 1.720(b), Florida Rules of Civil Procedure (court order may alter physical appearance requirement), and in recognition of the emergency situation created by the massive number of residential foreclosure cases being filed in this circuit and the impracticality of requiring physical attendance of a plaintiff's representative at every mediation. Additional reasons for authorizing appearance through the use of communication equipment for mortgage foreclosure mediation include a number of protective factors that do not exist in other civil cases, namely the administration of the program by a program manager, pre-mediation counseling for the borrower, and required disclosure of information prior to mediation. The implementation of this Administrative Order shall not create any expectation that appearance through the use of communication equipment will be authorized in other civil cases.

If the plaintiff's representative attends mediation through the use of communication equipment, the person authorized by the plaintiff to sign a settlement agreement must be physically present at mediation. If the plaintiff's representative attends mediation through the use of communication equipment, the plaintiff's representative must remain on the communication equipment at all times during the entire mediation session. If the plaintiff's representative attends through the use of communication equipment, and if the mediation results in an impasse, within five (5) days after the mediation session, the plaintiff's representative shall file in the court file a certification in the format of Exhibit 8 attached as to whether the plaintiff's representative attended mediation. If the mediation results in an impasse after the appearance of the plaintiff's representative through the use of communication equipment, the failure to timely file the certification regarding attendance through the use of communication equipment shall be grounds to impose sanctions against the plaintiff, including requiring the physical appearance of the plaintiff's representative at a second mediation, taxation of the costs of a second mediation to the plaintiff, or dismissal of the action.

Junior lienholders may appear at mediation by a representative with full settlement authority. If a junior lienholder is a governmental entity comprised of an elected body, such junior lienholder may appear at mediation by a representative who has authority to recommend settlement to the governing body. Counsel for any junior lienholder may also attend the mediation.

The participants physically attending mediation may consult on the telephone during the mediation with other persons as long as such consultation does not violate the provisions of sections 44.401-406, Florida Statutes.

14. ***Failure to Appear at Mediation.*** If either the plaintiff's representative designated in the most recently filed Form A or the borrower fails to appear at a properly noticed mediation and the mediation does not occur, or when a mediation results in an impasse, the report of the mediator shall notify the presiding judge regarding who appeared at mediation without making further comment as to the reasons for an impasse. If the borrower fails to appear, or if the mediation results in an impasse with all required parties present, and if the borrower has been lawfully served with a copy of the complaint, and if

the time for filing a responsive pleading has passed, the matter may proceed to a final hearing, summary judgment, or default final judgment in accordance with the rules of civil procedure without any further requirement to attend mediation. If plaintiff's counsel or the plaintiff's representative fails to appear, the court may dismiss the action without prejudice, order plaintiff's counsel or the plaintiff's representative's to appear at mediation, or impose such other sanctions as the court deems appropriate including, but not limited to, attorney's fees and costs if the borrower is represented by an attorney. If the borrower or borrower's counsel of record fails to appear, the court may impose such other sanctions as the court deems appropriate, including, but not limited to, attorney's fees and costs.

15. ***Written Settlement Agreement; Mediation Report.*** If a partial or final agreement is reached, it shall be reduced to writing and signed by the parties and their counsel, if any. Pursuant to rule 1.730(b), Florida Rules of Civil Procedure, if a partial or full settlement agreement is reached, the mediator shall report the existence of the signed or transcribed agreement to the court without comment within 10 days after completion of the mediation. If the parties do not reach an agreement as to any matter as a result of mediation, the mediator shall report the lack of an agreement to the court without comment or recommendation. In the case of an impasse, the report shall advise the court who attended the mediation, and a copy of Form A or any amended Form A shall be attached to the report for the court to determine if at least one of the plaintiff's representative named in Form A appeared for mediation. The mediator's report to the court shall be in the format of Exhibit 9 attached.

16. ***Mediation Communications.*** All mediation communications occurring as a result of this Administrative Order, including information provided to the Program Manager that is not filed with the court, shall be confidential and inadmissible in any subsequent legal proceeding pursuant to Chapter 44, Florida Statutes, the Florida Rules of Civil Procedure, and the Florida Rules for Certified and Court-Appointed Mediators, unless otherwise provided for by law.

17. ***Failure to Comply with Administrative Order.*** In all residential foreclosure actions, if a notice for trial, motion for default final judgment, or motion for summary judgment is filed with the clerk of court, no action will be taken by the court to set a final hearing or enter a summary or default final judgment until the requirements of this Administrative Order have been met. In cases

involving a homestead residence, the presiding judge shall require that copies of either 1) the most recently filed Form A and the report of the mediator, or 2) the most recently filed Form A and the notice of borrower's nonparticipation be sent to the presiding judge by the plaintiff or plaintiff's counsel prior to setting a final hearing or delivered with the packet requesting a summary or default final judgment.

The failure of a party to fully comply with the provisions of this Administrative Order may result in the imposition of any sanctions available to the court, including dismissal of the cause of action without further notice.

18. ***Mediation Not Required If Residence Is Not Homestead.*** If the plaintiff certifies in Form A that the property is NOT a homestead residence when suit is filed, plaintiff's counsel must file and serve with the complaint a certification identifying the agent of plaintiff who has full authority to settle the case without further consultation. The certification shall be in the form of Exhibit 10 attached.

If the plaintiff certifies in Form A that the property is NOT a homestead residence, the matter may proceed to a final hearing, summary judgment, or default final judgment in accordance with the rules of civil procedure without any further requirement to attend mediation, unless otherwise ordered by the presiding judge.

RMFM Program Fees

19. ***RMFM Program Fees.*** The fee structure for the RMFM Program is based on the assumption that a successful mediation can be accomplished with one mediation session. Accordingly, pursuant to rule 1.720(g), Florida Rules of Civil Procedure, the reasonable program fees for the managed mediation, including foreclosure counseling, the mediator's fee, and administration of the managed mediation program, is a total of no more than \$750.00 payable as follows:

- 1) not more than \$400.00 paid by plaintiff at the time suit is filed for administrative fees of the RMFM Program, including outreach to the borrower and foreclosure counseling fees; and

- 2) not more than \$350.00 paid by plaintiff within 10 days after notice of the mediation conference is filed for the mediation fee component of the RMFM Program fees

If more than one mediation session is needed, the total program fee stated above will also cover a second mediation session. However, if an additional mediation session is needed after the second session, the plaintiff shall be responsible for the payment of the program fees for such additional mediation sessions, unless the parties agree otherwise. The program fees for the third and each subsequent mediation session shall be no more than \$350.00 per session.

All program fees shall be paid directly to the Program Manager. If the case is not resolved through the mediation process, the presiding judge may tax the program fees as a cost or apply it as a set off in the final judgment of foreclosure.

If the borrower cannot be located, chooses not to participate in the RMFM Program, or if the borrower does not make any contact with the foreclosure counselor, the plaintiff shall be entitled to a refund of the portion of the Program fees attributable to foreclosure counseling. If mediation is scheduled and the borrower announces an intention not to participate further in the RMFM Program prior to the mediation session, or if the case settles and the Program Manager has notice of the settlement at least five (5) days prior to the mediation session, the plaintiff shall be entitled to a refund of the Program fees allocated for the mediation session. If notice of settlement is not received by the Program Manager at least five (5) days prior to the scheduled mediation session, the plaintiff shall not be entitled to any refund of mediation fees.

The total fees include the mediator's fees and costs; the cost for the borrower to attend a foreclosure counseling session with an approved mortgage foreclosure counselor; and the cost to the Program Manager for administration of the managed mediation program which includes but is not limited to providing neutral meeting and caucus space, scheduling, telephone lines and instruments, infrastructure to support a web-enabled information platform, a secure dedicated email address or other secure system for information transmittal, and other related expenses incurred in managing the foreclosure mediation program.

Program Manager to Monitor Compliance and Satisfaction

20. ***Monitoring Compliance Concerning Certain Provisions of This Administrative Order, Satisfaction with RMFM Program, and Program Operation.*** The Program Manager shall be responsible for monitoring whether Form A has been filed in all residential foreclosure actions that commence after the effective date of this Administrative Order and whether the RMFM Program fees have been paid if the residence is a homestead residence. The Program Manager shall send compliance reports to the chief judge or the chief judge's designee in the format and with the frequency required by the chief judge.

The Program Manager may assist with enforcing compliance with this Administrative Order upon filing a written motion pursuant to rule 1.100(b), Florida Rules of Civil Procedure, stating with particularity the grounds therefor and the relief or order sought. Example orders are attached as Exhibit 11.

The Program Manager shall also provide the chief judge with periodic reports as to whether plaintiffs and borrowers are satisfied with the RMFM Program.

The Program Manager shall also provide the chief judge with reports with statistical information about the status of cases in the RMFM Program and RMFM Program finances in the format and with the frequency required by the chief judge.

21. ***Designation of Plaintiff Liaisons with RMFM Program.*** Any plaintiff who has filed five (5) or more foreclosure actions in the [number] Judicial Circuit while this Administrative Order is in effect shall appoint two RMFM Program liaisons, one of whom shall be a lawyer and the other a representative of the entity servicing the plaintiff's mortgages, if any, and, if none, a representative of the plaintiff. Plaintiff's counsel shall provide written notice of the name, phone number (including extension), email, and mailing address of both liaisons to the chief judge and the Program Manager within 30 days after the effective date of this Administrative Order, and on the first Monday of each February thereafter while this Administrative Order is in effect.

The liaisons shall be informed of the requirements of this Administrative Order and shall be capable of answering questions concerning the administrative status of pending cases and the party's internal procedures relating to the processing of foreclosure cases, and be readily accessible to discuss administrative and logistical issues affecting the progress of the plaintiff's cases through the RMFM Program. Plaintiff's counsel shall promptly inform the chief judge and Program Manager of any changes in designation of the liaisons and the contact information of the liaisons. The liaisons shall act as the court's point of contact in the event the plaintiff fails to comply with this Administrative Order on multiple occasions and there is a need to communicate with the plaintiff concerning administrative matters of mutual interest.

List of Participating Mediators and Rotation of Mediators

22. ***List of Participating Mediators and Rotation of Mediators.*** The Program Manager shall post on its website the list of Florida Supreme Court certified mediators it will use to implement the RMFM Program and will state in writing the criteria, subject to approval by the chief judge, the program will use in selecting mediators. The Program Manager shall also state in writing the procedure, subject to the approval by the chief judge, the program will use to rotate the appointment of mediators. The RMFM Program shall encourage the use of mediators who have been trained to mediate mortgage foreclosure cases, reflecting the diversity of the community in which it operates. Assignment of mediators shall be on a rotation basis that fairly spreads work throughout the pool of mediators working in the RMFM Program, unless the parties mutually agree on a specific mediator or the case requires a particular skill on the part of the mediator.

Pre-Suit Mediation Encouraged

22. ***Pre-Suit Mediation.*** Mortgage lenders, whether private individuals, commercial institutions, or mortgage servicing companies, are encouraged to use any form of alternative dispute resolution, including mediation, ***before*** filing a mortgage foreclosure lawsuit with the clerk of the court. Lenders are encouraged to enter into the mediation process with their borrowers ***prior*** to filing foreclosure actions in the [number] Judicial Circuit to reduce the costs to the parties for maintaining the litigation and to reduce to the greatest extent possible the stress on the limited resources of the courts caused by the

large numbers of such actions being filed across the state and, in particular, in the *[number]* Judicial Circuit.

If the parties participated in pre-suit mediation using the RMFM Program or participated in any other pre-suit mediation program having procedures substantially complying with the requirements of this Administrative Order, including provisions authorizing the exchange of information, foreclosure counseling, and requiring use of Florida Supreme Court certified circuit civil mediators specially trained to mediate residential mortgage foreclosure actions, the plaintiff shall so certify in Form A, in which case the plaintiff and borrower shall not be required to participate in mediation again unless ordered to do so by the presiding judge. A borrower may file a motion contesting whether pre-suit mediation occurred in substantial compliance with the RMFM Program.

Nothing in this paragraph precludes the presiding judge from sending the case to mediation after suit is filed, even if pre-suit mediation resulted in an impasse or there was a breach of the pre-suit mediation agreement.

This Administrative Order shall be recorded by the clerk of the court in each county of the *[number]* Judicial Circuit, takes effect on *[effective date]*, and will remain in full force and effect unless and until otherwise ordered.

ORDERED on _____, 20[___].

[NAME OF CHIEF JUDGE], Chief Judge
[number] Judicial Circuit, State of Florida

RMFM PROGRAM TIMELINES

TIMELINE FROM DATE SUIT FILED:

Suit is filed

Form A filed with Complaint
RMFM Program fees paid by Plaintiff
Notice of RMFM Program attached to Summons

1 business day after suit is filed

Form A electronically transmitted to Program Manager by Plaintiff's counsel

60-120 days after suit is filed

Borrower meets with foreclosure counselor
Borrower's Financial Disclosure for Mediation is transmitted to IT platform
Mediation session is scheduled
Borrower requests Plaintiff's Disclosure for Mediation, if desired

120 days after suit is filed

Notice of Nonparticipation filed by Program Manager, if applicable

TIMELINE WITH MEDIATION SESSION AS POINT OF REFERENCE

Prior to mediation being scheduled

RMFM Program fees paid by Plaintiff
Borrower must contact Program Manager
Borrower must meet with foreclosure counselor
Borrower must complete and submit Borrower's Financial Disclosure for Mediation packet to Program Manager

30 days prior to mediation session

Program Manager electronically transmits Borrower's Financial Disclosure for Mediation to the IT platform

25 days prior to mediation session

Borrower makes written request for Plaintiff's Disclosure for Mediation if desired

5 days prior to mediation session

Any amended Form A designation of the plaintiff's representative must be filed with the Clerk

3 business days prior to mediation session

Plaintiff's counsel transmits Plaintiff's Financial Disclosure for Mediation to the IT platform

1 day prior to mediation session

Any amended Form A designation of the plaintiff's representative must be uploaded to the IT platform

10 days after mediation session

Program Manager/Mediator files mediator's report with the clerk of court and serves copies on the parties

INDEX OF EXHIBITS

1. FORM A
2. NOTICE OF RMFM PROGRAM TO BE SERVED WITH SUMMONS
3. BORROWER'S REQUEST TO PARTICIPATE IN RMFM PROGRAM
4. NOTICE OF BORROWER'S NONPARTICIPATION
5. BORROWER'S FINANCIAL DISCLOSURE FOR MEDIATION
6. BORROWER'S REQUEST FOR PLAINTIFF'S DISCLOSURE FOR MEDIATION
7. PLAINTIFF'S NOTICE OF ATTENDING MEDIATION BY TELEPHONE
8. PLAINTIFF'S CERTIFICATION REGARDING ATTENDING MEDIATION BY TELEPHONE
9. MEDIATOR'S REPORT
10. CERTIFICATION REGARDING SETTLEMENT AUTHORITY (Residence Not Homestead)
11. ORDERS FOR REFERRALS, COMPLIANCE, AND ENFORCEMENT
12. MEDIATION TRAINING STANDARDS
13. PARAMETERS FOR MANAGED MEDIATION
14. RMFM PROGRAM FLOWCHART

EXHIBIT 1

FORM A

Please complete online at http://www.*** and file original with the Clerk of Court
IN THE CIRCUIT COURT IN AND FOR _____ COUNTY, FLORIDA

[Name of Plaintiff]

Case No.:

Plaintiff,

vs.

[Names of Defendant(s)]

Defendant(s)

Form "A"

(Certifications Pursuant to [number] Judicial Circuit Administrative Order 200[___])

Certificate of Plaintiff's Counsel Regarding Origination of Note and Mortgage

THE UNDERSIGNED, as counsel of record for plaintiff and as an officer of the court, certifies the origination of the note and mortgage sued upon in this action ____ WAS or ____ WAS NOT subject to the provisions of the federal Truth in Lending Act, Regulation Z.

Certificate of Plaintiff's Counsel Regarding Status of Residential Property

THE UNDERSIGNED, as counsel of record for plaintiff and as an officer of the court, certifies the property that is the subject matter of this lawsuit ____ IS or ____ IS NOT a homestead residence. A "homestead residence" means a residential property for which a homestead real estate tax exemption was granted according to the certified rolls of the last assessment by the county property appraiser prior to the filing of the suit to foreclose the mortgage.

If the residential property is a homestead residence, complete both of the following:

Certificate of Plaintiff's Counsel Regarding Pre-Suit Mediation

The following certification ____ DOES or ____ DOES NOT apply to this case:

THE UNDERSIGNED, as counsel of record for plaintiff and as an officer of the court, certifies that prior to filing suit a plaintiff's representative with full settlement authority attended and participated in mediation with the borrower, conducted by [Name of Program Manager], and the mediation resulted in an impasse or a pre-suit settlement agreement was reached but the settlement agreement has been breached. The undersigned further certifies that prior to mediation the borrower received services from a HUD or NFMC approved foreclosure counselor, Borrower's Financial Disclosure for Mediation was provided, and Plaintiff's Disclosure for Mediation was provided.

Certificate of Plaintiff's Counsel Regarding Plaintiff's Representative at Mediation

THE UNDERSIGNED, as counsel of record for plaintiff and as an officer of the court, certifies the following is a list of the persons, one of whom will represent the plaintiff in mediation with full authority to modify the existing loan and mortgage and to settle the foreclosure case, and with authority to sign a settlement agreement on behalf of the plaintiff (*list name, address, phone number, facsimile number, and email address*):

Plaintiff's counsel understands the mediator or the RMFM Program Manager may report to the court who appears at mediation and, if at least one of plaintiff's representatives named above does not appear at mediation, sanctions may be imposed by the court for failure to appear.

As required by the Administrative Order, plaintiff's counsel will transmit electronically to the RMFM Program Manager the case number of this action, the contact information regarding the parties, and a copy of this Form A, using the approved web-enable information platform.

Date:

(Signature of Plaintiff's Counsel)
[Printed name, address, phone number and
Fla. Bar No.]

EXHIBIT 2

NOTICE OF RMFM PROGRAM TO BE SERVED WITH SUMMONS

IN THE CIRCUIT COURT FOR THE [NUMBER] JUDICIAL CIRCUIT
IN AND FOR [COUNTY], FLORIDA

**A NOTICE FROM THE COURT REGARDING LAWSUITS TO FORECLOSE
MORTGAGES ON HOMES**

If you are being sued to foreclose the mortgage on your primary home and your home has a homestead exemption and if you are the person who borrowed the money for the mortgage, you have a right to go to “mediation.” At “mediation,” you will meet with a Florida Supreme Court certified mediator appointed by the court and also a representative of the company asking to foreclose your mortgage to see if you and the company suing you can work out an agreement to stop the foreclosure. **The mediator will not be allowed to give you legal advice or to give you an opinion about the lawsuit.** The mediator’s job is to remain neutral and not take sides, but to give both sides a chance to talk to each other to see if an agreement can be reached to stop the foreclosure. If you and the company suing you come to an agreement, a settlement agreement will be written up and signed by you and the company suing you. With some limited exceptions, what each side says at the mediation is confidential and the judge will not know what was said at mediation.

You will not have to pay anything to participate in this mediation program. To participate in mediation, **as soon as practical**, you must contact [*name of the Program Manager*] by calling [*phone number*] between 9:00 a.m. and 5:00 p.m., Monday through Friday.

To participate in mediation, you must also provide financial information to the mediator and meet with an approved foreclosure counselor prior to mediation. You will not be charged any additional amount for meeting with a foreclosure counselor. You may also request certain information from the company suing you before going to mediation.

[*Name of the Program Manager*] will explain more about the mediation program to you when you call.

If you have attended mediation arranged by [*name of the Program Manager*] prior to being served with this lawsuit, and if mediation did not result in a settlement, you may file a motion asking the court to send the case to mediation again if your financial circumstances have changed since the first mediation.

AS STATED IN THE SUMMONS SERVED ON YOU, YOU OR YOUR LAWYER MUST FILE WITH THE COURT A WRITTEN RESPONSE TO THE COMPLAINT TO FORECLOSE THE MORTGAGE WITHIN 20 DAYS AFTER YOU WERE SERVED. YOU OR YOUR LAWYER MUST ALSO SEND A COPY OF YOUR WRITTEN RESPONSE TO THE PLAINTIFF’S ATTORNEY. YOU MUST TIMELY FILE A WRITTEN RESPONSE TO THE COMPLAINT EVEN IF YOU DECIDE TO PARTICIPATE IN MEDIATION.

[*Signature of Chief Judge*]
CHIEF JUDGE, [*number*] Judicial Circuit

EXHIBIT 3

BORROWER'S REQUEST TO PARTICIPATE IN RMFM PROGRAM

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

Case No(s):

Plaintiff(s),

vs.

Defendant(s).

BORROWER'S REQUEST TO PARTICIPATE IN RMFM PROGRAM

_____, (*printed name*), as the borrower on the mortgage sued upon in this case, hereby requests that this case be referred by the court to mediation using the RMFM Program. The undersigned states, under penalty of perjury, that he or she is currently living on the property as a primary residence and the property has a homestead tax exemption.

Signed on _____, 20__.

(*Signature*)

(*Printed Name*)

[Certificate of Service on the parties]

EXHIBIT 4

NOTICE OF BORROWER'S NONPARTICIPATION

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

Case No(s):

Plaintiff(s),

vs.

Defendant(s).

**NOTICE OF BORROWER NONPARTICIPATION
WITH RMFM PROGRAM**

[Name of Program Manager] hereby gives notice to the court that _____,
(Borrower) will not be participating in the RMFM Program because:

- Borrower has advised that [he/she] does not wish to participate in mediation for this case;
- Borrower has failed or refuses to meet with a foreclosure counselor;
- Borrower has failed or refuses to comply with the Borrower's Financial Disclosure for Mediation;
- The RMFM Program has been unable to contact Borrower.

Signed on _____, 20__.

[Name of Program Manager]

BY: _____
(Signature)

(Printed Name)

[Certificate of Service on the parties]

EXHIBIT 5

BORROWER'S FINANCIAL DISCLOSURE FOR MEDIATION

EXHIBIT 5A: LOAN MODIFICATION

EXHIBIT 5B: SHORT SALE

EXHIBIT 5C: DEED IN LIEU OF FORECLOSURE

EXHIBIT 5A

BORROWER'S FINANCIAL DISCLOSURE FOR MEDIATION (LOAN MODIFICATION)

FORECLOSURE MEDIATION FINANCIAL WORKSHEET

Case No.:

v.

Plaintiff's Name

First Defendant's Name

SECTION 1: PERSONAL INFORMATION

Borrower's Name		Co-Borrower's Name	
Social Security Number	Date of Birth (mm/dd/yyyy)	Social Security Number	Date of Birth (mm/dd/yyyy)
<input type="checkbox"/> Married	<input type="checkbox"/> Civil Union/ Domestic Partner	<input type="checkbox"/> Married	<input type="checkbox"/> Civil Union/ Domestic Partner
<input type="checkbox"/> Separated	<input type="checkbox"/> Unmarried (single, divorced, widowed)	<input type="checkbox"/> Separated	<input type="checkbox"/> Unmarried (single, divorced, widowed)
Dependents (Not listed by Co-Borrower)		Dependents (Not listed by Borrower)	
Present Address (Street, City, State, Zip)		Present Address (Street, City, State, Zip)	

SECTION 2: EMPLOYMENT INFORMATION

Employer	<input type="checkbox"/> Self Employed	Employer	<input type="checkbox"/> Self Employed
Position/Title	Date of Employment	Position/Title	Date of Employment
Second Employer		Second Employer	
Position/Title	Date of Employment	Position/Title	Date of Employment
	Borrower	Co-Borrower	Total
Gross Salary/Wages			
Net Salary/Wages			
Unemployment Income			
Child Support/Alimony			
Disability Income			
Rental Income			
Other Income			
Total (do not include Gross income)			

SECTION 3: EXPENSE AND LIABILITIES

	Monthly Payments	Balance Due
First Mortgage		
Second Mortgage		
Other Liens/Rents		
Homeowners' Association Dues		
Hazard Insurance		
Real Estate Taxes		
Child Care		
Health Insurance		
Medical Charges		
Credit Card/Installment Loan		
Credit Card/Installment Loan		
Credit Card/Installment Loan		
Automobile Loan 1		
Automobile Loan 2		
Auto/Gasoline/Insurance		
Food/Spending Money		
Water/Sewer/Utilities		
Phone/Cell Phone		
Other		
Total		

SECTION 4: ASSETS

	Estimated Value
Personal Residence	
Real Property	
Personal Property	
Automobile 1	
Automobile 2	
Checking Accounts	
Saving Accounts	
IRA/401K/Keogh Accounts	
Stock/Bonds/CDs	
Cash Value of Life Insurance	
Other	
Total	

Reason for Delinquency/Inability to Satisfy Mortgage Obligation:

- | | | |
|--|---|---|
| <input type="checkbox"/> Reduction in income | <input type="checkbox"/> Medical issues | <input type="checkbox"/> Death of family member |
| <input type="checkbox"/> Poor budget management skills | <input type="checkbox"/> Increase in expenses | <input type="checkbox"/> Business venture failed |
| <input type="checkbox"/> Loss of Income | <input type="checkbox"/> Divorce/separation | <input type="checkbox"/> Increase in loan payment |
| <input type="checkbox"/> Other: _____ | | |

Fannie Mae Hardship Form 1021

Home Affordable Modification Program Hardship Affidavit

Borrower Name (first, middle, last): _____

Date of Birth: _____

Co-Borrower Name (first, middle, last): _____

Date of Birth: _____

Property Street Address: _____

Property City, State, Zip: _____

Servicer: _____

Loan Number: _____

In order to qualify for _____'s ("Servicer") offer to enter into an agreement to modify my loan, I/we am/are submitting this form to the Servicer and indicating by my/our checkmarks the one or more events that contribute to my/our difficulty making payments on my/our mortgage loan:

My income has been reduced or lost. For example: unemployment, underemployment, reduced job hours, reduced pay, or a decline in self-employed business earnings. I have provided details below under "Explanation."

Borrower: Yes ___ No ___ Co-Borrower: Yes ___ No ___

My household financial circumstances have changed. For example: death in family, serious or chronic illness, permanent or short-term disability, increased family responsibilities (adoption or birth of a child, taking care of elderly relatives or other family members). I have provided details below under "Explanation."

Borrower: Yes ___ No ___ Co-Borrower: Yes ___ No ___

My expenses have increased. For example: monthly mortgage payment has increased or will increase, high medical and health-care costs, uninsured losses (such as those due to fires or natural disasters), unexpectedly high utility bills, increased real property taxes. I have provided details below under "Explanation."

Borrower: Yes ___ No ___ Co-Borrower: Yes ___ No ___

My cash reserves are insufficient to maintain the payment on my mortgage load and cover basic living expenses at the same time. Cash reserves include assets such as cash, savings, money market funds, marketable stocks or bonds (excluding retirement accounts). Cash

reserves do not include assets that serve as an emergency fund (generally equal to three times my monthly debt payments). I have provided details below under "Explanation."

Borrower: Yes ___ No ___ Co-Borrower: Yes ___ No ___

My monthly debt payments are excessive, and I am overextended with my creditors. I may have used credit cards, home equity loans or other credit to make my monthly mortgage payments. I have provided details below under "Explanation."

Borrower: Yes ___ No ___ Co-Borrower: Yes ___ No ___

There are other reasons I/we cannot make our mortgage payments. I have provided details below under "Explanation."

INFORMATION FOR GOVERNMENT MONITORING PURPOSES

The following information is requested by the federal government in order to monitor compliance with federal statutes that prohibit discrimination in housing. You are not required to furnish this information, but are encouraged to do so. The law provides that a lender or servicer may not discriminate either on the basis of this information, or on whether you choose to furnish it. If you furnish the information, please provide both ethnicity and race. For race, you may check more than one designation. If you do not furnish ethnicity, race, or sex, the lender or servicer is required to note the information on the basis of visual observation or surname if you have made this request for a loan modification in person. If you do not wish to furnish the information, please check the box below.

BORROWER:

Ethnicity:

- Hispanic/Latino
- Not Hispanic/Latino

Race:

- American Indian/Alaska Native
- Asian
- Black/African American
- Native Hawaiian/Other Pacific Islander
- White

I do not wish to furnish this information

CO-BORROWER:

Ethnicity:

- Hispanic/Latino
- Not Hispanic/Latino

Race:

- American Indian/Alaska Native
- Asian
- Black/African American
- Native Hawaiian/Other Pacific Islander
- White

I do not wish to furnish this information

TO BE COMPLETED BY INTERVIEWER

Interviewer's Name (print or type): _____
Name/Address of Interviewer's Employer: _____

Face-to-face interview
Interviewer's Signature/Date _____ / _____
Address _____
Telephone (include area code) _____
Internet address _____

BORROWER/CO-BORROWER ACKNOWLEDGEMENT

1. Under penalty of perjury, I/we certify that all of the information in this affidavit is truthful and the event(s) identified above has/have contributed to my/our need to modify the terms of my/our mortgage loan.
2. I/we understand and acknowledge the Servicer may investigate the accuracy of my/our statements, may require me/us to provide supporting documentation, and that knowingly submitting false information may violate Federal law.
3. I/we understand the Servicer will pull a current credit report on all borrowers obligated on the Note.
4. I/we understand that if I/we have intentionally defaulted on my/our existing mortgage, engaged in fraud or misrepresented any fact(s) in connection with this Hardship Affidavit, or if I/we do not provide all of the required documentation, the Servicer may cancel the Agreement and may pursue foreclosure on my/our home.
5. I/we certify that my/our property is owner-occupied and I/we have not received a condemnation notice.
6. I/we certify that I/we am/are willing to commit to credit counseling if it is determined that my/our financial hardship is related to excessive debt.
7. I/we certify that I/we am/are willing to provide all requested documents and respond to all Servicer communication in a timely manner. I/we understand that time is of the essence.
8. I/we understand that the Servicer will use this information to evaluate my/our eligibility for a loan modification or other workout, but the Servicer is not obligated to offer me/us assistance based solely on the representations in this affidavit.
9. I/we authorize and consent to Servicer disclosing to the U.S. Department of Treasury or other government agency, Fannie Mae and/or Freddie Mac any information provided by me/us or retained by Servicer in connection with the Home Affordable Modification Program.

Borrower Signature Date
E-mail Address: _____
Cell phone # _____
Home Phone # _____
Work Phone # _____
Social Security # _____ - _____ - _____

Co-Borrower Signature Date
E-mail Address: _____
Cell phone # _____
Home Phone # _____
Work Phone # _____
Social Security # _____ - _____ - _____

EXPLANATION:

(Provide any further explanation of the hardship making it difficult for you to pay on your mortgage.)

EXHIBIT 5B

BORROWER'S FINANCIAL DISCLOSURE FOR MEDIATION (SHORT SALE)

In addition to the FANNIE MAE HARDSHIP FORM 1021 in Exhibit 5A above, the following information must be uploaded into the web-enabled IT platform on behalf of the borrower:

Signed purchase contract for the homestead residence

Listing agreement for sale of the homestead residence

Preliminary HUD-1

Written permission from the borrower authorizing the plaintiff or any agent of the plaintiff to speak with the real estate agent about the borrower's loan

Borrowers should be reminded that the sale MUST be an arm's length transaction, and the property cannot be sold to anyone with close personal or business ties to the borrower.

EXHIBIT 5C

BORROWER'S FINANCIAL DISCLOSURE FOR MEDIATION (DEED IN LIEU OF FORECLOSURE)

In addition to the FANNIE MAE HARDSHIP FORM 1021 in Exhibit 5A above, the following information must be uploaded into the web-enabled IT platform on behalf of the borrower:

Current title search for the homestead residence

EXHIBIT 6

BORROWER'S REQUEST FOR PLAINTIFF'S DISCLOSURE FOR MEDIATION

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

Case No(s).:

Plaintiff(s),

vs.

Defendant(s).

**NOTICE OF BORROWER'S REQUEST FOR PLAINTIFF'S
DISCLOSURE FOR MEDIATION**

_____, (*printed name*), as the borrower on the mortgage
sued upon in this case, hereby requests the following information and disclosure
from the plaintiff pursuant to Administrative Order [*number*] entered in the
[*number*] Judicial Circuit (*mark the information and documents requested*):

- ___ Documentary evidence the plaintiff is the owner and holder in due
course of the note and mortgage sued upon.
- ___ A history showing the application of all payments by the borrower
during the life of the loan.
- ___ A statement of the plaintiff's position on the present net present value
of the mortgage loan.
- ___ The most current appraisal of the property available to the plaintiff.

Signed on _____, 20__.

(*Signature*)

[Certificate of Service on the parties]

EXHIBIT 7

PLAINTIFF'S NOTICE OF ATTENDING MEDIATION THROUGH THE USE OF COMMUNICATION EQUIPMENT

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

Case No(s).:

Plaintiff(s),

vs.

Defendant(s).

**NOTICE THAT PLAINTIFF'S REPRESENTATIVE WILL APPEAR
THROUGH THE USE OF COMMUNICATION EQUIPMENT AND
DESIGNATION OF AUTHORITY TO SIGN SETTLEMENT
AGREEMENT**

Plaintiff gives notice of exercising the option to allow plaintiff's representative designated in Form A filed in this case to attend mediation through the use of communication equipment, and designates *[name of person]* as the person who will be physically present at mediation with full authority on behalf of plaintiff to sign any settlement agreement reached at mediation.

On the date of the mediation, plaintiff's representative can be reached by calling the following telephone number: *[telephone number, including area code and extension]*.

Signed on _____, 20__.

[Name of Plaintiff]

(Signature)

(Printed Name)

[Certificate of Service by Plaintiff's Counsel]

EXHIBIT 8

PLAINTIFF'S CERTIFICATION REGARDING ATTENDANCE AT MEDIATION THROUGH THE USE OF COMMUNICATION EQUIPMENT

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

Case No(s):

Plaintiff(s),

vs.

Defendant(s).

**CERTIFICATION REGARDING ATTENDANCE AT MEDIATION
THROUGH THE USE OF COMMUNICATION EQUIPMENT**

[Name], who was designated as Plaintiff's Representative in Form A filed herein, under penalty of perjury, states to the court that [he][she] (*mark as appropriate*)

- Attended mediation through the use of communication equipment, and was on the communication equipment at all times during the entire mediation.
- Attended mediation, through the use of communication equipment but was not on the communication equipment at all times during the mediation.

Signed on _____, 20____.

(Signature)

(Printed Name)

[Certificate of Service by Plaintiff's Counsel]

EXHIBIT 9

MEDIATION REPORT

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

Case No(s):

Plaintiff(s),

vs.

Defendant(s).

MEDIATION REPORT
(RMFM Program)

Pursuant to the Court's Order, a Mediation Conference was conducted by
[name of mediator], Certified Circuit Civil Mediator, on *[date]*.

1. The following were present:
 - a) The Plaintiff's Representative, *[name]*, and Plaintiff's attorney,
[name].
 - b) The Defendant[s], *[name(s)]*, and his/her/their attorney[s],
[name(s)].
2. The result of the Mediation Conference is as follows (*Mediator selects only one*):

_____ A signed **SETTLEMENT AGREEMENT** was reached during
this Conference.

_____ The parties have reached a total **IMPASSE**.

_____ The parties have agreed to **ADJOURN** the mediation to *[date]*.

_____ Mediation has been **TERMINATED**.

As required by Administrative Order *[number]* a copy of the most recently
filed Form A is attached.

[Certificate of Service]

EXHIBIT 10

CERTIFICATION REGARDING SETTLEMENT AUTHORITY (RESIDENCE NOT HOMESTEAD)

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

Case No(s).:

Plaintiff(s),

vs.

Defendant(s).

PLAINTIFF'S CERTIFICATION SETTLEMENT AUTHORITY
(Residence Is Not Homestead)

In compliance with Administrative Order [*number*], the undersigned attorney certifies that following person or entity has full authority to negotiate a settlement of this case with the borrower without further consultation:

(All of the following information must be provided)

Name:

Mailing Address:

Telephone Number (including area code and extension):

Fax Number:

Email Address:

Loan/File Number:

Notice to Defendants: Because of privacy laws and rules, the plaintiff will only be able to negotiate a modification of the loan with the named borrower on the underlying debt.

I certify a copy of this certification was served on defendants with the summons.

Date:

[Signature, Address, Phone Number of Plaintiff's Counsel]

EXHIBIT 11

ORDERS FOR REFERRALS, COMPLIANCE, AND ENFORCEMENT

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

Case No(s).:

Plaintiff(s),

vs.

Defendant(s).

ORDER TO SHOW CAUSE

(Plaintiff's Failure to Comply with Administrative Order [number])

It appearing to the court that Plaintiff has failed to comply with the requirements of Administrative Order [number] in regards to the following (*as marked*):

Form A

___ Plaintiff failed to file Form A.

___ Plaintiff failed to electronically submit Form A to the Program Manager using the approved web-based information platform.

Payment of RMFM Program Fees

___ Plaintiff failed to pay the portion of the RMFM Program fees payable at the time suit is filed.

___ Plaintiff failed to pay the portion of the RMFM Program fees payable within 10 days after the notice conference is filed.

Electronic Transmittal of Case Number and Borrower Contact Information

___ Plaintiff failed to electronically submit the case number and contact

information to the borrower to the Program Manager using the approved web-based information platform.

Failure to File and Serve Certification Regarding Settlement Authority

___ Plaintiff failed to file and serve the certification regarding the person or entity with full settlement authority where the residence is not homestead (Form Exhibit 9 attached to the Administrative Order).

Attendance at Mediation

___ Plaintiff's counsel failed to attend mediation.

___ Plaintiff's representative designated in the most recent Form A filed in the court file failed to attend mediation.

___ Plaintiff's agent with full authority to sign a settlement agreement failed to attend mediation.

___ Plaintiff's representative failed to attend by telephone at all times during the mediation session.

___ After the mediation resulted in an impasse, plaintiff's representative failed to file the certification regarding attendance at mediation by telephone at all times (Form Exhibit 7 attached to the Administrative Order).

IT IS ORDERED that Plaintiff shall appear before the court at the *[designation of courthouse/courtroom]* on *[date]* at *[time]* to show cause why sanctions for noncompliance the Administrative Order *[number]* should not be imposed. Plaintiff is cautioned that failure to appear at the show cause hearing may result in the case being dismissed and the imposition of other appropriate sanctions.

Signed on *[date]*

[signature block for judge]

[Certificate of Service]

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

Case No(s):

Plaintiff(s),

vs.

Defendant(s).

ORDER AFTER SHOW CAUSE HEARING

(Plaintiff's Failure to Comply with Administrative Order *[number]*)

The court having determined that Plaintiff has failed to comply with the requirements of Administrative Order *[number]*, it is ORDERED and ADJUDGED (*as marked*):

Form A

___ Within 10 days from the date of this order, Plaintiff shall file and electronically submit Form A to the Program Manager using the approved web-based information platform.

Payment of RMFM Program Fees

___ Within 10 days from the date of this order, Plaintiff shall pay \$_____ of the RMFM Program fees to the Program Manager.

Electronic Transmittal of Case Number and Borrower Contact Information

___ Within 10 days from the date of this order, Plaintiff shall electronically submit the case number and contact information to the borrower to the Program Manager using the approved web-based information platform.

Failure to File and Serve Certification Regarding Settlement Authority

___ Within 10 days after the date of this order, Plaintiff shall file and serve the certification regarding the person or entity with full settlement authority where the residence is not homestead (Form Exhibit 9 attached to the Administrative Order).

Attendance at Mediation

___ Plaintiff's counsel shall attend the next scheduled mediation in this case.

___ _____ (Name), as plaintiff's representative designated in the most recent Form A filed in the court file, shall physically attend the next scheduled mediation in this case.

___ _____ (Name), as plaintiff's agent with full authority to sign a settlement agreement shall attend the next scheduled mediation in this case.

Dismissal

___ This case is dismissed without prejudice.

Additional Sanctions

___ The court determines _____ is entitled to an award of attorney's fees and cost, the amount of which shall be determined at a subsequent hearing.

Signed on *[date]*

[signature block for judge]

[Certificate of Service]

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

Case No(s).:

Plaintiff(s),

vs.

Defendant(s).

ORDER REFERRING CASE TO RMFM PROGRAM
(Case Filed Prior to *[effective date of Administrative Order]*)

It appearing to the court that the residence which is the subject of this action to foreclose a mortgage is a “homestead residence” to which Administrative Order *[number]* applies and that Defendant _____ (Borrower) has requested that the case be referred to mediation, it is ORDERED:

The case is referred to the RMFM Program for mediation, and the plaintiff and borrower shall comply with Administrative Order *[number]*. Within 10 days from the date of this order, the plaintiff shall pay that portion of the RMFM Program fees payable at the time suit is filed, file a properly filled out Form A in the manner required by the administrative order, and electronically transmit Form A to the Program Manager using the approved web-based information platform.

The plaintiff and borrower are to cooperate with the Program Manager and must attend any mediation scheduled by the Program Manager.

The plaintiff is advised and cautioned that failure to comply in a timely manner with the requirements of this order will result in dismissal of the cause of action without further order of the court.

Signed on *[date]*

[signature block for judge]

[Certificate of Service]

EXHIBIT 12

MEDIATION TRAINING STANDARDS

Residential Mortgage Foreclosure Training Standards

Introduction

Achieving an informed and committed workforce of Residential Mortgage Foreclosure Mediators requires not only a grasp of the obvious mediation skills, but an extension of those skills into practical and substantive knowledge areas including, but not limited to, mortgage loan products, securities, loan servicers, court processes, and resolution options. A training model which includes both a preliminary online modular dissemination of information followed by live classroom training will provide this knowledge. Participants' completion of online training modules prior to a one-day live class will facilitate better discussion and greater comprehension. Post training access to online practice resources can improve, develop statewide practice and provide real time content updates.

Development of this training model is not only feasible, but also can be developed in a timely way. We recommend that each training provider maintain a needs-based approach to training, reflect on and respond to the participants' needs, and clearly state a training rationale that will serve as a methodological and ethical touchstone. It is our hope that this outline for Residential Mortgage Foreclosure Mediation Training Objectives and Standards will lead to quality mortgage foreclosure mediation training and practice throughout the State of Florida.

1. Mortgage Foreclosure Mediation Training Goals

At the conclusion of the training, the participants shall be able to:

- Recognize Basic Legal Concepts in Mortgage Foreclosure Mediation
- Identify Negotiation Dynamics in Mortgage Foreclosure Mediation
- Identify Mediation Process and Techniques in Mortgage Foreclosure Mediation
- Recognize Financial Issues in Mortgage Foreclosure Mediation
- Identify Communication Skills in Mortgage Foreclosure Mediation
- Recognize Ethical Issues in Mortgage Foreclosure Mediation

2. Learning Objectives

- a. Basic Legal Concepts in Mortgage Foreclosure Mediation
 - 1) Recognize basic legal concepts in mortgage foreclosures.
 - 2) Explain the process of, and timelines in, mortgage foreclosure and in the mortgage foreclosure mediation process.
 - 3) Identify the state rules, state and federal statutes, servicing guidelines, and local procedures and forms governing mortgage foreclosure mediation.
 - 4) Identify the protections, constraints, and exceptions of the Florida Confidentiality and Privilege Act in the context of Mortgage Foreclosure Mediation.

- b. Negotiation Dynamics in Mortgage Foreclosure Mediation
 - 1) Recognize the issues of settlement authority as they relate to the stakeholders in Mortgage Foreclosure Mediation.
 - 2) Recognize the impact of physical, telephonic, videoconference, on line or other electronic means of appearance at the mediation conference on the negotiation.
 - 3) Recognize the role(s) of the following in the Mortgage Foreclosure Mediation process:
 - i. lender
 - ii. loan servicer
 - iii. investor
 - iv. mortgage broker
 - v. mortgage pool
 - vi. second mortgagee
 - vii. condominium association
 - viii. homeowners' association
 - ix. lien holders (i.e., municipal, mechanics lien)
 - x. MERS

- xi. appraiser
- 4) Recognize techniques for assessing risks and incentives in a mortgage foreclosure case.
- 5) Recognize concept of “good faith” and distinguish it from state court appearance requirements.
- 6) Recognize basic mortgage nomenclature and sources, types and structure of mortgages.
- 7) Identify options for resolution such as:
 - i. modification of mortgage terms
 - ii. partial loan forgiveness
 - iii. placement of delinquent payments at the end of the loan term
 - iv. short sale
 - v. deed in lieu of foreclosure
 - vi. waiver of deficiency judgment
 - vii. stipulation to modify (i.e., if mortgagor makes X number of payments, then the loan will be modified)
 - viii. principal set aside
 - ix. repayment plan
 - x. loan reinstatement
 - xi. “right to rent” (i.e., the bank owns the property and rents it to the former borrower at the market rental rate)

c. Mediation Process and Techniques in Mortgage Foreclosure Mediation

- 1) Identify procedural elements which should be addressed prior to the parties’ entry into the mediation room including telephonic and other electronic equipment.
- 2) Identify information which needs to be exchanged prior to mediation (i.e., Pooling and Servicing Agreement; life of loan history; mortgagee current financial disclosure; different loss mitigation, loan modification and other resolution options).

- 3) Identify issues which are appropriate for mortgage foreclosure mediation and those that are not appropriate.
 - 4) Identify individuals who are essential participants in mortgage foreclosure mediation as well as those who are entitled to be present and those who are not required to participate but whose participation may be helpful in mediation.
 - 5) Describe techniques for mediating when all parties are self-represented, some parties are self-represented, or all parties are presented by counsel.
 - 6) Identify appropriate techniques for handling a situation where a representative appearing for a party does not have full authority to settle.
 - 7) Discuss the dynamics of mediating when one or more parties, participants, or representatives frequently participate in mediation.
 - 8) Discuss how emotions affect mortgage foreclosure issues and a party's ability to effectively mediate.
 - 9) Identify the role and procedures of the Program Manager
- d. Financial Issues in Mortgage Foreclosure Mediation
- 1) Understand the Net Present Value Model of the Making Home Affordable Program.
 - 2) Understand debt-to-income ratios and guidelines and potentials for re-defaults.
 - 3) Identify Fannie Mae, Freddie Mac, FHA, VA, and other loan servicer and investor issues and options.
- e. Communication Skills in Mortgage Foreclosure Mediation
- 1) Identify appropriate questions to assist the parties see their own and the other party's issues.

- 2) Identify resources for foreign language interpreters and when and how to use them.
- f. Ethical Issues in Mortgage Foreclosure Mediation
- 1) Recognize power imbalances and when a mediator shall advise the parties of the right to seek independent legal counsel.
 - 2) Understand that a mediator shall not offer a personal or professional opinion intended to coerce the parties, unduly influence the parties, decide the dispute, direct a resolution of any issue or indicate how the court in which the case has been filed will resolve the dispute.
 - 3) Memorializing the parties' agreement.

3. **Training Parameters**

- a. Training Provider
- 1) Training may be provided by the Program Manager(s) OR by independent training providers.
- b. Funding
- 1) Fees would be paid by mediators to training provider(s) and may include entire training process.
- c. Structure
- 1) A series of self – study web based modules corresponding to the six categories of learning objectives outlined in these recommendations – each followed by an online quiz; completed at participant's own pace.
 - 2) Final online test for pass code entry to live class.
 - 3) Live classroom training

- i. Length of Training. An instructional hour is defined as 50 minutes.
 - ii. Span of Training. Live mortgage foreclosure mediation training shall be presented over a period of one (1) day.
- 4) Certificate of Completion of Advanced Course on Florida Residential Mortgage Foreclosure Mediation given to participant. Access to web-based modules terminates.
- 5) Optional Online Learning Forum - for continued learning provided by Program Manager(s) OR by independent training providers – additional monthly fee for access

4. **Recommended Course Content Requirements**

Required Training Materials. At a minimum, training providers shall provide each of their attendees with a training manual that includes:

- a. An agenda annotated with the learning objectives to be covered in each section and the intended method of instruction;
- b. Sample mortgage foreclosure mediated settlement agreements;
- c. Sample federal government forms, i.e. HAMP Program Hardship Affidavit, HAMP Trial Period Plan, HAMP FAQs, IRS Form 4506-T, Foreclosure Mediation Financial Worksheet;
- d. Suggested readings including:
 - i. Chapter 44, Florida Statutes – Mediation Alternatives to Judicial Action
 - ii. Florida Rules for Certified and Court-Appointed Mediators
 - iii. Rules 1.510 and 1.700 - 1.750, Florida Rules of Civil Procedure
 - iv. Chapter 697, Florida Statutes – Instruments Deemed Mortgages and the Nature of a Mortgage
 - v. Chapter 701, Florida Statutes – Assignment and Cancellation of Mortgages
 - vi. Chapter 702, Florida Statutes – Foreclosure of

- vii. Mortgages, Agreements for Deeds, and Statutory Liens Chapter and/or sections pertaining to Condominiums and Homeowner Associations
- viii. Section 55.10(1), Florida Statutes (2004) pertaining to judgment liens
- ix. Federal statutes (i.e. Bankruptcy; Truth in Lending Act, Hope for Homeowners Act of 2008, Fair Debt Collection Practices Act, Service Members Civil Relief Act of 2003, and others to be identified and defined more specifically)
- x. Homeowner Affordability and Stability Plan, Home Affordable Modification Program (HAMP), and guidelines for servicers
- xi. Glossary of Terms
- xii. List of local, state and federal resources for borrowers
- xiii. Internet Links to useful on line resources
- xiv. Current Supreme Court of Florida Administrative Order, In Re Task Force on Residential Mortgage Foreclosure Cases
- xv. Local Judicial Circuit Administrative Order on Residential Mortgage Foreclosure Cases
- xvi. Additional reading resources provided by the Mediation Manager

5. Training Methodology

- a. Pedagogy. Residential mortgage foreclosure mediation training programs shall include, but are not limited to, the following: lecture, group discussion, and a mortgage foreclosure mediation demonstration.
 - 1) Use of subject matter specialists, i.e. lender, borrower, loan servicer, investor, plaintiff and defense counsel, mortgage foreclosure counselor, community resources.
 - 2) A subject matter specialist shall have a substantial part of his or her professional practice in the area about which the specialist is lecturing and shall have the ability to connect his or her area of expertise with the residential mortgage foreclosure mediation process.

- b. Residential Mortgage Foreclosure Mediation Demonstration. All mortgage foreclosure mediation training programs shall present a residential mortgage foreclosure role play mediation demonstration either live (including video conferencing) or by video/DVD presentation.
- c. Web-Based Methodologies. Web-based technologies may be used as an optional delivery method or as a post-training forum for continued learning and discussion for mediators. An online version of the training may provide a repository for the rapidly changing residential mortgage foreclosure training information.
- d. Assessment. Post-training assessment by participants, using post-training surveys combining a Likert scale with narrative response components, should inform content development and methodologies and provide quality assurance for training providers. The post-training survey would give the participants the opportunity to evaluate the effectiveness of the trainer(s), the substantive content of the program, and the practical value of the training, and to offer additional suggestions or comments.

EXHIBIT 13

PARAMETERS FOR MANAGED MEDIATION

PARAMETERS FOR PROVIDERS OF MANAGED MEDIATION SERVICES

Purpose: To define the parameters of managers directing mediation services for parties involved in residential mortgage foreclosure litigation.

A. Characteristics of Program Manager

1. Compliant with ADR principles as promulgated by the supreme court, and ADR statutes and rules;
2. Non-profit entity or associated with a reputable organization of proven competence, autonomous and independent of the judicial branch;
3. Capable of efficient administration of large case loads;
4. Sensitive to cultural, diversity, and Americans with Disabilities Act issues;
5. Politically and professionally neutral;
6. Knowledgeable of court procedures, current trends, laws, rules, and regulations affecting residential foreclosures;
7. Fiscally transparent and accountable;
8. Quickly adaptable to a dynamic and rapidly evolving legal environment;
9. Financially stable;
10. Capable of sustained operation without fiscal impact on the courts;
11. Capable of effectively implementing information technology systems and web-based programs;
12. Alert to ethical and confidentiality issues; and
13. Agreeable to acting as manager for voluntary pre-suit mediation.

B. Services to be Provided by Program Manager

1. Receive mediation referrals and, within designated time limits, schedule and coordinate mediation conferences: date, place and time; reserve and provide venues for mediation and caucus; manage continuances and re-scheduling;
2. Maintain financial books and records to insure transparency and accuracy of receipts and expenditures;

3. Prepare financial statements, financial and performance reports (for example, attendance and failure to attend mediation reports);
4. Establish and maintain performance standards for staff and mediators, including maintaining a roster of mediators comprised of persons who are properly trained in accordance with the standards attached, and who are otherwise qualified, and effective in foreclosure mediation;
5. Assist in specialized training of mediators for workout options and resources;
6. Arrange and pay for interpreters;
7. Bill, collect, deposit, and disburse mediation fees and refunds; pay for necessary services and costs incidental to mediation managing as required to implement mediation administrative order;
8. Establish procedures for managing and communicating with *pro se* litigants and attorneys. This includes implementing a process for prompt outreach to borrower-owners immediately after suit has been filed; the goal of the outreach is to inform mortgagors about the mediation program, invite their participation, and to start the process of referral to mortgage foreclosure counseling and the collection of required financial information;
9. Establish procedures for complying with confidentiality rules;
10. Establish a system for managing mediators that:
 - a. Provides for the impartial assignment of mediators, for example, by the use of a rotating list,
 - b. Is open to qualified supreme court certified mediators who are capable of providing effective services in the residential foreclosure setting, and
 - c. Allows for more than one Mediation Managing entity in the circuit if approved by the chief judge.

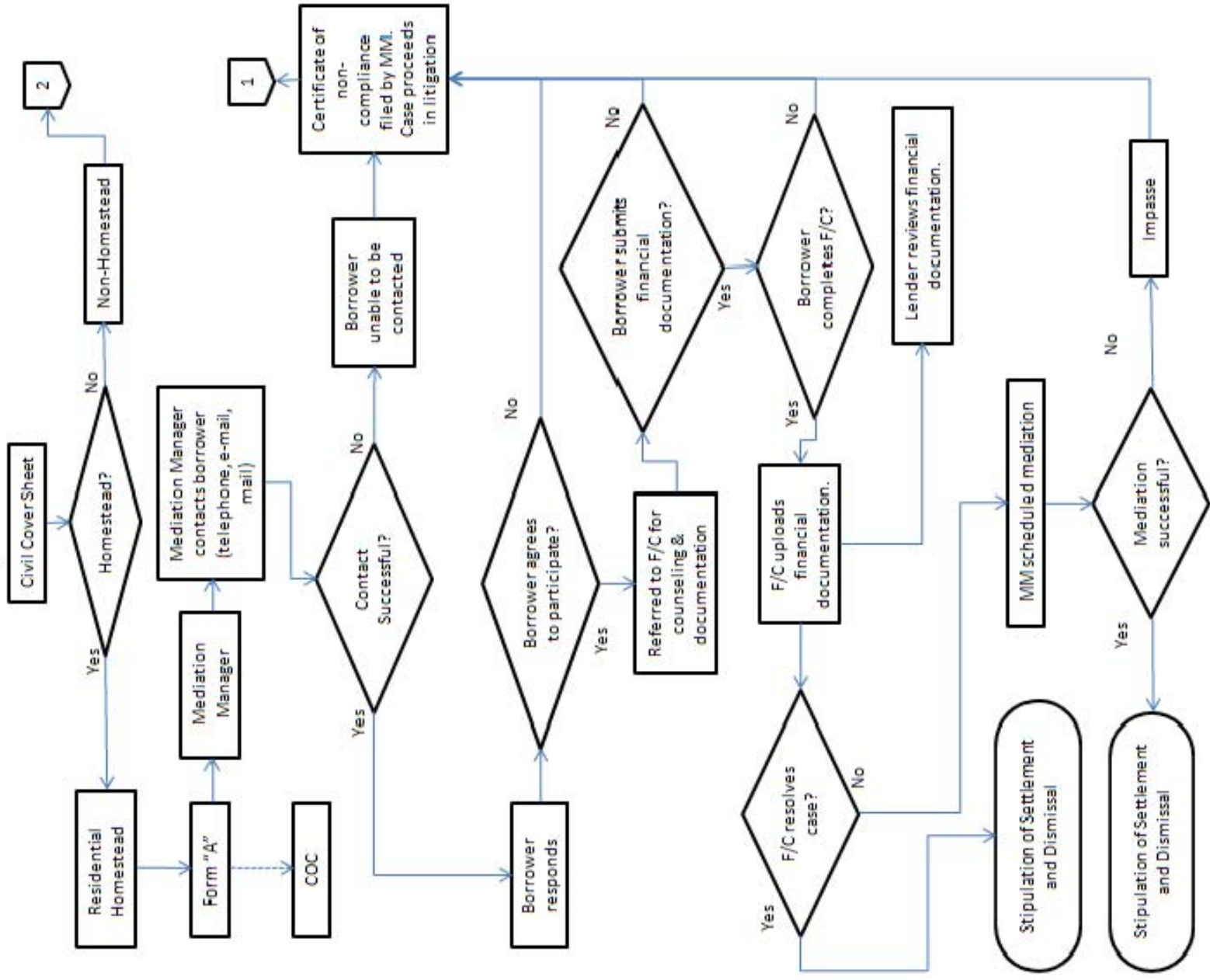
11. Monitor or supervise the preparation of mediation settlement agreements;
12. In accordance with the Administrative Order establish the schedule for division of fees between mediators, managers and others;
13. Prepare operational reports as required by the chief judge, regarding the number of cases mediated, impasse or successful mediations, etc.;
14. Solicit qualified mediators and maintain current list of mediators available for residential foreclosure cases;
15. Establish procedures for disqualifying and replacing mediators with ethical or other conflicts;
16. Coordinate the referral of mortgagors to certified foreclosure counselors pre-mediation;
17. Refer unrepresented parties to legal aid, or panels of pro bono or reduced fee attorneys;
18. Facilitate the exchange of documents between the parties, pre- and post-mediation, including the establishment and maintenance of a secure web-based communication system between the Program Manager and all parties to mediation using a platform capable of transmitting financial data, email, mediation forms and attachments, and able to track participant payments and refunds;
19. Maintain for dissemination to owner-borrowers a list of approved foreclosure counselors willing to perform services at the rates established by the court;
20. Answer inquiries from mediators and parties re the mediation process and forms;
21. Establish a system for resolving complaints against mediators and other persons involved in the Managed Mediation Program;
22. Establish procedures for participant evaluation of mediation program services, including satisfaction surveys;

23. Develop the forms and procedures necessary to verify compliance with the residential foreclosure mediation program by lender/servicer representatives, their attorneys, and borrowers; and
24. Using judicial disqualification criteria as a model, disclose to the chief judge any direct or indirect financial ties to lenders/servicers (including any immediate family members), whether present or within the past three (3) years, with a continuing obligation to disclose.

EXHIBIT 14

RMFM PROGRAM FLOWCHART

Managed Mediation Process



August 12, 2009

APPENDIX B

BEST PRACTICES FORMS

IN THE CIRCUIT COURT OF THE
JUDICIAL CIRCUIT
IN AND FOR _____,
FLORIDA

Plaintiff

Vs.

GENERAL JURISDICTION
CASE NO.:

Defendant

_____ /

Notice of Hearing Form – Residential Foreclosure

El tribunal no proveé intérpretes judiciales para los casos de reposición hipotecaria (foreclosure). Si usted no habla inglés, por favor traiga su propio intérprete calificado para traducirle a usted en esta audiencia. Alguien que tenga más de 18 años.

Tribunal la pa bay entèprèt nan ka lè yo menase pou sezi kay ou. Tanpri, vini ak you moun ki gen plis ke 18 an pou tradui pou ou nan odyans sa a, si ou pa pale Angle.

TO: (name of party being noticed, should include service list)

You are notified that the undersigned lawyer will bring the following Motion:

before the Honorable _____

For hearing: _____

Address: _____

Date: _____

Time: _____

This hearing may be confirmed the business day before by calling _____.

Movant's failure to contact opposing side to confirm/cancel hearings may result in sanctions.

By: _____

(attorney)

Bar No. _____

Address: _____

Telephone No.: _____

Fax No: _____

Email address: _____

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PERSONS NEEDING SPECIAL ACCOMIDATIONS TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE COURT ADA COORDINATOR NO LATER THAN 7 DAYS PRIOR TO THE PROCEEDING AT (XXX) XXX-XXXX (VOICE) OR (XXX) XXX-XXXX (TDD) AND (XXX) XXX-XXXX FOR FAX, WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS DOCUMENT. TDD USERS MAY ALSO CALL 1-800-955-8771, FOR THE FLORIDA RELAY SERVICE.

IN THE CIRCUIT COURT OF THE
JUDICIAL CIRCUIT
IN AND FOR _____,
FLORIDA

GENERAL JURISDICTION
CASE NO.:

Plaintiff

vs.

Defendant.
_____ /

Notice of hearing on motion to dismiss and order of dismissal
Fla. R. Civ. P. 1.070(i)

YOU ARE HEAREBY NOTIFIED that upon the Court's motion the above styled cause has been set for hearing in that is does not affirmatively appear that a summons has (have) been served on the defendant(s) within 120 days pursuant to Fla. R. Civ. P. 1.070(j).

Therefore, it is ADJUDGED as follows:

1. Plaintiff shall show good cause why service has not been perfected within 120 days of the date of the filing of the complaint. Said showing shall be in writing and filed with the Clerk of Court at least (5) days before the hearing date referenced in paragraph 2. A courtesy copy also must be delivered to: Service Calendar, _____ at least (5) days before the hearing date referenced in paragraph 2.
2. If a showing of good cause is timely filed, you must appear at the hearing which shall be held on the ____ day of _____, _____ at _____ a.m. The hearing shall take place at _____, _____ in Room No. _____ before the Honorable _____.
3. Failure to timely file a showing of good cause will result in this action being dismissed without further Order on the date specified in paragraph 2. Said dismissal shall be without prejudice.
4. The Clerk of Court will record this Order of Dismissal after the hearing date in paragraph 2.

DONE AND ORDERED in chamber at _____ County, Florida this ____ day of
April, 2008.

CIRCUIT COURT JUDGE

cc:

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PERSONS NEEDING SPECIAL ACCOMODATIONS TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE COURT ADA COORDINATOR NO LATER THAN 7 DAYS PRIOR TO THE PROCEEDING AT (_____) (VOICE) OR _____ (TDD) AND (_____) FOR FAX, WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS DOCUMENT. TDD USERS MAY ALSO CALL 1-800-955-8771, FOR THE FLORIDA RELAY SERVICE.

Copies mailed and certified to:

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
 STATE OF FLORIDA, IN AND FOR _____ COUNTY
 CIRCUIT CIVIL DIVISION _____
 DISMISSAL DOCKET & CASE MANAGEMENT SCHEDULING ORDER

STYLE	CASE NUMBER	ATTORNEY/PRO SE PARTY

**ORDER TO SHOW CAUSE WHY CASE SHOULD NOT BE DISMISSED FOR
 FAILURE TO SERVE WITHIN 120 DAYS
 AND SCHEDULING CASE MANAGEMENT CONFERENCE**

*NOTE: HEARING MAY BE CANCELLED IF COURT RECEIVES COPY OF VOLUNTARY DISMISSAL,
 SUGGESTION OF BANKRUPTCY OR RETURN OF SERVICE PRIOR TO ABOVE DATE*

PLEASE BE ADVISED that, pursuant to Florida Rules of Civil Procedure Rule 1.070 and Rule 1.200(a), the cases above listed will be called up for Case Management Conference at _____, Florida, before the Honorable _____.

Rule 1.070 provides when service of the initial process and initial pleading is not made upon a defendant with 120 days after the filing of the initial pleading directed to that defendant, the court shall direct that service be effected within a specified time or shall dismiss the action without prejudice or drop that defendant as a party. The court may extend the time for service for an appropriate period if the plaintiff shows good cause or excusable neglect for the failure. Wherefore, Plaintiff, individually or through counsel if represented is hereby ordered to appear and show cause on the date listed below as to why the case, as listed above, should not be dismissed.

HEARING DATE:

Attorneys must be present in person before the Court at this hearing. Incarcerated parties without legal counsel may contact the court at _____ no later than 48 hours prior to the hearing to arrange a telephonic appearance. Inmates will not be transported.

**ON FAILURE OF THE PARTIES OR COUNSEL TO ATTEND THE CONFERENCE, THE COURT MAY
 DISMISS THE ACTION WITHOUT PREJUDICE AS PROVIDED IN RULE 1.070 (j).**

**THIS CASE MANAGEMENT CONFERENCE MAY ONLY BE CANCELLED
 WITH THE COURT'S PRIOR WRITTEN PERMISSION.**

DONE AND ORDERED in _____, _____ County, Florida this _____ day of _____, 20____.

 CIRCUIT JUDGE

Copies Provided to Counsel

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator,

FL _____, phone number _____ within 2 working days of your receipt of this Order Scheduling Case Management conference; if you are hearing impaired, call _____; if you are voice impaired, call _____

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
 STATE OF FLORIDA, IN AND FOR _____ COUNTY
 CIRCUIT CIVIL DIVISION _____
 NOTICE OF LACK OF PROSECUTION AND
 CASE MANAGEMENT SCHEDULING ORDER

STYLE	CASE NUMBER	DATE AND TIME

NOTICE OF LACK OF PROSECUTION

PLEASE TAKE NOTICE that it appears on the face of the record that no activity by filing of pleadings, order of court, or otherwise has occurred for a period of 10 months immediately preceding service of this notice, and no stay has been issued or approved by the court. Pursuant to rule 1.420(e), if no such record activity occurs within 60 days following the service of this notice, and if no stay is issued or approved during such 60 day period, this action may be dismissed by the court on its own motion or on the motion of any interested person, whether a party to the action or not, after reasonable notice to the parties, unless a party shows good cause in writing at least 5 days before the hearing scheduled below on the motion why the action should remain pending.

ORDER SCHEDULING CASE MANAGEMENT CONFERENCE

NOTE: HEARING MAY BE CANCELLED IF COURT RECEIVES COPY OF VOLUNTARY DISMISSAL, SUGGESTION OF BANKRUPTCY OR UNIFORM ORDER SCHEDULING TRIAL PRIOR TO ABOVE DATE

PLEASE BE ADVISED that, pursuant to Rule 1.200(a), Fla. R. Civ. Proc., the cases above listed will be called up for Case Management Conference at the _____, Florida, before the Honorable _____. Rule 2.250 of the Florida Rules of Judicial Administration provide time standards which are presumptively reasonable for the completion of cases. In civil cases, jury cases are to be disposed within 18 months of filing and non-jury cases are to be disposed within 12 months of filing. The Court records reveal either that the above-styled cause has exceeded these standards or there are other compelling reasons for case management.

HEARING DATE:

Matters to be considered at the Case Management Conference include matters that may aid in the disposition of the action including, but not limited to:

1. Schedule or reschedule trial or additional case management conference;
2. Schedule or reschedule the service of motions, pleadings and other papers;
3. Coordinate the progress of the action if complex litigation factors are present;
4. Limit, schedule, order or expedite discovery;
5. Schedule disclosure of expert witnesses are discovery of facts known and opinions held by such experts;
6. Schedule time to hear motions in limine;
7. Require filing of preliminary stipulations if issues can be narrowed;
8. Possibilities of settlement;
9. Dismissal without prejudice.

Attorneys must be present in person before the Court at this hearing. Incarcerated parties without legal counsel may contact the court at _____ no later than 48 hours prior to the hearing to arrange a telephonic appearance. Inmates will not be transported.

ON FAILURE OF THE PARTIES OR COUNSEL TO ATTEND THE CONFERENCE, THE COURT MAY DISMISS THE ACTION, STRIKE PLEADINGS, LIMIT PROOF OR WITNESSES OR TAKE ANY OTHER APPROPRIATE ACTION AS PROVIDED IN RULE 1.200 (c).

THIS CASE MANAGEMENT CONFERENCE MAY BE CANCELLED

WITH THE COURT'S WRITTEN PERMISSION.

STIPULATIONS TO CONTINUE WILL BE GRANTED ONLY UPON A SHOWING OF GOOD CAUSE

DONE AND ORDERED in _____, _____ County, Florida this _____ day of _____, 20____.

CIRCUIT JUDGE

Copies Provided to Counsel and Pro Se Parties

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, _____, FL _____, phone number _____ within 2 working days of your receipt of this Order Scheduling Case Management conference; if you are hearing impaired, call

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
 STATE OF FLORIDA, IN AND FOR _____ COUNTY
 CIRCUIT CIVIL DIVISION _____

ORDER FOLLOWING COURT SCHEDULED CASE MANAGEMENT

STYLE	CASE NUMBER	ATTORNEY/PRO SE PARTY

ORDER OF DISMISSAL WITHOUT PREJUDICE

THIS CAUSE came before the court for purpose of Case Management, pursuant to the Florida Rules of Civil Procedure as provided in Rule 1.200 either due to failure to serve on a timely basis as provided by Rule 1.070 or lack of prosecution as provided by Rule 1.420 (e). Reasonable notice and opportunity to be heard was provided to plaintiff and all served parties at the address(es) listed on pleadings. The order scheduling case management provided notice that when a party or its counsel fails to attend a court scheduled case management conference, the court may dismiss the action without prejudice. The Court finds that:

_____ 1 (a) **FAILURE TO SERVE:** No response was filed to demonstrate good cause or excusable neglect for the failure to serve on a timely basis and a return of service has not been filed. Cf. Fla.R.Civ.P. 1.070. **OR**

_____ 1. (b) **LACK OF PROSECUTION:** No written response was filed to demonstrate good cause why the action should remain pending. Cf. Fla.R.Civ.P. 1.420 (e).

_____ 2. **FAILURE TO APPEAR:** No one appeared at the hearing. Cf. Fla.R.Civ.P. 1.200 (c).

It is therefore, **ORDERED AND ADJUDGED** this matter is dismissed without prejudice.

DONE AND ORDERED in _____, _____ County, Florida this _____ day of _____, 20____.

CIRCUIT JUDGE

Copies Provided:

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
 STATE OF FLORIDA, IN AND FOR _____ COUNTY
 CIRCUIT CIVIL DIVISION _____

STYLE	CASE NUMBER	ATTORNEY/PRO SE PARTY

CASE MANAGEMENT CONFERENCE ORDER

THIS CAUSE came before the court for a case management, pursuant to the Florida Rules of Civil Procedure as provided in Rule 1.200. The order scheduling case management provided notice that when a party or its counsel fails to attend a court scheduled case management conference, the court may dismiss the action without prejudice. It is therefore, **ORDERED AND ADJUDGED:**

_____ 1 (a) **FAILURE TO SERVE:** This case is dismissed without prejudice. No response was filed to demonstrate good cause or excusable neglect for the failure to serve on a timely basis and a return of service has not been filed. Cf. Fla.R.Civ.P. 1.070. **OR**

_____ 1. (b) **LACK OF PROSECUTION:** This case is dismissed without prejudice. No written response was filed to demonstrate good cause why the action should remain pending. Cf. Fla.R.Civ.P. 1.420 (e).

_____ 2. **FAILURE TO APPEAR:** This case is dismissed without prejudice. No one appeared at the hearing. Cf. Fla.R.Civ.P. 1.200 (c).

_____ 3. **RESCHEDULED:** The case management conference is continued and reset for _____, 20 __, at _____ A.M./P.M. All provisions in the order scheduling case management conference remain in force and effect.

_____ 4. **PENDING MOTIONS SCHEDULED FOR HEARING:** (All pending) (The following motions: _____)

are scheduled for hearing on _____, 20 __, at _____ A.M./P.M.

_____ 5. **MEDIATION:** The parties shall schedule mediation and complete on or before _____, 20 __.

_____ 6. **TRIAL:** Counsel for _____ (select party) shall submit a uniform order scheduling trial and pretrial conference within _____ days.

_____ 7. **OTHER:** _____

It is therefore, **ORDERED AND ADJUDGED** this matter is (dismissed without prejudice) (continued as provided above).

DONE AND ORDERED in _____, _____ County, Florida this _____ day of _____, 20_____.

CIRCUIT JUDGE

Copies Provided:

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

Plaintiff(s)

CASE NO.:

VS.

DIVISION:

Defendant(s)

-----/

ORDER REMOVING CASE FROM PENDING STATUS

This cause came before the court ex parte as part of the Court's ongoing responsibilities concerning case management and, based on a review of the pleadings, it appears to the Court that this case is not currently "pending." It is therefore,

ORDERED and ADJUDGED

_____ A dismissal has been filed and this case is concluded.

_____ The Defendant has filed **BANKRUPTCY**. Therefore the Clerk of the Circuit shall **REMOVE THIS CAUSE FROM ACTIVE PENDING**.

_____ The Parties have agreed to a **SETTLEMENT**. Therefore the Clerk of the Circuit Court shall **REMOVE THIS CAUSE FROM ACTIVE PENDING**. If this cause goes into Default, the Plaintiff may reinstate the matter and move forward with their case.

_____ Other.

DONE and ORDERED in Chambers, _____, _____ County, Florida
this _____ day of _____, 20_____.

CIRCUIT JUDGE

Copies Furnished To:

IN THE CIRCUIT COURT
STATE OF FLORIDA
COURT OF GENERAL CIVIL JURISDICTION

Plaintiff,

CASE NO.:

vs.

DIVISION

Defendant.

_____ /

CASE MANAGEMENT ADMINISTRATIVE ORDER
RESIDENTIAL MORTGAGE FORECLOSURE

THIS CAUSE came before the Court on the Court's own motion for purpose of entry of a case management order to govern the conduct of this case. Compliance with the provisions of this order is mandatory unless waived in writing by the court after a hearing with notice to all parties of an appropriate motion.

TIME STANDARDS

Counsel for the plaintiff will be responsible for compliance with the time standards set forth below. A failure to comply with any portion of this order which is found attributable to deliberate delay on the part of any party will be grounds for dismissal or other sanctions as deemed appropriate by the court.

IF UNOPPOSED and after compliance with the Administrative Order No. _____ (which provides for case management of residential foreclosure cases and mandatory referral of mortgage foreclosure cases involving borrower-occupied residence to mediation), the presumptive date to complete this cause is no later than _____ days from the date that all defendants have been served as required by law and the case is at issue.

IF OPPOSED and any defendant files a good faith intent (defined herein) to participate in voluntary dispute resolution/mediation, then the presumptive date for completion of voluntary dispute resolution/mediation is _____ days from the date of the filing of the good faith compliance with an additional _____ days to complete a contested proceeding following mediation if the case is not settled.

PROCEDURE

1. **HOME OCCUPIED BY BORROWER:** the case shall proceed as provided in Administrative Order _____.

2. **HOME VACANT OR OCCUPIED BY TENANTS:** Upon a return of service indicating that the home is vacant or is being occupied by tenants, the Plaintiff shall set the cause for a motion for final summary judgment within _____ days of the cause being at issue.

RESPONSIVE PLEADINGS:

1. **MOTION TO DISMISS:** A motion to dismiss must be set for hearing within _____ days of filing. If a defendant fails to set the cause for hearing, then the Plaintiff must do so. The hearing may not be continued or cancelled without prior consent of the Court.
2. **ANSWER:** Upon the filing of an answer, the Plaintiff shall immediately submit an order referring the parties to mediation within _____ days.

MOTIONS TO WITHDRAW: Special appearances by defense counsel are not permitted. No motion to withdraw will be granted, absent good cause shown and a hearing held on said motion, when there is a motion filed by such attorney pending in the cause.

MOTIONS TO AMEND PLEADINGS/VOLUNTARY DISMISSAL: When Plaintiff has filed a count to reestablish a lost note and thereafter discovers that the note is in its possession, counsel for the plaintiff must immediately notify in writing all parties who have filed responsive pleadings of the discovery of the original note and file a copy of such correspondence with the court.

VOLUNTARY DISPUTE RESOLUTION: Plaintiff will engage in voluntary dispute resolution as provided in Administrative Order _____. In all other cases, parties must attend mediation prior to non-jury trial unless otherwise ordered by the court.

HEARINGS:

1. **SCHEDULING:** Counsel for plaintiff may not schedule a hearing on a motion for summary judgment unless the motion with the supporting affidavits has been filed.
2. **CERTIFICATE OF COMPLIANCE WITH FORECLOSURE PROCEDURES:** (form available on circuit website) must be filed contemporaneously with the notice of hearing.
3. **CONTINUANCES:** Motions for continuance must be filed in writing supported by good cause. If parties jointly stipulate to a continuance, a copy of the joint stipulation accompanied by an order must be submitted to the court _____ days prior to the scheduled hearing.

FINAL JUDGMENTS: The Final Judgment or Final Summary Judgment of Foreclosure shall be in the model form provided and shall not include any costs not actually incurred and must be supported by sworn testimony or affidavit (if summary judgment).

SALES: The Clerk's sale shall be conducted as provided by law and may include such other method of sale employing electronic media as determined by the Clerk of Court and permitted by law.

DONE AND ORDERED this _____ day of _____, 200____, in
_____, _____ County, Florida.

Chief Judge

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 3.306-5/09

IN RE: CASE MANAGEMENT STATUS CONFERENCES
IN HOMESTEAD FORECLOSURE ACTIONS
BY INSTITUTIONAL LENDERS

During the summer of 2009, the Fifteenth Judicial Circuit will have staff attorneys and law school and college interns that can assist the court with the increasing foreclosure actions.

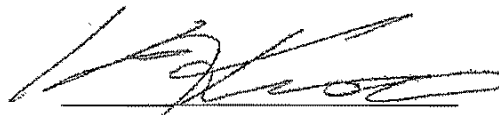
As set forth in Administrative Order 3.305, Notices of Compliance may be filed up to 14 days after the filing of a response by a defendant/homeowner.

NOW, THEREFORE, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

1. All new foreclosure actions filed between May 20, 2009 and June 30, 2009 to which the Plaintiff has attached exhibits in accordance with Administrative Order 3.305, will have attached to the summons a Notice of Case Management Conference which Notice will be provided to the Clerk and Comptroller by Court Administration.
2. The Notice of Case Management Status Conference will be on a color of paper other than white or blue (yellow, goldenrod, pink, etc.). A copy of the Notice of Case Management Conference is attached hereto as Exhibit "A". The Clerk and Comptroller will note the case number on the Case Management Conference Form.
3. The Notice of Case Management Conference will notice the parties to appear at a case management conference no later than 34 days after the date of the issuance of the summons ("34th Day"). A listing of filing dates and the corresponding Case Management Conference Dates is attached hereto as Exhibit "B".
4. Case Management conferences will occur on Tuesdays and Thursdays from 3:00-5:00 in the north end of the cafeteria at the Main Judicial Center. Additional days and/or times may set by order of the Chief Judge or a circuit judge assigned to foreclosure.
5. The case management status conferences are scheduled as follows:
 - a. Up to 300 cases are to be noticed for each case management conference.
 - b. The first 75 cases (cases 1-75) will be set at 3:00.
 - c. The second group of 75 cases (cases 76-150) will be set at 3:30.

- d. The third set of 75 cases (cases 151-225) will be set at 4:00 and the last set of 75 (cases 226-300) will be set at 4:30.
6. The case management conference is a request for appearance by the parties and no penalty will be imposed upon a party should the party fail to appear.
 7. If a defendant/homeowner appears at the case management status conference, a trial court law clerk employed by the Fifteenth Judicial Circuit ("judicial law clerk"), or an individual interning with the Fifteenth Judicial Circuit ("judicial intern") under the supervision of the General Counsel, or other individuals employed or interning with the Fifteenth Judicial Circuit, will meet with the defendant/homeowner and explain Administrative Order 3.305 including its purpose, the forms, and the time limitations set forth therein. No legal advice will be given.
 8. Should a defendant/homeowner attend the Case Management Status Conference and wish to avail him/herself of the procedures set forth in Administrative Order 3.305, then the defendant/homeowner shall complete a revised Financial Statement (Exhibit "D" to Administrative Order 3.305) which shall not include any information about the Defendant/Borrower's assets. A copy of the revised Financial Statement is attached as Exhibit "C".
 9. The judicial law clerks and judicial interns can inform the defendant/homeowner that the Florida Bar, the Palm Beach County Bar, Legal Aid, or Florida Rural Legal Services may be able to provide further assistance. The defendant/homeowner may also be directed to the Clerk and Comptroller's self help center to obtain forms or set an appointment with an attorney.
 10. The judicial law clerk or judicial intern will complete a Case Management Status Conference Report indicating whether the defendant/homeowner appeared. The Case Management Status Conference Report shall be placed in the court file.

DONE AND SIGNED in Chambers at West Palm Beach, Palm Beach County, Florida
this 11 day of May, 2009.



Kathleen J. Kroll, Chief Judge

IN THE CIRCUIT COURT OF THE
 _____ JUDICIAL CIRCUIT IN
 AND FOR _____,
 FLORIDA

Plaintiff,

vs.

GENERAL JURISDICTION DIVISION

Defendant(s).

CASE NO.

_____/

Plaintiff's Certification of Residential Mortgage Foreclosure Case Status

The undersigned attorney hereby certifies that the information provided herein is true and correct:

DEFENDANTS	SERVED	DROPPED	ANSWER	NON-MILITARY AFFIDAVIT	DEFAULT

This property is _____ Homestead _____ not subject to Homestead
 If Homestead, _____ this property completed the (Managed Mediation) program, compliance attached

Foreclosure package. Confirm copies were mailed to defendants and indicate dates:

- _____ Motion for Summary Judgment
- _____ Original Note, mortgage,
- _____ Assignments and/or allonge
- _____ Lost Note Affidavit
- _____ Notice of Hearing on Summary Judgment for this hearing date
- _____ Affidavit of Indebtedness
- _____ Affidavit of Costs
- _____ Affidavit of Attorney Fees
- _____ Affidavit as to Reasonableness of Attorney Fees
- _____ (Managed Mediation) Compliance attached

Confirm compliance and indicate dates:

- _____ Lost Note count pled or withdrawn
- _____ All Motions to Dismiss resolved
- _____ No discovery outstanding
- _____ No suggestion of bankruptcy
- _____ Affirmative defenses filed, attached

- a. The Summary Final Judgment of Foreclosure submitted is the court-approved form, without any alterations or additions; and
- b. That the amounts in the final judgment are accurate and correspond with the affidavits filed herein.

Undersigned counsel further certifies, under penalty of perjury, that in accordance with Administrative Order # _____, all of the above is true and correct.

Date

Signature of Attorney

Print Attorney's Name & Florida Bar Number

From: Paula Watkins
To: Wolfson, David
CC: Granston, Cheri-Ann; Jiles, Sonya; Morris, Carol; Pelletier, Dennis; ...
Date: 9.7.10 4:53 PM
Subject: Assistance in the Mortgage Foreclosure Program

Dave, I've just been informed that Judge Francis asked Sonya to assist Cheri-ann and the case manager's w/ the Mortgage Foreclose Program process, not only until they hire an Administrative Assistant, but also on an as needed basis. Sonya should continue to give Mediation Services 4 hours a day, but if something comes up, please know that Judge Francis has requested her assistance. As always, I appreciate your understanding. Please contact me if you have any questions or concerns. I hope you all have a nice weekend.

*Paula Watkins
2nd Judicial Circuit
Office of Court Administration,
Room 225-N
Leon County Courthouse
301 S. Monroe Street
Tallahassee, FL 32301
Phone : (850) 577-4422
Fax: (850) 487-7947*

From: David Wolfson
To: Marvin, Susan; Mortgage Foreclosure Group
Date: 19.10.10 8:48 AM
Subject: Back log day

Good morning: Today is the day we are going through the closed files. I have three cubicles that are connected in the clerk's office so we don't have to sign out all the files. Dylan is going to pull the files, I am going to look at the dockets, and Susan and two other case managers are going to look through the physical file if we have to pull them. Justin and Matt you will fill this bill. Justin, if you have to get ready for Thursday, and Cheri-Ann isn't busy, maybe she can cover for you part of the day. Let's meet in 223 at 9:30; I am going down to finalize the logistics now. Thank you all, I know this is a rough job.

**IN THE SECOND JUDICIAL CIRCUIT OF
FLORIDA**

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER 2010 –[#]

**IN RE: CASE MANAGEMENT OF RESIDENTIAL FORECLOSURE CASES AND
MANDATORY REFERRAL OF MORTGAGE FORECLOSURE CASES INVOLVING
HOMESTEAD RESIDENCES TO MEDIATION**

WHEREAS, pursuant to Article V, section 2(d) of the Florida Constitution, and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and power to do everything necessary to promote the prompt and efficient administration of justice, and rule 2.215(b)(3), Florida Rules of Judicial Administration, mandates the chief judge to “develop an administrative plan for the efficient and proper administration of all courts within the circuit;” and

WHEREAS, rule 2.545 of the Rules of Judicial Administration requires that the trial courts “...take charge of all cases at an early stage in the litigation and...control the progress of the case thereafter until the case is determined...”, which includes “...identifying cases subject to alternative dispute resolution processes;” and

WHEREAS, Chapter 44, Florida Statutes, and rules 1.700-1.750, Florida Rules of Civil Procedure, provide a framework for court-ordered mediation of civil actions, except those matters expressly excluded by rule 1.710(b), which does not exclude residential mortgage foreclosure actions; and

WHEREAS, residential mortgage foreclosure case filings have increased substantially in the Second Judicial Circuit, and state and county budget constraints have limited the ability of the courts in the Second Judicial Circuit to manage these cases in a timely manner; and

WHEREAS, high residential mortgage foreclosure rates are damaging the economy in the Second Judicial Circuit; and

WHEREAS, the Supreme Court of Florida has determined that mandatory mediation of homestead residential mortgage foreclosure actions prior to the matter being set for final hearing will facilitate the laudable goals of meaningful participation in the process, communication, facilitation, problem-solving between the parties with the emphasis on self-determination, the parties’ needs and interests, procedural flexibility, full disclosure, fairness, and confidentiality. Referring these cases to mediation will also facilitate and provide a more efficient use of limited judicial and clerk resources in a court system that is already overburdened; and

WHEREAS, The Tallahassee Bar Association, Inc. is an independent, nonpartisan, nonprofit organization that has demonstrable ability to assist the courts with managing the large number of residential mortgage foreclosure actions that recently have been filed in the Second Judicial Circuit.

IT IS THEREFORE

ORDERED:

A. Definitions: As used in this Administrative Order, the following terms mean:

1. “RMFM Program” (Residential Mortgage Foreclosure Mediation Program) means the mediation program managed by The Tallahassee Bar Association, Inc. to implement and carry out the intent of this administrative order.
2. “The program manager” means The Tallahassee Bar Association, Inc., qualified in accordance with parameters attached as Exhibit 13 attached to AOSC09-54, which is incorporated by reference herein, and made a part hereof. “The program manager” is also referred to as the “Mediation Manager.”
3. “Plaintiff” means the individual or entity filing to obtain a mortgage foreclosure on residential property.
4. “Plaintiff’s representative” means the person who will appear at mediation who has full authority to settle without further consultation and resolve the foreclosure suit.
5. “Borrower(s)” means an individual(s) named as a party in the foreclosure action who is/are a primary obligor on the promissory note which is secured by the mortgage being foreclosed.
6. “Homestead residence” means a residential property for which a homestead real estate tax exemption was granted according to the certified rolls of the last assessment by the county property appraiser prior to the filing of the suit to foreclose the mortgage.
7. “Forms” means the forms contained in Exhibits 3, 4, 5(a)(b) and (c), 6, 7, 8, 9, 10, and 11, all of which are attached to AOSC09-54, and are incorporated by reference herein, and made a part hereof, and Exhibits 1 and 2 which are attached to this order, incorporated by reference herein and made a part hereof.
8. “Form A” means the certifications required herein in the format of Exhibit 1 which is attached to this order, incorporated by reference herein and made a part hereof.
9. “Plaintiff’s Disclosure for Mediation” means those documents requested by the borrower pursuant to paragraph 7 below.

10. “Borrower’s Financial Disclosure for Mediation” means those documents described in Exhibit 5 attached to AOSC09-54.
11. “Foreclosure counselor” means a counselor trained in advising persons of options available when facing a mortgage foreclosure, who has no criminal history of committing a felony or a crime of dishonesty, and who is certified by the United States Department of Housing and Urban Development (HUD) or National Foreclosure Mitigation Counseling Program (NFMC) as an agency experienced in mortgage delinquency and default resolution counseling. Approved foreclosure counselors include but are not limited to Legal Services of North Florida and The Tallahassee Lender’s Consortium.
12. “Communication equipment” means a conference telephone or other electronic device that permits all those appearing or participating to hear and speak to each other, provided that all conversation of the participants is audible to all persons present.

B. Scope

1. **Residential Mortgage Foreclosures [Origination Subject to Truth in Lending Act (TILA)].** This administrative order shall apply to all residential mortgage foreclosure actions filed in the Second Judicial Circuit in which the origination of the note and mortgage sued upon was subject to the provisions of the federal Truth in Lending Act, Regulation Z. However, compliance with this administrative order varies depending on whether the property secured by the mortgage is a homestead residence.

Upon the effective date of this administrative order, all newly filed mortgage foreclosure actions filed against a homestead residence shall be referred to the RMFM Program unless the plaintiff and borrower knowingly agree in writing otherwise or unless pre-suit mediation was conducted in accordance to paragraph F(1). The parties to the foreclosure action shall comply with the conditions and requirements imposed by this administrative order. In actions to foreclose a mortgage on a homestead residence, the plaintiff and borrower shall attend at least one mediation session, unless the plaintiff and borrower knowingly agree in writing not to participate in the RMFM Program or the program manager files a notice of borrower nonparticipation. The borrower must elect whether to participate in the RMFM program within ten (10) days after being contacted by the program manager. In the event this election is not filed within that ten (10) day period, it shall be presumed that the borrower does not wish to participate in the program.

Subsequent to May 1, 2010, all newly filed residential mortgage foreclosure actions involving property that are not a homestead residence shall comply with the requirements of filing a Form A as required by paragraph C1 below and the requirements of paragraph C13 below (plaintiff’s certification as to settlement authority).

At the discretion of the presiding judge, compliance with this administrative order may also be required for homestead residential mortgage foreclosure actions filed prior to the effective date of this administrative order, to residences that are not homestead residences, and any other residential foreclosure action the presiding judge deems appropriate. A party requesting that the case be sent to mediation with the RMFM Program at the discretion of the presiding judge shall make the request in format of Exhibit 3 attached to AOSC09-54 and is incorporated by reference herein, and made a part hereof.

2. **Referral to Mediation.** This administrative order constitutes a formal referral to mediation pursuant to the Florida Rules of Civil Procedure in actions involving a mortgage foreclosure of a homestead residence. Additional orders of referral are not necessary; however, the presiding judge may execute additional orders of referral, in their discretion. The plaintiff and borrower are deemed to have stipulated to mediation by a mediator assigned by the program manager unless pursuant to rule 1.720(f), Florida Rules of Civil Procedure, the plaintiff and borrower file a written stipulation based upon a reasonable understanding of the impact of waiving mediation, choosing not to participate in the RMFM Program. Referral to the RMFM Program is for administration and management of the mediation process and assignment of a Supreme Court of Florida certified circuit civil mediator who is a member in good standing of The Florida Bar, with extensive real estate experience in either litigation or mediation, who has been trained in mediating residential mortgage foreclosure actions, whose residence or the primary location of business is the Second Judicial Circuit of Florida, and who has agreed to be on the panel of available certified circuit civil mediators. Mediators used in the RMFM Program shall be trained in accordance with the standards stated in Exhibit 12 attached to AOSC09-54 and are incorporated by reference herein, and made a part hereof. Mediation through the RMFM Program shall be conducted in accordance with Florida Rules of Civil Procedure and Florida Rules for Certified and Court-Appointed Mediators.
3. **Compliance Prior to Judgment.** The parties must comply with this Administrative Order and the mediation process must be completed before the plaintiff applies for default judgment, a summary judgment hearing, or a final hearing in an action to foreclose a mortgage on a homestead residence unless a notice of nonparticipation is filed by the Program Manager.
4. **Delivery of Notice of RMFM Program with Summons.** After May 1, 2010, in all actions to foreclose a mortgage on residential property, the clerk of court shall attach to the summons to be served on each defendant a notice regarding managed mediation for homestead residences in the format of Exhibit 2 attached hereto, and is incorporated by reference herein, and made a part hereof.

C. Procedure

1. **Responsibilities of Plaintiff's Counsel; Form A.** When suit is filed, counsel for the plaintiff must file a completed Form A with the clerk of court. If the property

is a homestead residence, all certifications in Form A must be filled out completely. Within one business day after Form A is filed with the clerk of court, counsel for plaintiff shall also electronically transmit a copy of Form A to the program manager along with the case number of the action and contact information for all of the parties. The contact information must include at a minimum the last known mailing address and phone number for each party, and whether the property that is the subject matter of the foreclosure action is occupied by the borrower. Nothing herein shall preclude the program manager from having access to the clerk's file in each residential mortgage foreclosure action which is the subject matter of this order.

In Form A, plaintiff's counsel must affirmatively certify whether the origination of the note and mortgage sued upon was subject to the provisions of the federal Truth in Lending Act, Regulation Z. In Form A, plaintiff's counsel must also affirmatively certify whether the property is a homestead residence, and whether it is occupied by the borrower at the time the foreclosure action is filed. Plaintiff's counsel is not permitted to respond to the certification with "unknown," "unsure," "not applicable," or similar nonresponsive statements.

If the property is a homestead residence and if the case is not exempted from participation in the RMFM Program because of pre-suit mediation conducted in accordance with F1 below, plaintiff's counsel shall further certify in Form A the identity of the plaintiff's representative who will appear at mediation. Plaintiff's counsel may designate more than one plaintiff's representative. At least one of the plaintiff's representatives designated in Form A must attend any mediation session scheduled pursuant to this administrative order with full authority to sign any settlement agreement arising therefrom. Form A may be amended to change the designated plaintiff's representative, and the amended Form A must be filed with the court no later than five days prior to the mediation session. All amended Forms A must be electronically transmitted to the program manager via a secure dedicated e-mail address or on the web-enabled information platform described in paragraph 8 no later than one business day after being filed with the clerk of court.

2. **Responsibilities of Borrower.** Within ten (10) days of the program manager receiving a copy of Form A, the program manager shall begin efforts to contact the borrower to explain the RMFM Program to the borrower and the requirements that the borrower must comply with to obtain a mediation. The program manager shall also ascertain whether the borrower wants to participate in the RMFM Program.

The borrower must do the following prior to mediation being scheduled: meet with an approved mortgage foreclosure counselor within thirty (30) days, and provide to the program manager the information required by the Borrower's Financial Disclosure for Mediation. The Borrower's Financial Disclosure for Mediation will depend on what option the borrower wants to pursue in trying to settle the action.

It shall be the responsibility of the program manager to transmit the Borrower's Financial Disclosure for Mediation via a secure dedicated e-mail address or to upload same to the web-enabled information platform described in paragraph C4 or to make actual delivery upon the parties; however, the program manager is not responsible or liable for the accuracy of the borrower's financial information.

3. Plaintiff's Disclosure for Mediation. Within the time limit stated below, prior to attending mediation the borrower may request any of the following information and documents from the plaintiff:

- Documentary evidence the plaintiff is the owner and holder in due course of the note and mortgage sued upon.
- A history showing the application of all payments by the borrower during the life of the loan.
- A statement of the plaintiff's position on the present net value of the mortgage loan.
- The most current appraisal of the property available to the plaintiff.

The borrower must deliver a written request for such information to the program manager in the format of Exhibit 6 attached to AOSC09-54 and is incorporated by reference herein, and made a part hereof. No later than 15 days prior to the mediation session the program manager shall promptly electronically transmit the request for information to plaintiff's counsel.

Plaintiff's counsel is responsible for ensuring that the Plaintiff's Disclosure for Mediation is electronically transmitted via a secure dedicated e-mail address or to the web-enabled information platform described in paragraph C4 below no later than five (5) business days before the mediation session. The program manager shall immediately deliver a copy of Plaintiff's Disclosure for Mediation to the borrower.

4. Information to Be Provided on Web-Enabled Information Platform or otherwise. All information to be provided to the program manager to advance the mediation process, such as Form A, Borrower's Financial Disclosure for Mediation, Plaintiff's Disclosure for Mediation, as well as the case number of the action and contact information for the parties, shall be submitted via a secure dedicated e-mail address or in a web-enabled information platform with XML data elements, or by actual delivery upon the parties.

5. Nonparticipation by Borrower. If the borrower has meaningfully decided that he does not want participate in the RMFM Program, or if the borrower fails or refuses to cooperate with the program manager, or if the program manager is unable to contact the borrower, the program manager shall file a notice of nonparticipation in the format of Exhibit 4 attached to AOSC09-54 and is

incorporated by reference herein, and made a part hereof. The notice of nonparticipation shall be filed no later than sixty (60) days after the initial copy of Form A is filed with the court. A copy of the notice of nonparticipation shall be served on the parties by the program manager.

6. **Referral to Foreclosure Counseling.** The program manager shall be responsible for referring the borrower to a foreclosure counselor prior to scheduling mediation. Selection from a list of foreclosure counselors certified by the United States Department of Housing and Urban Development shall be by rotation or by such other procedures as may be adopted by the program manager. The borrower's failure to participate in foreclosure counseling shall be cause for terminating the case from the RMFM Program.

Legal Aid of North Florida and the Tallahassee Lender's Consortium shall be qualified foreclosure counselors under the terms of this order. Nothing herein precludes the program manager from utilizing other qualified foreclosure counselors.

7. **Referrals for Legal Representation.** In actions referred to the RMFM Program, the program manager shall advise any borrower who is not represented by an attorney that the borrower has a right to consult with an attorney at any time during the mediation process and the right to bring an attorney to the mediation session. The program manager shall also advise the borrower that the borrower may apply for a volunteer pro bono attorney in programs run by lawyer referral, legal services, and legal aid programs as may exist within the circuit. If the borrower applies to one of those agencies and is coupled with a legal services attorney or a volunteer pro bono attorney, the attorney shall file a notice of appearance with the clerk of the court and provide a copy to the attorney for the plaintiff and the program manager. The appearance may be limited to representation only to assist the borrower with mediation but, if a borrower secures the services of an attorney, counsel of record may attend the mediation. At the discretion of the mediator and with the agreement of the parties, mediation may proceed in the absence of counsel unless otherwise ordered by the court.

8. **Scheduling Mediation.** The plaintiff's representative, plaintiff's counsel, and the borrower are all required to comply with the time limitations imposed by this administrative order and attend a mediation session as scheduled by the program manager. No earlier than thirty (30) days and no later than sixty (60) days after suit is filed, the program manager shall schedule a mediation session. The mediation session shall be scheduled for a date and time convenient to the plaintiff's representative, the borrower, and counsel for the plaintiff and the borrower, using a mediator from the panel comprised of mediators with the qualifications set forth in Paragraph B2 above. Mediation sessions will be held at a suitable location(s) within the circuit. It shall not be/be (which is it, not be or be) the responsibility of the Program Manager to provide facilities for the mediation. It shall be the responsibility of the mediator to provide space for the

mediation session. Mediation shall be completed within the time requirements established by rule 1.710(a), Florida Rules of Civil Procedure.

Mediation shall not be scheduled until the borrower has had an opportunity to meet with an approved foreclosure counselor. Mediation shall not be scheduled earlier than **ten (10)** days after the Borrower's Financial Disclosure for Mediation has been transmitted to the plaintiff via a secure dedicated e-mail address or uploaded to the web-enabled information platform described in paragraph C4.

Once the date, time, and place of the mediation session have been scheduled by the program manager, the program manager shall promptly file with the clerk of court and serve on all parties a notice of the mediation session.

- 9. Attendance at Mediation.** Except as provided herein, the following persons are required to be physically present at the mediation session: a plaintiff's representative designated in the most recently filed Form A; plaintiff's counsel; the borrower(s); and the borrower's counsel of record, if any. However, the plaintiff's representative may appear at mediation through the use of communication equipment, if plaintiff files and serves at least five (5) days prior to the mediation a notice in the format of Exhibit 7 **attached to AOSC09-54 and is incorporated by reference herein, and made a part hereof,** advising that the plaintiff's representative will be attending through the use of communication equipment and designating the person who has full authority to sign any settlement agreement reached. Plaintiff's counsel may be designated as the person with full authority to sign the settlement agreement, however this does not satisfy the requirement that plaintiff's representative be present as previously provided herein.

At the time that the mediation is scheduled to physically commence, the program manager shall enter the mediation room prior to the commencement of the mediation conference and, prior to any discussion of the case in the presence of the mediator, take a written roll. That written roll will consist of a determination of the presence of the borrower; the borrower's counsel of record, if any; the plaintiff's lawyer; and the plaintiff's representative with full authority to settle. If the program manager determines that anyone is not present, that party shall be reported by the program manager as a non-appearance by that party on the written roll. If the program manager determines that the plaintiff's representative present does not have full authority to settle, the program manager shall report that the plaintiff's representative did not appear on the written roll as a representative with full settlement authority as required by this administrative order. The written roll and communication of authority to the program manager is not a mediation communication. **The mediator may not report lack of full settlement authority if that information is obtained by a mediation communication.**

The authorization by this administrative order for the plaintiff's representative to appear through the use of communication equipment is pursuant to rule 1.720(b), Florida Rules of Civil Procedure (court order may alter physical appearance

requirement), and in recognition of the emergency situation created by the massive number of residential foreclosure cases being filed in this circuit and the impracticality of requiring physical attendance of a plaintiff's representative at every mediation. Additional reasons for authorizing appearance through the use of communication equipment for mortgage foreclosure mediation include a number of protective factors that do not exist in other civil cases, namely the administration of the program by a program manager, pre-mediation counseling for the borrower, and required disclosure of information prior to mediation. The implementation of this administrative order shall not create any expectation that appearance through the use of communication equipment will be authorized in other civil cases.

If the plaintiff's representative attends mediation through the use of communication equipment, the person authorized by the plaintiff to sign a settlement agreement must be physically present at mediation. If the plaintiff's representative attends mediation through the use of communication equipment, the plaintiff's representative must remain on the communication equipment at all times during the entire mediation session. If the plaintiff's representative attends through the use of communication equipment, and if the mediation results in an impasse, within five (5) days after the mediation session, the plaintiff's representative shall file in the court file a certification in the format of Exhibit 8 attached to AOSC09-54 and is incorporated by reference herein, and made a part hereof as to whether the plaintiff's representative attended mediation. If the mediation results in an impasse after the appearance of the plaintiff's representative through the use of communication equipment, the failure to timely file the certification regarding attendance through the use of communication equipment shall be grounds to impose sanctions against the plaintiff, including requiring the physical appearance of the plaintiff's representative at a second mediation, taxation of the costs of a second mediation to the plaintiff, or dismissal of the action.

Junior lienholders may appear at mediation by a representative with full settlement authority. If a junior lienholder is a governmental entity comprised of an elected body, such junior lienholder may appear at mediation by a representative who has authority to recommend settlement to the governing body. Counsel for any junior lienholder may also attend the mediation.

The participants physically attending mediation may consult on the telephone during the mediation with other persons as long as such consultation does not violate the provisions of sections 44.401-406, Florida Statutes.

10. **Failure to Appear at Mediation.** If either the plaintiff's representative designated in the most recently filed Form A or the borrower fails to appear at a properly noticed mediation and the mediation does not occur, or when a mediation results in an impasse, and the determination that a party has not appeared was not learned through a mediation communication, the report of the mediator shall notify the presiding judge regarding who appeared at mediation

without making further comment as to the reasons for an impasse. If the borrower fails to appear, or if the mediation results in an impasse with all required parties present, and if the borrower has been lawfully served with a copy of the complaint, and if the time for filing a responsive pleading has passed, the matter may proceed to a final hearing, summary judgment, or default final judgment in accordance with the rules of civil procedure without any further requirement to attend mediation. If plaintiff's counsel or the plaintiff's representative fails to appear, the court may dismiss the action without prejudice, order plaintiff's counsel or the plaintiff's representative's to appear at mediation, or impose such other sanctions as the court deems appropriate including, but not limited to, attorney's fees and costs if the borrower is represented by an attorney. If the borrower or borrower's counsel of record fails to appear, the court may impose such other sanctions as the court deems appropriate, including, but not limited to, attorney's fees and costs.

11. **Written Settlement Agreement; Mediation Report.** If a partial or final agreement is reached, it shall be reduced to writing and signed by the parties and their counsel, if any. Pursuant to rule 1.730(b), Florida Rules of Civil Procedure, if a partial or full settlement agreement is reached, the mediator shall report the existence of the signed or transcribed agreement to the court without comment within ten (10) days after completion of the mediation. If the parties do not reach an agreement as to any matter as a result of mediation, the mediator shall report the lack of an agreement to the court without comment or recommendation. In the case of an impasse, the report shall advise the court who attended the mediation, and a copy of Form A or any amended Form A shall be attached to the report for the court to determine if at least one of the plaintiff's representative named in Form A appeared for mediation. The mediator's report to the court shall be in the format of Exhibit 9 attached to AOSC09-54 and is incorporated by reference herein, and made a part hereof.
12. **Mediation Communications.** All mediation communications occurring as a result of this administrative order, including information provided to the program manager that is not filed with the court, shall be confidential and inadmissible in any subsequent legal proceeding pursuant to Chapter 44, Florida Statutes, the Florida Rules of Civil Procedure, and the Florida Rules for Certified and Court-Appointed Mediators, unless otherwise provided for by law. The provisions of chapter 44.401-44.406, The Mediation Confidentiality and Privilege Act, specifically apply to the program manager.
13. **Failure to Comply with Administrative Order.** In all residential foreclosure actions, if a notice for trial, motion for default final judgment, or motion for summary judgment is filed with the clerk of court, no action will be taken by the court to set a final hearing or enter a summary or default final judgment until the requirements of this administrative order have been met. In cases involving a homestead residence, the presiding judge shall require that copies of either 1) the most recently filed Form A and the report of the mediator, or 2) the most recently

filed Form A and the notice of borrower's nonparticipation be sent to the presiding judge by the plaintiff or plaintiff's counsel prior to setting a final hearing or delivered with the packet requesting a summary or default final judgment.

The failure of a party to fully comply with the provisions of this administrative order may result in the imposition of any sanctions available to the court, including dismissal of the cause of action without further notice.

- 14. Mediation Not Required If Residence Is Not Homestead.** If the plaintiff certifies in Form A that the property is **NOT** a homestead residence when suit is filed, plaintiff's counsel must file and serve with the complaint a certification identifying the agent of plaintiff who has full authority to settle the case without further consultation. The certification shall be in the form of Exhibit 10 attached to AOSC09-54 and is incorporated by reference herein, and made a part hereof.

If the plaintiff certifies in Form A that the property is **NOT** a homestead residence, the matter may proceed to a final hearing, summary judgment, or default final judgment in accordance with the rules of civil procedure without any further requirement to attend mediation, unless otherwise ordered by the presiding judge.

D. RMFM Program Fees No Headings after #1

- 1. RMFM Program Fees.** The fee structure for the RMFM Program is based on the assumption that a successful mediation can be accomplished with one mediation session. Accordingly, pursuant to rule 1.720(g), Florida Rules of Civil Procedure, the reasonable program fees for the managed mediation, including foreclosure counseling, the mediator's fee, and administration of the managed mediation program, is a total of no more than \$750.00 payable as follows:
- a) not more than \$500.00 paid by plaintiff directly to the program manager at the time suit is filed for administrative fees of the RMFM Program, including outreach to the borrower and foreclosure counseling fees; and
 - b) not more than \$250.00 paid by plaintiff within ten (10) days after notice of the mediation conference is filed for the mediation fee component of the RMFM Program fees
- 2.** If more than one mediation session is needed, the total program fee stated above will also cover a second mediation session. However, if an additional mediation session is needed after the second session, the plaintiff shall be responsible for the payment of the program fees for such additional mediation sessions, unless the parties agree otherwise. The program fees for the third and each subsequent mediation session shall be no more than \$250.00 per session.

3. All program fees shall be paid directly to the program manager. If the case is not resolved through the mediation process, the presiding judge may tax the program fees as a cost or apply it as a set off in the final judgment of foreclosure.
4. If the borrower cannot be located, chooses not to participate in the RMFM Program, or if the borrower does not make any contact with the foreclosure counselor, the plaintiff shall be entitled to a refund of the portion of the program fees attributable to foreclosure counseling, to wit **\$75.00**. If mediation is scheduled and the borrower announces an intention not to participate further in the RMFM Program prior to the mediation session, or if the case settles and the program manager has notice of the settlement at least five (5) days prior to the mediation session, the plaintiff shall be entitled to a refund of the program fees allocated for the mediation session, to wit **\$250.00**. If notice of settlement is not received by the program manager at least five (5) days prior to the scheduled mediation session, the plaintiff shall not be entitled to any refund of mediation fees.
5. The total fees include the mediator's fees and costs; the cost for the borrower to attend a foreclosure counseling session with an approved mortgage foreclosure counselor; **the costs of an interpreter, if any**, and the cost to the program manager for administration of the managed mediation program which includes but is not limited to, scheduling, telephone lines and instruments, infrastructure to support a web-enabled information platform, a secure dedicated email address or other secure system for information transmittal, and other related expenses incurred in managing the foreclosure mediation program.

E. Program Manager to Monitor Compliance and Satisfaction **No Headings after #1**

1. **Monitoring Compliance Concerning Certain Provisions of this Administrative Order, Satisfaction with RMFM Program, and Program Operation.** The program manager shall be responsible for monitoring whether Form A has been filed in all residential foreclosure actions that commence after May 1, 2010 and whether the RMFM Program fees have been paid if the residence is a homestead residence. The program manager shall send compliance reports to the chief judge or the chief judge's designee in the format and with the frequency required by the chief judge.
2. The program manager may assist with enforcing compliance with this administrative order upon filing a written motion pursuant to rule 1.100(b), Florida Rules of Civil Procedure, stating with particularity the grounds therefor and the relief or order sought. Example orders are attached as Exhibit 11 **attached to AOSC09-54 and are incorporated by reference herein, and made a part hereof.**
3. The Program Manager shall also provide the chief judge with periodic reports as to whether plaintiffs and borrowers are satisfied with the RMFM Program. **This information shall be obtained by a procedure within the discretion of the program manager.** The program manager shall also provide the chief judge with reports

with statistical information about the status of cases in the RMFM Program and RMFM Program finances in the format and with the frequency required by the chief judge.

F. Designation of Plaintiff Liaisons with RMFM Program. No Headings below

1. Any plaintiff who has filed five (5) or more foreclosure actions in the Second Judicial Circuit while this Administrative Order is in effect shall appoint two RMFM Program liaisons, one of whom shall be a lawyer and the other a representative of the entity servicing the plaintiff's mortgages, if any, and, if none, a representative of the plaintiff. Plaintiff's counsel shall provide written notice of the name, phone number (including extension), email, and mailing address of both liaisons to the chief judge and the program manager within 30 days after the effective date of this administrative order, and on the first Monday of each February thereafter while this administrative order is in effect.
2. The liaisons shall be informed of the requirements of this administrative order and shall be capable of answering questions concerning the administrative status of pending cases and the party's internal procedures relating to the processing of foreclosure cases, and be readily accessible to discuss administrative and logistical issues affecting the progress of the plaintiff's cases through the RMFM Program. Plaintiff's counsel shall promptly inform the chief judge and program manager of any changes in designation of the liaisons and the contact information of the liaisons. The liaisons shall act as the court's point of contact in the event the plaintiff fails to comply with this administrative order on multiple occasions and there is a need to communicate with the plaintiff concerning administrative matters of mutual interest.

G. List of Participating Mediators and Rotation of Mediators. No Headings

1. The program manager shall post on its website the list of Supreme Court of Florida certified mediators it will use to implement the RMFM Program. The mediators to be utilized may either be individuals or law firms. In the event a law firm is appointed, it shall select a mediator who is qualified under the terms of this order to be the mediator of the cases that firm receives in the rotation. The criteria to be used in selecting mediators shall be those criteria set forth in Paragraph C2, along with experience, education, training, merit, availability, and diversity. The selections shall be at the discretion of the program manager.
2. The program manager shall also state in writing the procedure, subject to the approval by the chief judge, the program will use to rotate the appointment of mediators. If a law firm is appointed, it shall be construed to satisfy the rotation requirement for all members of the firm. The RMFM Program shall encourage the use of Supreme Court civil circuit certified mediators who have been specially trained in the manner set forth in Exhibit 12 attached to AOSC09-54 and is incorporated by reference herein, and made a part hereof.

3. The list presenters of training programs specifically qualified to conduct such trainings in the Second Judicial Circuit of Florida, include, but are not limited to: Christopher Shulman, Esq., Gregory Firestone, PhD, and David A. Wolfson, Esq. Other training providers who desire that their programs qualify under Exhibit 12 attached to AOSC09-54 and are incorporated by reference herein, and made a part hereof shall submit an application to the program manager along with their program materials for determination as to whether the program qualifies under the provisions of Exhibit 12. Do we want to include specific names since not inclusive?
4. Individuals qualified to mediate mortgage foreclosure cases, shall be members in good standing of The Florida Bar, whose residence or principle place of business, is the Second Judicial Circuit of Florida, who have extensive real estate experience in litigation or mediation, and who reflect the diversity of the community in which it operates. Assignment of mediators shall be on a rotation basis that fairly spreads work throughout the pool of mediators working in the RMFM Program, unless the parties mutually agree on a specific mediator or the case requires a particular skill on the part of the mediator.

H. Pre-Suit Mediation Encouraged No Headings after #1

1. **Pre-Suit Mediation.** Mortgage lenders, whether private individuals, commercial institutions, or mortgage servicing companies, are encouraged to use any form of alternative dispute resolution, including mediation, *before* filing a mortgage foreclosure lawsuit with the clerk of the court. Lenders are encouraged to enter into the mediation process with their borrowers *prior* to filing foreclosure actions in the Second Judicial Circuit to reduce the costs to the parties for maintaining the litigation and to reduce to the greatest extent possible the stress on the limited resources of the courts caused by the large numbers of such actions being filed across the state and, in particular, in the Second Judicial Circuit.
2. If the parties participated in pre-suit mediation using the RMFM Program or participated in any other pre-suit mediation program having procedures substantially complying with the requirements of this administrative order, including provisions authorizing the exchange of information, foreclosure counseling, and requiring use of Supreme Court of Florida certified circuit civil mediators specially trained to mediate residential mortgage foreclosure actions, the plaintiff shall so certify in Form A, in which case the plaintiff and borrower shall not be required to participate in mediation again unless ordered to do so by the presiding judge. A borrower may file a motion contesting whether pre-suit mediation occurred in substantial compliance with the RMFM Program.
3. Nothing in this paragraph precludes the presiding judge from sending the case to mediation after suit is filed, even if pre-suit mediation resulted in an impasse or there was a breach of the pre-suit mediation agreement. This administrative order

shall be recorded by the clerk of the court in each county of the Second Judicial Circuit, takes effect on May 1, 2010, and will remain in full force and effect unless and until otherwise ordered.

DONE and **ORDERED** this _____ day of May, 2010.

CHARLES A. FRANCIS
Chief Judge

cc: All Circuit and County Judges, Second Judicial Circuit
All Clerks of the Circuit Court, Second Judicial Circuit
?????

From: Grant Slayden
To: Charles Francis
CC: David Wolfson; Dennis Pelletier; Marilyn Rett; Paula Watkins
Date: 19.5.10 10:27 AM
Subject: Draft Press Release for Court-Ordered Mediation for Residential Mortgage Foreclosure Cases
Attachments: Press Release, Mortgage Foreclosure Mediation Program, 19 May 10.doc

Chief Judge Francis:

For your approval, attached please find the proposed press release for Court-Ordered Mediation for Residential Mortgage Foreclosure Cases. The TBA has approved the language. We'll send this out once you sign the AO. I did not know if you wanted to add a quote or say anything special, Your Honor?

Respectfully,
Grant Slayden

**Trial Court Administrator
2d Judicial Circuit of Florida
Leon County Courthouse, Rm. 225L
301 South Monroe Street
Tallahassee, Florida 32301-1861
W: 850.577.4420
F: 850.487.7947**

From: Grant Slayden
To: Theresa Westerfield
CC: slaydenk@flcourts.org
Date: 27.5.10 3:54 PM
Subject: Economic Recovery Act Mortgage Foreclosure Funding

Theresa:

Our Economic Recovery Act Mortgage Foreclosure Funding will stay the same as previous (i.e., allocations between Senior Judge - 60 days, case management, support staff, and expense).

Thank you,

Grant Slayden

Trial Court Administrator
2d Judicial Circuit of Florida
Leon County Courthouse, Rm. 225L
301 South Monroe Street
Tallahassee, Florida 32301-1861
W: 850.577.4420
F: 850.487.7947

From: "Ted McFetridge" <mcfetridget@circuit8.org>
To: "Benefiel, Matthew" <ctadmb1@ocnjcc.org>, "Bridenback, Mike" <bridenml@f...>
CC: "Chic Palmeri" <PalmeriC@circuit8.org>
Date: 4.10.10 1:06 PM
Subject: E-Filing Mortgage Foreclosure Complaints

Does anyone currently allow for e- filing for mortgage foreclosure complaints, related mortgage foreclosure court documents, judgment etc. and of course can you share how you do this?

Currently this is a paper driven and paper heavy division in the 8th.

Ted

From: Paula Watkins
To: Cooper, John; Dempsey, Angela; Francis, Charles; Fulford, Jackie; Gr...
CC: Barber, Shirley; Bryant, Marianne; Granston, Cheri-Ann; Hooper, Holly...
Date: 21.6.10 4:52 PM
Subject: Forms Involving Mortgage Foreclosure Cases

Good afternoon. Judge Francis ask that I inform you the forms listed below must be used in all foreclosure cases effective immediately. Thank you!

Only these forms are to be accepted and used:

- Final Judgment
- Motion to Cancel Foreclosure Sale
- Diligent Search Affidavit

The link to each form is below

http://www.clerk.leon.fl.us/sections/clerk_services/online_forms/foreclosure_real/mot_resch_sale.pdf

http://www.clerk.leon.fl.us/sections/clerk_services/online_forms/foreclosure_real/forclosure_judg.pdf

http://www.clerk.leon.fl.us/sections/clerk_services/online_forms/circuit_civil/aff_dil_search.pdf

From: David Wolfson <davidawolfson@hotmail.com>
To: Grant Slayden <slaydeng@leoncountyfl.gov>
Date: 19.2.10 10:44 AM
Subject: FW: Residential Mortgage Foreclosure Mediator Training

Date: Thu, 18 Feb 2010 07:05:27 -0500
From: hcbarsvp@hillsbar.com
To: davidawolfson@hotmail.com
Subject: Residential Mortgage Foreclosure Mediator Training

Hillsborough County Bar Association Presents:
Residential Mortgage Foreclosure Mediator Training
For Florida Supreme Court Certified Circuit Civil Mediators
Live Seminar: Wednesday March 10, 2010
9:00am-5:00pm
(Registration at 8:30am / Meals and Snacks Provided)
Required Pre-Seminar Internet Course Available: February 15 - March 9, 2010*
9.0 CLE / 8.5 CME Credits *
Chester H. Ferguson Law Center
1610 N. Tampa Street-Tampa, FL 33602
Combined online and live course complies with Florida Supreme Court
Administrative Order No. AOSC09-54
http://www.floridasupremecourt.org/pub_info/documents/AOSC09-54_Foreclosures.pdf

Learning Objectives:
Residential Mortgage Foreclosure Process
Federal Residential Mortgage Foreclosure Assistance Programs
Mediating the Mortgage Foreclosure Dispute
Challenges, Tips and Tools
Residential Mortgage Foreclosure Mediation Role Play

Christopher Shulman, Esq., served two four-year terms on the Florida Supreme Court's Mediator Ethics Advisory Committee, and has served as co-chair of the Hillsborough County Bar Association ADR Committee. He is an approved Primary Circuit Civil and County Mediator Trainer, and a Florida Court-Appointed Arbitrator Trainer. Finally, Chris is an Adjunct Professor at Stetson University College of Law, teaching Negotiation and Mediation as well as overseeing the County Mediator Training Program. *All course participants must read the online materials and pass the online program prior to attending the "live" course on March 10, 2010. Proof of online course completion must be presented at registration to gain admittance to the live seminar. Final Certificate of Completion will be provided to participants who complete online and live programs.

After February 15, 2010, online access will be distributed to participants within 72 hours of full payment of course fee. No refunds after distribution of online access

Register by clicking [HERE](#) or calling 813.221.7777

\$249.00 HCBA Members and Non-Members

Forward email

This email was sent to davidawolfson@hotmail.com by hcbarsvp@hillsbar.com.
Update Profile/Email Address | Instant removal with SafeUnsubscribe™ | Privacy Policy.

Email Marketing by

Hillsborough County Bar Association | Chester H. Ferguson Law Center | 1610 N. Tampa Street | Tampa |
FL | 33602

From: Grant Slayden
To: 8505083843@messaging.sprintpcs.com
Date: 20.5.10 2:10 PM
Subject: Fwd: Admin Order 2010-05, Mortgage Foreclosure Mediation Program (59 pages)
Attachments: Admin Order 2010-05, Mortgage Foreclosure Mediation Program (59 pages)

From: Grant Slayden
To: 8505083843@messaging.sprintpcs.com
Date: 9.7.10 4:53 PM
Subject: Fwd: Assistance in the Mortgage Foreclosure Program
Attachments: Assistance in the Mortgage Foreclosure Program

From: Grant Slayden
To: 8505083843@messaging.sprintpcs.com
Date: 21.6.10 4:52 PM
Subject: Fwd: Forms Involving Mortgage Foreclosure Cases
Attachments: Forms Involving Mortgage Foreclosure Cases

From: Grant Slayden
To: Dennis Pelletier; Douglas Smith; Paula Watkins
Date: 21.1.10 2:19 PM
Subject: Fwd: Guidance on AOSC09-54 - Final Report and Recommendations on Residential Mortgage Foreclosure Cases
Attachments: Model Administrative Order.doc

ALCON:

How sloppy do Supreme Court AOs need to be, before an attorney has to explain it and parse all of it's internal contradictions?

Grant

>>> Laura Rush <RushL@flcourts.org> 21.1.10 2:08 PM >>>

Chief Judges and Court Administrators,

The following guidance is offered to assist with implementation of In Re: Final Report and Recommendations on Residential Mortgage Foreclosure Cases, AOSC09-54 (December 28, 2009). The Model Administrative Order appended to AOSC09-54 is attached in Word format.

1. Controlling Language

AOSC09-54 adopted the Model Administrative Order with minor changes. Apparent conflicts between AOSC09-54 and the Model Administrative Order should be resolved in favor of AOSC09-54, unless otherwise stated in the following guidance.

2. Application

The requirements of AOSC09-54 and the Model Administrative Order apply to all residential mortgage foreclosure actions filed against a homestead residence involving loans originating under the federal Truth-in-Lending Act, Regulation Z. The requirements therefore apply to cases involving commercial lenders, but not to cases involving private mortgage holders.

Upon the effective date of the circuit chief judge's administrative order, all newly filed mortgage foreclosure actions within these parameters must be referred to a managed mediation program, with stated exceptions. The Model Administrative Order authorizes a presiding judge to require homestead residential mortgage foreclosure actions filed prior to the effective date of the chief judge's administrative order to be referred to the managed mediation program. The presiding judge may also refer to the program actions involving residences that are not homestead properties and any other residential foreclosure action the presiding judge deems appropriate.

AOSC09-54 does not include a provision by which circuits may opt out of a managed mediation program. Existing circuit programs for residential mortgage foreclosure actions must be modified to comply with the uniform standards set forth in AOSC09-54 and the Model Administrative Order.

3. Effective Date

AOSC09-54 specifies no date by which circuit managed mediation programs must be in place. In light of the emergency nature of the foreclosure crisis, circuits may want to expedite implementation of a managed mediation program. Until the chief judge issues an administrative order implementing a managed mediation program, circuits may maintain the status quo with respect to existing programs or procedures used to resolve residential mortgage foreclosure cases.

4. Costs

Managed mediation programs will operate separate and apart from the state courts system. Program costs will be paid by plaintiffs. There will be no financial impact to the courts.

5. Managed Mediation Providers

Providers must be either a “non-profit entity or associated with a reputable organization of proven competence, autonomous and independent of the judicial branch,” as stated in the “Parameters for Managed Mediation” at Exhibit 13 to the Model Administrative Order.

Neither AOSC09-54 nor State Courts System Purchasing Directives require chief judges to select a managed mediation provider through a competitive solicitation process. Because no court funds will be expended to implement the managed mediation programs, use of a competitive solicitation is a best practice, but is not required.

6. Training Standards

The mediation training standards appended to the Model Administrative Order as Exhibit 12 were adopted in whole by the Court in AOSC09-54. The mediation training standards require completion of both online and live classroom training.

7. Web-Enabled Electronic Platform for Information Exchange

While recognizing that a web-enabled electronic platform for exchange of borrower and lender information is the optimal solution, the Court approved the use of a dedicated, secure e-mail address by managed mediation providers as an interim method of exchanging this information.

8. Reports Regarding Non-Compliance with Mediation Requirements

As an interim measure in lieu of an immediate rule change, AOSC09-54 authorizes a managed mediation provider to take roll at mediation and to report failure of a plaintiff’s representative with authority to settle to appear at mediation. AOSC09-54 states that the Supreme Court Committee on Alternative Dispute Resolution Rules and Policy is examining issues relating to appearance requirements at mediation, including the reporting of a party’s non-compliance with such requirements.

9. Chief Judge Responsibilities

Chief Judges are responsible for the following matters under AOSC09-54:

- Selection of a managed mediation provider
- Issuance of an administrative order implementing a managed mediation program consistent with AOSC09-54 and the Model Administrative Order
- Receipt of periodic reports as may be required by the chief judge concerning parties’ compliance with program requirements and level of satisfaction with the program; statistical information, including number of cases referred to mediation and cases resulting in settlement or impasse; and program financial information

From: Grant Slayden
To: Dennis Pelletier; Douglas Smith
Date: 1.3.10 2:36 PM
Subject: Fwd: Mortgage Foreclosure Administrative Orders
Attachments: Mortgage Foreclosure Administrative Orders

From: Grant Slayden
To: Dennis Pelletier; Douglas Smith
Date: 29.4.09 3:06 PM
Subject: Fwd: Mortgage Foreclosure Forms
Attachments: Mortgage Foreclosure Forms

From: Grant Slayden
To: Dennis Pelletier; Douglas Smith
Date: 3.6.09 11:31 AM
Subject: Fwd: Mortgage Foreclosure Task Force Survey for Judges
Attachments: Mortgage Foreclosure Task Force Survey for Judges

From: Grant Slayden
To: 8505083843@messaging.sprintpcs.com
Date: 19.5.10 11:29 AM
Subject: Fwd: Re: Draft Press Release for Court-Ordered Mediation for Residential Mortgage Foreclosure Cases
Attachments: Re: Draft Press Release for Court-Ordered Mediation for Residential Mortgage Foreclosure Cases

From: Grant Slayden
To: Dennis Pelletier
Date: 27.5.10 3:56 PM
Subject: Fwd: RE: Economic Recovery Act Mortgage Foreclosure Funding
Attachments: RE: Economic Recovery Act Mortgage Foreclosure Funding

From: Grant Slayden
To: Dennis Pelletier
Date: 4.10.10 4:14 PM
Subject: Fwd: RE: E-Filing Mortgage Foreclosure Complaints
Attachments: RE: E-Filing Mortgage Foreclosure Complaints

From: Grant Slayden
To: Dennis Pelletier
Date: 4.10.10 1:26 PM
Subject: Fwd: RE: E-Filing Mortgage Foreclosure Complaints
Attachments: RE: E-Filing Mortgage Foreclosure Complaints

From: Grant Slayden
To: Dennis Pelletier
Date: 4.10.10 1:26 PM
Subject: Fwd: RE: E-Filing Mortgage Foreclosure Complaints
Attachments: RE: E-Filing Mortgage Foreclosure Complaints

From: Susan Wilson
To: Slayden, Grant
Date: 23.8.10 10:13 AM
Subject: Fwd: RE: Mortgage Foreclosure Data Reporting

FYI

Thanks,
Susan

>>> "P.J. Stockdale" <stockdap@flcourts.org> 8/20/2010 9:30 AM >>>

That pretty much covered it Susan, I would like to add a little clarification on one or two items

7. Although we should report all monthly activity by the 15th of the next month, since data information is included in the data reporting, it is okay if some of the information is not timely reported. The data will be counted once it is reported.

Actually, the reporting data is the 10th of every month and not the 15th. Please make every effort to report the correct status in a timely manner. You will be receiving monthly status reports on your progress in the initiative along with error reports and the like. The more timely and accurate your reports are the less backtracking you will have to do.

5. The filing and disposition date for reopenings needs to be reported; however, P J, said that only reopenings that would not be resolved in a few days do not need to be reported, such as motions canceling sales. This seems to conflict with the reporting instructions that state the reopening events are to be reported if a filing fee is paid and cite motions to reschedule sales as examples of what to report. I'll get clarification on this.

Updating the workbooks does require a bit of thought and planning. Ideally, we would like to capture every event and status change as it happens. However, we recognize that updating the workbook for every single reopen event would present an unreasonable labor burden on some circuits. Please record everything where possible. For example, Holmes has 54 cases in its list. It is not unreasonable to track each event for those 54 cases. On the other hand, Bay has 3,123 cases in its list. Updating every event may not be so reasonable.

That being said, what we are looking for in the monthly submissions is a timely and accurate summary of the state and status of each case in the initiative. As we discussed, the state of a case refers to who must take action on the case next in order to move the property to sale. For example, an open/reopened case is waiting court action before it can move to sale. However, once a judgment or decision is rendered, the court is done with it and the case is waiting for clerk action to move the property to sale. That is, the court system is no longer responsible for the property with respect to the initiative.

The status of the case applies only to open/reopened cases and reflects where the court is in the process of rendering a judgment/decision. If a case status is active, it means the court is taking action to move the case to disposition. When the court cannot take action because of some external cause, the case is moved to an inactive status which provides some reason for the inactivity. We selected the status categories so that they should change only infrequently during the life of a case.

However you choose to update these workbooks during the month, please ensure that each case reflects the correct state and status when you send it to us on the 10th of the month.

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

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

From: Susan Wilson [<mailto:SusanW@leoncountyfl.gov>]

Sent: Thursday, August 19, 2010 4:19 PM

To: Judge Charles A. Francis

Cc: P.J. Stockdale; Cheri-Ann Granston; Ina Hawkins; Sonya Jiles; Justin Moore; Patricia Moayad; Matthew Strenth; Kelly Vance

Subject: Mortgage Foreclosure Data Reporting

Judge Francis,

I spoke with P J Stockdale with the OSCA regarding the data reporting for the mortgage foreclosure program. I've copied P J so that he can correct any mistakes I've made, and I'm copied the program staff since they had similar questions. A summary of our discussion follows.

1. The purpose of the workbook is to help explain why the program worked or didn't work, and to identify problems if program didn't work. The purpose is NOT to determine program performance. Program performance is determined by the SRS data.
2. The goal of the program is to reduce the backlog of pending as of June 30, 2010 and the backlog of cases that will be filed during FY 2010/2011 by 62%. Backlog IS NOT defined as pending. Backlog is the excessive number of cases filed that cannot be handled with existing resources. For example, using the Delphi case weights, if the resources indicate that a circuit could dispose 75 cases annually and 100 cases were filed, then the backlog is 25. Our goal is to dispose 62% or 2, 719 of the backlogged cases in addition to our other cases. I have a request in the OSCA to let me know the total number of cases that needs to be disposed during FY 2010/2011.
3. Only cases in the "initiative" need to be report, so that would vary by circuit. Given our program that would be all mortgage foreclosure cases.
4. All new cases need to be added to the workbooks, since we cannot tell which cases are "backlog" cases.
5. The filing and disposition date for reopenings needs to be reported; however, P J, said that only reopenings that would not be resolved in a few days do not need to be reported, such as motions canceling sales. This seems to conflict with the reporting instructions that state the reopening events are to be reported if a filing fee is paid and cite motions to reschedule sales as examples of what to report. I'll get clarification on this.
6. P J recommends that we leave all cases in the inactive status, and change the status as the cases are being reviewed. Inactive means that the case cannot go forward with the court. Of course all new cases added will be listed as active since there will be not event to make the cases

inactive.

7. Although we should report all monthly activity by the 15th of the next month, since data information is included in the data reporting, it is okay if some of the information is not timely reported. The data will be counted once it is reported.

So, to sum up our future action:

1. The workbooks are now on a common drive. I will add the new case information and Sonya will add the disposition information from case managers. Case managers will also provide Sonya with case status (active, etc) information as they review the cases.
2. We still need to determine how we will:
 - a. obtain filing and disposition information on reopened cases
 - b. obtain disposition information on cases disposed by presiding judge
 - c. once a case is initially reviewed by the case managers, how subsequent changes in case status will be determine.
3. We will be meeting with Sene Bauman and Debbie Kennedy (Leon Clerk personnel) to see if we can streamline procedures for getting the data.

Thank you,
Susan

From: Charles Francis
To: Slayden, Grant
Date: 14.1.10 10:39 AM
Subject: Fwd: Re: Mortgage Foreclosure Data

Great info

>>> Grant Slayden 1/14/2010 8:35 AM >>>

Chief Judge Francis:

Some interesting statistics, specifically that pending mortgage foreclosure cases in Leon County increased from 1,601 in Jan 09 to 2,438 in Dec 09, an increase of 52.3%.

Grant

>>> Susan Wilson 13.1.10 6:44 PM >>>

Grant,

Yes, it does look like we are building a backlog. The information is attached (and also a hard copy in your chair). The filing and disposition data is from SRS, available only through Oct 2009. The clearance rate data is from OCCA's quarter data, with most recent quarter being Apr - Jun 2009. The pending data is available only for Leon County and obtained from the Clerk's Judicial Web.

Here are the highlights:

1. Circuit-wide dispositions are following the same trend as filings, and while static are increasing.
2. Clearance rates declined until recently, and are declining at a greater rate than all circuit civil cases combined.
3. Pending cases in Leon County are increasing from 1601 in Jan 2009 to 2438 in Dec 2009, an increase of 52.3% in just 11 months.

Please let me know if you need additional information.

Thank you,
Susan

>>> Grant Slayden 1/13/2010 2:45 PM >>>

Susan:

Can you run numbers on mortgage foreclosures for me? How many do we have? By county? Are we building a backlog? How many are coming in a month on average? Any other relevant data.

Thanks,
Grant

Trial Court Administrator
2d Judicial Circuit of Florida
Leon County Courthouse, Rm. 225L
301 South Monroe Street
Tallahassee, Florida 32301-1861
W: 850.577.4420
F: 850.487.7947

From: Susan Wilson
To: Francis, Charles; Slayden, Grant
Date: 23.8.10 10:09 AM
Subject: Fwd: RE: Mortgage Foreclosure Program
Attachments: III.B. Foreclosure Reporting Requirements final.pdf

I don't think we have a "grand" total for the number of cases we are suppose to dispose. There are two measures:

1. Dispose 2719 of the "backlog cases"; excess number of cases based on our resources using Delphi weights. Data Source = SRS.
2. Case specific information on age of case and status (active, inactive) of cases. Data source = workbooks completed by us.

Thanks,
Susan

>>> Arlene Johnson <johnsona@flcourts.org> 8/20/2010 8:17 AM >>>
Susan. The attached may help. It clearly defines the two foreclosure measures. One measure uses SRS statistics and the other uses the case specific data. Let me know if you have additional questions.

Arlene

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

From: Susan Wilson [<mailto:SusanW@leoncountyfl.gov>]
Sent: Thursday, August 19, 2010 3:13 PM
To: Arlene Johnson
Subject: Mortgage Foreclosure Program

Arlene, I spoke with P J Stockdale earlier today and he said that the emphasis of the program was to dispose 62% of the backlogged cases. We were under the impression that backlogged and pending cases were the same thing, but P J explained the difference.

P J said that our goal is to dispose 2719 backlogged cases. Since we can not differentiate a backlogged case, can you tell me the total number of mortgage foreclosure cases we should disposed during FY 2010-2011?

Thank you,
Susan

From: Grant Slayden
To: 8505083843@messaging.sprintpcs.com
Date: 14.5.10 12:00 PM
Subject: Fwd: Re: Mortgage foreclosures, Leon County
Attachments: Re: Mortgage foreclosures, Leon County

From: Grant Slayden
To: Dennis Pelletier
Date: 1.7.10 3:50 PM
Subject: Fwd: RE: Residential Mortgage Foreclosure Mediation
Attachments: RE: Residential Mortgage Foreclosure Mediation

From: Grant Slayden
To: Dennis Pelletier
Date: 1.7.10 3:44 PM
Subject: Fwd: RE: Residential Mortgage Foreclosure Mediation
Attachments: RE: Residential Mortgage Foreclosure Mediation

From: Grant Slayden
To: Susan Wilson
CC: Douglas Smith; Jennifer Roberts; Paula Watkins
Date: 18.3.09 3:18 PM
Subject: Fwd: RE: Task Force on Residential Mortgage Foreclosure Cases - Response Requested

Susan:
They just moved the deadline up a month - to this Friday!
Sorry,
Grant

Trial Court Administrator
2d Judicial Circuit of Florida
Leon County Courthouse, Rm. 225L
301 South Monroe Street
Tallahassee, Florida 32301-1861
W: 850.577.4420
F: 850.487.7947

>>> "Sharon Press" <presss@flcourts.org> 18.3.09 11:48 AM >>>
My apologies... the e-mail should have said that responses were requested by this Friday, MARCH 20. Of immediate need are the AOs, if you need a little more time to gather the list of problems and proposed solutions, I will gladly accept them next week. Sorry for the confusion, sp

From: Sharon Press
Sent: Wednesday, March 18, 2009 8:57 AM
To: Trial Court Administrators
Cc: Judge Jennifer Bailey; Blan Teagle; Laura Rush
Subject: Task Force on Residential Mortgage Foreclosure Cases - Response Requested

Chief Justice Quince recently created a Task Force on Residential Mortgage Foreclosure Cases and appointed Judge Jennifer Bailey as the chair.
<http://www.floridasupremecourt.org/clerk/adminorders/2009/AOSC09-8.pdf>

The Task Force will file an interim report by May 8 and a final report by August 15. In order to accomplish its work, the Task Force is interested in collecting the following information from you immediately:

* Copies of all Administrative Orders dealing with Mortgage Foreclosures from your circuit

* A listing of the three most significant problems with mortgage foreclosures in your circuit

* Any suggestion or ideas on rule amendments, procedures, or policies which would help you and your judges with mortgage foreclosures

Please send your comments via return e-mail by Friday, April 20.
THANKS! sp

From: David Wolfson
To: Francis, Charles; Slayden, Grant
Date: 29.12.09 8:09 AM
Subject: Fwd: Residential Mortgage Foreclosure Mediation Administrative Order AOSC09-54
Attachments: Residential Mortgage Foreclosure Mediation Administrative Order AOSC09-54

FYI; I am available if you want to talk about this.

From: Grant Slayden
To: Susan Wilson
CC: Douglas Smith; Jennifer Roberts; Paula Watkins
Date: 18.3.09 3:11 PM
Subject: Fwd: Task Force on Residential Mortgage Foreclosure Cases - Response Requested

Susan:

Can you take the lead on this and talk to our administrative judge for civil, Judge Davey? He has not received this yet; it just came this morning.

Thanks,
Grant

Trial Court Administrator
2d Judicial Circuit of Florida
Leon County Courthouse, Rm. 225L
301 South Monroe Street
Tallahassee, Florida 32301-1861
W: 850.577.4420
F: 850.487.7947

>>> "Sharon Press" <presss@flcourts.org> 18.3.09 8:57 AM >>>
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- * Any suggestion or ideas on rule amendments, procedures, or policies which would help you and your judges with mortgage foreclosures

Please send your comments via return e-mail by Friday, April 20.
THANKS! sp

From: Laura Rush <RushL@flcourts.org>
To: Trial Court Chief Judges <TrialCourtChiefJudges@flcourts.org>, "TrialCou...
Date: 21.1.10 2:09 PM
Subject: Guidance on AOSC09-54 - Final Report and Recommendations on Residential Mortgage Foreclosure Cases
Attachments: Model Administrative Order.doc

Chief Judges and Court Administrators,

The following guidance is offered to assist with implementation of In Re: Final Report and Recommendations on Residential Mortgage Foreclosure Cases, AOSC09-54 (December 28, 2009). The Model Administrative Order appended to AOSC09-54 is attached in Word format.

1. Controlling Language

AOSC09-54 adopted the Model Administrative Order with minor changes. Apparent conflicts between AOSC09-54 and the Model Administrative Order should be resolved in favor of AOSC09-54, unless otherwise stated in the following guidance.

2. Application

The requirements of AOSC09-54 and the Model Administrative Order apply to all residential mortgage foreclosure actions filed against a homestead residence involving loans originating under the federal Truth-in-Lending Act, Regulation Z. The requirements therefore apply to cases involving commercial lenders, but not to cases involving private mortgage holders.

Upon the effective date of the circuit chief judge's administrative order, all newly filed mortgage foreclosure actions within these parameters must be referred to a managed mediation program, with stated exceptions. The Model Administrative Order authorizes a presiding judge to require homestead residential mortgage foreclosure actions filed prior to the effective date of the chief judge's administrative order to be referred to the managed mediation program. The presiding judge may also refer to the program actions involving residences that are not homestead properties and any other residential foreclosure action the presiding judge deems appropriate.

AOSC09-54 does not include a provision by which circuits may opt out of a managed mediation program. Existing circuit programs for residential mortgage foreclosure actions must be modified to comply with the uniform standards set forth in AOSC09-54 and the Model Administrative Order.

3. Effective Date

AOSC09-54 specifies no date by which circuit managed mediation programs must be in place. In light of the emergency nature of the foreclosure crisis, circuits may want to expedite implementation of a managed mediation program. Until the chief judge issues an administrative order implementing a managed mediation program, circuits may maintain the status quo with respect to existing programs or procedures used to resolve residential mortgage foreclosure cases.

4. Costs

Managed mediation programs will operate separate and apart from the state courts system. Program costs will be paid by plaintiffs. There will be no financial impact to the courts.

5. Managed Mediation Providers

Providers must be either a "non-profit entity or associated with a reputable organization of proven

competence, autonomous and independent of the judicial branch," as stated in the "Parameters for Managed Mediation" at Exhibit 13 to the Model Administrative Order.

Neither AOSC09-54 nor State Courts System Purchasing Directives require chief judges to select a managed mediation provider through a competitive solicitation process. Because no court funds will be expended to implement the managed mediation programs, use of a competitive solicitation is a best practice, but is not required.

6. Training Standards

The mediation training standards appended to the Model Administrative Order as Exhibit 12 were adopted in whole by the Court in AOSC09-54. The mediation training standards require completion of both online and live classroom training.

7. Web-Enabled Electronic Platform for Information Exchange

While recognizing that a web-enabled electronic platform for exchange of borrower and lender information is the optimal solution, the Court approved the use of a dedicated, secure e-mail address by managed mediation providers as an interim method of exchanging this information.

8. Reports Regarding Non-Compliance with Mediation Requirements

As an interim measure in lieu of an immediate rule change, AOSC09-54 authorizes a managed mediation provider to take roll at mediation and to report failure of a plaintiff's representative with authority to settle to appear at mediation. AOSC09-54 states that the Supreme Court Committee on Alternative Dispute Resolution Rules and Policy is examining issues relating to appearance requirements at mediation, including the reporting of a party's non-compliance with such requirements.

9. Chief Judge Responsibilities

Chief Judges are responsible for the following matters under AOSC09-54:

- * Selection of a managed mediation provider
- * Issuance of an administrative order implementing a managed mediation program consistent with AOSC09-54 and the Model Administrative Order
- * Receipt of periodic reports as may be required by the chief judge concerning parties' compliance with program requirements and level of satisfaction with the program; statistical information, including number of cases referred to mediation and cases resulting in settlement or impasse; and program financial information

Item III.B. Foreclosure Reporting Requirements

Background:

On May 20, 2010, the Trial Court Budget Commission (TCBC) approved the FY 2010/11 circuit allocations for the Foreclosure and Economic Recovery Funding and approved the effective date for the implementation of the circuits' plans so resources can be deployed on July 1, 2010. On June 4, 2010, the TCBC requested the Court Statistics and Workload Committee to 1) oversee and approve the development of a case reporting system for the Foreclosure and Economic Recovery initiative; and 2) monitor the results from the data capture in the case reporting system.

There are two distinct measurements relevant to this initiative. The first measure was provided by the TCBC as the goal for this project.

Measurement #1:

- ❖ Dispose 62% of all backlogged Real Property/Mortgage Foreclosure cases (non-disposed and reopened) in FY 2010/11 (see attached chart). This measure will be evaluated at the end of the initiative period using the same methodology as used initially to describe the project to the legislature. This methodology uses the official SRS filing and disposition statistics to calculate backlog.

Measurement #2:

The second measurement will provide case specific information during the initiative period. It will allow the courts to generally describe how and why cases are moving or failing to move through the system. Specifically, this second measurement will identify:

- The average age of target cases
- The status of target cases

The data for these measurements must be collected as a separate reporting requirement since this data is not captured in SRS. Court Services developed a tracking application and each clerk of court provided a list of backlogged cases as of close of business June 30, 2010. This application will provide a mechanism to capture and report, to the OSCA, specific and limited case information. This information will then be used as part of the final report to the Legislature describing the outcomes of the Foreclosure and Economic Recovery Initiative.

It is anticipated that a portion of the resources funded for the initiative will be used for this data reporting endeavor. There could be an extensive amount of workload associated with the data reporting system. Nevertheless, this information is essential in summarizing the effort of the courts' in reducing the real property/mortgage foreclosure backlog.

The Court Statistics and Workload Committee was very sensitive to the additional workload any reporting mechanism will impose on initiative staff. Throughout the development process, staff attempted to balance the need for and value of information to report to the legislature against the workload necessary to capture it. OSCA staff worked with judges and court administration in multiple circuits to determine the minimum amount of data needed. The CSWC considered many options on the level of reporting by date element, and, on July 15, 2010, voted to approve the reporting system as developed by the OSCA.

Questions Raised by Chief Judges/Trial Court Administrators:

1. When we refer to the backlog, are we referring to the total number of pending cases or something else?

The backlog calculation that was used in the 62% target compared filings to dispositions in FY 2006/07 through an estimated FY 2010/11. To produce the case specific reporting system, the clerk of court produced a list of cases that were pending as of June 30, 2010. These two different counts are going to be used for two different purposes, one to measure aggregate success and the other to collect case specific information.

2. When we refer to a 62% reduction, are we referring to a 62% drop in the cases pending at the time of our initial calculation? If so, will that be measured by cases closed during the year or cases remaining open at the end of the year?

The 62% reduction is a reduction by 62% of the original number of backlogged cases (2006/07 through 2009/10 and the estimated backlog for 2010/11) that was presented to the Legislature when the funds were requested.

3. In relation to question #2, how do we actually factor in the new foreclosure cases that will be filed during this fiscal year?

The population of backlogged cases is not stagnant. An estimate of the backlog that will occur in FY 2010/11 was included for the 62% measure and will be calculated automatically on June 30, 2011. For the case specific reporting system, it was not possible to include them in the case specific file that the clerks provided as of June 30, 2010. Therefore, any cases that comes in after June 30, 2010 that is handled as part of the initiative will need to be entered by court administration into the case specific reporting system. Again, that system will not be used to track the target goal of 62%. Instead, that system will be used to generally describe how and why cases are moving or not moving through the system.

4. Which has more significance; the number of cases closed this fiscal year or the number of cases pending at the end of the fiscal year?

The number of cases pending on June 30, 2011 will be used to determine if the circuit met their 62% target. The number of cases pending will be calculated in the same

manner as it was calculated originally, using the official SRS statistics that are provided monthly to OSCA by the Clerks of Court.

5. How do we treat reopened cases?

Reopened cases are included in the data provided by the clerks for the case specific tracking system. It is the discretion of each chief judge if they want to focus on reopened cases or not as part of this initiative.

6. Are we to rely on the clerk to provide the relevant numbers for our calculations or should we be taking affirmative steps to confirm our own numbers?

For the 62% target rate, we are relying on the official SRS statistics provided by the clerks of court. However, we know that there is a potential for reporting errors in that data, especially in the dispositions portion, since that data is not audited by the OSCA. Circuits should be proactive in checking the SRS statistics that are produced by the clerks. Reports on filings and disposition are sent to court administration quarterly and specific reports may be requested from Court Services as needed.

7. Is it correct that for our purposes, a closed case is a case which has either been dismissed or gone to final judgment? In other words, we do not have to wait for sale to take place to count a case as closed. This is an issue because many clerks' offices are facing unanticipated delays in the sale process due to both the work load and frequent cancelation and reschedule of sale dates.

A case is determined closed when it is dismissed or a judgment entered as per the SRS Manual definitions. For our targeted goal of 62%, it does not matter if the clerk has not sold the property.

8. Is it correct that the clerks will be keeping separate statistics to show their own level of success with backlog reduction and, if so, is their closure date based upon a different standard? (Sale vs. final judgment or dismissal).

The clerks are working on a reporting mechanism. As part of the Executive Council, Judge Steinbeck has talked with them about the court's measurement and tracking system. At this point, we have not seen their final reporting document, but the earlier version focused on tracking judicial sales.

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

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

0706



From: HCBA <hcbarsvp@hillsbar.com>
To: <slaydeng@leoncountyfl.gov>
Date: 31.5.10 4:52 PM
Subject: June 15, 2010 Residential Mortgage Foreclosure Mediator Training

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Hillsborough County Bar Association

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\$249.00 HCBA Members and Non-Members  
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or Call (813) 221-7777

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From: David Wolfson
To: Mortgage Foreclosure Group
Date: 8.10.10 4:23 PM
Subject: Meeting

Hi all: Lets have a meeting on Wednesday the 13th at 3:00 PM. Grant, Susan, and Patricia, you are cordially invited. Please review my comments of today and be prepared to discuss them. Thanks, and I'll see you then.

APPENDIX A

MODEL ADMINISTRATIVE ORDER

IN THE [number] JUDICIAL CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NUMBER 2009 –[#]

**ADMINISTRATIVE ORDER FOR CASE MANAGEMENT OF
RESIDENTIAL FORECLOSURE CASES AND MANDATORY REFERRAL
OF MORTGAGE FORECLOSURE CASES INVOLVING HOMESTEAD
RESIDENCES TO MEDIATION**

Whereas, pursuant to Article V, section 2(d) of the Florida Constitution, and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and power to do everything necessary to promote the prompt and efficient administration of justice, and rule 2.215(b)(3), Florida Rules of Judicial Administration, mandates the chief judge to “develop an administrative plan for the efficient and proper administration of all courts within the circuit;” and

Whereas, rule 2.545 of the Rules of Judicial Administration requires that the trial courts “...take charge of all cases at an early stage in the litigation and...control the progress of the case thereafter until the case is determined...”, which includes “...identifying cases subject to alternative dispute resolution processes;” and

Whereas, Chapter 44, Florida Statutes, and rules 1.700-1.750, Florida Rules of Civil Procedure, provide a framework for court-ordered mediation of civil actions, except those matters expressly excluded by rule 1.710(b), which does not exclude residential mortgage foreclosure actions; and

Whereas, residential mortgage foreclosure case filings have increased substantially in the [number] Judicial Circuit, and state and county budget constraints have limited the ability of the courts in the [number] Judicial Circuit to manage these cases in a timely manner; and

Whereas, high residential mortgage foreclosure rates are damaging the economies of the count[y][ies] in the [number] Judicial Circuit; and

Whereas, the Supreme Court of Florida has determined that mandatory mediation of homestead residential mortgage foreclosure actions prior to the matter being set for final hearing will facilitate the laudable goals of communication, facilitation, problem-solving between the parties with the emphasis on self-determination, the parties' needs and interests, procedural flexibility, full disclosure, fairness, and confidentiality. Referring these cases to mediation will also facilitate and provide a more efficient use of limited judicial and clerk resources in a court system that is already overburdened; and

Whereas, the *[name of Program Manager]* is an independent, nonpartisan, nonprofit organization that has demonstrable ability to assist the courts with managing the large number of residential mortgage foreclosure actions that recently have been filed in the *[number]* Judicial Circuit.

NOW, THEREFORE, IT IS ORDERED:

Definitions

As used in this Administrative Order, the following terms mean:

“RMFM Program” (Residential Mortgage Foreclosure Mediation Program) means the mediation program managed by *[name of Program Manager]* to implement and carry out the intent of this Administrative Order.

“The Program Manager” means *[name of Program Manager]*, qualified in accordance with parameters attached as Exhibit 13. Also referred to as the “Mediation Manager.”

“Plaintiff” means the individual or entity filing to obtain a mortgage foreclosure on residential property.

“Plaintiff’s representative” means the person who will appear at mediation who has full authority to settle without further consultation and resolve the foreclosure suit.

“Borrower” means an individual named as a party in the foreclosure action who is a primary obligor on the promissory note which is secured by the mortgage being foreclosed.

“Homestead residence” means a residential property for which a homestead real estate tax exemption was granted according to the certified rolls of the last assessment by the county property appraiser prior to the filing of the suit to foreclose the mortgage.

“Form A” means the certifications required herein in the format of Exhibit 1 attached.

“Plaintiff’s Disclosure for Mediation” means those documents requested by the borrower pursuant to paragraph 7 below.

“Borrower’s Financial Disclosure for Mediation” means those documents described in Exhibit 5 attached.

“Foreclosure counselor” means a counselor trained in advising persons of options available when facing a mortgage foreclosure, who has no criminal history of committing a felony or a crime of dishonesty, and who is certified by the United States Department of Housing and Urban Development (HUD) or National Foreclosure Mitigation Counseling Program (NFMC) as an agency experienced in mortgage delinquency and default resolution counseling.

“Communication equipment” means a conference telephone or other electronic device that permits all those appearing or participating to hear and speak to each other, provided that all conversation of the participants is audible to all persons present.

Scope

1. ***Residential Mortgage Foreclosures (Origination Subject to TILA)***. This Administrative Order shall apply to all residential mortgage foreclosure actions filed in the [number] Judicial Circuit in which the origination of the note and mortgage sued upon was subject to the provisions of the federal Truth in Lending Act, Regulation Z. However, compliance with this Administrative Order varies depending on whether the property secured by the mortgage is a homestead residence.

Upon the effective date of this Administrative Order, all newly filed mortgage foreclosure actions filed against a homestead residence shall be referred to the RMFM Program unless the plaintiff and borrower agree in writing otherwise or unless pre-suit mediation was conducted in accordance

to paragraph 23. The parties to the foreclosure action shall comply with the conditions and requirements imposed by this Administrative Order. In actions to foreclose a mortgage on a homestead residence, the plaintiff and borrower shall attend at least one mediation session, unless the plaintiff and borrower agree in writing not to participate in the RMFM Program or the Program Manager files a notice of borrower nonparticipation.

Upon the effective date of this Administrative Order, all newly filed residential mortgage foreclosure actions involving property that is not a homestead residence shall comply with the requirements of filing a Form A as required by paragraph 5 below and the requirements of paragraph 18 below (plaintiff's certification as to settlement authority).

At the discretion of the presiding judge, compliance with this Administrative Order may also be required for homestead residential mortgage foreclosure actions filed prior to the effective date of this Administrative Order, to residences which are not homestead residences, and any other residential foreclosure action the presiding judge deems appropriate. A party requesting that the case be sent to mediation with the RMFM Program at the discretion of the presiding judge shall make the request in format of Exhibit 3 attached.

2. ***Referral to Mediation.*** This Administrative Order constitutes a formal referral to mediation pursuant to the Florida Rules of Civil Procedure in actions involving a mortgage foreclosure of a homestead residence. The plaintiff and borrower are deemed to have stipulated to mediation by a mediator assigned by the Program Manager unless pursuant to rule 1.720(f), Florida Rules of Civil Procedure., the plaintiff and borrower file a written stipulation choosing not to participate in the RMFM Program. Referral to the RMFM Program is for administration and management of the mediation process and assignment of a Florida Supreme Court certified circuit civil mediator who has been trained in mediating residential mortgage foreclosure actions and who has agreed to be on the panel of available certified circuit civil mediators. Mediators used in the RMFM Program shall be trained in accordance with the standards stated in Exhibit 12 attached. Mediation through the RMFM Program shall be conducted in accordance with Florida Rules of Civil Procedure and Florida Rules for Certified and Court-Appointed Mediators.

3. ***Compliance Prior to Judgment.*** The parties must comply with this Administrative Order and the mediation process must be completed before the plaintiff applies for default judgment, a summary judgment hearing, or a final hearing in an action to foreclose a mortgage on a homestead residence unless a notice of nonparticipation is filed by the Program Manager.
4. ***Delivery of Notice of RMFM Program with Summons.*** After the effective date of this Administrative Order, in all actions to foreclose a mortgage on residential property the clerk of court shall attach to the summons to be served on each defendant a notice regarding managed mediation for homestead residences in the format of Exhibit 2 attached.

Procedure

5. ***Responsibilities of Plaintiff's Counsel; Form A.*** When suit is filed, counsel for the plaintiff must file a completed Form A with the clerk of court. If the property is a homestead residence, all certifications in Form A must be filled out completely. Within one business day after Form A is filed with the clerk of court, counsel for plaintiff shall also electronically transmit a copy of Form A to the Program Manager along with the case number of the action and contact information for all of the parties. The contact information must include at a minimum the last known mailing address and phone number for each party.

In Form A, plaintiff's counsel must affirmatively certify whether the origination of the note and mortgage sued upon was subject to the provisions of the federal Truth in Lending Act, Regulation Z. In Form A, plaintiff's counsel must also affirmatively certify whether the property is a homestead residence. Plaintiff's counsel is not permitted to respond to the certification with "unknown," "unsure," "not applicable," or similar nonresponsive statements.

If the property is a homestead residence and if the case is not exempted from participation in the RMFM Program because of pre-suit mediation conducted in accordance with paragraph 23 below, plaintiff's counsel shall further certify in Form A the identity of the plaintiff's representative who will appear at mediation. Plaintiff's counsel may designate more than one plaintiff's representative. At least one of the plaintiff's representatives designated in Form A must attend any mediation session scheduled pursuant to this Administrative Order. Form A may be amended to change the

designated plaintiff's representative, and the amended Form A must be filed with the court no later than five days prior to the mediation session. All amended Forms A must be electronically transmitted to the Program Manager via a secure dedicated e-mail address or on the web-enabled information platform described in paragraph 8 no later than one business day after being filed with the clerk of court.

6. ***Responsibilities of Borrower.*** Upon the Program Manager receiving a copy of Form A, the Program Manager shall begin efforts to contact the borrower to explain the RMFM Program to the borrower and the requirements that the borrower must comply with to obtain a mediation. The Program Manager shall also ascertain whether the borrower wants to participate in the RMFM Program.

The borrower must do the following prior to mediation being scheduled: meet with an approved mortgage foreclosure counselor, and provide to the Program Manager the information required by the Borrower's Financial Disclosure for Mediation. The Borrower's Financial Disclosure for Mediation will depend on what option the borrower wants to pursue in trying to settle the action.

It shall be the responsibility of the Program Manager to transmit the Borrower's Financial Disclosure for Mediation via a secure dedicated e-mail address or to upload same to the web-enabled information platform described in paragraph 8; however, the Program Manager is not responsible or liable for the accuracy of the borrower's financial information.

7. ***Plaintiff's Disclosure for Mediation.*** Within the time limit stated below, prior to attending mediation the borrower may request any of the following information and documents from the plaintiff:

Documentary evidence the plaintiff is the owner and holder in due course of the note and mortgage sued upon.

A history showing the application of all payments by the borrower during the life of the loan.

A statement of the plaintiff's position on the present net value of the mortgage loan.

The most current appraisal of the property available to the plaintiff.

The borrower must deliver a written request for such information to the Program Manager in the format of Exhibit 6 attached no later than 25 days prior to the mediation session. The Program Manager shall promptly electronically transmit the request for information to plaintiff's counsel.

Plaintiff's counsel is responsible for ensuring that the Plaintiff's Disclosure for Mediation is electronically transmitted via a secure dedicated e-mail address or to the web-enabled information platform described in paragraph 8 below no later than five (5) business days before the mediation session. The Program Manager shall immediately deliver a copy of Plaintiff's Disclosure for Mediation to the borrower.

8. ***Information to Be Provided on Web-Enabled Information Platform.*** All information to be provided to the Program Manager to advance the mediation process, such as Form A, Borrower's Financial Disclosure for Mediation, Plaintiff's Disclosure for Mediation, as well as the case number of the action and contact information for the parties, shall be submitted via a secure dedicated e-mail address or in a web-enabled information platform with XML data elements.
9. ***Nonparticipation by Borrower.*** If the borrower does not want participate in the RMFM Program, or if the borrower fails or refuses to cooperate with the Program Manager, or if the Program Manager is unable to contact the borrower, the Program Manager shall file a notice of nonparticipation in the format of Exhibit 4 attached. The notice of nonparticipation shall be filed no later than 120 days after the initial copy of Form A is filed with the court. A copy of the notice of nonparticipation shall be served on the parties by the Program Manager.
10. ***Referral to Foreclosure Counseling.*** The Program Manager shall be responsible for referring the borrower to a foreclosure counselor prior to scheduling mediation. Selection from a list of foreclosure counselors certified by the United States Department of Housing and Urban Development shall be by rotation or by such other procedures as may be adopted by administrative order of the chief judge in the circuit in which the action is pending. The borrower's failure to participate in foreclosure counseling shall be cause for terminating the case from the RMFM Program.

11. ***Referrals for Legal Representation.*** In actions referred to the RMFM Program, the Program Manager shall advise any borrower who is not represented by an attorney that the borrower has a right to consult with an attorney at any time during the mediation process and the right to bring an attorney to the mediation session. The Program Manager shall also advise the borrower that the borrower may apply for a volunteer *pro bono* attorney in programs run by lawyer referral, legal services, and legal aid programs as may exist within the circuit. If the borrower applies to one of those agencies and is coupled with a legal services attorney or a volunteer *pro bono* attorney, the attorney shall file a notice of appearance with the clerk of the court and provide a copy to the attorney for the plaintiff and the Program Manager. The appearance may be limited to representation only to assist the borrower with mediation but, if a borrower secures the services of an attorney, counsel of record must attend the mediation.

12. ***Scheduling Mediation.*** The plaintiff's representative, plaintiff's counsel, and the borrower are all required to comply with the time limitations imposed by this Administrative Order and attend a mediation session as scheduled by the Program Manager. No earlier than 60 days and no later than 120 days after suit is filed, the Program Manager shall schedule a mediation session. The mediation session shall be scheduled for a date and time convenient to the plaintiff's representative, the borrower, and counsel for the plaintiff and the borrower, using a mediator from the panel of Florida Supreme Court certified circuit civil mediators who have been specially trained to mediate residential mortgage foreclosure disputes. Mediation sessions will be held at a suitable location(s) within the circuit obtained by the Program Manager for mediation. Mediation shall be completed within the time requirements established by rule 1.710(a), Florida Rules of Civil Procedure.

Mediation shall not be scheduled until the borrower has had an opportunity to meet with an approved foreclosure counselor. Mediation shall not be scheduled earlier than 30 days after the Borrower's Financial Disclosure for Mediation has been transmitted to the plaintiff via a secure dedicated e-mail address or uploaded to the web-enabled information platform described in paragraph 8.

Once the date, time, and place of the mediation session have been scheduled by the Program Manager, the Program Manager shall promptly file with the clerk of court and serve on all parties a notice of the mediation session.

13. ***Attendance at Mediation.*** The following persons are required to be physically present at the mediation session: a plaintiff's representative designated in the most recently filed Form A; plaintiff's counsel; the borrower; and the borrower's counsel of record, if any. However, the plaintiff's representative may appear at mediation through the use of communication equipment, if plaintiff files and serves at least five (5) days prior to the mediation a notice in the format of Exhibit 7 attached advising that the plaintiff's representative will be attending through the use of communication equipment and designating the person who has full authority to sign any settlement agreement reached. Plaintiff's counsel may be designated as the person with full authority to sign the settlement agreement.

At the time that the mediation is scheduled to physically commence, the Program Manager shall enter the mediation room prior to the commencement of the mediation conference and, prior to any discussion of the case in the presence of the mediator, take a written roll. That written roll will consist of a determination of the presence of the borrower; the borrower's counsel of record, if any; the plaintiff's lawyer; and the plaintiff's representative with full authority to settle. If the Program Manager determines that anyone is not present, that party shall be reported by the Program Manager as a non-appearance by that party on the written roll. If the Program Manager determines that the plaintiff's representative present does not have full authority to settle, the Program Manager shall report that the plaintiff's representative did not appear on the written roll as a representative with full settlement authority as required by this Administrative Order. The written roll and communication of authority to the Program Manager is not a mediation communication.

The authorization by this Administrative Order for the plaintiff's representative to appear through the use of communication equipment is pursuant to rule 1.720(b), Florida Rules of Civil Procedure (court order may alter physical appearance requirement), and in recognition of the emergency situation created by the massive number of residential foreclosure cases being filed in this circuit and the impracticality of requiring physical attendance of a plaintiff's representative at every mediation. Additional reasons for authorizing appearance through the use of communication equipment for mortgage foreclosure mediation include a number of protective factors that do not exist in other civil cases, namely the administration of the program by a program manager, pre-mediation

counseling for the borrower, and required disclosure of information prior to mediation. The implementation of this Administrative Order shall not create any expectation that appearance through the use of communication equipment will be authorized in other civil cases.

If the plaintiff's representative attends mediation through the use of communication equipment, the person authorized by the plaintiff to sign a settlement agreement must be physically present at mediation. If the plaintiff's representative attends mediation through the use of communication equipment, the plaintiff's representative must remain on the communication equipment at all times during the entire mediation session. If the plaintiff's representative attends through the use of communication equipment, and if the mediation results in an impasse, within five (5) days after the mediation session, the plaintiff's representative shall file in the court file a certification in the format of Exhibit 8 attached as to whether the plaintiff's representative attended mediation. If the mediation results in an impasse after the appearance of the plaintiff's representative through the use of communication equipment, the failure to timely file the certification regarding attendance through the use of communication equipment shall be grounds to impose sanctions against the plaintiff, including requiring the physical appearance of the plaintiff's representative at a second mediation, taxation of the costs of a second mediation to the plaintiff, or dismissal of the action.

Junior lienholders may appear at mediation by a representative with full settlement authority. If a junior lienholder is a governmental entity comprised of an elected body, such junior lienholder may appear at mediation by a representative who has authority to recommend settlement to the governing body. Counsel for any junior lienholder may also attend the mediation.

The participants physically attending mediation may consult on the telephone during the mediation with other persons as long as such consultation does not violate the provisions of sections 44.401-406, Florida Statutes.

14. ***Failure to Appear at Mediation.*** If either the plaintiff's representative designated in the most recently filed Form A or the borrower fails to appear at a properly noticed mediation and the mediation does not occur, or when a mediation results in an impasse, the report of the mediator shall notify the

presiding judge regarding who appeared at mediation without making further comment as to the reasons for an impasse. If the borrower fails to appear, or if the mediation results in an impasse with all required parties present, and if the borrower has been lawfully served with a copy of the complaint, and if the time for filing a responsive pleading has passed, the matter may proceed to a final hearing, summary judgment, or default final judgment in accordance with the rules of civil procedure without any further requirement to attend mediation. If plaintiff's counsel or the plaintiff's representative fails to appear, the court may dismiss the action without prejudice, order plaintiff's counsel or the plaintiff's representative's to appear at mediation, or impose such other sanctions as the court deems appropriate including, but not limited to, attorney's fees and costs if the borrower is represented by an attorney. If the borrower or borrower's counsel of record fails to appear, the court may impose such other sanctions as the court deems appropriate, including, but not limited to, attorney's fees and costs.

15. ***Written Settlement Agreement; Mediation Report.*** If a partial or final agreement is reached, it shall be reduced to writing and signed by the parties and their counsel, if any. Pursuant to rule 1.730(b), Florida Rules of Civil Procedure, if a partial or full settlement agreement is reached, the mediator shall report the existence of the signed or transcribed agreement to the court without comment within 10 days after completion of the mediation. If the parties do not reach an agreement as to any matter as a result of mediation, the mediator shall report the lack of an agreement to the court without comment or recommendation. In the case of an impasse, the report shall advise the court who attended the mediation, and a copy of Form A or any amended Form A shall be attached to the report for the court to determine if at least one of the plaintiff's representative named in Form A appeared for mediation. The mediator's report to the court shall be in the format of Exhibit 9 attached.

16. ***Mediation Communications.*** All mediation communications occurring as a result of this Administrative Order, including information provided to the Program Manager that is not filed with the court, shall be confidential and inadmissible in any subsequent legal proceeding pursuant to Chapter 44, Florida Statutes, the Florida Rules of Civil Procedure, and the Florida Rules for Certified and Court-Appointed Mediators, unless otherwise provided for by law.

17. ***Failure to Comply with Administrative Order.*** In all residential foreclosure actions, if a notice for trial, motion for default final judgment, or motion for summary judgment is filed with the clerk of court, no action will be taken by the court to set a final hearing or enter a summary or default final judgment until the requirements of this Administrative Order have been met. In cases involving a homestead residence, the presiding judge shall require that copies of either 1) the most recently filed Form A and the report of the mediator, or 2) the most recently filed Form A and the notice of borrower's nonparticipation be sent to the presiding judge by the plaintiff or plaintiff's counsel prior to setting a final hearing or delivered with the packet requesting a summary or default final judgment.

The failure of a party to fully comply with the provisions of this Administrative Order may result in the imposition of any sanctions available to the court, including dismissal of the cause of action without further notice.

18. ***Mediation Not Required If Residence Is Not Homestead.*** If the plaintiff certifies in Form A that the property is NOT a homestead residence when suit is filed, plaintiff's counsel must file and serve with the complaint a certification identifying the agent of plaintiff who has full authority to settle the case without further consultation. The certification shall be in the form of Exhibit 10 attached.

If the plaintiff certifies in Form A that the property is NOT a homestead residence, the matter may proceed to a final hearing, summary judgment, or default final judgment in accordance with the rules of civil procedure without any further requirement to attend mediation, unless otherwise ordered by the presiding judge.

RMFM Program Fees

19. ***RMFM Program Fees.*** The fee structure for the RMFM Program is based on the assumption that a successful mediation can be accomplished with one mediation session. Accordingly, pursuant to rule 1.720(g), Florida Rules of Civil Procedure, the reasonable program fees for the managed mediation, including foreclosure counseling, the mediator's fee, and administration of the managed mediation program, is a total of no more than \$750.00 payable as follows:

- 1) not more than \$400.00 paid by plaintiff at the time suit is filed for administrative fees of the RMFM Program, including outreach to the borrower and foreclosure counseling fees; and
- 2) not more than \$350.00 paid by plaintiff within 10 days after notice of the mediation conference is filed for the mediation fee component of the RMFM Program fees

If more than one mediation session is needed, the total program fee stated above will also cover a second mediation session. However, if an additional mediation session is needed after the second session, the plaintiff shall be responsible for the payment of the program fees for such additional mediation sessions, unless the parties agree otherwise. The program fees for the third and each subsequent mediation session shall be no more than \$350.00 per session.

All program fees shall be paid directly to the Program Manager. If the case is not resolved through the mediation process, the presiding judge may tax the program fees as a cost or apply it as a set off in the final judgment of foreclosure.

If the borrower cannot be located, chooses not to participate in the RMFM Program, or if the borrower does not make any contact with the foreclosure counselor, the plaintiff shall be entitled to a refund of the portion of the Program fees attributable to foreclosure counseling. If mediation is scheduled and the borrower announces an intention not to participate further in the RMFM Program prior to the mediation session, or if the case settles and the Program Manager has notice of the settlement at least five (5) days prior to the mediation session, the plaintiff shall be entitled to a refund of the Program fees allocated for the mediation session. If notice of settlement is not received by the Program Manager at least five (5) days prior to the scheduled mediation session, the plaintiff shall not be entitled to any refund of mediation fees.

The total fees include the mediator's fees and costs; the cost for the borrower to attend a foreclosure counseling session with an approved mortgage foreclosure counselor; and the cost to the Program Manager for administration of the managed mediation program which includes but is not limited to providing neutral meeting and caucus space, scheduling, telephone lines and instruments, infrastructure to support a web-enabled information

platform, a secure dedicated email address or other secure system for information transmittal, and other related expenses incurred in managing the foreclosure mediation program.

Program Manager to Monitor Compliance and Satisfaction

20. *Monitoring Compliance Concerning Certain Provisions of This Administrative Order, Satisfaction with RMFM Program, and Program Operation.* The Program Manager shall be responsible for monitoring whether Form A has been filed in all residential foreclosure actions that commence after the effective date of this Administrative Order and whether the RMFM Program fees have been paid if the residence is a homestead residence. The Program Manager shall send compliance reports to the chief judge or the chief judge's designee in the format and with the frequency required by the chief judge.

The Program Manager may assist with enforcing compliance with this Administrative Order upon filing a written motion pursuant to rule 1.100(b), Florida Rules of Civil Procedure, stating with particularity the grounds therefor and the relief or order sought. Example orders are attached as Exhibit 11.

The Program Manager shall also provide the chief judge with periodic reports as to whether plaintiffs and borrowers are satisfied with the RMFM Program.

The Program Manager shall also provide the chief judge with reports with statistical information about the status of cases in the RMFM Program and RMFM Program finances in the format and with the frequency required by the chief judge.

21. *Designation of Plaintiff Liaisons with RMFM Program.* Any plaintiff who has filed five (5) or more foreclosure actions in the [number] Judicial Circuit while this Administrative Order is in effect shall appoint two RMFM Program liaisons, one of whom shall be a lawyer and the other a representative of the entity servicing the plaintiff's mortgages, if any, and, if none, a representative of the plaintiff. Plaintiff's counsel shall provide written notice of the name, phone number (including extension), email, and mailing address of both liaisons to the chief judge and the Program Manager within 30 days after the effective date of this Administrative Order, and on

the first Monday of each February thereafter while this Administrative Order is in effect.

The liaisons shall be informed of the requirements of this Administrative Order and shall be capable of answering questions concerning the administrative status of pending cases and the party's internal procedures relating to the processing of foreclosure cases, and be readily accessible to discuss administrative and logistical issues affecting the progress of the plaintiff's cases through the RMFM Program. Plaintiff's counsel shall promptly inform the chief judge and Program Manager of any changes in designation of the liaisons and the contact information of the liaisons. The liaisons shall act as the court's point of contact in the event the plaintiff fails to comply with this Administrative Order on multiple occasions and there is a need to communicate with the plaintiff concerning administrative matters of mutual interest.

List of Participating Mediators and Rotation of Mediators

22. ***List of Participating Mediators and Rotation of Mediators.*** The Program Manager shall post on its website the list of Florida Supreme Court certified mediators it will use to implement the RMFM Program and will state in writing the criteria, subject to approval by the chief judge, the program will use in selecting mediators. The Program Manager shall also state in writing the procedure, subject to the approval by the chief judge, the program will use to rotate the appointment of mediators. The RMFM Program shall encourage the use of mediators who have been trained to mediate mortgage foreclosure cases, reflecting the diversity of the community in which it operates. Assignment of mediators shall be on a rotation basis that fairly spreads work throughout the pool of mediators working in the RMFM Program, unless the parties mutually agree on a specific mediator or the case requires a particular skill on the part of the mediator.

Pre-Suit Mediation Encouraged

22. ***Pre-Suit Mediation.*** Mortgage lenders, whether private individuals, commercial institutions, or mortgage servicing companies, are encouraged to use any form of alternative dispute resolution, including mediation, ***before*** filing a mortgage foreclosure lawsuit with the clerk of the court. Lenders are encouraged to enter into the mediation process with their borrowers ***prior*** to filing foreclosure actions in the [number] Judicial Circuit to reduce the costs

to the parties for maintaining the litigation and to reduce to the greatest extent possible the stress on the limited resources of the courts caused by the large numbers of such actions being filed across the state and, in particular, in the *[number]* Judicial Circuit.

If the parties participated in pre-suit mediation using the RMFM Program or participated in any other pre-suit mediation program having procedures substantially complying with the requirements of this Administrative Order, including provisions authorizing the exchange of information, foreclosure counseling, and requiring use of Florida Supreme Court certified circuit civil mediators specially trained to mediate residential mortgage foreclosure actions, the plaintiff shall so certify in Form A, in which case the plaintiff and borrower shall not be required to participate in mediation again unless ordered to do so by the presiding judge. A borrower may file a motion contesting whether pre-suit mediation occurred in substantial compliance with the RMFM Program.

Nothing in this paragraph precludes the presiding judge from sending the case to mediation after suit is filed, even if pre-suit mediation resulted in an impasse or there was a breach of the pre-suit mediation agreement.

This Administrative Order shall be recorded by the clerk of the court in each county of the *[number]* Judicial Circuit, takes effect on *[effective date]*, and will remain in full force and effect unless and until otherwise ordered.

ORDERED on _____, 20[___].

[NAME OF CHIEF JUDGE], Chief Judge
[number] Judicial Circuit, State of Florida

RMFM PROGRAM TIMELINES

TIMELINE FROM DATE SUIT FILED:

Suit is filed

Form A filed with Complaint
RMFM Program fees paid by Plaintiff
Notice of RMFM Program attached to Summons

1 business day after suit is filed

Form A electronically transmitted to Program Manager by Plaintiff's counsel

60-120 days after suit is filed

Borrower meets with foreclosure counselor
Borrower's Financial Disclosure for Mediation is transmitted to IT platform
Mediation session is scheduled
Borrower requests Plaintiff's Disclosure for Mediation, if desired

120 days after suit is filed

Notice of Nonparticipation filed by Program Manager, if applicable

TIMELINE WITH MEDIATION SESSION AS POINT OF REFERENCE

Prior to mediation being scheduled

RMFM Program fees paid by Plaintiff
Borrower must contact Program Manager
Borrower must meet with foreclosure counselor
Borrower must complete and submit Borrower's Financial Disclosure for Mediation packet to Program Manager

30 days prior to mediation session

Program Manager electronically transmits Borrower's Financial Disclosure for Mediation to the IT platform

25 days prior to mediation session

Borrower makes written request for Plaintiff's Disclosure for Mediation if desired

5 days prior to mediation session

Any amended Form A designation of the plaintiff's representative must be filed with the Clerk

3 business days prior to mediation session

Plaintiff's counsel transmits Plaintiff's Financial Disclosure for Mediation to the IT platform

1 day prior to mediation session

Any amended Form A designation of the plaintiff's representative must be uploaded to the IT platform

10 days after mediation session

Program Manager/Mediator files mediator's report with the clerk of court and serves copies on the parties

INDEX OF EXHIBITS

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2. NOTICE OF RMFM PROGRAM TO BE SERVED WITH SUMMONS
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EXHIBIT 1

FORM A

Please complete online at http://www.*** and file original with the Clerk of Court
IN THE CIRCUIT COURT IN AND FOR _____ COUNTY, FLORIDA

[Name of Plaintiff]

Case No.:

Plaintiff,

vs.

[Names of Defendant(s)]

Defendant(s)

Form "A"

(Certifications Pursuant to [number] Judicial Circuit Administrative Order 200[___])

Certificate of Plaintiff's Counsel Regarding Origination of Note and Mortgage

THE UNDERSIGNED, as counsel of record for plaintiff and as an officer of the court, certifies the origination of the note and mortgage sued upon in this action ___ WAS or ___ WAS NOT subject to the provisions of the federal Truth in Lending Act, Regulation Z.

Certificate of Plaintiff's Counsel Regarding Status of Residential Property

THE UNDERSIGNED, as counsel of record for plaintiff and as an officer of the court, certifies the property that is the subject matter of this lawsuit ___ IS or ___ IS NOT a homestead residence. A "homestead residence" means a residential property for which a homestead real estate tax exemption was granted according to the certified rolls of the last assessment by the county property appraiser prior to the filing of the suit to foreclose the mortgage.

If the residential property is a homestead residence, complete both of the following:

Certificate of Plaintiff's Counsel Regarding Pre-Suit Mediation

The following certification ___ DOES or ___ DOES NOT apply to this case:

THE UNDERSIGNED, as counsel of record for plaintiff and as an officer of the court, certifies that prior to filing suit a plaintiff's representative with full settlement authority attended and participated in mediation with the borrower, conducted by [Name of Program Manager], and the mediation resulted in an impasse or a pre-suit settlement agreement was reached but the settlement agreement has been breached. The undersigned further certifies that prior to mediation the borrower received services from a HUD or NFMC approved foreclosure counselor, Borrower's Financial Disclosure for Mediation was provided, and Plaintiff's Disclosure for Mediation was provided.

Certificate of Plaintiff's Counsel Regarding Plaintiff's Representative at Mediation

THE UNDERSIGNED, as counsel of record for plaintiff and as an officer of the court, certifies the following is a list of the persons, one of whom will represent the plaintiff in mediation with full authority to modify the existing loan and mortgage and to settle the foreclosure case, and with authority to sign a settlement agreement on behalf of the plaintiff (*list name, address, phone number, facsimile number, and email address*):

Plaintiff's counsel understands the mediator or the RMFM Program Manager may report to the court who appears at mediation and, if at least one of plaintiff's representatives named above does not appear at mediation, sanctions may be imposed by the court for failure to appear.

As required by the Administrative Order, plaintiff's counsel will transmit electronically to the RMFM Program Manager the case number of this action, the contact information regarding the parties, and a copy of this Form A, using the approved web-enabled information platform.

Date:

(*Signature of Plaintiff's Counsel*)
[Printed name, address, phone number and
Fla. Bar No.]

EXHIBIT 2

NOTICE OF RMFM PROGRAM TO BE SERVED WITH SUMMONS

**A NOTICE FROM THE COURT REGARDING LAWSUITS TO FORECLOSE
MORTGAGES ON HOMES**

If you are being sued to foreclose the mortgage on your primary home and your home has a homestead exemption and if you are the person who borrowed the money for the mortgage, you have a right to go to “mediation.” At “mediation,” you will meet with a Florida Supreme Court certified mediator appointed by the court and also a representative of the company asking to foreclose your mortgage to see if you and the company suing you can work out an agreement to stop the foreclosure. **The mediator will not be allowed to give you legal advice or to give you an opinion about the lawsuit.** The mediator’s job is to remain neutral and not take sides, but to give both sides a chance to talk to each other to see if an agreement can be reached to stop the foreclosure. If you and the company suing you come to an agreement, a settlement agreement will be written up and signed by you and the company suing you. With some limited exceptions, what each side says at the mediation is confidential and the judge will not know what was said at mediation.

You will not have to pay anything to participate in this mediation program. To participate in mediation, **as soon as practical**, you must contact [*name of the Program Manager*] by calling [*phone number*] between 9:00 a.m. and 5:00 p.m., Monday through Friday.

To participate in mediation, you must also provide financial information to the mediator and meet with an approved foreclosure counselor prior to mediation. You will not be charged any additional amount for meeting with a foreclosure counselor. You may also request certain information from the company suing you before going to mediation.

[*Name of the Program Manager*] will explain more about the mediation program to you when you call.

If you have attended mediation arranged by [*name of the Program Manager*] prior to being served with this lawsuit, and if mediation did not result in a settlement, you may file a motion asking the court to send the case to mediation again if your financial circumstances have changed since the first mediation.

AS STATED IN THE SUMMONS SERVED ON YOU, YOU OR YOUR LAWYER MUST FILE WITH THE COURT A WRITTEN RESPONSE TO THE COMPLAINT TO FORECLOSE THE MORTGAGE WITHIN 20 DAYS AFTER YOU WERE SERVED. YOU OR YOUR LAWYER MUST ALSO SEND A COPY OF YOUR WRITTEN RESPONSE TO THE PLAINTIFF’S ATTORNEY. YOU MUST TIMELY FILE A WRITTEN RESPONSE TO THE COMPLAINT EVEN IF YOU DECIDE TO PARTICIPATE IN MEDIATION.

[*Signature of Chief Judge*]
CHIEF JUDGE, [*number*] Judicial Circuit

EXHIBIT 3

BORROWER'S REQUEST TO PARTICIPATE IN RMFM PROGRAM

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

Case No(s):

Plaintiff(s),

vs.

Defendant(s).

BORROWER'S REQUEST TO PARTICIPATE IN RMFM PROGRAM

_____, (*printed name*), as the borrower on the mortgage sued upon in this case, hereby requests that this case be referred by the court to mediation using the RMFM Program. The undersigned states, under penalty of perjury, that he or she is currently living on the property as a primary residence and the property has a homestead tax exemption.

Signed on _____, 20__.

(*Signature*)

(*Printed Name*)

[Certificate of Service on the parties]

EXHIBIT 4

NOTICE OF BORROWER'S NONPARTICIPATION

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

Case No(s).:

Plaintiff(s),

vs.

Defendant(s).

**NOTICE OF BORROWER NONPARTICIPATION
WITH RMFM PROGRAM**

[Name of Program Manager] hereby gives notice to the court that _____,
(Borrower) will not be participating in the RMFM Program because:

- Borrower has advised that [he/she] does not wish to participate in mediation for this case;
- Borrower has failed or refuses to meet with a foreclosure counselor;
- Borrower has failed or refuses to comply with the Borrower's Financial Disclosure for Mediation;
- The RMFM Program has been unable to contact Borrower.

Signed on _____, 20__.

[Name of Program Manager]

BY: _____
(Signature)

(Printed Name)

[Certificate of Service on the parties]

EXHIBIT 5

BORROWER'S FINANCIAL DISCLOSURE FOR MEDIATION

EXHIBIT 5A: LOAN MODIFICATION

EXHIBIT 5B: SHORT SALE

EXHIBIT 5C: DEED IN LIEU OF FORECLOSURE

EXHIBIT 5A

BORROWER'S FINANCIAL DISCLOSURE FOR MEDIATION (LOAN MODIFICATION)

FORECLOSURE MEDIATION FINANCIAL WORKSHEET

Case No.:

v.

Plaintiff's Name

First Defendant's Name

SECTION 1: PERSONAL INFORMATION

Borrower's Name		Co-Borrower's Name	
Social Security Number	Date of Birth (mm/dd/yyyy)	Social Security Number	Date of Birth (mm/dd/yyyy)
<input type="checkbox"/> Married	<input type="checkbox"/> Civil Union/ Domestic Partner	<input type="checkbox"/> Married	<input type="checkbox"/> Civil Union/ Domestic Partner
<input type="checkbox"/> Separated	<input type="checkbox"/> Unmarried (single, divorced, widowed)	<input type="checkbox"/> Separated	<input type="checkbox"/> Unmarried (single, divorced, widowed)
Dependents (Not listed by Co-Borrower)		Dependents (Not listed by Borrower)	
Present Address (Street, City, State, Zip)		Present Address (Street, City, State, Zip)	

SECTION 2: EMPLOYMENT INFORMATION

Employer	<input type="checkbox"/> Self Employed	Employer	<input type="checkbox"/> Self Employed
Position/Title	Date of Employment	Position/Title	Date of Employment
Second Employer		Second Employer	
Position/Title	Date of Employment	Position/Title	Date of Employment
	Borrower	Co-Borrower	Total
Gross Salary/Wages			
Net Salary/Wages			
Unemployment Income			
Child Support/Alimony			
Disability Income			
Rental Income			
Other Income			
Total (do not include Gross income)			

SECTION 3: EXPENSE AND LIABILITIES

	Monthly Payments	Balance Due
First Mortgage		
Second Mortgage		
Other Liens/Rents		
Homeowners' Association Dues		
Hazard Insurance		
Real Estate Taxes		
Child Care		
Health Insurance		
Medical Charges		
Credit Card/Installment Loan		
Credit Card/Installment Loan		
Credit Card/Installment Loan		
Automobile Loan 1		
Automobile Loan 2		
Auto/Gasoline/Insurance		
Food/Spending Money		
Water/Sewer/Utilities		
Phone/Cell Phone		
Other		
Total		

SECTION 4: ASSETS

	Estimated Value
Personal Residence	
Real Property	
Personal Property	
Automobile 1	
Automobile 2	
Checking Accounts	
Saving Accounts	
IRA/401K/Keogh Accounts	
Stock/Bonds/CDs	
Cash Value of Life Insurance	
Other	
Total	

Reason for Delinquency/Inability to Satisfy Mortgage Obligation:

<input type="checkbox"/> Reduction in income	<input type="checkbox"/> Medical issues	<input type="checkbox"/> Death of family member
<input type="checkbox"/> Poor budget management skills	<input type="checkbox"/> Increase in expenses	<input type="checkbox"/> Business venture failed
<input type="checkbox"/> Loss of Income	<input type="checkbox"/> Divorce/separation	<input type="checkbox"/> Increase in loan payment
<input type="checkbox"/> Other: _____		

SECTION 4: ASSETS CON'T

Further Explanation:

I / We obtained a mortgage loan(s) secured by the above-described property.

I / We have described my/our present financial condition and reason for default and have attached required documentation.

I / We consent to the release of this financial worksheet and attachments to the mediator and the plaintiff or plaintiff's servicing company by way of the plaintiff's attorney.

By signing below, I / we certify the information provided is true and correct to the best of my / our knowledge.

_____	_____	_____
Signature of Borrower	SSN	Date
_____	_____	_____
Signature of Co-Borrower	SSN	Date

Please attach the following:

- ✓ Last federal tax return filed
- ✓ Proof of income (e.g. one or two current pay stubs)
- ✓ Past two (2) bank statements
- ✓ If self-employed, attach a copy of the past six month's profit and loss statement

This is an attempt to collect a debt and any information obtained will be used for that purpose.

Fannie Mae Hardship Form 1021

Home Affordable Modification Program Hardship Affidavit

Borrower Name (first, middle, last): _____
Date of Birth: _____
Co-Borrower Name (first, middle, last): _____
Date of Birth: _____
Property Street Address: _____
Property City, State, Zip: _____
Servicer: _____
Loan Number: _____

In order to qualify for _____'s ("Servicer") offer to enter into an agreement to modify my loan, I/we am/are submitting this form to the Servicer and indicating by my/our checkmarks the one or more events that contribute to my/our difficulty making payments on my/our mortgage loan:

My income has been reduced or lost. For example: unemployment, underemployment, reduced job hours, reduced pay, or a decline in self-employed business earnings. I have provided details below under "Explanation."

Borrower: Yes ___ No ___ Co-Borrower: Yes ___ No ___

My household financial circumstances have changed. For example: death in family, serious or chronic illness, permanent or short-term disability, increased family responsibilities (adoption or birth of a child, taking care of elderly relatives or other family members). I have provided details below under "Explanation."

Borrower: Yes ___ No ___ Co-Borrower: Yes ___ No ___

My expenses have increased. For example: monthly mortgage payment has increased or will increase, high medical and health-care costs, uninsured losses (such as those due to fires or natural disasters), unexpectedly high utility bills, increased real property taxes. I have provided details below under "Explanation."

Borrower: Yes ___ No ___ Co-Borrower: Yes ___ No ___

My cash reserves are insufficient to maintain the payment on my mortgage load and cover basic living expenses at the same time. Cash reserves include assets such as cash, savings, money market funds, marketable stocks or bonds (excluding retirement accounts). Cash

reserves do not include assets that serve as an emergency fund (generally equal to three times my monthly debt payments). I have provided details below under "Explanation."

Borrower: Yes ___ No ___ Co-Borrower: Yes ___ No ___

My monthly debt payments are excessive, and I am overextended with my creditors. I may have used credit cards, home equity loans or other credit to make my monthly mortgage payments. I have provided details below under "Explanation."

Borrower: Yes ___ No ___ Co-Borrower: Yes ___ No ___

There are other reasons I/we cannot make our mortgage payments. I have provided details below under "Explanation."

INFORMATION FOR GOVERNMENT MONITORING PURPOSES

The following information is requested by the federal government in order to monitor compliance with federal statutes that prohibit discrimination in housing. You are not required to furnish this information, but are encouraged to do so. The law provides that a lender or servicer may not discriminate either on the basis of this information, or on whether you choose to furnish it. If you furnish the information, please provide both ethnicity and race. For race, you may check more than one designation. If you do not furnish ethnicity, race, or sex, the lender or servicer is required to note the information on the basis of visual observation or surname if you have made this request for a loan modification in person. If you do not wish to furnish the information, please check the box below.

BORROWER:
Ethnicity:
___ Hispanic/Latino
___ Not Hispanic/Latino

CO-BORROWER:
Ethnicity:
___ Hispanic/Latino
___ Not Hispanic/Latino

Race:
___ American Indian/Alaska Native
___ Asian
___ Black/African American
___ Native Hawaiian/Other Pacific Islander
___ White

Race:
___ American Indian/Alaska Native
___ Asian
___ Black/African American
___ Native Hawaiian/Other Pacific Islander
___ White

___ I do not wish to furnish this information

___ I do not wish to furnish this information

TO BE COMPLETED BY INTERVIEWER

Interviewer's Name (print or type): _____

Name/Address of Interviewer's Employer: _____

Face-to-face interview

Interviewer's Signature/Date _____ / _____

Address _____

Telephone (include area code) _____

Internet address _____

BORROWER/CO-BORROWER ACKNOWLEDGEMENT

1. Under penalty of perjury, I/we certify that all of the information in this affidavit is truthful and the event(s) identified above has/have contributed to my/our need to modify the terms of my/our mortgage loan.
2. I/we understand and acknowledge the Servicer may investigate the accuracy of my/our statements, may require me/us to provide supporting documentation, and that knowingly submitting false information may violate Federal law.
3. I/we understand the Servicer will pull a current credit report on all borrowers obligated on the Note.
4. I/we understand that if I/we have intentionally defaulted on my/our existing mortgage, engaged in fraud or misrepresented any fact(s) in connection with this Hardship Affidavit, or if I/we do not provide all of the required documentation, the Servicer may cancel the Agreement and may pursue foreclosure on my/our home.
5. I/we certify that my/our property is owner-occupied and I/we have not received a condemnation notice.
6. I/we certify that I/we am/are willing to commit to credit counseling if it is determined that my/our financial hardship is related to excessive debt.
7. I/we certify that I/we am/are willing to provide all requested documents and respond to all Servicer communication in a timely manner. I/we understand that time is of the essence.
8. I/we understand that the Servicer will use this information to evaluate my/our eligibility for a loan modification or other workout, but the Servicer is not obligated to offer me/us assistance based solely on the representations in this affidavit.
9. I/we authorize and consent to Servicer disclosing to the U.S. Department of Treasury or other government agency, Fannie Mae and/or Freddie Mac any information provided by me/us or retained by Servicer in connection with the Home Affordable Modification Program.

Borrower Signature Date
E-mail Address: _____
Cell phone # _____
Home Phone # _____
Work Phone # _____
Social Security # _____ - _____ - _____

Co-Borrower Signature Date
E-mail Address: _____
Cell phone # _____
Home Phone # _____
Work Phone # _____
Social Security # _____ - _____ - _____

EXPLANATION:

(Provide any further explanation of the hardship making it difficult for you to pay on your mortgage.)

EXHIBIT 5B

BORROWER'S FINANCIAL DISCLOSURE FOR MEDIATION (SHORT SALE)

In addition to the FANNIE MAE HARDSHIP FORM 1021 in Exhibit 5A above, the following information must be uploaded into the web-enabled IT platform on behalf of the borrower:

Signed purchase contract for the homestead residence

Listing agreement for sale of the homestead residence

Preliminary HUD-1

Written permission from the borrower authorizing the plaintiff or any agent of the plaintiff to speak with the real estate agent about the borrower's loan

Borrowers should be reminded that the sale **MUST** be an arm's length transaction, and the property cannot be sold to anyone with close personal or business ties to the borrower.

EXHIBIT 5C

BORROWER'S FINANCIAL DISCLOSURE FOR MEDIATION (DEED IN LIEU OF FORECLOSURE)

In addition to the FANNIE MAE HARDSHIP FORM 1021 in Exhibit 5A above, the following information must be uploaded into the web-enabled IT platform on behalf of the borrower:

Current title search for the homestead residence

EXHIBIT 6

BORROWER'S REQUEST FOR PLAINTIFF'S DISCLOSURE FOR MEDIATION

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

Case No(s).:

Plaintiff(s),

vs.

Defendant(s).

**NOTICE OF BORROWER'S REQUEST FOR PLAINTIFF'S
DISCLOSURE FOR MEDIATION**

_____, (*printed name*), as the borrower on the mortgage
sued upon in this case, hereby requests the following information and disclosure
from the plaintiff pursuant to Administrative Order [*number*] entered in the
[*number*] Judicial Circuit (*mark the information and documents requested*):

___ Documentary evidence the plaintiff is the owner and holder in due
course of the note and mortgage sued upon.

___ A history showing the application of all payments by the borrower
during the life of the loan.

___ A statement of the plaintiff's position on the present net present value
of the mortgage loan.

___ The most current appraisal of the property available to the plaintiff.

Signed on _____, 20__.

(*Signature*)

[Certificate of Service on the parties]

EXHIBIT 7

PLAINTIFF'S NOTICE OF ATTENDING MEDIATION THROUGH THE USE OF COMMUNICATION EQUIPMENT

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

Case No(s).:

Plaintiff(s),

vs.

Defendant(s).

**NOTICE THAT PLAINTIFF'S REPRESENTATIVE WILL APPEAR
THROUGH THE USE OF COMMUNICATION EQUIPMENT AND
DESIGNATION OF AUTHORITY TO SIGN SETTLEMENT
AGREEMENT**

Plaintiff gives notice of exercising the option to allow plaintiff's representative designated in Form A filed in this case to attend mediation through the use of communication equipment, and designates *[name of person]* as the person who will be physically present at mediation with full authority on behalf of plaintiff to sign any settlement agreement reached at mediation.

On the date of the mediation, plaintiff's representative can be reached by calling the following telephone number: *[telephone number, including area code and extension]*.

Signed on _____, 20____.

[Name of Plaintiff]

(Signature)

(Printed Name)

[Certificate of Service by Plaintiff's Counsel]

EXHIBIT 8

PLAINTIFF'S CERTIFICATION REGARDING ATTENDANCE AT MEDIATION THROUGH THE USE OF COMMUNICATION EQUIPMENT

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

Case No(s).:

Plaintiff(s),

vs.

Defendant(s).

**CERTIFICATION REGARDING ATTENDANCE AT MEDIATION
THROUGH THE USE OF COMMUNICATION EQUIPMENT**

[Name], who was designated as Plaintiff's Representative in Form A filed herein, under penalty of perjury, states to the court that [he][she] (*mark as appropriate*)

- Attended mediation through the use of communication equipment, and was on the communication equipment at all times during the entire mediation.
- Attended mediation, through the use of communication equipment but was not on the communication equipment at all times during the mediation.

Signed on _____, 20____.

(Signature)

(Printed Name)

[Certificate of Service by Plaintiff's Counsel]

EXHIBIT 9

MEDIATION REPORT

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

Case No(s).:

Plaintiff(s),

vs.

Defendant(s).

MEDIATION REPORT
(RMFM Program)

Pursuant to the Court's Order, a Mediation Conference was conducted by
[name of mediator], Certified Circuit Civil Mediator, on *[date]*.

1. The following were present:

a) The Plaintiff's Representative, *[name]*, and Plaintiff's attorney,
[name].

b) The Defendant[s], *[name(s)]*, and his/her/their attorney[s],
[name(s)].

2. The result of the Mediation Conference is as follows (*Mediator selects only one*):

_____ A signed **SETTLEMENT AGREEMENT** was reached during
this Conference.

_____ The parties have reached a total **IMPASSE**.

_____ The parties have agreed to **ADJOURN** the mediation to *[date]*.

_____ Mediation has been **TERMINATED**.

As required by Administrative Order *[number]* a copy of the most recently
filed Form A is attached.

[Certificate of Service]

EXHIBIT 10

CERTIFICATION REGARDING SETTLEMENT AUTHORITY (RESIDENCE NOT HOMESTEAD)

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

Case No(s):

Plaintiff(s),

vs.

Defendant(s).

PLAINTIFF'S CERTIFICATION SETTLEMENT AUTHORITY
(Residence Is Not Homestead)

In compliance with Administrative Order *[number]*, the undersigned attorney certifies that following person or entity has full authority to negotiate a settlement of this case with the borrower without further consultation:

(All of the following information must be provided)

Name:

Mailing Address:

Telephone Number (including area code and extension):

Fax Number:

Email Address:

Loan/File Number:

Notice to Defendants: Because of privacy laws and rules, the plaintiff will only be able to negotiate a modification of the loan with the named borrower on the underlying debt.

I certify a copy of this certification was served on defendants with the summons.

Date:

[Signature, Address, Phone Number of Plaintiff's Counsel]

EXHIBIT 11

ORDERS FOR REFERRALS, COMPLIANCE, AND ENFORCEMENT

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

Case No(s).:

Plaintiff(s),

vs.

Defendant(s).

ORDER TO SHOW CAUSE

(Plaintiff's Failure to Comply with Administrative Order [number])

It appearing to the court that Plaintiff has failed to comply with the requirements of Administrative Order [number] in regards to the following (*as marked*):

Form A

___ Plaintiff failed to file Form A.

___ Plaintiff failed to electronically submit Form A to the Program Manager using the approved web-based information platform.

Payment of RMFM Program Fees

___ Plaintiff failed to pay the portion of the RMFM Program fees payable at the time suit is filed.

___ Plaintiff failed to pay the portion of the RMFM Program fees payable within 10 days after the notice conference is filed.

Electronic Transmittal of Case Number and Borrower Contact Information

___ Plaintiff failed to electronically submit the case number and contact

information to the borrower to the Program Manager using the approved web-based information platform.

Failure to File and Serve Certification Regarding Settlement Authority

___ Plaintiff failed to file and serve the certification regarding the person or entity with full settlement authority where the residence is not homestead (Form Exhibit 9 attached to the Administrative Order).

Attendance at Mediation

___ Plaintiff's counsel failed to attend mediation.

___ Plaintiff's representative designated in the most recent Form A filed in the court file failed to attend mediation.

___ Plaintiff's agent with full authority to sign a settlement agreement failed to attend mediation.

___ Plaintiff's representative failed to attend by telephone at all times during the mediation session.

___ After the mediation resulted in an impasse, plaintiff's representative failed to file the certification regarding attendance at mediation by telephone at all times (Form Exhibit 7 attached to the Administrative Order).

IT IS ORDERED that Plaintiff shall appear before the court at the *[designation of courthouse/courtroom]* on *[date]* at *[time]* to show cause why sanctions for noncompliance the Administrative Order *[number]* should not be imposed. Plaintiff is cautioned that failure to appear at the show cause hearing may result in the case being dismissed and the imposition of other appropriate sanctions.

Signed on *[date]*

[signature block for judge]

[Certificate of Service]

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

Case No(s):

Plaintiff(s),

vs.

Defendant(s).

ORDER AFTER SHOW CAUSE HEARING

(Plaintiff's Failure to Comply with Administrative Order [number])

The court having determined that Plaintiff has failed to comply with the requirements of Administrative Order [number], it is ORDERED and ADJUDGED (*as marked*):

Form A

___ Within 10 days from the date of this order, Plaintiff shall file and electronically submit Form A to the Program Manager using the approved web-based information platform.

Payment of RMFM Program Fees

___ Within 10 days from the date of this order, Plaintiff shall pay \$ _____ of the RMFM Program fees to the Program Manager.

Electronic Transmittal of Case Number and Borrower Contact Information

___ Within 10 days from the date of this order, Plaintiff shall electronically submit the case number and contact information to the borrower to the Program Manager using the approved web-based information platform.

Failure to File and Serve Certification Regarding Settlement Authority

___ Within 10 days after the date of this order, Plaintiff shall file and serve the certification regarding the person or entity with full settlement authority where the residence is not homestead (Form Exhibit 9 attached to the Administrative Order).

Attendance at Mediation

___ Plaintiff’s counsel shall attend the next scheduled mediation in this case.

___ _____ (Name), as plaintiff’s representative designated in the most recent Form A filed in the court file, shall physically attend the next scheduled mediation in this case.

___ _____ (Name), as plaintiff’s agent with full authority to sign a settlement agreement shall attend the next scheduled mediation in this case.

Dismissal

___ This case is dismissed without prejudice.

Additional Sanctions

___ The court determines _____ is entitled to an award of attorney’s fees and cost, the amount of which shall be determined at a subsequent hearing.

Signed on [date]

[signature block for judge]

[Certificate of Service]

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

Case No(s).:

Plaintiff(s),

vs.

Defendant(s).

ORDER REFERRING CASE TO RMFM PROGRAM
(Case Filed Prior to *[effective date of Administrative Order]*)

It appearing to the court that the residence which is the subject of this action to foreclose a mortgage is a “homestead residence” to which Administrative Order *[number]* applies and that Defendant _____ (Borrower) has requested that the case be referred to mediation, it is ORDERED:

The case is referred to the RMFM Program for mediation, and the plaintiff and borrower shall comply with Administrative Order *[number]*. Within 10 days from the date of this order, the plaintiff shall pay that portion of the RMFM Program fees payable at the time suit is filed, file a properly filled out Form A in the manner required by the administrative order, and electronically transmit Form A to the Program Manager using the approved web-based information platform.

The plaintiff and borrower are to cooperate with the Program Manager and must attend any mediation scheduled by the Program Manager.

The plaintiff is advised and cautioned that failure to comply in a timely manner with the requirements of this order will result in dismissal of the cause of action without further order of the court.

Signed on *[date]*

[signature block for judge]

[Certificate of Service]

EXHIBIT 12

MEDIATION TRAINING STANDARDS

Residential Mortgage Foreclosure Training Standards

Introduction

Achieving an informed and committed workforce of Residential Mortgage Foreclosure Mediators requires not only a grasp of the obvious mediation skills, but an extension of those skills into practical and substantive knowledge areas including, but not limited to, mortgage loan products, securities, loan servicers, court processes, and resolution options. A training model which includes both a preliminary online modular dissemination of information followed by live classroom training will provide this knowledge. Participants' completion of online training modules prior to a one-day live class will facilitate better discussion and greater comprehension. Post training access to online practice resources can improve, develop statewide practice and provide real time content updates.

Development of this training model is not only feasible, but also can be developed in a timely way. We recommend that each training provider maintain a needs-based approach to training, reflect on and respond to the participants' needs, and clearly state a training rationale that will serve as a methodological and ethical touchstone. It is our hope that this outline for Residential Mortgage Foreclosure Mediation Training Objectives and Standards will lead to quality mortgage foreclosure mediation training and practice throughout the State of Florida.

1. Mortgage Foreclosure Mediation Training Goals

At the conclusion of the training, the participants shall be able to:

- Recognize Basic Legal Concepts in Mortgage Foreclosure Mediation
- Identify Negotiation Dynamics in Mortgage Foreclosure Mediation
- Identify Mediation Process and Techniques in Mortgage Foreclosure Mediation
- Recognize Financial Issues in Mortgage Foreclosure Mediation
- Identify Communication Skills in Mortgage Foreclosure Mediation
- Recognize Ethical Issues in Mortgage Foreclosure Mediation

2. Learning Objectives

- a. Basic Legal Concepts in Mortgage Foreclosure Mediation
 - 1) Recognize basic legal concepts in mortgage foreclosures.
 - 2) Explain the process of, and timelines in, mortgage foreclosure and in the mortgage foreclosure mediation process.
 - 3) Identify the state rules, state and federal statutes, servicing guidelines, and local procedures and forms governing mortgage foreclosure mediation.
 - 4) Identify the protections, constraints, and exceptions of the Florida Confidentiality and Privilege Act in the context of Mortgage Foreclosure Mediation.

- b. Negotiation Dynamics in Mortgage Foreclosure Mediation
 - 1) Recognize the issues of settlement authority as they relate to the stakeholders in Mortgage Foreclosure Mediation.
 - 2) Recognize the impact of physical, telephonic, videoconference, on line or other electronic means of appearance at the mediation conference on the negotiation.
 - 3) Recognize the role(s) of the following in the Mortgage Foreclosure Mediation process:
 - i. lender
 - ii. loan servicer
 - iii. investor
 - iv. mortgage broker
 - v. mortgage pool
 - vi. second mortgagee
 - vii. condominium association
 - viii. homeowners' association
 - ix. lien holders (i.e., municipal, mechanics lien)
 - x. MERS

- xi. appraiser
- 4) Recognize techniques for assessing risks and incentives in a mortgage foreclosure case.
- 5) Recognize concept of “good faith” and distinguish it from state court appearance requirements.
- 6) Recognize basic mortgage nomenclature and sources, types and structure of mortgages.
- 7) Identify options for resolution such as:
 - i. modification of mortgage terms
 - ii. partial loan forgiveness
 - iii. placement of delinquent payments at the end of the loan term
 - iv. short sale
 - v. deed in lieu of foreclosure
 - vi. waiver of deficiency judgment
 - vii. stipulation to modify (i.e., if mortgagor makes X number of payments, then the loan will be modified)
 - viii. principal set aside
 - ix. repayment plan
 - x. loan reinstatement
 - xi. “right to rent” (i.e., the bank owns the property and rents it to the former borrower at the market rental rate)

c. Mediation Process and Techniques in Mortgage Foreclosure Mediation

- 1) Identify procedural elements which should be addressed prior to the parties’ entry into the mediation room including telephonic and other electronic equipment.
- 2) Identify information which needs to be exchanged prior to mediation (i.e., Pooling and Servicing Agreement; life of loan history; mortgagee current financial disclosure; different loss mitigation, loan modification and other resolution options).

- 3) Identify issues which are appropriate for mortgage foreclosure mediation and those that are not appropriate.
 - 4) Identify individuals who are essential participants in mortgage foreclosure mediation as well as those who are entitled to be present and those who are not required to participate but whose participation may be helpful in mediation.
 - 5) Describe techniques for mediating when all parties are self-represented, some parties are self-represented, or all parties are presented by counsel.
 - 6) Identify appropriate techniques for handling a situation where a representative appearing for a party does not have full authority to settle.
 - 7) Discuss the dynamics of mediating when one or more parties, participants, or representatives frequently participate in mediation.
 - 8) Discuss how emotions affect mortgage foreclosure issues and a party's ability to effectively mediate.
 - 9) Identify the role and procedures of the Program Manager
- d. Financial Issues in Mortgage Foreclosure Mediation
- 1) Understand the Net Present Value Model of the Making Home Affordable Program.
 - 2) Understand debt-to-income ratios and guidelines and potentials for re-defaults.
 - 3) Identify Fannie Mae, Freddie Mac, FHA, VA, and other loan servicer and investor issues and options.
- e. Communication Skills in Mortgage Foreclosure Mediation
- 1) Identify appropriate questions to assist the parties see their own and the other party's issues.

- 2) Identify resources for foreign language interpreters and when and how to use them.
- f. Ethical Issues in Mortgage Foreclosure Mediation
- 1) Recognize power imbalances and when a mediator shall advise the parties of the right to seek independent legal counsel.
 - 2) Understand that a mediator shall not offer a personal or professional opinion intended to coerce the parties, unduly influence the parties, decide the dispute, direct a resolution of any issue or indicate how the court in which the case has been filed will resolve the dispute.
 - 3) Memorializing the parties' agreement.
3. **Training Parameters**
- a. Training Provider
- 1) Training may be provided by the Program Manager(s) OR by independent training providers.
- b. Funding
- 1) Fees would be paid by mediators to training provider(s) and may include entire training process.
- c. Structure
- 1) A series of self – study web based modules corresponding to the six categories of learning objectives outlined in these recommendations – each followed by an online quiz; completed at participant's own pace.
 - 2) Final online test for pass code entry to live class.
 - 3) Live classroom training

- i. Length of Training. An instructional hour is defined as 50 minutes.
 - ii. Span of Training. Live mortgage foreclosure mediation training shall be presented over a period of one (1) day.
- 4) Certificate of Completion of Advanced Course on Florida Residential Mortgage Foreclosure Mediation given to participant. Access to web-based modules terminates.
- 5) Optional Online Learning Forum - for continued learning provided by Program Manager(s) OR by independent training providers – additional monthly fee for access

4. **Recommended Course Content Requirements**

Required Training Materials. At a minimum, training providers shall provide each of their attendees with a training manual that includes:

- a. An agenda annotated with the learning objectives to be covered in each section and the intended method of instruction;
- b. Sample mortgage foreclosure mediated settlement agreements;
- c. Sample federal government forms, i.e. HAMP Program Hardship Affidavit, HAMP Trial Period Plan, HAMP FAQs, IRS Form 4506-T, Foreclosure Mediation Financial Worksheet;
- d. Suggested readings including:
 - i. Chapter 44, Florida Statutes – Mediation Alternatives to Judicial Action
 - ii. Florida Rules for Certified and Court-Appointed Mediators
 - iii. Rules 1.510 and 1.700 - 1.750, Florida Rules of Civil Procedure
 - iv. Chapter 697, Florida Statutes – Instruments Deemed Mortgages and the Nature of a Mortgage
 - v. Chapter 701, Florida Statutes – Assignment and Cancellation of Mortgages
 - vi. Chapter 702, Florida Statutes – Foreclosure of

- vii. Mortgages, Agreements for Deeds, and Statutory Liens Chapter and/or sections pertaining to Condominiums and Homeowner Associations
- viii. Section 55.10(1), Florida Statutes (2004) pertaining to judgment liens
- ix. Federal statutes (i.e. Bankruptcy; Truth in Lending Act, Hope for Homeowners Act of 2008, Fair Debt Collection Practices Act, Service Members Civil Relief Act of 2003, and others to be identified and defined more specifically)
- x. Homeowner Affordability and Stability Plan, Home Affordable Modification Program (HAMP), and guidelines for servicers
- xi. Glossary of Terms
- xii. List of local, state and federal resources for borrowers
- xiii. Internet Links to useful on line resources
- xiv. Current Supreme Court of Florida Administrative Order, In Re Task Force on Residential Mortgage Foreclosure Cases
- xv. Local Judicial Circuit Administrative Order on Residential Mortgage Foreclosure Cases
- xvi. Additional reading resources provided by the Mediation Manager

5. **Training Methodology**

- a. Pedagogy. Residential mortgage foreclosure mediation training programs shall include, but are not limited to, the following: lecture, group discussion, and a mortgage foreclosure mediation demonstration.
 - 1) Use of subject matter specialists, i.e. lender, borrower, loan servicer, investor, plaintiff and defense counsel, mortgage foreclosure counselor, community resources.
 - 2) A subject matter specialist shall have a substantial part of his or her professional practice in the area about which the specialist is lecturing and shall have the ability to connect his or her area of expertise with the residential mortgage foreclosure mediation process.

- b. Residential Mortgage Foreclosure Mediation Demonstration. All mortgage foreclosure mediation training programs shall present a residential mortgage foreclosure role play mediation demonstration either live (including video conferencing) or by video/DVD presentation.
- c. Web-Based Methodologies. Web-based technologies may be used as an optional delivery method or as a post-training forum for continued learning and discussion for mediators. An online version of the training may provide a repository for the rapidly changing residential mortgage foreclosure training information.
- d. Assessment. Post-training assessment by participants, using post-training surveys combining a Likert scale with narrative response components, should inform content development and methodologies and provide quality assurance for training providers. The post-training survey would give the participants the opportunity to evaluate the effectiveness of the trainer(s), the substantive content of the program, and the practical value of the training, and to offer additional suggestions or comments.

EXHIBIT 13

PARAMETERS FOR MANAGED MEDIATION

PARAMETERS FOR PROVIDERS OF MANAGED MEDIATION SERVICES

Purpose: To define the parameters of managers directing mediation services for parties involved in residential mortgage foreclosure litigation.

A. Characteristics of Program Manager

1. Compliant with ADR principles as promulgated by the supreme court, and ADR statutes and rules;
2. Non-profit entity or associated with a reputable organization of proven competence, autonomous and independent of the judicial branch;
3. Capable of efficient administration of large case loads;
4. Sensitive to cultural, diversity, and Americans with Disabilities Act issues;
5. Politically and professionally neutral;
6. Knowledgeable of court procedures, current trends, laws, rules, and regulations affecting residential foreclosures;
7. Fiscally transparent and accountable;
8. Quickly adaptable to a dynamic and rapidly evolving legal environment;
9. Financially stable;
10. Capable of sustained operation without fiscal impact on the courts;
11. Capable of effectively implementing information technology systems and web-based programs;
12. Alert to ethical and confidentiality issues; and
13. Agreeable to acting as manager for voluntary pre-suit mediation.

B. Services to be Provided by Program Manager

1. Receive mediation referrals and, within designated time limits, schedule and coordinate mediation conferences: date, place and time; reserve and provide venues for mediation and caucus; manage continuances and re-scheduling;
2. Maintain financial books and records to insure transparency and accuracy of receipts and expenditures;

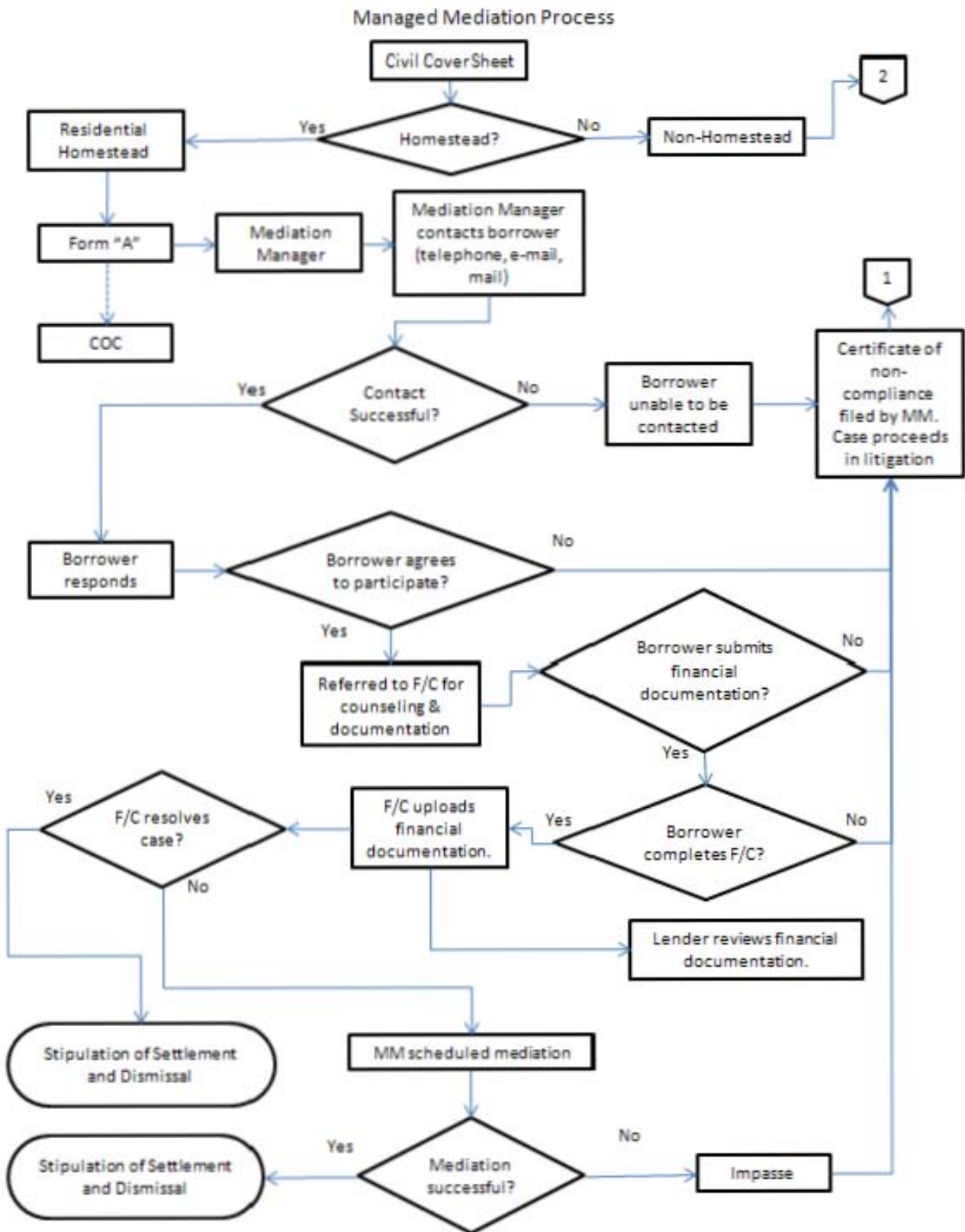
3. Prepare financial statements, financial and performance reports (for example, attendance and failure to attend mediation reports);
4. Establish and maintain performance standards for staff and mediators, including maintaining a roster of mediators comprised of persons who are properly trained in accordance with the standards attached, and who are otherwise qualified, and effective in foreclosure mediation;
5. Assist in specialized training of mediators for workout options and resources;
6. Arrange and pay for interpreters;
7. Bill, collect, deposit, and disburse mediation fees and refunds; pay for necessary services and costs incidental to mediation managing as required to implement mediation administrative order;
8. Establish procedures for managing and communicating with *pro se* litigants and attorneys. This includes implementing a process for prompt outreach to borrower-owners immediately after suit has been filed; the goal of the outreach is to inform mortgagors about the mediation program, invite their participation, and to start the process of referral to mortgage foreclosure counseling and the collection of required financial information;
9. Establish procedures for complying with confidentiality rules;
10. Establish a system for managing mediators that:
 - a. Provides for the impartial assignment of mediators, for example, by the use of a rotating list,
 - b. Is open to qualified supreme court certified mediators who are capable of providing effective services in the residential foreclosure setting, and
 - c. Allows for more than one Mediation Managing entity in the circuit if approved by the chief judge.

11. Monitor or supervise the preparation of mediation settlement agreements;
12. In accordance with the Administrative Order establish the schedule for division of fees between mediators, managers and others;
13. Prepare operational reports as required by the chief judge, regarding the number of cases mediated, impasse or successful mediations, etc.;
14. Solicit qualified mediators and maintain current list of mediators available for residential foreclosure cases;
15. Establish procedures for disqualifying and replacing mediators with ethical or other conflicts;
16. Coordinate the referral of mortgagors to certified foreclosure counselors pre-mediation;
17. Refer unrepresented parties to legal aid, or panels of pro bono or reduced fee attorneys;
18. Facilitate the exchange of documents between the parties, pre- and post-mediation, including the establishment and maintenance of a secure web-based communication system between the Program Manager and all parties to mediation using a platform capable of transmitting financial data, email, mediation forms and attachments, and able to track participant payments and refunds;
19. Maintain for dissemination to owner-borrowers a list of approved foreclosure counselors willing to perform services at the rates established by the court;
20. Answer inquiries from mediators and parties re the mediation process and forms;
21. Establish a system for resolving complaints against mediators and other persons involved in the Managed Mediation Program;
22. Establish procedures for participant evaluation of mediation program services, including satisfaction surveys;

23. Develop the forms and procedures necessary to verify compliance with the residential foreclosure mediation program by lender/servicer representatives, their attorneys, and borrowers; and
24. Using judicial disqualification criteria as a model, disclose to the chief judge any direct or indirect financial ties to lenders/servicers (including any immediate family members), whether present or within the past three (3) years, with a continuing obligation to disclose.

EXHIBIT 14

RMFM PROGRAM FLOWCHART



August 12, 2009

SECOND JUDICIAL CIRCUIT MORTGAGE FORECLOSURE PROJECT

COURT PERSONNEL

Name	Title/Duty	Phone	Room	Email
Ina Hawkins	AAI - Assistant to Senior Judges	850-577-8067	301-B	
Cole, Russell	Senior Judge	850-577-4442	301-B	not available
Davis, Danny	Court Technology Officer	850-577-4444	225-D	david@leoncountyfl.gov
Gary, William	Sr Judge	850-577-4442	301-B	none
Francis, Charles	Chief Judge	850-577-4306	365-K	francisc@leoncountyfl.gov
Granston, Cheri-Ann	Law Clerk	850-577-4411	301-N	granstonc@leoncountyfl.gov
Moayad, Patricia	Senior Staff Attorney	850-577-4418	342	patricia@leoncountyfl.gov
Monk, Tonya	Court Operations Officer/Sr Judge Coordinator	850-577-4431	225-U	monk@leoncountyfl.gov
Moore, Justin	Case Manager	850-577-8029	301-I	mooreju@leoncountyfl.gov
Parsons, Stuart	Sr Judge	850-577-4442	301-B	not available
Pelletier, Dennis	Budget Director	850-577-4427	225-H	pelletierd@leoncountyfl.gov
Strenth, Matthew	Case Manager	850-577-8056	301-H	strenthm@leoncountyfl.gov
Vance, Kelly	Case Manager	850-577-8064	301-G	vancek@leoncountyfl.gov
Watkins, Paula	Administrative Services Manager/Personnel	850-577-4422	225-N	watkinsp@leoncountyfl.gov
Wills, Bill	Trial Court Marshall/Faciliteis and Security	850-577-4428	204	billw@leoncountyfl.gov
Wilson, Susan	Director of Research & Data/Project Coordinator	850-577-4430	225-B	susanw@leoncountyfl.gov
Dave Wolfson	Mediation Director	850-577-4448	225-F	wolfsond@leoncountyfl.gov

CLERK PERSONNEL

County	Name/Title	Phone	Email
Franklin	Johnson, Marcia; Clerk	850-653-8886, ext 103	mmjohnson@franklinclerk.com
Franklin	Maxwell, Michele; Civil Supervisor	850-653-8861, ext 106	mmaxwell@franklinclerk.com
Gadsden	Carter, Pam; Circuit Civil Supervisor	850-875-8601, ext 231	pamc@clerk.co.gadsden.fl.us
Jefferson	Sears, Sherry, Circuit Civil Supervisor	850-342-0218, ext 228	ssears@jeffersonclerk.com
Leon	Kennedy, Debbie; Civil Supervisor	850-577-4171	ddkennedy@leoncountyfl.gov
Liberty	Brown, Kathy, Chief Deputy Clerk	850-643-2215	kbrown_liberty@yahoo.com
Liberty	Summers, Vanell Civil Supervisor	850-643-5188, ext 128	vanell@yahoo.com
Wakulla	Metcalf, Irvine, Civil Supervisor	850-926-0301	imetcal@wakullaclerk.com

OTHER PERSONNEL

Name	Title/Duty	Phone	Room	Email
Bryant, Marianne	Program Specialist/TBA	850-222-3292, ext 304	108	bryantm@tallahasseeclerk.com

SECOND JUDICIAL CIRCUIT MORTGAGE FORECLOSURE PROJECT

UPDATED 7/2/2010

2nd Cir 0784

MORTGAGE FORECLOSURES - FILINGS

FILINGS	FRANKLIN	GADSDEN	JEFFERSON	LEON	LIBERTY	WAKULLA	CIRCUIT
Jan-09	26	30	7	159	0	22	244
Feb-09	37	30	10	172	0	28	277
Mar-09	30	35	12	187	4	38	306
Apr-09	27	28	9	159	2	30	255
May-09	35	34	5	144	1	33	252
Jun-09	41	32	6	181	4	26	290
Jul-09	53	36	6	170	4	41	310
Aug-09	29	30	2	157	0	27	245
Sep-09	35	29	7	176	2	23	272
Oct-09	43	27	5	166	3	27	271
TOTAL	356	311	69	1671	20	295	2722
MON. AVG.	35.6	31.1	6.9	167.1	2	29.5	272.2

MORTGAGE FORECLOSURES - DISPOSITIONS

DISPOSITIONS	FRANKLIN	GADSDEN	JEFFERSON	LEON	LIBERTY	WAKULLA	CIRCUIT
Jan-09	20	27	9	73	2	18	149
Feb-09	23	30	11	82	0	3	149
Mar-09	13	29	8	77	1	21	149
Apr-09	17	13	11	96	2	28	167
May-09	10	13	3	115	3	21	165
Jun-09	29	25	12	141	2	18	227
Jul-09	31	10	2	122	3	27	195
Aug-09	22	13	7	84	1	21	148
Sep-09	8	17	1	82	1	6	115
Oct-09	37	11	3	76	0	27	154
TOTAL	210	188	67	948	15	190	1618
MON. AVG.	21	18.8	6.7	94.8	1.5	19	161.8
CLEARANCE RATE	59.0%	60.5%	97.1%	56.7%	75.0%	64.4%	59.4%

CIRCUIT-WIDE CIRCUIT CIVIL & MORTGAGE FORECLOSURES - CLEARANCE RATES

CLEARANCE RATE	ALL CIRCUIT CIVIL	MORTGAGE FORE-CLOSURE
FY 2003-04	85.0%	98.1%
FY 2004-05	92.0%	103.8%
FY 2005-06	93.0%	86.4%
FY 2006-07	89.0%	76.2%
FY 2007- 08	73.0%	51.2%
Jul - Sep 2008	75.7%	51.2%
Oct - Dec 2008	71.0%	54.6%
Jan - Mar 2009	60.3%	51.8%
Apr - Jun 2009	70.8%	53.9%

MORTGAGE FORECLOSURES - PENDING NEW & REOPENED CASES

END OF:	LEON
Jan-09	1601
Feb-09	1676
Mar-09	1793
Apr-09	1858
May-09	1879
Jun-09	1775
Jul-09	1989
Aug-09	2063
Sep-09	2160
Oct-09	2138
Nov-09	2342
Dec-09	2438
TOTAL	23712
MON. AVG.	1976

From: Debbie Howells <howellsd@flcourts.org>
To: Trial Court Chief Judges <TrialCourtChiefJudges@flcourts.org>
CC: Trial Court Administrators <TrialCourtAdministrators@flcourts.org>
Date: 1.3.10 2:36 PM
Subject: Mortgage Foreclosure Administrative Orders

Good afternoon. We are receiving many inquiries about the administrative orders to implement managed mediation in mortgage foreclosure cases that involve homestead property. Once your circuit's order has been entered and posted on your website, could you please send us information so we can link to those orders from the Florida Courts and Supreme Court of Florida websites?

Respectfully,

Debbie Howells
Office of the State Courts Administrator
500 S. Duval Street
Tallahassee, FL 32399-1900
Phone 850-922-4370
Fax 850-488-0156
Email howellsd@flcourts.org

From: David Wolfson
To: Francis, Charles
CC: Slayden, Grant
Date: 18.5.10 11:28 AM
Subject: Mortgage Foreclosure AO
Attachments: AO Final Wolfson's Model Administrative Order.doc

Good morning Your Honor: Yesterday, I forwarded the final draft of the Administrative Order to you, which was not my draft; mine did not include exhibits (except 1 and 2 which are Circuit specific). I felt they were cumbersome and unnecessary, but the Tallahassee Bar wanted them included. My draft incorporated them by reference from the Supreme Court Administrative Order. I felt obligated to share that with you and have attached my version of the order. This gives you a choice.

From: "Inskeep, Gay" <GInskeep@jud6.org>
To: Trial Court Administrators <TrialCourtAdministrators@flcourts.org>
Date: 4.12.09 2:34 PM
Subject: Mortgage Foreclosure Case Management

If anyone has any job descriptions, checklists, forms or other information regarding the use of case managers for mortgage foreclosure cases, will you please e-mail them to me? Thanks. Have a good weekend.

Gay Lynne Inskeep
Trial Courts Administrator
Sixth Judicial Circuit
Pasco and Pinellas Counties
727.582.7477
ginskeep@jud6.org

This message and all attachments are intended to be used exclusively by the addressee(s). It may contain information that is privileged, confidential and exempt from disclosure under applicable law. Unauthorized disclosure or use of this information is strictly prohibited. If you have received this communication in error, please permanently delete or dispose of the original message and any copies thereof and notify us directly at 727-582-7477. Thank you.

From: Susan Wilson
To: Slayden, Grant
Date: 15.7.10 10:00 AM
Subject: Mortgage Foreclosure Contact List
Attachments: mort fore contacts.xls

...is attached. Thank you, Susan

From: Susan Wilson
To: Barber, Shirley; Cooper, John; Francis, Charles; Fulford, Jackie; Go...
CC: Slayden, Grant
Date: 20.5.10 3:46 PM
Subject: Mortgage Foreclosure Data
Attachments: mortgageforeclosureleonbymonth.xls

As requested during this morning's meeting, attached is the Leon County mortgage foreclosure (prior pending, filed, disposed, and new pending) data by month for January 2009 - April 2010.

If you look at the tabs, you will see that there are graphs of the filed and disposed data, as well as the pending data. I believe Judge Cooper was correct when he said he thought the filings may be tapering off.

Thank you,
Susan

From: Dennis Pelletier
To: Conn, Tiffany
CC: Slayden, Grant; Thurmond, Brent
Date: 2.9.10 9:10 AM
Subject: Mortgage Foreclosure Filing Fees

Tiffany,

I have just received the July report of Revenues received into the Mediation and Arbitration Trust Fund which shows that there were no collections for the past 4 months as far as the \$15 filing fee for circuit civil actions relating to mortgage foreclosure under F.S. 28.241. Is it possible this is an oversight, or could it be that there were no filings over that period? Would you please either check this out for me or pass it along to the person who might be responsible for this area, and let me know what you find. Thanks.

From: "Sharon Press" <press@flcourts.org>
To: "Trial Court Administrators" <TrialCourtAdministrators@flcourts.org>
CC: "Judge Jennifer Bailey" <jbailey@jud11.flcourts.org>, "Cal Goodlett" <Go...>
Date: 29.4.09 3:06 PM
Subject: Mortgage Foreclosure Forms

I know you all are very busy with the end of the session approaching, but I need your assistance one more time on behalf of the Supreme Court Mortgage Foreclosure Task Force. The members have identified an interest in obtaining all circuit forms used in foreclosure cases, including but not limited to form foreclosure judgments.

Please attach them to a return e-mail to me or you can send them via fax to 850-922-9290. Thanks, sp

From: Susan Wilson
To: Hawkins, Ina; Slayden, Grant; Watkins, Paula; Wills, Bill
CC: Monk, Tonya
Date: 23.9.10 6:06 PM
Subject: Mortgage Foreclosure Hearing Location

Tonya has confirmed that Room 311-A (the pie slice shaped hearing room) is available and reserved for mortgage foreclosure hearings. This is good news since parties can report to the same reception area.

Thanks,
Susan

From: "Bridenback, Mike" <BRIDENML@fljud13.org>
To: <SlaydenG@leoncountyfl.gov>
Date: 1.3.10 9:01 AM
Subject: Mortgage Foreclosure Managed Mediation Requirement

Grant,

The reason I have been calling is to confirm something my local bar association director told me at a meeting where we were discussing the bar's interest in becoming the mediation manager under this program. She said that the 2nd circuit had chose not to release an RFP but contracted directly with your local bar association in Tallahassee. Is that what you are doing and if yes, what were the factors that influenced your decision? Thanks.

Michael L. Bridenback
Court Administrator

800 E. Twiggs Street, Suite 604

Tampa, FL 33602

p: 813.272.5894

f: 813.301.3800

bridenml@fljud13.org

www.fljud13.org <<http://www.fljud13.org/>>

From: Grant Slayden
To: David Wolfson
CC: Paula Watkins; toni@radeylaw.com
Date: 2.3.10 9:11 AM
Subject: Mortgage Foreclosure Mediation Query

Dave:

When you get back from the Olympics, could you contact Toni Egan, a local attorney with Radey Thomas Yon & Clark, about mediations in mortgage foreclosure cases? Her e-mail is above, her address is 301 South Bronough Street, Tallahassee, FL 32301-1706, phone 850.425.6654. She is especially interested in how one gets locally trained in our circuit, any information on how the TBA will function as the program manager, and who to contact about their rotation list. The Florida Supreme Court's Dispute Resolution Center said that the only state requirement was to be circuit certified, but that each circuit was expected to require some additional locally-developed training specifically on mortgage foreclosures. I'll work on getting you to approved to attend the "train the trainer" mortgage foreclosure mediation course today.

Thank you,
Grant Slayden

Trial Court Administrator
2d Judicial Circuit of Florida
Leon County Courthouse, Rm. 225L
301 South Monroe Street
Tallahassee, Florida 32301-1861
W: 850.577.4420
F: 850.487.7947

From: David Wolfson <davidawolfson@hotmail.com>
To: Grant Slayden <slaydeng@leoncountyfl.gov>
Date: 5.3.10 6:38 PM
Subject: Mortgage Foreclosure Mediation

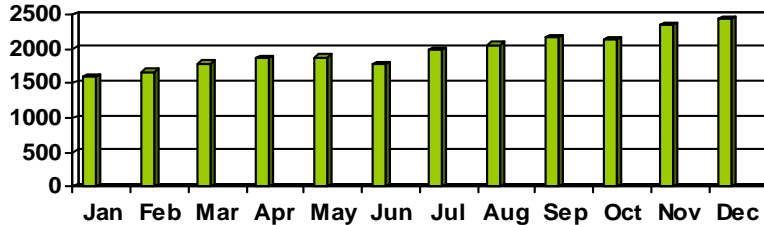
Hi Grant: Today I spent the whole day taking the on line requirements of the mortgage foreclosure mediation course, and took the test and got an 85% so I passed. Now I can go to the training. See you monday.

2^d Judicial Circuit of Florida Mortgage Foreclosure Program

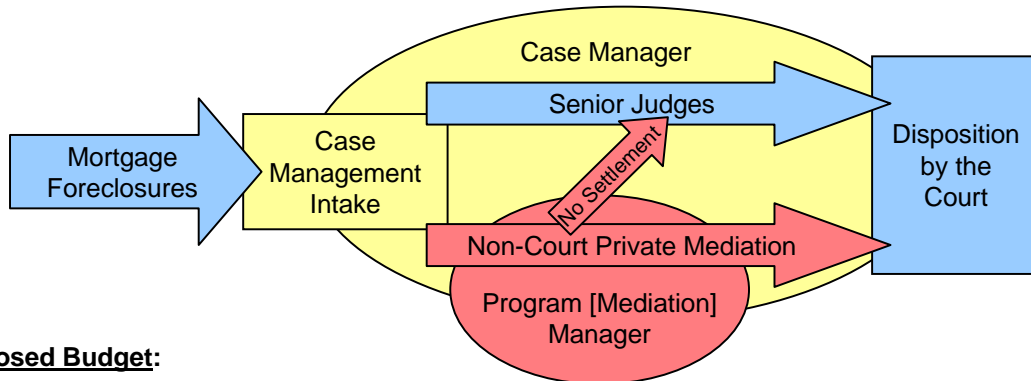
Economic Default Recovery Effort: TCBC is requesting non-recurring funding authority from the Legislature to provide temporary resources in the trial courts to eliminate backlog in mortgage foreclosures, real property, contracts and indebtedness, and county civil (\$5,000 to \$15,000).

OSCA anticipates \$85,993 allocated to the 2^d Judicial Circuit from 1 July 2010 through 30 June 2011.

Mortgage Foreclosure Backlog in Leon County has grown 52% in the past year (2009).



Proposal: Hire a case manager, OPS administrative assistant I, and senior judges, and appoint a program [mediation] manager, for one year to reduce the mortgage foreclosure case backlog.



Proposed Budget:

Senior Judge Days @ \$350.00 a day x 60 days = \$21,180.00 (includes Medicare).

- Duties: Hear mortgage foreclosure cases up to five days a month circuit-wide.

Case Manager (full-time OPS, use Court Program Specialist II job description) \$36,400.32 (\$17.50 an hour), total cost = \$39,318.09

- Duties: Identify eligible cases and send to senior judge and/or mediation, manage caseload, prepare reports, liaise with judges and private mediators, coordinate program, manage budget, and provide information to the Court and litigants.

Administrative Assistant I (half-time OPS) \$13,909.92 (\$13.37 an hour), total cost = \$15,024.91.

- Duties: Prepare orders, mail, reception, scheduling, and screen for ex parte communications.

Expenses \$4,470.00 for travel, office supplies, etc. (assumes circuit-wide caseload).

Computers and Communications \$6,000.00, we would keep the automation equipment afterwards.

Security and Facilities \$0, use existing resources. Place senior judge in senior judge chambers, administrative assistant I in JA office, and case manager across the hall in a trial court law clerk office.

Program [Mediation] Manager appointed in accordance with Supreme Court of Florida Administrative Order AOSC09-54, dtd 28 Dec 09. This is at no cost to the State; plaintiffs pay no more than \$750.00 for this service.

From: Grant Slayden
To: slaydenk@flcourts.org
Date: 21.1.10 1:54 PM
Subject: mortgage foreclosure proposal, 13 Jan 10.ppt
Attachments: mortgage foreclosure proposal, 13 Jan 10.ppt

Kris:
Here's my draft proposal. I'll send you the final once it's approved.
459
Grant

Trial Court Administrator
2d Judicial Circuit of Florida
Leon County Courthouse, Rm. 225L
301 South Monroe Street
Tallahassee, Florida 32301-1861
W: 850.577.4420
F: 850.487.7947

From: "Sharon Press" <presss@flcourts.org>
To: "Grant Slayden" <slaydeng@leoncountyfl.gov>
Date: 3.6.09 11:31 AM
Subject: Mortgage Foreclosure Task Force Survey for Judges

Dear Colleagues:

The Supreme Court Task Force on Foreclosures has designed a survey for judges to try to capture the problems we are all experiencing. You can access the survey at <http://intranet.flcourts.org/> and look right below the masthead and you will see it. This is the chance to make your complaints heard, please fill it out!

Jennifer D. Bailey

Chair, Supreme Court Residential Mortgage Foreclosure Task Force

Administrative Judge, Civil Division

11th Judicial Circuit

Miami-Dade County Courthouse

73 W. Flagler St., Room 1307

Miami, FL 33130

(305) 349-7152

From: David Wolfson
To: Slayden, Grant
Date: 19.2.10 10:43 AM
Subject: Mortgage foreclosure training

Hey Grant: I thought Greg Firestone's training in Tampa was taking place before I get back, but now I find it is happening March 10 and I'm back the 7th. It would be really helpful if I took it. Cost is \$249 and I will stay in my camper cheap if my budget will pay mileage and the registration fee. Do I dare ask the Chief? I'm forwarding the brochure by separate cover.

From: Paula Watkins
To: Slayden, Grant
CC: Davis, Danny; Monk, Tonya; Pelletier, Dennis; Wills, Bill; Wilson, S...
Date: 22.9.10 10:07 AM
Subject: Mortgage Foreclosure's New Office Space

Grant, the Chief called to ask where Judge Tamayo chose as her office. I informed him she chose the office where the Senior Judge/Mortgage Foreclosures are being held right now. Then he inquired as to we here we would move the Mortgage Foreclosure staff (Ina and Senior Judge), because it needed to be somewhere with easy public access. The Chief would like to make sure the move doesn't interrupt the mortgage foreclosure hearings, so maybe we can schedule the move when there are no hearings scheduled. Tonya?

Also, I'm assuming Judge Tamayo will have a new phone number correct? The Mortgage Foreclosure phone number (577-4442) is on quite a few notices that are mailed out. If so, what would be the new phone number and/or fax number?

Thanks, in advance!

*Paula Watkins
2nd Judicial Circuit
Office of Court Administration,
Room 225-N
Leon County Courthouse
301 S. Monroe Street
Tallahassee, FL 32301
Phone : (850) 577-4422
Fax: (850) 487-7947*

From: David Wolfson
To: Slayden, Grant
Date: 10.2.10 10:34 AM
Subject: Mortgage Foreclosures

Hey: Don't forget we need to talk to the chief about mortgage foreclosures. I got the impression this was a priority to him.

Mortgage Delinquencies Soar

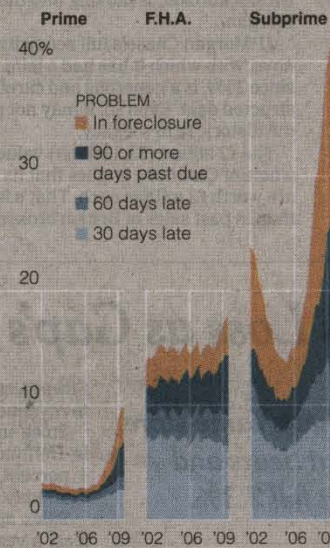
One in 10 Borrowers Is at Least a Month Behind on Payments



MARCIO JOSE SANCHEZ/ASSOCIATED PRESS

TROUBLED MORTGAGES

Share of mortgages at least 30 days past due or in the foreclosure process. Seasonally adjusted.



Source: Mortgage Bankers Association's National Delinquency Survey THE NEW YORK TIMES

Homeowners needing mortgage advice and revisions flocked to an event with the Neighborhood Assistance Corporation of America at the Cow Palace in Daly City, Calif., last month.

By DAVID STREITFELD

The economy and the stock market may be recovering from their swoon, but more homeowners than ever are having trouble making their monthly mortgage payments, according to figures released Thursday.

Nearly one in 10 homeowners with mortgages was at least one payment behind in the third quarter, the Mortgage Bankers Association said in its survey. That translates into about five million households.

The delinquency figure, and a corre-

sponding rise in the number of those losing their homes to foreclosure, was expected to be bad. Nevertheless, the figures underlined the level of stress on a large segment of the country, a situation that could snuff out the modest recovery in home prices over the last few months and impede any economic rebound.

Unless foreclosure modification efforts begin succeeding on a permanent basis — which many analysts say they think is unlikely — millions more foreclosed homes will come to market.

"I've been pretty bearish on this big

ugly pig stuck in the python and this cements my view that home prices are going back down," said the housing consultant Ivy Zelman.

The overall third-quarter delinquency rate is the highest since the association began keeping records in 1972. It is up from about one in 14 mortgage holders in the third quarter of 2008.

The combined percentage of those in foreclosure as well as delinquent homeowners is 14.41 percent, or about one in seven mortgage holders. Mortgages with

Continued on Page 6

One in 10 Homeowners Is at Least One Month Behind on Mortgage

From First Business Page

problems are concentrated in four states: California, Florida, Arizona and Nevada. One in four people with mortgages in Florida is behind in payments.

Some of the delinquent homeowners are scrambling and will eventually catch up on their payments. But many others will slide into foreclosure. The percentage of loans in foreclosure on Sept. 30 was 4.47 percent, up from 2.97 percent last year.

In the first stage of the housing collapse, defaults and foreclosures were driven by subprime loans. These loans had low introductory rates that quickly moved to a level that was beyond the borrower's ability to pay, even if the homeowner was still employed.

As the subprime tide recedes, high-quality prime loans with fixed rates make up the largest share of new foreclosures. A third of the new foreclosures begun in the third quarter were this type of loan, traditionally considered the safest. But without jobs, borrowers usually cannot pay their mortgages.

"Clearly the results are being driven by changes in employment," Jay Brinkmann, the association's chief economist, said in

a conference call with reporters.

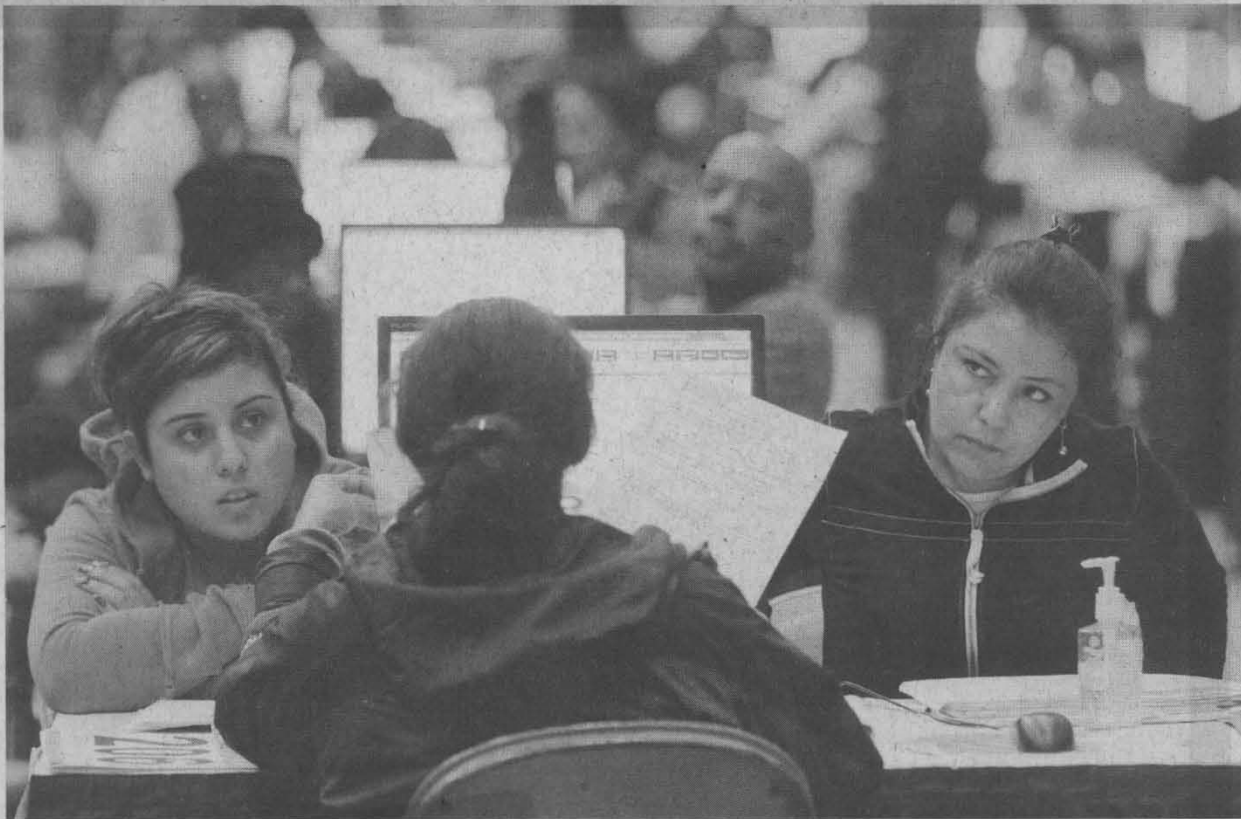
In previous recessions, homeowners who lost their jobs could sell the house and move somewhere with better prospects, or at least a cheaper cost of living. This time around, many of the unemployed are finding that the value of their property is less than they owe. They are stuck.

"There will be a lot more distressed supply entering the market, and it will move up the food chain to middle- and higher-price homes," said Joshua Shapiro, chief United States economist for MFR Inc.

Many analysts say they believe that foreclosures, instead of peaking with the unemployment rate as they traditionally do, will most likely be a lagging indicator in this recession. The mortgage bankers expect foreclosures to peak in 2011, well after unemployment is expected to have begun falling.

There was one sliver of good news in the survey: the percentage of loans in the very first stage of default — no more than 30 days past due — was down slightly from the second quarter. If that number continues to decline, at least the ranks of the defaulted will have peaked.

"It's arguably a positive, but it doesn't undermine the fact that



MARCIO JOSÉ SANCHEZ/ASSOCIATED PRESS

Homeowners in California talk about revising a loan with a counselor for the Neighborhood Assistance Corporation of America.

there are still five or six million foreclosures in process," Ms. Zelman said.

The number of loans insured by the Federal Housing Administration that are at least one month past due rose to 14.4 percent in the third quarter, from 12.9 percent last year. An addi-

tional 3.3 percent of F.H.A. loans are in foreclosure.

The mortgage group's survey noted, however, that the F.H.A. was issuing so many loans — about a million in the last year — that it had the effect of masking the percentage of problem loans at the agency. Most loans enter

default when they are older than a year.

When the association removed the new loans from its calculations, the percentage of F.H.A. mortgages entering foreclosure was 30 percent higher.

The association's survey is based on a sample of more than

44 million mortgage loans serviced by mortgage companies, commercial and savings banks, credit unions and others. About 52 million homes have mortgages. There are 124 million year-round housing units in the country, according to the Census Bureau.

MORTGAGE FORECLOSURES LEON COUNTY

Month	Pending 1st of the Month	Filed	Disposed	Pending End of Month
Jan-09	1416	155	64	1507
Feb-09	1505	165	76	1594
Mar-09	1596	185	75	1706
Apr-09	1708	152	92	1768
May-09	1762	139	106	1794
Jun-09	1793	175	110	1858
Jul-09	1838	168	117	1889
Aug-09	1879	156	79	1956
Sep-09	1955	171	79	2047
Oct-09	2048	164	74	2138
Nov-09	2150	162	90	2222
Dec-09	2215	178	78	2315
Jan-10	2291	145	75	2361
Feb-10	2361	171	89	2443
Mar-10	2446	149	123	2472
Apr-10	2473	139	195	2417

Data Source is the Case Management Report from the Judicial Web
Does not include reopened cases.

PENDING MORTGAGE FORECLOSURE CASES
as of March 10, 2010

COUNTY	NUMBER OF CASES
FRANKLIN	400
GADSDEN	483
JEFFERSON	77
LEON	2560
LIBERTY	44
WAKULLA	454
CIRCUIT	4018

From: Paula Watkins
To: Court Adm Staff; Court Reporters; Detention Review/Court Mental Health...
Date: 4.10.10 1:58 PM
Subject: North Florida Parkinson's Awareness Super-Suds Fundraiser

Support North Florida Parkinson's Awareness Group during the month of October.

What to do:

1. Visit **any Super-Suds Express** during October
2. Touch the Fundraising button on the screen at the AutoCashier
3. Enter the code 2806 to activate the **North Florida Parkinson's Awareness Group** Ultimate Wash Package for \$10
4. Pay for your Wash and automatically generate a \$4 donation to North Florida Parkinson's Awareness Group. That's 40%!!!!

From: David Wolfson
To: Mortgage Foreclosure Group
CC: Galeener, Loretta
Date: 26.10.10 9:24 AM
Subject: Oops

I didn't realize I have a case tomorrow I can't reassign. So, we have two options, we can start tomorrow at 9:00 and I'll spend a half hour with you and rejoin you after the case is over, or we can do it Friday all day. Please may I have your input.

From: Susan Wilson
To: Slayden, Grant
Date: 26.5.10 9:44 AM
Subject: Pending Mortgage Foreclosure Cases
Attachments: mortgageforeclosurepending0310201.xls

...by county as of March 10, 2010 is attached. Thank you, Susan



**Second Judicial Circuit of Florida Press Release
19 May 2010**

**FOR MORE INFORMATION CONTACT:
Grant Slayden @ office 850.577.4420
cell 850.508.3843**

FOR IMMEDIATE RELEASE

Court-Ordered Mediation for Residential Mortgage Foreclosure Cases

Who: Second Judicial Circuit of Florida
What: Court-Ordered Mediation for Residential Mortgage Foreclosure Cases
Where: N/A
When: Effective Tuesday, June 1, 2010

In compliance with Supreme Court Administrative Order 09-54, Second Judicial Circuit Chief Judge Charles A. Francis, Second Judicial Circuit (comprising Franklin, Gadsden, Jefferson, Leon, Liberty, and Wakulla Counties) signed Administrative Order 10-05, ordering mediation for qualified residential mortgage foreclosure cases effective June 1, 2010. The Tallahassee Bar Association is appointed as program manager to administer these functions. The TBA point of contact is Marianne Bryant, who may be contacted at (850) 222-3292 (extension 304) Monday through Thursday, 9:00 a.m. to 5:00 p.m., and Friday 9:00 a.m. to 2:00 p.m., or via e-mail at rmfm@tallahasseebar.org. A copy of the administrative order is posted on*****



**Second Judicial Circuit of Florida Press Release
19 May 2010**

**FOR MORE INFORMATION CONTACT:
Grant Slayden @ office 850.577.4420
cell 850.508.3843**

FOR IMMEDIATE RELEASE

Court-Ordered Mediation for Residential Mortgage Foreclosure Cases

Who: Second Judicial Circuit of Florida

What: Court-Ordered Mediation for Residential Mortgage Foreclosure Cases

Where: N/A

When: Effective Tuesday, June 1, 2010

In compliance with Administrative Order 09-54 of Supreme Court Chief Justice Peggy Quince, Second Judicial Circuit Chief Judge Charles A. Francis, Second Judicial Circuit (comprising Franklin, Gadsden, Jefferson, Leon, Liberty, and Wakulla Counties) signed Administrative Order 10-05, ordering mediation for qualified residential mortgage foreclosure cases effective June 1, 2010. The Tallahassee Bar Association is appointed as program manager to administer these functions. The TBA point of contact is Marianne Bryant, who may be contacted at (850) 222-3292 (extension 304) Monday through Thursday, 9:00 a.m. to 5:00 p.m., and Friday 9:00 a.m. to 2:00 p.m., or via e-mail at rmfm@tallahasseebar.org.

From: David Wolfson
To: Mortgage Foreclosure Group
CC: Davis, Danny
Date: 27.10.10 4:07 PM
Subject: Public Records Request

Please note, the Public Records request served is up until today. Please create a new file in your email folders "Mortgage Foreclosure" and move all the emails you sent or received into that file. Danny Davis will be around next week to collect. Marianne: Please go through your emails as they may contain "Mediation Communications" and are thus privileged and exempt from the Public Records Statute. This includes questions about things that arose in mediation, discussions with the mediators/parties about mediation communications and the like. A mediation communication is defined as "an oral or written statement, or nonverbal conduct intended to make an assertion, by or to a mediation participant made during the course of mediation, or prior to mediation if made in furtherance of a mediation. The commission of a crime during mediation is not a mediation communication." Please note, a court ordered mediation begins (and confidentiality attaches) when the order of referral is signed and ends when the mediator declares an impasse, termination, or a partial or full agreement is reached. If there is any doubt, save those files to go over with me. Be certain not to divulge any confidential communication.

From: Charles Francis
To: Slayden, Grant
CC: Pelletier, Dennis; Rett, Marilyn; Watkins, Paula; Wolfson, David
Date: 19.5.10 11:29 AM
Subject: Re: Draft Press Release for Court-Ordered Mediation for Residential Mortgage Foreclosure Cases
Attachments: Press Release, Mortgage Foreclosure Mediation Program, 19 May 10CAF.doc

I have made two slight revisions. the revised release is attached. We need to tell them where they can see the order and I think it should be on our web site as well as the bar's site.

>>> Grant Slayden 5/19/2010 10:27 AM >>>

Chief Judge Francis:

For your approval, attached please find the proposed press release for Court-Ordered Mediation for Residential Mortgage Foreclosure Cases. The TBA has approved the language. We'll send this out once you sign the AO. I did not know if you wanted to add a quote or say anything special, Your Honor?

Respectfully,
Grant Slayden

**Trial Court Administrator
2d Judicial Circuit of Florida
Leon County Courthouse, Rm. 225L
301 South Monroe Street
Tallahassee, Florida 32301-1861
W: 850.577.4420
F: 850.487.7947**

From: Theresa Westerfield <westerfieldt@flcourts.org>
To: Grant Slayden <slaydeng@leoncountyfl.gov>
CC: Kristine Slayden <slaydenk@flcourts.org>
Date: 27.5.10 3:56 PM
Subject: RE: Economic Recovery Act Mortgage Foreclosure Funding

Bless you!

Theresa

From: Grant Slayden [mailto:SlaydenG@leoncountyfl.gov]
Sent: Thursday, May 27, 2010 3:55 PM
To: Theresa Westerfield
Cc: Kristine Slayden
Subject: Economic Recovery Act Mortgage Foreclosure Funding

Theresa:

Our Economic Recovery Act Mortgage Foreclosure Funding will stay the same as previous (i.e., allocations between Senior Judge - 60 days, case management, support staff, and expense).

Thank you,
Grant Slayden

Trial Court Administrator
2d Judicial Circuit of Florida
Leon County Courthouse, Rm. 225L
301 South Monroe Street
Tallahassee, Florida 32301-1861
W: 850.577.4420
F: 850.487.7947

From: <rwrightfjc@vzw.blackberry.net>
To: "Ted McFetridge" <mcfetridget@circuit8.org>, "Benefiel, Matthew" <ctadmb...>
CC: "Chic Palmeri" <PalmeriC@circuit8.org>
Date: 4.10.10 5:40 PM
Subject: Re: E-Filing Mortgage Foreclosure Complaints

Paper in the 1st
Sent from my Verizon Wireless BlackBerry

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

From: "Ted McFetridge" <mcfetridget@circuit8.org>
Date: Mon, 4 Oct 2010 13:06:05
To: Benefiel, Matthew<ctadmb1@ocnjcc.org>; Bridenback, Mike<bridenml@fljud13.org>; Callahan, Richard<rcallahan@ca.cjis20.org>; <slonergan@jud11.flcourts.org>; Dawicke, Barbara<bdawicke@co.palm-beach.fl.us>; Elomina, Holly<holly.elomina@keycourts.net>; Genung, Thomas<genungt@circuit19.org>; Inskeep, Gay Lynne<ginskeep@jud6.org>; Ted McFetridge<mcfetridget@circuit8.org>; Ortman, Carol<cortman@17th.flcourts.org>; Shadburn, Jan<shadburnj@jud14.flcourts.org>; Slayden, Grant<slaydeng@leoncountyfl.gov>; Smith, Walt<wsmith@jud12.flcourts.org>; Stelma, Joseph<jstelma@coj.net>; Sudzina, Nick<NSudzina@Jud10.FLCourts.org>; Trammel, David<dtrammell@circuit5.org>; Van Bever, Mark<mark.vanbever@flcourts18.org>; Weinberg, Mark<mweinberg@circuit7.org>; Sondra M. Lanier<lanier.sondra@jud3.flcourts.org>; Wright, Robin<robin.wright@flcourts1.gov>
Cc: Chic Palmeri<PalmeriC@circuit8.org>
Subject: E-Filing Mortgage Foreclosure Complaints

Does anyone currently allow for e- filing for mortgage foreclosure complaints, related mortgage foreclosure court documents, judgment etc. and of course can you share how you do this?

Currently this is a paper driven and paper heavy division in the 8th.

Ted

This e-mail has been scanned by Verizon Business Managed Email Content Service, using Skeptic(tm) technology powered by MessageLabs.

This email has been scanned by the MessageLabs Email Security System.
For more information please visit <http://www.messagelabs.com/email>

From: Susan Wilson
To: Roberts, Jennifer; Slayden, Grant
CC: Smith, Douglas; Watkins, Paula
Date: 18.3.09 4:16 PM
Subject: Re: Fwd: Task Force on Residential Mortgage Foreclosure Cases - Response Requested

FYI, I called and E-mailed all judges (all counties) with circuit civil caseloads.

>>> Grant Slayden 3/18/2009 4:14 PM >>>

Jennifer:
Great idea!
Thanks,
Grant

Trial Court Administrator
2d Judicial Circuit of Florida
Leon County Courthouse, Rm. 225L
301 South Monroe Street
Tallahassee, Florida 32301-1861
W: 850.577.4420
F: 850.487.7947

>>> Jennifer Roberts 18.3.09 3:34 PM >>>
Grant,

I spoke with Susan about this and suggested to her that each civil judge involved because each judge has different procedures when it comes to these cases. Of course my judge will be more than happy to discuss the issue but each judge will have his/her own procedure for dealing with them. Thanks so much! I am forwarding this info to my judge and he will be available tomorrow for consultation.

Jennifer Roberts
Judicial Assistant to
Circuit Judge P. Kevin Davey
301 S. Monroe Street, Suite 365 B
Tallahassee, Florida 32301
(850)577-4303

>>> Grant Slayden 3/18/2009 3:11 PM >>>

Susan:
Can you take the lead on this and talk to our administrative judge for civil, Judge Davey? He has not received this yet; it just came this morning.
Thanks,
Grant

Trial Court Administrator
2d Judicial Circuit of Florida
Leon County Courthouse, Rm. 225L
301 South Monroe Street
Tallahassee, Florida 32301-1861
W: 850.577.4420

F: 850.487.7947

>>> "Sharon Press" <presss@flcourts.org> 18.3.09 8:57 AM >>>
Chief Justice Quince recently created a Task Force on Residential
Mortgage Foreclosure Cases and appointed Judge Jennifer Bailey as the
chair.
<http://www.floridasupremecourt.org/clerk/adminorders/2009/AOSC09-8.pdf>

The Task Force will file an interim report by May 8 and a final report
by August 15. In order to accomplish its work, the Task Force is
interested in collecting the following information from you immediately:

- * Copies of all Administrative Orders dealing with Mortgage
Foreclosures from your circuit
- * A listing of the three most significant problems with mortgage
foreclosures in your circuit
- * Any suggestion or ideas on rule amendments, procedures, or
policies which would help you and your judges with mortgage foreclosures

Please send your comments via return e-mail by Friday, April 20.
THANKS! sp

From: Barbara Dawicke <BDawicke@pbcgov.org>
To: "Inskip, Gay" <GInskip@jud6.org>
CC: Trial Court Administrators <TrialCourtAdministrators@flcourts.org>
Date: 4.12.09 7:06 PM
Subject: Re: Mortgage Foreclosure Case Management

Hi Gay. We do. I will send you something next week. Barbara

On Dec 4, 2009, at 2:34 PM, "Inskip, Gay" <GInskip@jud6.org<mailto:GInskip@jud6.org>> wrote:

If anyone has any job descriptions, checklists, forms or other information regarding the use of case managers for mortgage foreclosure cases, will you please e-mail them to me? Thanks. Have a good weekend.

Gay Lynne Inskip
Trial Courts Administrator
Sixth Judicial Circuit
Pasco and Pinellas Counties
727.582.7477
ginskeep@jud6.org<mailto:ginskeep@jud6.org>

This message and all attachments are intended to be used exclusively by the addressee(s). It may contain information that is privileged, confidential and exempt from disclosure under applicable law. Unauthorized disclosure or use of this information is strictly prohibited. If you have received this communication in error, please permanently delete or dispose of the original message and any copies thereof and notify us directly at 727-582-7477. Thank you.

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.

From: Susan Wilson
To: Slayden, Grant
CC: Pelletier, Dennis; Smith, Douglas; Watkins, Paula
Date: 13.1.10 6:44 PM
Subject: Re: Mortgage Foreclosure Data
Attachments: mortforeclosurebyco.xls

Grant,

Yes, it does look like we are building a backlog. The information is attached (and also a hard copy in your chair). The filing and disposition data is from SRS, available only through Oct 2009. The clearance rate data is from OCCA's quarter data, with most recent quarter being Apr - Jun 2009. The pending data is available only for Leon County and obtained from the Clerk's Judicial Web.

Here are the highlights:

1. Circuit-wide dispositions are following the same trend as filings, and while static are increasing.
2. Clearance rates declined until recently, and are declining at a greater rate than all circuit civil cases combined.
3. Pending cases in Leon County are increasing from 1601 in Jan 2009 to 2438 in Dec 2009, an increase of 52.3% in just 11 months.

Please let me know if you need additional information.

Thank you,
Susan

>>> Grant Slayden 1/13/2010 2:45 PM >>>

Susan:

Can you run numbers on mortgage foreclosures for me? How many do we have? By county? Are we building a backlog? How many are coming in a month on average? Any other relevant data.

Thanks,
Grant

Trial Court Administrator
2d Judicial Circuit of Florida
Leon County Courthouse, Rm. 225L
301 South Monroe Street
Tallahassee, Florida 32301-1861
W: 850.577.4420
F: 850.487.7947

From: Toni Egan <toni@radeylaw.com>
To: 'David Wolfson' <WolfsonD@leoncountyfl.gov>, Grant Slayden <SlaydenG@leo...>
CC: Paula Watkins <WatkinsP@leoncountyfl.gov>
Date: 8.3.10 2:57 PM
Subject: RE: Mortgage Foreclosure Mediation Query

Thanks. The course went well. If you would like any information from me regarding the course, just let me know. I'd be happy to discuss.

Toni A. Egan
Radey, Thomas, Yon & Clark, P.A.
301 South Bronough Street, Suite 200
Tallahassee, Florida 32301
850-425-6654
850-425-6694 (fax)
toni@radeylaw.com<mailto:toni@radeylaw.com>

From: David Wolfson [mailto:WolfsonD@leoncountyfl.gov]
Sent: Monday, March 08, 2010 9:47 AM
To: Grant Slayden; Toni Egan
Cc: Paula Watkins
Subject: RE: Mortgage Foreclosure Mediation Query

Hi Toni: Greg Firestone is a fine trainer, and if I could have gotten into his class, I would have taken it, but it was full. If the course gives all the requisites as prescribed by AO09-54, it will be accepted by the Second Circuit. I am sure Greg's course will qualify. Tell him I said hello.

>>> Grant Slayden 3/3/2010 12:23 PM >>>

Toni:

I'm sure I'll have a lot to say about it, and I fully support reciprocity. I hope your course and travels go well.

Sincerely,
Grant Slayden

Trial Court Administrator
2d Judicial Circuit of Florida
Leon County Courthouse, Rm. 225L
301 South Monroe Street
Tallahassee, Florida 32301-1861
W: 850.577.4420
F: 850.487.7947

>>> Toni Egan <toni@radeylaw.com> 3.3.10 11:20 AM >>>

Thank you for forwarding my information. I look forward to hearing from Mr. Wolfson upon his return. I decided to take the course offered by USF this Friday. I would be happy to report back to you regarding how the course was conducted, the topics covered and the materials used. Mr. Firestone said that the Florida Supreme Court is not certifying the courses, but that his course has been approved for 8 hours of CME. If the 2nd Circuit requires separate training, at least I will have some CME out of the way, though I can't imagine that the circuits would not grant reciprocity.

Toni A. Egan
Radey, Thomas, Yon & Clark, P.A.
301 South Bronough Street, Suite 200
Tallahassee, Florida 32301
850-425-6654
850-425-6694 (fax)

toni@radeylaw.com<mailto:toni@radeylaw.com>

From: Grant Slayden [mailto:SlaydenG@leoncountyfl.gov]
Sent: Tuesday, March 02, 2010 9:12 AM
To: David Wolfson
Cc: Paula Watkins; Toni Egan
Subject: Mortgage Foreclosure Mediation Query

Dave:

When you get back from the Olympics, could you contact Toni Egan, a local attorney with Radey Thomas Yon & Clark, about mediations in mortgage foreclosure cases? Her e-mail is above, her address is 301 South Bronough Street, Tallahassee, FL 32301-1706, phone 850.425.6654. She is especially interested in how one gets locally trained in our circuit, any information on how the TBA will function as the program manager, and who to contact about their rotation list. The Florida Supreme Court's Dispute Resolution Center said that the only state requirement was to be circuit certified, but that each circuit was expected to require some additional locally-developed training specifically on mortgage foreclosures. I'll work on getting you to approved to attend the "train the trainer" mortgage foreclosure mediation course today.

Thank you,
Grant Slayden

Trial Court Administrator
2d Judicial Circuit of Florida
Leon County Courthouse, Rm. 225L
301 South Monroe Street
Tallahassee, Florida 32301-1861
W: 850.577.4420
F: 850.487.7947

From: Grant Slayden
To: David Wolfson
CC: Dennis Pelletier; Paula Watkins
Date: 8.3.10 8:52 AM
Subject: Re: Mortgage Foreclosure Mediation

Dave:
Good job. Don't forget to count it as work.
Grant

Trial Court Administrator
2d Judicial Circuit of Florida
Leon County Courthouse, Rm. 225L
301 South Monroe Street
Tallahassee, Florida 32301-1861
W: 850.577.4420
F: 850.487.7947

>>> David Wolfson <davidawolfson@hotmail.com> 5.3.10 6:37 PM >>>
Hi Grant: Today I spent the whole day taking the on line requirements of the mortgage foreclosure mediation course, and took the test and got an 85% so I passed. Now I can go to the training. See you monday.

From: Paula Watkins
To: Hawkins, Ina; Monk, Tonya; Slayden, Grant; Wilson, Susan
CC: Davis, Danny; Pelletier, Dennis; Wills, Bill
Date: 24.9.10 9:10 AM
Subject: Re: Mortgage Foreclosure's New Office Space

Ina, you will move into Judge Dekker's old office, room 327, northeast end of the building (near the Bailiff's Office). You can start moving into that office when you have time. Thanks!

>>> Ina Hawkins 9/22/2010 11:33 AM >>>

Good Morning Everyone...

I guess Monday and Tuesday would be the best days to move... does anyone know where I am going since I will be in Franklin Co all day tomorrow for hearings!

~Ina~

Ina D. Hawkins

2nd Judicial Circuit's
Foreclosure Case Scheduler
Leon County Courthouse
301 South Monroe Street, Room 301-B
Tallahassee, FL 32301
Direct- 850-577-8067
Fax - 850-577-4412
HawkinsIn@leoncountyfl.gov

>>> Susan Wilson 9/22/2010 10:23 AM >>>

I just sent Ina an email to let us know what days may be best for her, and hopefully we can accommodate her schedule.

>>> Tonya Monk 9/22/2010 10:13 AM >>>

Judge Parsons has hearings today and next date is Thursday, Sept 30th with Judge Cole. I would request that the move be as early as possible next week in order to give Ina time to set up before Judge Cole's hearings on Thursday, 9/30.

Thanks, Tonya

>>> Paula Watkins 9/22/2010 10:07 AM >>>

Grant, the Chief called to ask where Judge Tamayo chose as her office. I informed him she chose the office where the Senior Judge/Mortgage Foreclosures are being held right now. Then he inquired as to we here we would move the Mortgage Foreclosure staff (Ina and Senior Judge), because it needed to be somewhere with easy public access. The Chief would like to make sure the move doesn't interrupt the mortgage foreclosure hearings, so maybe we can schedule the move when there are no hearings scheduled. Tonya?

Also, I'm assuming Judge Tamayo will have a new phone number correct? The Mortgage Foreclosure phone number (577-4442) is on quite a few notices that are mailed out. If so, what would be the new phone number and/or fax number?

Thanks, in advance!

*Paula Watkins
2nd Judicial Circuit
Office of Court Administration,
Room 225-N
Leon County Courthouse
301 S. Monroe Street
Tallahassee, FL 32301
Phone : (850) 577-4422
Fax: (850) 487-7947*

From: Charles Francis
To: Wilson, Susan
CC: Slayden, Grant
Date: 14.5.10 12:00 PM
Subject: Re: Mortgage foreclosures, Leon County

Great Work. Thank you.

>>> Susan Wilson 5/13/2010 5:50 PM >>>
Judge Francis,

I contacted each of the clerks to request the data on a monthly data. The OSCA released the March data today, so I asked the clerks to provide the April data, and continue to provide the data each month.

I also prepared the attached spreadsheet that shows the number of filings and dispositions by mortgage foreclosure category by month by county. I also prepared a graph summarizing the information. Each county has a separate tab.

I noticed that several counties reported zero mortgage foreclosure dispositions. So I asked the clerks to verify that data. Maybe it's correct given the upcoming program.

I'll continue to monitor and let you know if I notice and decreases in the data, or other data issues.

Thank you,
Susan

>>> Charles Francis 5/12/2010 9:35 AM >>>

Please do your very best working with the clerks to determine how many foreclosures have been filed since January 1, and how many have been disposed. Please pay extra attention to this category for the remainder of the year. Estimates of current filings and dispositions will be fine rather than relying on stale SRS reports.

From: Grant Slayden
To: Susan Wilson
Date: 26.5.10 10:00 AM
Subject: Re: Pending Mortgage Foreclosure Cases

Susan:
Thanks,
Grant

Trial Court Administrator
2d Judicial Circuit of Florida
Leon County Courthouse, Rm. 225L
301 South Monroe Street
Tallahassee, Florida 32301-1861
W: 850.577.4420
F: 850.487.7947

>>> Susan Wilson 26.5.10 9:44 AM >>>
...by county as of March 10, 2010 is attached. Thank you, Susan

From: Thomas Genung <GenungT@circuit19.org>
To: Mark VanBever <Mark.VanBever@flcourts18.org>, "bdawicke@co.palm-beach.fl...
Date: 1.7.10 4:07 PM
Subject: RE: Residential Mortgage Foreclosure Mediation

Mark, that was one of the important points when we set out to do this a year+ ago. So yes, predominantly, the mediators are from this circuit, not necessarily residing in the county, but in the circuit.

From: Mark VanBever [mailto:Mark.VanBever@flcourts18.org]
Sent: Thursday, July 01, 2010 2:48 PM
To: bdawicke@co.palm-beach.fl.us; cortman@17th.flcourts.org; dtrammell@circuit5.org;
ginskeep@jud6.org; slaydeng@leoncountyfl.gov; holly.elomina@keyscourts.net;
shadburnj@jud14.flcourts.org; jstelma@coj.net; Mweinberg@circuit7.org; ctadmb1@ocnjcc.org;
bridenml@fljud13.org; nsudzina@jud10.flcourts.org; rcallanan@ca.cjis20.org;
robin.wright@flcourts1.gov; slonergan@jud11.flcourts.org; lanier.sondra@jud3.flcourts.org;
mcfetridget@circuit8.org; Thomas Genung; wsmith@jud12.flcourts.org
Subject: Residential Mortgage Foreclosure Mediation

Hello, everyone. Regarding your Residential Mortgage Foreclosure Mediation program, will your program manager use mediators who reside outside your circuit?
If you are a multi-county circuit, will your program manager use mediators in a given county who reside outside that county?

From: "Bridenback, Mike" <BRIDENML@fljud13.org>
To: "Sharon Press" <presss@flcourts.org>, "Trial Court Administrators" <Tria...
CC: "Judge Jennifer Bailey" <jbailey@jud11.flcourts.org>, "Blan Teagle" <tea...
Date: 18.3.09 12:50 PM
Subject: RE: Task Force on Residential Mortgage Foreclosure Cases - Response Requested
Attachments: 2009-025.pdf

Attached is the 13th Judicial Circuit's AO re mortgage foreclosure procedures.

Michael L. Bridenback
Court Administrator

800 E. Twiggs Street, Suite 604

Tampa, FL 33602

p: 813.272.5894

f: 813.301.3800

bridenml@fljud13.org

www.fljud13.org <<http://www.fljud13.org/>>

From: Sharon Press [mailto:presss@flcourts.org]
Sent: Wednesday, March 18, 2009 11:49 AM
To: Trial Court Administrators
Cc: Judge Jennifer Bailey; Blan Teagle
Subject: RE: Task Force on Residential Mortgage Foreclosure Cases -

Response Requested
Importance: High

My apologies... the e-mail should have said that responses were requested by this Friday, MARCH 20. Of immediate need are the AOs, If you need a little more time to gather the list of problems and proposed solutions, I will gladly accept them next week. Sorry for the confusion, sp

From: Sharon Press
Sent: Wednesday, March 18, 2009 8:57 AM
To: Trial Court Administrators
Cc: Judge Jennifer Bailey; Blan Teagle; Laura Rush
Subject: Task Force on Residential Mortgage Foreclosure Cases - Response Requested

Chief Justice Quince recently created a Task Force on Residential Mortgage Foreclosure Cases and appointed Judge Jennifer Bailey as the chair.
<http://www.floridasupremecourt.org/clerk/adminorders/2009/AOSC09-8.pdf>

The Task Force will file an interim report by May 8 and a final report by August 15. In order to accomplish its work, the Task Force is interested in collecting the following information from you immediately:

- * Copies of all Administrative Orders dealing with Mortgage Foreclosures from your circuit
- * A listing of the three most significant problems with mortgage foreclosures in your circuit
- * Any suggestion or ideas on rule amendments, procedures, or policies which would help you and your judges with mortgage foreclosures

Please send your comments via return e-mail by Friday, April 20.
THANKS! sp

From: Tonya Monk
To: Slayden, Grant
Date: 4.6.10 2:09 PM
Subject: Re: Update on the TBA's Mortgage Foreclosure Mediation Spaces

Grant, Did we move the TASK/DCF people on Tuesdays out of Rm 310 to another location that I don't know of? Judge Sjostrom sends people from Dependency Court to Rm. 310 from CR 1B every Tuesday (except for the 3rd Tuesday of the month) for their urinalysis testing. Please let me know if I need to move them out of Rm. 310?

The next court date is this Tuesday, June 8th starting at 9:00am. Thanks, Tonya

>>> Grant Slayden 6/3/2010 5:40 PM >>>

Marianne:

All of these rooms are on the third floor of the Leon County Courthouse and reserved for your use through COB Monday, 2 August 2010. Operations will begin in the Leon County Courthouse Annex (on Thomasville Road) effective Tuesday, 3 August 2010.

Main mediation room - Rm. 336, speaker phone 850.577.8068, polycom for outgoing calls, tables, 13 chairs.

Medium caucus room - Rm. 310, speaker phone 890.577.4350, tables, 9 chairs.

Small caucus room - Rm. 313-B (Anteroom B in Courtroom 3H), table, 4 chairs.

You should receive a key to these rooms by the end of next week. As we discussed, please ask the plaintiffs (banks and their law firms) to call us or give the mediator a toll free number for telephonic mediations.

Thank you,

Grant Slayden

Trial Court Administrator
2d Judicial Circuit of Florida
Leon County Courthouse, Rm. 225L
301 South Monroe Street
Tallahassee, Florida 32301-1861
W: 850.577.4420
F: 850.487.7947

From: "Marianne Bryant" <bryantm@tallahasseebar.org>
To: "Tonya Monk" <MONK@leoncountyfl.gov>
CC: "Grant Slayden" <SlaydenG@leoncountyfl.gov>
Date: 10.6.10 4:43 PM
Subject: RE: Update on the TBA's Mortgage Foreclosure Mediation Spaces

We do not need them. Thank you though. I will let you know as soon as I schedule my first mediations. My cases are getting off the ground just now, so we may not even use them before getting to the Courthouse Annex. I've got 10 days to get with the borrower, then 30 to get them to mediation—so it may be late July before we start.

From: Tonya Monk [mailto:MONK@leoncountyfl.gov]
Sent: Thursday, June 10, 2010 4:14 PM
To: Marianne Bryant
Subject: RE: Update on the TBA's Mortgage Foreclosure Mediation Spaces

Hey Marianne, Hope all went well in CR 1C Tuesday night. Do you guys plan to use Rooms 310 & 336 on Wednesday, June 16th? Dave was telling me that they are being scheduled now but most cases will start closer to July. I am asking because I really need these 2 rooms on this day if you do not have a foreclosure mediation scheduled. :-) Thanks so much, Tonya

>>> Grant Slayden 6/7/2010 7:54 AM >>>

Marianne:

Yes, we have free WiFi throughout the courthouse building.

Grant

Trial Court Administrator
2d Judicial Circuit of Florida
Leon County Courthouse, Rm. 225L
301 South Monroe Street
Tallahassee, Florida 32301-1861
W: 850.577.4420
F: 850.487.7947

>>> "Marianne Bryant" <bryantm@tallahasseebar.org> 4.6.10 6:23 PM >>>

Hey Grant! I'm getting ready for a q&a session on Tuesday afternoon @ 5 in Courtroom 1C with the mediators. Will we have internet access for those who bring laptops at either/both locations.

From: Grant Slayden [mailto:SlaydenG@leoncountyfl.gov]
Sent: Thursday, June 03, 2010 5:41 PM
To: Marianne Bryant
Cc: Bill Wills; Danny Davis; Tonya Monk; Dennis Pelletier; Paula Watkins; David Wolfson; Kathy Arrant;

Joann Capece
Subject: Update on the TBA's Mortgage Foreclosure Mediation Spaces

Marianne:

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Thank you,

Grant Slayden

Trial Court Administrator
2d Judicial Circuit of Florida
Leon County Courthouse, Rm. 225L
301 South Monroe Street
Tallahassee, Florida 32301-1861
W: 850.577.4420
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Checked by AVG - www.avg.com
Version: 9.0.829 / Virus Database: 271.1.1/2914 - Release Date: 06/03/10 02:25:00

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Version: 9.0.829 / Virus Database: 271.1.1/2929 - Release Date: 06/10/10 02:35:00

From: <firestoneg@aol.com>
To: <cmr7@me.com>, <Jrnoble@aol.com>, <mediator@tntpc.com>, <pz9000@aol.com...>
CC: <firestoneg@aol.com>, <gfiresto@health.usf.edu>
Date: 28.12.09 10:29 PM
Subject: Residential Mortgage Foreclosure Mediation Administrative Order AOSC09-54
Attachments: AOSC09-54_Foreclosures.12.28.09.pdf

Attached please find the Residential Mortgage Foreclosure Mediation Administrative Order AOSC09-54 issued by Chief Justice Quince today. If the 13th or 6th Judicial Circuit decides to implement a managed mediation program, the USF Conflict Resolution Collaborative will likely apply to be the program manager.

Happy Holidays,

Greg

From: "Mark VanBever" <Mark.VanBever@flcourts18.org>
To: <slaydeng@leoncountyfl.gov>, <shadburnj@jud14.flcourts.org>, <jstelma@co...>
Date: 8.7.10 2:23 PM
Subject: Residential Mortgage Foreclosure Mediation

Hello, everyone. Regarding your Residential Mortgage Foreclosure Mediation program, will your program manager use mediators who reside outside your circuit?

If you are a multi-county circuit, will your program manager use mediators in a given county who reside outside that county?

From: HCBA <hcbarsvp@hillsbar.com>
To: <slaydeng@leoncountyfl.gov>
Date: 26.2.10 7:04 AM
Subject: Residential Mortgage Foreclosure Mediator Training

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Hillsborough County Bar Association Presents:

Residential Mortgage Foreclosure Mediator Training

For Florida Supreme Court Certified Circuit Civil Mediators

Live Seminar: Wednesday March 10, 2010

9:00am-5:00pm

(Registration at 8:30am / Meals and Snacks Provided)

Required Pre-Seminar Internet Course Available: February 15 - March 9, 2010\*

9.0 CLE / 8.5 CMECredits\*

Chester H. Ferguson Law Center

1610 N. Tampa Street-Tampa, FL 33602

Combined online and live course complies with Florida Supreme Court

Administrative Order No. AOSC09-54

[http://www.floridasupremecourt.org/pub\\_info/documents/AOSC09-54\\_Foreclosures.pdf](http://www.floridasupremecourt.org/pub_info/documents/AOSC09-54_Foreclosures.pdf)

[[http://r20.rs6.net/tn.jsp?et=1103099067143&s=18617&e=001N3qV5VCMILXYDfz\\_A17w3qJKLJo4U0uWDR9HyPFH8-wYpbonWdmCJRMGWFM0gh2PFdJE1mKpvtY08JblBuDQ-wqIN2F4DC7o80PPkMPjTV6BUwMWP7CJqLsRQbxux7B5sOOLFVyaNBoU6K6-tjIW\\_V8gvWT-5XEX30fbY1I\\_oYn3fq77DbHZNiOwZzqyZTnv](http://r20.rs6.net/tn.jsp?et=1103099067143&s=18617&e=001N3qV5VCMILXYDfz_A17w3qJKLJo4U0uWDR9HyPFH8-wYpbonWdmCJRMGWFM0gh2PFdJE1mKpvtY08JblBuDQ-wqIN2F4DC7o80PPkMPjTV6BUwMWP7CJqLsRQbxux7B5sOOLFVyaNBoU6K6-tjIW_V8gvWT-5XEX30fbY1I_oYn3fq77DbHZNiOwZzqyZTnv)]

Learning Objectives:

Residential Mortgage Foreclosure Process

Federal Residential Mortgage Foreclosure Assistance Programs

Mediating the Mortgage Foreclosure Dispute

Challenges, Tips and Tools

Residential Mortgage Foreclosure Mediation Role Play

Christopher Shulman, Esq., served two four-year terms on the Florida Supreme Court's Mediator Ethics Advisory Committee, and has served as co-chair of the Hillsborough County Bar Association ADR Committee. He is an approved Primary Circuit Civil and County Mediator Trainer, and a Florida Court-Appointed Arbitrator Trainer. Finally, Chris is an Adjunct Professor at Stetson University College of Law, teaching Negotiation and Mediation as well as overseeing the County Mediator Training Program.

\*All course participants must read the online materials and pass the online program prior to attending the "live" course on March 10, 2010. Proof of online course completion must be presented at registration to gain admittance to the live seminar. Final Certificate of Completion will be provided to participants who complete online and live programs.

After February 15, 2010, online access will be distributed to participants within 72 hours of full payment of course fee. No refunds after distribution of online access

Register by clicking [HERE](#)

[[http://r20.rs6.net/tn.jsp?et=1103099067143&s=18617&e=001N3qV5VCMILXIZLm7dJr1gNDqJuvZbLVhYOWiuD92Fy6pMxlcgbP7Ab1b52wQXF47b3dKNjSJtrF4xaSRzWyMMo67eVqsWz8f3MkHDb6Dvsl\\_fKYMVZwbkodKmGL1Tmv0XUPmd3ML6gWQi7z5Ru8u-PMEzRlp005xT9MCUheb4A=](http://r20.rs6.net/tn.jsp?et=1103099067143&s=18617&e=001N3qV5VCMILXIZLm7dJr1gNDqJuvZbLVhYOWiuD92Fy6pMxlcgbP7Ab1b52wQXF47b3dKNjSJtrF4xaSRzWyMMo67eVqsWz8f3MkHDb6Dvsl_fKYMVZwbkodKmGL1Tmv0XUPmd3ML6gWQi7z5Ru8u-PMEzRlp005xT9MCUheb4A=)] or calling 813.221.7777

\$249.00 HCBA Members and Non-Members

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Hillsborough County Bar Association | Chester H. Ferguson Law Center | 1610 N. Tampa Street | Tampa |  
FL | 33602

**From:** Susan Wilson  
**To:** Francis, Charles; Slayden, Grant  
**CC:** Davis, Danny; Moayad, Patricia; Wolfson, David  
**Date:** 25.6.10 1:58 PM  
**Subject:** Residential Mortgage Foreclosure Program Update

Judge Francis and Grant,

This is an update on the recent activities associated with the residential mortgage foreclosure program.

1. Web Content - Dave Wolfson and I met with Marianne Bryant and decided that both the 2nd Circuit and TBA web sites should include: links to the other web site; link to the administrative order; flowchart/time table through mediation (TBA); flowchart/time table post mediation (Second Circuit); frequently asked questions; and all forms in Word.
2. Training on TBA's platform - Danny Davis confirmed that we have the capability to conduct such training via web broadcast.
3. AAI Position - the position announcement was distributed to the Legal Administrators Association and the Big Bend Paralegal Association.
4. TBA Access to CCIS - TBA has access to CCIS; however, they could not access the judicial reports. I requested access on their behalf; unfortunately, the request was denied.
5. Phones have been installed in the offices; computers will be installed beginning on Monday. A network printer will be installed in the AAI's office and shared with the senior judge.

#### **UPCOMING ACTIVITIES**

1. I will attend the mediation training conducted by Dave on July 21.
2. Dave and I will meet with TBA to see how their web platform works.
3. Dave and I will visit the clerks.
4. Flowchart/timetable information and frequently asked questions information will be developed for the web with Dave and Patricia's assistance.

Thank you,  
Susan

**From:** Susan Wilson  
**To:** Davis, Danny; Francis, Charles; Moayad, Patricia; Monk, Tonya; Pelle...  
**Date:** 17.6.10 12:41 PM  
**Subject:** Residential Mortgage Foreclosure Status Update

This is an update on the progress of the Residential Mortgage Foreclosure project.

Mediation - Dave reports that the TBA program is up and running and we are waiting for our first case.

Budget - Dennis revised the budget to reflect changes in the number of hours allocated to the three law clerks/case managers. Two of the three positions will be allocated 24 hours per week, and the third position will be allocated nine hours.

Technology - Danny met with Pat Curtis on this, and has ordered two desktop computers for the law clerks/case managers. Telephones are pending.

Offices - Bill reports that the senior judges and AAI will be located in 301 A & B; the law clerks/case managers will be in 301 G, H and I. Furniture is in place though one office has extra furniture and boxes that needs to be removed.

Badges - Bill will secure for applicable positions.

Positions - Senior Judges will be Gary, Parsons and Cole. Paula advises thta Justin has been confirmed as case manager, and we will be contacting Matt and Isis for the other case manager positions. The AAI is being advertised with a closing date of June 30.

Senior Judge Training - Tonya reports that Judge Shelfer will train Judge Parsons.

Thank you,  
Susan

**From:** Susan Wilson  
**To:** Slayden, Grant; Wolfson, David  
**Date:** 30.4.10 1:04 PM  
**Subject:** Revised Mortgage Foreclosure AO  
**Attachments:** Corrected Model Administrative Order04302010.doc

....is attached. My changes mostly were for typos, formatting, capitalization, etc. Please look at the areas highlighted in purple or written in red text to see if you agree with my comments.

Please note that most all of the sections have titles and I noted those that do not in case we wanted to add totals. Also, the phrase, "attached to AOSC09-54 and **are** incorporated by reference herein, and made a part hereof" always included the word "are" and I changed some to "is". I also noted that in purple in case I'm wrong.

Form A and Exhibit 2 were not attached and not reviewed.

Thanks,  
Susan

**From:** "Ted McFetridge" <mcfetridget@circuit8.org>  
**To:** "Benefiel, Matthew" <ctadmb1@ocnjcc.org>, "Bridenback, Mike" <bridenml@f...>  
**CC:** <Wilsond@flcourts.org>  
**Date:** 1.10.10 2:10 PM  
**Subject:** Senior Judge Days in the Mortgage Foreclosure and Economic Recovery Program for Trade

We have 25 Senior Judge Days in the Mortgage Foreclosure and Economic Recovery Program. We wish to trade these days for \$8750 contractual dollars in the same Mortgage Foreclosure program.

Any one interested in a swap?

Ted

**From:** "Sharon Press" <presss@flcourts.org>  
**To:** "Trial Court Administrators" <TrialCourtAdministrators@flcourts.org>  
**CC:** "Judge Jennifer Bailey" <jbailey@jud11.flcourts.org>, "Blan Teagle" <tea...>  
**Date:** 18.3.09 8:57 AM  
**Subject:** Task Force on Residential Mortgage Foreclosure Cases - Response Requested

Chief Justice Quince recently created a Task Force on Residential Mortgage Foreclosure Cases and appointed Judge Jennifer Bailey as the chair.  
<http://www.floridasupremecourt.org/clerk/adminorders/2009/AOSC09-8.pdf>

The Task Force will file an interim report by May 8 and a final report by August 15. In order to accomplish its work, the Task Force is interested in collecting the following information from you immediately:

- \* Copies of all Administrative Orders dealing with Mortgage Foreclosures from your circuit
- \* A listing of the three most significant problems with mortgage foreclosures in your circuit
- \* Any suggestion or ideas on rule amendments, procedures, or policies which would help you and your judges with mortgage foreclosures

Please send your comments via return e-mail by Friday, April 20.  
THANKS! sp

**From:** Susan Wilson  
**To:** presss@flcourts.org  
**CC:** Slayden, Grant; Smith, Douglas; Watkins, Paula  
**Date:** 20.3.09 2:46 PM  
**Subject:** Task Force on Residential Mortgage Foreclosures

Sharon,

This message is in response to your request for information and comments for the Task Force on Residential Mortgage Foreclosure cases.

Administrative Orders

1. We do not have any administrative orders on this issue.

Three Problems

1. Lending institutions will not talk with borrowers until a final judgment is entered and a sale date is set. Lenders then attempt to negotiate with borrowers in about 80% of the cases.
2. Lending institutions typically do not have the original note document. Some of judges require the original note or a very detailed affidavit from the current and previous lenders.
3. Lenders overcharge for service of process, charging three times the appropriate amount. Some of our judges remedy this by disallowing excess charge in final judgment.

Recommendations:

1. Require mediation or some other mechanism prior to final judgment for borrowers who would like to work out a solution. In this jurisdiction it is estimated that about 70% of the cases involve homeowners who want to keep the property and have the ability to pay.

Additionally, one of judges in a smaller county is having his first docket dealing exclusively with mortgage foreclosures on Monday, March 23. This is an all-day docket, with all cases called, and contested cases will be heard beginning at 3:00 PM. There are 35 cases set on the docket.

Thank you,  
Susan

We are doing Probate only in Polk County. Our clerk is not yet ready for the other divisions.

---

**From:** Ted McFetridge [mailto:mcfetridget@circuit8.org]

**Sent:** Monday, October 04, 2010 1:06 PM

**To:** Benefiel, Matthew; Bridenback, Mike; Callahan, Richard; slonergan@jud11.flcourts.org; Dawicke, Barbara ; Elomina, Holly; Genung, Thomas; Inskeep, Gay Lynne; Ted McFetridge; Ortman, Carol; Shadburn, Jan; Slayden, Grant; Smith, Walt; Stelma, Joseph; Sudzina, Nick; Trammel, David; Van Bever, Mark; Weinberg, Mark; Sondra M. Lanier; Wright, Robin

**Cc:** Chic Palmeri

**Subject:** E-Filing Mortgage Foreclosure Complaints

Does anyone currently allow for e- filing for mortgage foreclosure complaints, related mortgage foreclosure court documents, judgment etc. and of course can you share how you do this?

Currently this is a paper driven and paper heavy division in the 8<sup>th</sup>.

Ted



**From:** David Wolfson  
**To:** Mortgage Foreclosure Group  
**CC:** Francis, Charles; Slayden, Grant  
**Date:** 27.10.10 3:53 PM  
**Subject:** The foreclosure mission

I would like to congratulate and thank those of you who are participating in the docket sheet reviews; we got through 2009 today. Our next session will be Friday and I would like to start at 9:30 am and work through the day. If you can spare any time then, that would be great. I am reasonably certain we can finish the review because the dockets on the 2010 cases are short. Once we finish that, we will start setting final hearings and closing files. There is a light (however small) at the end of the tunnel, and I appreciate you and that.

**From:** David Wolfson  
**To:** Mortgage Foreclosure Group  
**Date:** 8.10.10 4:35 PM  
**Subject:** The meeting will be in room #223

Patricia, I'll send you the phone number on Monday.

**From:** David Wolfson  
**To:** Mortgage Foreclosure Group  
**CC:** Galeener, Loretta  
**Date:** 26.10.10 2:48 PM  
**Subject:** Tomorrow is the day.

Lets start at 9:00 am in room 342 (Judges conference room). Thanks.

**From:** Grant Slayden  
**To:** Marianne Bryant  
**CC:** Bill Wills; Danny Davis; David Wolfson; Dennis Pelletier; Joann Cape...  
**Date:** 3.6.10 5:40 PM  
**Subject:** Update on the TBA's Mortgage Foreclosure Mediation Spaces

Marianne:

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Thank you,  
Grant Slayden

Trial Court Administrator  
2d Judicial Circuit of Florida  
Leon County Courthouse, Rm. 225L  
301 South Monroe Street  
Tallahassee, Florida 32301-1861  
W: 850.577.4420  
F: 850.487.7947

**From:** David Wolfson  
**To:** Mortgage Foreclosure Group  
**CC:** Galeener, Loretta  
**Date:** 26.10.10 9:16 AM  
**Subject:** Wednesday

Good morning all: Wednesday we will be doing another docket checking marathon to which I cordially invite you all. We will be meeting in room 223 and I plan to go most of the day. The more the merrier so if you can spare some time (not necessarily all day), I could use the hand. Lets get started at 10:00 am. Thank you.