

7. Possibilities of settlement;
8. Referral to mediation;
9. Dismissal.

DONE AND ORDERED in _____, County, Florida this _____ day of _____, 201____.

CIRCUIT JUDGE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U.S. First Class Mail to the parties named above this _____ day of _____, 201__.

By _____

AMERICAN WITH DISABILITIES ACT NOTICE

Any individual who has a disability and needs a reasonable accommodation to participate in this proceeding should immediately contact Carrina Cooper at the Administrative Office of the Courts, 173 NE Hernando Ave., Room 408, Lake City, Florida 32055; telephone 386-758-2163 [or if hearing impaired at 711].

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 Brenda Pryce, Human Resources Manager for the Third Judicial Circuit, 173 NE Hernando Avenue, Room 408, Lake City, FL 32055,, 386-719-7576 within two working days of your receipt of this Order; if you are hearing impaired call 1-800-955-8771; if you are voice impaired call 1-800-955-8770.

Jenn C. Lussier

From: Ronna M. Cobble
Sent: Thursday, September 23, 2010 1:01 PM
To: Leandra G. Johnson
Subject: Case Management Notice

Good afternoon, Judge Johnson. Judge Fina said that you were looking over the Case Management Notice to see if there were changes you wanted to suggest. Have you had a chance to look at it? Please let me know where that stands as I will begin Notices for Suwannee as soon as I get it. Since he wants the notice to be circuit wide for case management, I want to be sure to hold off on sending out any notices until you have had a chance to review it.
Thanks.

Ronna Cobble
Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue
Live Oak, FL 32064
386-362-1017

Jenn C. Lussier

From: Ronna M. Cobble
Sent: Wednesday, September 22, 2010 8:09 AM
To: Leandra G. Johnson
Subject: RE: Foreclosure Case Management Notice
Attachments: order scheduling case management conference.doc

So sorry to have sent an incomplete message. Attached, this time, is the order. ☺

Ronna Cobble

Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue
Live Oak, FL 32064
386-362-1017

From: Leandra G. Johnson
Sent: Tuesday, September 21, 2010 4:46 PM
To: Ronna M. Cobble
Cc: David W. Fina
Subject: RE: Foreclosure Case Management Notice

Rona,

There was no attachment to your e-mail.

Regarding the sample notices you left with me last week, I spoke with Judge Fina this morning and he was going to review them all and make a decision to use a uniform form in all foreclosure cases. I'm sending him a copy of this message to make sure that was my understanding and for him to tell us if something different needs to be done.

Thanks!

Leandra Johnson
Circuit Judge

From: Ronna M. Cobble
Sent: Tuesday, September 21, 2010 3:53 PM
To: Leandra G. Johnson
Subject: Foreclosure Case Management Notice

Good afternoon. As a result of meeting with Judge Fina this afternoon, I was asked to forward this notice for case management to you for your review. If you want to make changes, please do. If you like the language, let me know and we will begin preparing some notices for case management. Also, let me know if you have reached a decision about your 10 month/LOP notices that we left for your review last week. Thanks.

Ronna Cobble

Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue

Live Oak, FL 32064
386-362-1017

IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT
IN AND FOR COLUMBIA COUNTY, FLORIDA

CASE NO.

_____ /

TO:

ORDER SCHEDULING CASE MANAGEMENT CONFERENCE

PLEASE BE ADVISED that, pursuant to Rule 1.200(a), Fla.R.Civ.P., the case listed above will be called up for Case Management Conference:

LOCATION:

JUDGE:

DATE/TIME:

Rule 2.250 of the Fla.R.Jud.Admin. provide time standards which are presumptively reasonable for the completion of cases. The court records reveal either that the above-styled cause has exceeded these standards or that there are other compelling reasons for case management.

The 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(s);
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 and discovery of facts known and opinions held by such experts;
6. Require filing of preliminary stipulations if issues can be narrowed;
7. Possibilities of settlement;

8. Referral to mediation;
9. Dismissal.

DONE AND ORDERED in _____, County, Florida this _____ day of _____, 201_____.

CIRCUIT JUDGE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U.S. First Class Mail to the parties named above this _____ day of _____, 201_____.

Manager Judicial Assistant/Administrative Assistant/Case

AMERICAN WITH DISABILITIES ACT NOTICE

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Jenn C. Lussier

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Sent: Tuesday, September 21, 2010 4:46 PM
To: Ronna M. Cobble
Cc: David W. Fina
Subject: RE: Foreclosure Case Management Notice

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Thanks!

Leandra Johnson
Circuit Judge

From: Ronna M. Cobble
Sent: Tuesday, September 21, 2010 3:53 PM
To: Leandra G. Johnson
Subject: Foreclosure Case Management Notice

Good afternoon. As a result of meeting with Judge Fina this afternoon, I was asked to forward this notice for case management to you for your review. If you want to make changes, please do. If you like the language, let me know and we will begin preparing some notices for case management. Also, let me know if you have reached a decision about your 10 month/LOP notices that we left for your review last week. Thanks.

Ronna Cobble
Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue
Live Oak, FL 32064
386-362-1017

Jenn C. Lussier

From: Ronna M. Cobble
Sent: Monday, September 20, 2010 9:25 AM
To: Julian E. Collins; Leandra G. Johnson
Subject: Lack of prosecution notice
Attachments: order scheduling case management conference.doc; dixie lop doc.doc

Attached you will notice two documents. The first is an order for scheduling case management; the second is the lack of prosecution notice that is being used in Dixie County. I thought you might want to review them as you are deciding which notices you would like to use in Columbia County.

Ronna Cobble
Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue
Live Oak, FL 32064
386-362-1017

IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT
IN AND FOR COLUMBIA COUNTY, FLORIDA

CASE NO.

_____/

TO:

ORDER SCHEDULING CASE MANAGEMENT CONFERENCE

PLEASE BE ADVISED that, pursuant to Rule 1.200(a), Fla.R.Civ.P., the case listed above will be called up for Case Management Conference:

LOCATION:

JUDGE:

DATE/TIME:

Rule 2.250 of the Fla.R.Jud.Admin. prove time standards which are presumptively reasonable for the completion of cases. The court records reveal either that the above-styled cause has exceeded these standards or that there are other compelling reasons for case management.

The 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(s);
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 and discovery of facts known and opinions held by such experts;
6. Require filing of preliminary stipulations if issues can be narrowed;
7. Possibilities of settlement;

8. Dismissal without prejudice.

DONE AND ORDERED in Lake City, Columbia County, Florida this _____
day of _____, 201__.

CIRCUIT JUDGE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U.S.
First Class Mail to the parties named above this _____ day of
_____, 201__.

Judicial Assistant/Administrative Assistant/Case
Manager

AMERICAN WITH DISABILITIES ACT NOTICE

Any individual who has a disability and needs a reasonable accommodation to participate in this proceeding should immediately contact Carrina Cooper at the Administrative Office of the Courts, 173 NE Hernando Ave., Room 408, Lake City, Florida 32055; telephone 386-758-2163 [or if hearing impaired at 711].

IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT
IN AND FOR COLUMBIA COUNTY, FLORIDA

CASE NO.

_____ /

TO:

ORDER SCHEDULING CASE MANAGEMENT CONFERENCE

PLEASE BE ADVISED that, pursuant to Rule 1.200(a), Fla.R.Civ.P., the case listed above will be called up for Case Management Conference:

LOCATION:

JUDGE:

DATE/TIME:

Rule 2.250 of the Fla.R.Jud.Admin. prove time standards which are presumptively reasonable for the completion of cases. The court records reveal either that the above-styled cause has exceeded these standards or that there are other compelling reasons for case management.

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1. Schedule or reschedule trial or additional case management conference(s);
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 and discovery of facts known and opinions held by such experts;
6. Require filing of preliminary stipulations if issues can be narrowed;
7. Possibilities of settlement;

8. Dismissal without prejudice.

DONE AND ORDERED in Lake City, Columbia County, Florida this _____
day of _____, 201____.

CIRCUIT JUDGE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U.S.
First Class Mail to the parties named above this _____ day of
_____, 201____.

Manager Judicial Assistant/Administrative Assistant/Case

AMERICAN WITH DISABILITIES ACT NOTICE

Any individual who has a disability and needs a reasonable accommodation to participate
in this proceeding should immediately contact Carrina Cooper at the Administrative
Office of the Courts, 173 NE Hernando Ave., Room 408, Lake City, Florida 32055;
telephone 386-758-2163 [or if hearing impaired at 711].

IN THE CIRCUIT COURT, THIRD JUDICIAL CIRCUIT
IN AND FOR DIXIE COUNTY, FLORIDA

Plaintiff,

and

CASE NO.

Defendant.

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 on the motion why the action should remain pending. This Notice also contains your notice of said hearing.

NOTE: If record activity occurs within 60 days following the service of this notice, or if a stay is issued or approved during such 60-day period, this action may not be dismissed. Otherwise, if a party has filed a written response requesting the case NOT TO BE DISMISSED, unless EXCUSED BY THE JUDGE, the parties MUST APPEAR at the hearing to argue their response to the notice, otherwise the case WILL BE DISMISSED.

HEARING DATE:

TIME:

**LOCATION: DIXIE COUNTY COURTHOUSE
214 NE HIGHWAY 351
CIRCUIT COURT HEARING ROOM
CROSS CITY, FL 32628**

I HEREBY CERTIFY that a copy of this notice was mailed to the parties, and to the address as listed on the attached mailing list this _____ day of _____, 2010.

**DANA JOHNSON
CLERK OF THE CIRCUIT COURT**

By: _____
DEPUTY CLERK

Jenn C. Lussier

From: Ronna M. Cobble
Sent: Thursday, September 16, 2010 11:28 AM
To: Leandra G. Johnson; Julian E. Collins
Subject: Foreclosure notices
Attachments: blank intent to dismiss.doc; LACK PROSECUTION.2.doc

Judges:

Attached please find electronic versions of the notices we left with you yesterday for your review. The first is a copy of the notice Judge Fina uses in Suwannee County. The second attachment represents a notice Debbie DeNike drafted with the intent of saving a step in sending multiple notices. Should you desire to make changes in any language, the electronic versions will be helpful. I am ready to run notices as soon as the language is approved.

I appreciate the opportunity to have seen each of you, and your assistants, yesterday.

Ronna Cobble
Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue
Live Oak, FL 32064
386-362-1017

THE CIRCUIT COURT, THIRD JUDICIAL CIRCUIT
IN AND FOR SUWANNEE COUNTY, FLORIDA

,
Plaintiff,

--vs--

CASE NO.

,
Defendant,

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 on the motion why the action should remain pending.

HEARING DATE:

TIME:

JUDGE:

LOCATION:

NOTE: If you have filed a written response requesting the case **NOT TO BE DISMISSED**, unless **EXCUSED BY THE JUDGE**, the parties **MUST APPEAR** at the hearing to argue their response to the notice; otherwise the case **WILL BE DISMISSED**.

I **HEREBY CERTIFY** that a copy of this notice was mailed to the parties and to the address as listed on the attached mailing list this _____ day of _____, 2010.

BARRY BAKER
CLERK OF THE CIRCUIT COURT

By: _____
DEPUTY CLERK

Introduction of firearms and other weapons in the Courthouse is prohibited. Appropriate dress is required for court. Shorts, collarless shirts and “flip-flops” are not appropriate dress.

If you are a person with a disability who needs any accommodations in order to participate in this proceeding, you are entitled, at no cost to you, to the provisions of certain assistance. Please contact the Court Administrator’s Office, P. O. Box 1569, Lake City, FL 32056, or by telephone at (386) 758-2163, two (2) working days of your receipt of this notice.

Cc:

IN THE CIRCUIT COURT, THIRD JUDICIAL CIRCUIT
IN AND FOR SUWANNEE COUNTY, FLORIDA

,
Plaintiff,

--VS--

CASE NO.

,
Defendant,

ORDER OF DISMISSAL

THE FOLLOWING cause came before the Court on August 11, 2010.
Pursuant to the court's motion for lack of prosecution served on June 1, 2010.

The court finds that:

- (1) notice prescribed by rule 1.420(e) was served on June 1, 2010.;
- (2) there was no record activity during the 10 months immediately preceding service of the foregoing notice;
- (3) there was no record activity during the 60 days immediately following service of the foregoing notice;
- (4) no stay has been issued or approved by the court; and
- (5) no party has shown good cause why this action should remain pending.

Accordingly,

IT IS ORDERED that the case be and is hereby dismissed for lack of prosecution.

DONE AND ORDERED in Chambers at the Suwannee County Courthouse, Live Oak, Florida this ___ day of _____, 2010.

DAVID W. FINA
Circuit Court Judge

Cc:

IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT
IN AND FOR COLUMBIA COUNTY, FLORIDA

CASE NO.

_____ /

TO:

**NOTICE OF INTENT TO DISMISS FOR LACK OF PROSECUTION AND CASE
MANAGEMENT SCHEDULING ORDER**

PLEASE TAKE NOTICE that it appears on the face of the record that no activity by filing of pleadings, motions, order(s) of court, or otherwise has occurred for a period of ten (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), Fla.R.Civ.P., if no such record activity occurs within sixty (60) days following service of this Notice, and no stay is issued, this action shall 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 five (5) days before the hearing scheduled below, why the action should remain pending.

IF NO GOOD CAUSE, IN WRITING, IS FILED AT LEAST FIVE (5) DAYS PRIOR TO THE HEARING SET FORTH BELOW, THIS MATTER SHALL BE DISMISSED, WITHOUT PREJUDICE, AS OF THE BELOW HEARING DATE AND THE PLAINTIFF(S) TAKE(S) NOTHING FROM THIS ACTION AND THE DEFENDANT(S) SHALL GO HENCE WITHOUT DAY.

ORDER SCHEDULING CASE MANAGEMENT CONFERENCE

PLEASE BE ADVISED that, pursuant to Rule 1.200(a), Fla.R.Civ.P., the case listed above will be called up for Case Management Conference:

LOCATION: Columbia County Courthouse
173 NE Hernando Avenue
Lake City, Florida 32055

JUDGE:

DATE/TIME:

Rule 2.250 of the Fla.R.Jud.Admin. provides time standards which are presumptively reasonable for the completion of cases. The court records reveal either that the above-styled cause has exceeded these standards or that there are other compelling reasons for case management.

The 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(s);
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 and discovery of facts known and opinions held by such experts;
6. Require filing of preliminary stipulations if issues can be narrowed;
7. Possibilities of settlement;
8. Dismissal without prejudice.

NOTE: THIS HEARING SHALL BE CANCELLED IF NO GOOD CAUSE IS FILED FIVE (5) DAYS PRIOR TO THIS HEARING AS TO WHY THIS CASE SHOULD NOT BE DISMISSED AND THE CASE WILL STAND DISMISSED, WITHOUT PREJUDICE AS OF THE DATE OF THIS HEARING

THIS HEARING MAY BE CANCELLED IF THE COURT RECEIVES A COPY OF A VOLUNTARY DISMISSAL, SUGGESTION OF BANKRUPTCY OR UNIFORM ORDER SCHEDULING TRIAL PRIOR TO THE ABOVE CASE OR ON WRITTEN ORDER OF THE COURT OR WITH THE WRITTEN CONSENT OF THE COURT.

DONE AND ORDERED in Lake City, Columbia County, Florida this _____ day of _____, 201____.

CIRCUIT JUDGE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U.S. First Class Mail to the parties named above this _____ day of _____, 201____.

Judicial Assistant/Administrative Assistant/
Case Manager

AMERICAN WITH DISABILITIES ACT NOTICE

Any individual who has a disability and needs a reasonable accommodation to participate in this proceeding should immediately contact Carrina Cooper at the Administrative Office of the Courts, 173 NE Hernando Ave., Room 408, Lake City, Florida 32055; telephone 386-758-2163 [or if hearing impaired at 711].

Jenn C. Lussier

From: Leandra G. Johnson
Sent: Thursday, August 26, 2010 5:12 PM
To: Diane B. Hiers
Subject: Wells Fargo Bank, N.A. vs. Charles Fenwick and Constance Fenwick; Columbia County Case No. 07-488-CA

Circuit Judge Leandra Johnson received today a hand written, pro se "motion to stop foreclosure sale" from Defendant Constance Fenwick, regarding the above-referenced case, on the grounds there is a loan modification application in process. The sale is scheduled on September 1, 2010 at 11:30 a.m.

Judge Johnson requests you reply to this motion to her in writing no later than noon, Monday, August 30, 2010.

Thank you for your immediate attention to this matter.

Diane H. Hiers.
Judicial Assistant to Judge Leandra Johnson
Third Judicial Circuit
P.O. Box 2123
Lake City, FL 32056
386-719-2012
Fax No. 386-719-7500

Jenn C. Lussier

From: Sondra M. Lanier
Sent: Tuesday, August 24, 2010 11:01 AM
To: Candice T. Herring; Darren K. Jackson; David W. Fina; Debbie J. Saunders; Debra P. Sadler; Diane B. Hiers; Donna D. Moore; Donna K. Jones; E. Vernon Douglas; Frederick L. Koberlein; Greg Parker; H. Wetzel Blair; Heather J. Norris; James R. Bean; Jean Pittman; Joyce Cameron; Julian E. Collins; Leandra G. Johnson; Linda H. Morgan; Marcie A. Kemp; Melanie A. Vaughn; Millicent A. Schneider; Pam K. Ring; Paul S. Bryan; Sonny Scaff; Sybil C. Powell; Tom Coleman; William R. Slaughter
Subject: Notes from August Judges' Meeting

Good morning. Following are some notes from the August Judges' Meeting that was held in Madison on Friday, August 13.

- Junaid Savani and Jackie-Jo Brinson started at the beginning of the month as law clerks, and their office is in Suwannee County. Sara Hall did a great job as a law clerk intern for the summer and is now going back to college. Crystal Ecker, Sara Hall, and Debbie DeNike have been working diligently to address the backlog of post-conviction motions, and we look forward to great things from our current staff as well.

Vacancies currently being advertised include a temporary case manager and secretary to work on the foreclosure case management project. These positions were funded through a special appropriation for this specific purpose, and although we are advertising for both, we expect to hire only one person. We are advertising for both positions to give us more options when making a hiring decision. We are also advertising for a user support analyst to replace Jacob Bell, and for a family court case manager to replace Jill Hoblick. The case manager will handle Taylor and Dixie Counties, as well as Judge Collins' portion of the Columbia County caseload.

- Judge Bryan reported on the recent Trial Budget Commission meeting and provided an update on the present status of our state courts' budget. Foreclosure filing fees continue to be the primary single source of funding for the courts. Our salary budget is stable, in large part due to the controls (i.e. waiting periods for filling vacant positions) that are remaining in place for the current fiscal year.
- Judge Fina reported on the recent Chief Judges' meeting. He emphasized the importance of foreclosure case management and backlog reduction, along with the legislative implications of this project. Judge Fina also discussed some pay and benefits issues, and judges can call him for more information on that subject. The legislature is requiring a report, by judge, regarding the number of cases disposed during the current year. We will be working with the clerks to ensure that these numbers are as accurate as possible.
- Sondra has been meeting with judges and clerks to determine how to best handle foreclosure case management in each of the counties. Because we received funding for positions under this initiative and the clerks only received expense money, we are doing whatever we can to minimize the additional workload on clerks' staff. The courts are required to eliminate 62% of our backlog, and our success will be measured based on the number of cases on which no additional court action is required. The clerks will be measured on sales and issuance of certificates of title.
- Protocol for duty judge was discussed, and Judge Fina will be sending a memo to all of the agencies that may need a judge on the weekend. The memo will explain the protocol and ask that the agency heads share the memo with all of their staff/officers who may need to know about it. Weekly reminders will then be sent to

clerks and dispatch for each of the sheriff's departments, and they can serve as the point of contact when an emergency judge is needed.

- Judges are asked to provide dates for every Thursday on which they are available for the dinner with the clerks at Judge Fina's house.
- During the meeting, a couple of legal questions arose. Debbie DeNike researched those issues, and her summary is provided below for your information. If a more formal memo is required, I can ask her to prepare that for distribution:

Electronic signatures - In *Haire v. Fla. Dept. of Agriculture and Consumer Services*, 870 So.2d 774 (Fla. 2004), the Supreme Court affirmed the 4th DCA's holding that when a judge issuing a warrant directs the use of an electronic signature, it is clear that the judge is attesting to the act of issuing the warrant and that the use of the electronic signature is "within the discretion of the issuing magistrate". In so holding, the Supreme Court stated that reasoning was consistent with the general rule that absent a statute or rule prescribing the method of a signature, a signature may be validly affixed in a variety of ways. This is also consistent with §688.004, Fla.Stat. (2003), which states: "[u]nless otherwise prohibited by law, an electronic signature may be used to sign a writing and shall have the same force and effect as a written signature" and the Rules of Judicial Administration, Rule 2.515.

Court seal - As to the use of the court seal on search warrants, §933.07, Fla.Stat. does not require affixing of a seal. Further, in *Johnson v. State of Florida*, 339 So.2d 667 (Fla. 2nd DCA 1976), the court stated the failure of the judge to affix a seal or the name of her office to the search warrant pursuant to s. 933.07, Fla.Stat. (1973), did not vitiate the warrants validity.

- Since the meeting, we have scheduled a retirement ceremony and reception for Judge Slaughter and the Court Christmas Luncheon.

Thursday, December 9 from 4:00 until 6:00 – Judge Slaughter's retirement ceremony reception at the Suwannee County Courthouse

Friday, December 17 – Christmas luncheon for judges and Court Staff – Details to be announced soon.

Please let me know if you have any questions or need more information on any of these subjects.

Sondra

Jenn C. Lussier

From: Sondra M. Lanier
Sent: Wednesday, August 18, 2010 5:33 PM
To: Leandra G. Johnson
Subject: FW: NOTICE OF LACK OF PROSECUTION AND MOTION TO DISMISS.Civil cases
Attachments: NOTICE OF LACK OF PROSECUTION AND MOTION TO DISMISS.Civil cases.doc

Judge Johnson,

I met with Pat Perry and Chad Crews this afternoon regarding foreclosures. Because we have supplemental funding for staff and they have funding for expenses, we have agreed that Court Administration will prepare the notices and the Clerk's office will pay for the postage. Their workload will already be increasing with the extra docketing and filing that will be required as a result of the case management activities.

Attached is the Notice of Lack of Prosecution and Motion to Dismiss that Pat advised me they use, and I will forward the Order to Show Cause in a minute. I know that you, Judge Bryan, and Judge Collins want to streamline the process as much as possible, so please let me know what changes you recommend to these documents.

Thanks for your help.

Sondra

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

From: Pat Perry [mailto:pperry@columbiaclerk.com]
Sent: Wednesday, August 18, 2010 2:57 PM
To: Sondra M. Lanier
Subject: NOTICE OF LACK OF PROSECUTION AND MOTION TO DISMISS.Civil cases

IN THE CIRCUIT COURT, THIRD JUDICIAL CIRCUIT,
IN AND FOR COLUMBIA COUNTY, FLORIDA
CASE NO. 07-104-CA

CHASE HOME FINANCE
C/O MARSHALL C WATSON
1800 NW 49TH ST
STE 120
FT LAUDERDALE FL 33309
Plaintiff(s),

Vs.
LORI L NOVAK & DOMENICK WATSON
159 NW PLEASANT HILL GLEN
FT WHITE FL 32038

D. D. LESTER & ASSOC
720 SE 9TH PL STE D
GAINESVILLE FL 32602
Defendant(s),

NOTICE OF LACK OF PROSECUTION AND
MOTION TO DISMISS

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 in this cause for a period of ten (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), Florida Rules of Civil Procedure, if no such record activity occurs within a sixty (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 five (5) days before the hearing on the motion why the action should remain pending.

ACCORDINGLY, P. DeWITT CASON, Columbia County Clerk of Court, moves to dismiss the action pursuant to Rule 1.420(e).

Deputy Clerk of Court

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Lack of Prosecution and Motion to Dismiss has been furnished by U.S. First Class Mail to the foregoing parties this ____ day of _____, 20____.

Deputy Clerk of Court

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no costs to you, to the provision of certain assistance. Please contact, Court Administration, P.O. Box 1569, 173 NE Hernando Avenue, Lake City, FL 32056-1569, (386) 758-7428 within 2 working days of your receipt of this Notice; if you are hearing or voice impaired, call (800) 955-8770.

Jenn C. Lussier

From: Leandra G. Johnson
Sent: Friday, August 13, 2010 1:46 PM
To: Sondra M. Lanier; Julian E. Collins; Paul S. Bryan
Subject: RE: i was wrong...

That makes my 80% goal look even better!

LGJ

From: Sondra M. Lanier
Sent: Friday, August 13, 2010 1:45 PM
To: collins.julian@jud3.flcourts.org; Leandra G. Johnson; Paul S. Bryan
Subject: i was wrong...

Our required reduction in foreclosures is 62%, not 64%.

Sondra

Jenn C. Lussier

From: Leandra G. Johnson
Sent: Thursday, August 12, 2010 11:40 AM
To: Sondra M. Lanier
Subject: RE: Meeting

Look forward to seeing you tomorrow.

From: Sondra M. Lanier
Sent: Thursday, August 12, 2010 11:20 AM
To: Leandra G. Johnson
Subject: RE: Meeting

Great. I look forward to seeing you there.

I am scheduled to meet with you tomorrow morning, and I have asked Judge Bryan and Judge Collins to join us. Since we have not been able to find anyone for the foreclosure case management position, I have added those duties to my list at the moment. I am looking for guidance on how you want us to proceed on the cases assigned to you. I have not been able to review all of the Columbia cases yet, but I do have some information about a sample of the cases and what is happening in some of the other counties. You, Judge Bryan, and Judge Collins may not want everything handled the same way, but I thought it would be helpful to discuss it together. I will see you then!

Sondra

From: Leandra G. Johnson
Sent: Thursday, August 12, 2010 11:15 AM
To: Sondra M. Lanier
Subject: RE: Meeting

I plan on attending.

Leandra Johnson
Circuit Judge

From: Sondra M. Lanier
Sent: Wednesday, August 11, 2010 8:35 PM
To: Paul S. Bryan; James R. Bean; Donna K. Jones; Pam K. Ring; Donna D. Moore; E. Vernon Douglas; Linda H. Morgan; Leandra G. Johnson; Marcie A. Kemp; Candice T. Herring; H. Wetzel Blair; Julian E. Collins; Diane B. Hiers; Debbie J. Saunders; Heather J. Norris; Sonny Scaff; Debra P. Sadler; Tom Coleman; Greg Parker; Joyce Cameron; Sybil C. Powell; David W. Fina; Darren K. Jackson; William R. Slaughter; Jean Pittman; Millicent A. Schneider; Frederick L. Koberlein; Melanie Vaughn
Cc: Lisa L. Butler; Lori A. McKee
Subject: Meeting

This message is to confirm that the Judges' Meeting will be held in Madison at 4:00 on Friday afternoon. The meeting will be in the hearing room on the 2nd floor. An agenda will be sent tomorrow. Please let me know if you will be able to attend, and we will look forward to seeing you there.

Sondra

Jenn C. Lussier

From: Leandra G. Johnson
Sent: Monday, August 02, 2010 4:13 PM
To: Kathleen M. Brackney; 'Sally Rodriguez'
Cc: Diane B. Hiers
Subject: Hagan v. Hagan; Columbia Co. Case No. 09-884-DR

I've been notified that mediation in the parties' foreclosure case has been set for August 31, 2010. Therefore, please prepare an Order Setting Final Hearing on the Dissolution of Marriage for the September 13 pro se docket.

Kathleen, I really appreciated the memo you sent me dated 7/14/10 regarding this case. However, it should not have been filed in the court file. When I looked at CCIS, this internal memo has been scanned and is now officially part of the court file. While Sally and I should be aware of the information you provided, the memo is not a "pleading", and anything like that should not be filed in the court file without prior court approval.

Leandra Johnson
Circuit Judge

Jenn C. Lussier

From: Leandra G. Johnson
Sent: Saturday, June 12, 2010 3:55 PM
To: Sondra M. Lanier
Subject: RE: Notes from Friday's Meeting

Thanks. I hope you do too.

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

From: Sondra M. Lanier
Sent: Saturday, June 12, 2010 3:56 PM
To: Leandra G. Johnson
Subject: RE: Notes from Friday's Meeting

Sure. I hope you have a great weekend.

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

From: Leandra G. Johnson <Johnson.Leandra@jud3.flcourts.org>
Sent: Saturday, June 12, 2010 3:22 PM
To: Sondra M. Lanier <lanier.sondra@jud3.flcourts.org>
Subject: RE: Notes from Friday's Meeting

Thank you.

From: Sondra M. Lanier
Sent: Saturday, June 12, 2010 3:16 PM
To: Candice T. Herring; Darren K. Jackson; David W. Fina; Debbie J. Saunders; Debra P. Sadler; Diane B. Hiers; Donna D. Moore; Donna K. Jones; E. Vernon Douglas; Frederick L. Koberlein; Greg Parker; H. Wetzel Blair; Heather J. Norris; James R. Bean; Jean Pittman; Joyce Cameron; Julian E. Collins; Leandra G. Johnson; Linda H. Morgan; Marcie A. Kemp; Melanie A. Vaughn; Millicent A. Schneider; Pam K. Ring; Paul S. Bryan; Sonny Scaff; Sybil C. Powell; Tom Coleman; William R. Slaughter
Cc: Lisa L. Butler; Brenda P. Pryce
Subject: Notes from Friday's Meeting

Good afternoon. Following are notes from Friday's meeting. Information in italics is related but supplemental to what was discussed at the meeting.

* Jacob Bell's last day is June 18, and he is moving away to Colorado. Harold Blakley's replacement (Duane Bestoso) will begin work on June 14. Judd Walden is also working in IT as an intern for the summer.

* Crystal Ecker and Sara Hall are doing a great job as law clerks. Crystal is the law clerk who was hired in April, and Sara is an intern for the summer. Debbie DeNike is supervising the law clerks, and they are working diligently to organize the pending motions and clear up as much backlog as possible. Jackie Jo Brinson and Junaid Savani have been hired as law clerks and will begin work on August 2 when the 90-day hold on those positions is lifted.

* Judy Eichar is retiring for health reasons, and although she is in the office until the end of June she is no longer able to work in the courtroom. Her position cannot be filled until October, so we will only have 2 stenographers until that time. Lynn Sapp will be out for surgery during a portion of that time, so we will only have 1 stenographer at times. We will use stenographers whenever available, and they will be assigned based on the prioritization established by the Supreme Court and our circuit's administrative order. However, we will have to depend on digital court reporters more often in those cases for which the Supreme Court has determined that digital is acceptable and meets our due process requirements. If an attorney/defendant requests a stenographer in a case for which the Supreme Court has determined that digital is acceptable, the attorney/defendant is responsible for hiring and paying for the court reporter.

* Donations are being collected for a retirement gift for Judy. Lisa Butler will be purchasing a gift card for Judy on Wednesday, June 16, so please forward your donations to Lisa in the Live Oak office by Tuesday, June 15. If you work in Lake City, your donations can be given to Brenda Pryce for forwarding to Lisa.

* Our state budgets remain basically the same as last year, so there should be no operational changes when our new fiscal year begins on July 1. The state courts trust fund was a key to our stability during the 2010 legislative session, and it will hopefully carry us through next year when the state's budget situation is expected to be even worse than this year.

* Judge Fina asked that judges remember to show appreciation to court staff who have now gone without a raise for almost 5 years. They have been working under difficult circumstances, and there is little else that we can do as an organization to help them.

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* Foreclosure and Economic Recovery funding has been made available to each circuit in order to address the statewide backlog in foreclosure cases. This funding was allocated from the state courts trust fund, by the Legislature, at the request of the State Courts System. The courts, in partnership with the Bar, the banking industry, and other business leaders, lobbied the Legislature on this issue with the goal of moving foreclosure cases through the system to get properties back on the market to stimulate the economy. This project is going to be closely monitored and audited, with reports going back to the Legislature in the upcoming session to show that the courts utilized the funding to achieve its intended purpose.

Our circuit's backlog was calculate by the OSCA by subtracting the number of dispositions from the number of filings from 2006-2007 through 2009-2010 (projections used for the current year based on prior performance). According to the OSCA, our circuit has a backlog of 1,325 cases, and we have been instructed to dispose of 822 cases, or 62% of our total backlog. We have received a case manager position which is currently being advertised, and we were also appropriated a secretary position that we are not planning to fill at this time. The case manager will identify the cases making up the "backlog", determine the status of each, and report to the presiding judge for direction on further actions to be taken.

The original proposal included the management of contract/indebtedness cases and small claims cases from \$5,001 to \$15,000. However, the Trial Court Budget Commission determined that the funding should be used only for foreclosure cases until the circuit meets its target reduction. At that time, the circuit will be allowed to request permission from the TCBC to expand to include the other case types.

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Sondra Lanier

Trial Court Administrator

Third Judicial Circuit

(386)758-2163 Lake City

(386)362-1017 Live Oak

(386)362-2658 Fax

Jenn C. Lussier

From: Leandra G. Johnson
Sent: Saturday, June 12, 2010 3:23 PM
To: Sondra M. Lanier
Subject: RE: Notes from Friday's Meeting

Thank you.

From: Sondra M. Lanier
Sent: Saturday, June 12, 2010 3:16 PM
To: Candice T. Herring; Darren K. Jackson; David W. Fina; Debbie J. Saunders; Debra P. Sadler; Diane B. Hiers; Donna D. Moore; Donna K. Jones; E. Vernon Douglas; Frederick L. Koberlein; Greg Parker; H. Wetzel Blair; Heather J. Norris; James R. Bean; Jean Pittman; Joyce Cameron; Julian E. Collins; Leandra G. Johnson; Linda H. Morgan; Marcie A. Kemp; Melanie A. Vaughn; Millicent A. Schneider; Pam K. Ring; Paul S. Bryan; Sonny Scaff; Sybil C. Powell; Tom Coleman; William R. Slaughter
Cc: Lisa L. Butler; Brenda P. Pryce
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Sondra Lanier

Trial Court Administrator
 Third Judicial Circuit
 (386)758-2163 Lake City
 (386)362-1017 Live Oak
 (386)362-2658 Fax

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Sondra Lanier

Trial Court Administrator
Third Judicial Circuit
(386)758-2163 Lake City
(386)362-1017 Live Oak
(386)362-2658 Fax

Jenn C. Lussier

From: Leandra G. Johnson
Sent: Sunday, May 23, 2010 10:09 PM
To: Kathleen M. Brackney
Subject: RE: Proposed orders from 05/17/10 pro se hearings
Attachments: FJ DOM (Lopes 10-45-DR).doc

Attached is the revised order on Lopes.

Leandra Johnson
Circuit Judge

From: Kathleen M. Brackney
Sent: Thursday, May 20, 2010 9:07 AM
To: Leandra G. Johnson
Subject: Proposed orders from 05/17/10 pro se hearings

Judge Johnson,

Please find the attached proposed orders from the hearings held on Monday. Please let me know if anything needs to be changed.

I would especially appreciate feedback about the Order Continuing Hearing for Hagan v. Hagan, 09-884-DR. I haven't had many opportunities to prepare orders of continuance so I hope that this proposed order is close to what is needed. Also, I didn't mention the evidence that was submitted by the parties, as the Wife's evidence consisted of copies of documents already found in the foreclosure case file, and the Husband's evidence seemed to pertain more to the DV case. Please let me know if these should be mentioned in this order.

Thanks,

Kathleen Brackney
Family Law Case Manager
Third Judicial Circuit of Florida
173 NE Hernando Ave., Room 408
Lake City, FL 32055
Phone: 386-719-7417
Fax: 386-758-2162
Email: brackney.kathleen@jud3.flcourts.org

IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT,
IN AND FOR COLUMBIA COUNTY, FLORIDA

CASE NO. 10-45-DR

IN RE: The Marriage of
ALLISON R. LOPES,
Wife/Petitioner,
and

WILLIAM F. LOPES,
Husband/Respondent.

FINAL JUDGMENT OF DISSOLUTION OF MARRIAGE

THIS CAUSE came before the Court on May 17, 2010 for a final hearing upon the Wife's Petition for Dissolution of Marriage. The Petitioner, Allison R. Lopes (hereinafter referred to as the "Wife"), and the Respondent, William F. Lopes (hereinafter referred to as the "Husband"), were present and testifying before the Court. The Court, having reviewed the file and heard the testimony, makes these findings of fact and reaches these conclusions of law:

1. The Court has jurisdiction over the subject matter and the parties.
2. A default was entered against the Husband on February 16, 2010 because he did not file any responsive pleadings; however, based upon the Husband's appearance at the final hearing, the Court has set aside the default against the Husband.
3. At least one party has been a resident of the State of Florida for more than six (6) months immediately before filing the Petition for Dissolution of Marriage.
4. The marriage between the parties is irretrievably broken. The marriage between the parties is dissolved, and the parties are restored to the status of being single.
5. The parties have no minor children in common and none are expected.
5. The Wife testified that she owns the home and real property located at 258 SE Nassau Street, Lake City, Florida, to wit:

THE NORTH 70 FEET OF THE E ½ OF THE W ½ OF LOT OR
BLOCK NO. 260 IN THE EASTERN DIVISION OF THE CITY OF
LAKE CITY, FLORIDA, IN ACORDANCE WITH THE RECORDED
PLAT THEREOF, PUBLIC RECORDS OF COLUMBIA COUNTY,
FLORIDA.

COLUMBIA COUNTY PARCEL NO. 13243-000.

The Wife testified that she owned the home and property prior to the marriage, and the Husband testified that he has no interest in this property. Therefore, this is the Wife's nonmarital property which is not subject to equitable distribution. The Wife shall be solely responsible for the debt associated with home and property ownership, and shall hold the Husband harmless on said mortgage/debt.

6. The Wife testified that she owns a 1995 Toyota Camry that is in her name only. The Husband testified that he has no interest in the vehicle. The Wife shall keep the 1995 Toyota Camry and shall be solely responsible for the cost of ownership and shall hold the Husband harmless.
7. Each party shall be solely responsible for debts in his or her own name and hold the other harmless.
8. The Court reserves jurisdiction to enter any further orders as may be deemed necessary and appropriate.

DONE AND ORDERED in Lake City, Columbia County, Florida on the 24th day of May, 2010.

LEANDRA G. JOHNSON,
Circuit Judge

I certify that a certified copy of the foregoing has been mailed to the following parties on this ____ day of May, 2010:

Allison R. Lopes
258 SE Nassau St.
Lake City, FL 32025

William F. Lopes
1227 SE 32nd St.
Gainesville, FL 32641

By: _____

Jenn C. Lussier

From: Leandra G. Johnson
Sent: Sunday, May 23, 2010 9:56 PM
To: Kathleen M. Brackney
Subject: FW: Proposed orders from 05/17/10 pro se hearings
Attachments: Order Continuing Final Hearing (Hagan 09-884-DR).doc

I'm not sure whether I attached the revised order in the previous message, so here it is.

From: Leandra G. Johnson
Sent: Sunday, May 23, 2010 8:52 PM
To: Kathleen M. Brackney
Subject: RE: Proposed orders from 05/17/10 pro se hearings

Kathleen,

Thank you for preparing the orders. Attached is the revised order on Hagan. As indicated, please closely monitor the case to see what develops and that it doesn't fall through the cracks.

Leandra Johnson
Circuit Judge

From: Kathleen M. Brackney
Sent: Thursday, May 20, 2010 9:07 AM
To: Leandra G. Johnson
Subject: Proposed orders from 05/17/10 pro se hearings

Judge Johnson,

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Kathleen Brackney
Family Law Case Manager
Third Judicial Circuit of Florida
173 NE Hernando Ave., Room 408
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Phone: 386-719-7417
Fax: 386-758-2162
Email: brackney.kathleen@jud3.flcourts.org

IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT,
IN AND FOR COLUMBIA COUNTY, FLORIDA.

IN RE:
BETTY ROBERTS HAGAN,
Petitioner/Wife,
and

Case No: 09-884-DR

JIMMIE LEE HAGAN,
Respondent/Husband.

ORDER CONTINUING FINAL HEARING

THIS CAUSE came before the Court on April 19, 2010, for final hearing upon a Petition for Dissolution of Marriage. Betty Roberts Hagan (hereinafter referred to as the "Wife") and Jimmie Lee Hagan (hereinafter referred to as the "Husband") were present and provided testimony. The Court, having considered the parties' testimony, having reviewed the court file in this action as well as other related court files involving the parties, and being otherwise fully advised in the premises, makes the following findings:

1. The parties attended mediation on March 30, 2010 in this action but reached an impasse without resolving any of the pending issues.
2. During the hearing it became apparent that there are significant issues pertaining to ownership and disposition of the real property located at 295 SW Nantucket Place, Fort White, Florida. The parties testified that the property is currently in foreclosure (see Columbia County Case No. 10-152-CA).
3. The interest of justice would best be served by resolving the issues pertaining to the real property before the instant dissolution of marriage action is concluded.
4. The parties also testified that the Husband has not yet arranged to have his washer, dryer, hutch, and cedar chest removed from the home since entry of the Final Judgment of Injunction for Protection Against Domestic Violence on December 2, 2009 which authorized him to retrieve this property (see Columbia County Case No 09-602-DV).
5. Other issues pertaining to personal property and the payment of debts remain to be resolved which could not be addressed during the limited time period scheduled for the final hearing.

Therefore, it is hereby ORDERED AND ADJUDGED:

- A. An order directing the parties to mediation is separately being entered in the parties' foreclosure case.
- B. The final hearing on the Petition for Dissolution of Marriage is hereby continued until after the foreclosure mediation has been conducted.

- C. This case will be closely monitored by the family law case manager and a case status review will be held within 60 days of the date of this order, or as soon thereafter as it can be scheduled, to determine whether to set the case for final hearing or refer the parties back to mediation in this action.
- D. The Husband has sixty (60) days from the date of this order to arrange to have the washer, dryer, hutch, and cedar chest removed from the home. As described in the above-referenced domestic violence case, the Husband shall have law enforcement present while removing the items, or he shall arrange to have a third party remove the items for him. The Husband shall ensure that the Wife is given at least twenty-four (24) hours notice prior to the items being removed from the home.
- E. If the parties continue to contest how their personal property should be divided, they shall each file, 10 days prior to the final hearing, a list listing each of the items they believe to be theirs, with the date the item was acquired and the value of the item.
- F. The parties are encouraged to seek legal advice to resolve all the pending legal issues.
- G. The Court retains jurisdiction to enter other orders as deemed necessary and proper.

DONE AND ORDERED in Lake City, Columbia County Florida, on this 24th day of May, 2010.

LEANDRA G. JOHNSON, Circuit Judge

I certify that a copy of the foregoing has been furnished by U.S. mail to the following parties on this ____ day of May, 2010:

Betty Roberts Hagan
295 SW Nantucket Pl.
Fort White, FL 32038

Jimmie Lee Hagan
27107 SW 46th Ave.
Newberry, FL 32669

By: _____

Jenn C. Lussier

From: Leandra G. Johnson
Sent: Sunday, May 23, 2010 9:55 PM
To: Kathleen M. Brackney
Subject: RE: Proposed orders from 05/17/10 pro se hearings
Attachments: FJ DOM (Ott v Clegg 10-119-DR).doc

Attached is a copy of the revised order on Ott/Clegg.

From: Kathleen M. Brackney
Sent: Thursday, May 20, 2010 9:07 AM
To: Leandra G. Johnson
Subject: Proposed orders from 05/17/10 pro se hearings

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IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT,
IN AND FOR COLUMBIA COUNTY, FLORIDA

CASE NO. 10-119-DR

IN RE: The Marriage of
PETER JAMES OTT,
Husband,
and

BARBARA JEAN CLEGG,
Wife.
_____ /

FINAL JUDGMENT OF DISSOLUTION OF MARRIAGE

THIS CAUSE came before the Court on May 17, 2010 for a final hearing upon the parties' Petition for Simplified Dissolution of Marriage. The Petitioner, Peter James Ott (hereinafter referred to as the "Husband"), and the Respondent, Barbara Jean Clegg (hereinafter referred to as the "Wife"), were present and testifying before the Court. The Court, having reviewed the file and heard the testimony, makes these findings of fact and reaches these conclusions of law:

1. The Court has jurisdiction over the subject matter and the parties.
2. At least one party has been a resident of the State of Florida for more than six (6) months immediately before filing the Petition for Dissolution of Marriage.
3. The marriage between the parties is irretrievably broken.
4. The parties have no minor children in common and none are expected.
5. The Wife testified that she is seeking healthcare coverage from the Husband, as well as alimony in the amount of \$200 per month for one year. The Court referred the Wife to the Petition for Simplified Dissolution of Marriage and the Marital Settlement Agreement, both of which are signed by the Wife but neither reflects that the Wife is seeking healthcare coverage or alimony. While initially indicating that she did not remember signing either pleading, upon reviewing the pleadings, the Wife acknowledged that she had signed them but probably did not read the pleadings thoroughly.
6. While explaining to the parties that the Court could not provide either one of them with legal advice, the Court also explained that under the law parties in a legal action have the due process right to prior notice of any issue that is going to be litigated, and in this instance no prior notice had been provided to the Husband. The Husband testified that he wished to go forward with the hearing as scheduled and did not feel pressured or forced to waive the right to prior notice. The Court found the Husband appeared cognizant and aware of what he was doing, and therefore determined that the Husband freely, knowingly and voluntarily waived his right to notice.

7. The parties were married on November 2, 2001, but the date of separation is contested. The Husband testified that the parties separated in 2006 while the Wife testified that the parties separated in 2008. Neither party provided independent corroboration of the separation date. The Husband testified that he had not provided financial support to the Wife since separation, and the Wife testified that she had received \$300 in support from the Husband every two weeks until October 2008. Again, neither party provided any corroborating evidence to support their claim.
8. The Wife testified that she worked for the Veterans Administration (VA) for ten years, and that she retired last year. She suffers from various medical problems that have required her to have surgery. She currently has no income, is in need of support and will not be eligible to draw Social Security and annuity benefits until she turns 62 on September 25, 2010.
9. The Wife also testified that she paid into the VA's Thrift Savings Plan Program (TSP) while she was employed by the VA, and she will be able to use this account as a source of income once she turns 62. She does not know whether she is entitled to any standard retirement benefits through the Veterans Administration. The Husband testified the Wife should keep this retirement account as her own and relinquished any right he may have to a portion of the account as equitable distribution of marital property.
10. The Husband testified that he has worked for an automotive salvage company for the past eight years and his current monthly income is approximately \$1,800. The Husband does not have a retirement plan and has chosen to not participate in his employer's 401(k) program.
11. The parties testified that their personal property has already been divided to their mutual satisfaction.
12. Although the parties' Petition for Simplified Dissolution of Marriage reflects that the Wife wanted her name restored to Barbara Jean Clegg as part of this action, the Wife testified that she has already had her name restored (see Columbia County Case No. 08-347-DR).

It is therefore ORDERED AND ADJUDGED:

- A. The marriage between the parties is dissolved and the parties are restored to the status of being single.
- B. Taking into consideration the factors under Florida Statute 61.08, the Husband shall pay alimony to the Wife in the amount of \$100 every two weeks. Payments shall begin on or before May 30, 2010 and shall continue through the end of September 2010.
- C. The Wife's request for healthcare coverage is denied.
- D. The Wife shall keep as her sole property the Thrift Savings Plan Program account that she contributed to while working for the Veteran's Administration.

- E. Each party shall be solely responsible for debts in his or her own name and hold the other harmless.
- F. The Court reserves jurisdiction to enter any further orders as may be deemed necessary and appropriate.

DONE AND ORDERED in Lake City, Columbia County, Florida on the 24th day of May, 2010.

LEANDRA G. JOHNSON, Circuit Judge

I certify that a certified copy of the foregoing has been mailed to the following parties on this _____ day of May, 2010:

Peter James Ott
260 SW Oriole Pl.
Lake City, FL 32024

Barbara Jean Clegg
118 SE Easter Ln.
Lake City, FL 32025

By: _____

Jenn C. Lussier

From: Leandra G. Johnson
Sent: Sunday, May 23, 2010 8:52 PM
To: Kathleen M. Brackney
Subject: RE: Proposed orders from 05/17/10 pro se hearings

Kathleen,

Thank you for preparing the orders. Attached is the revised order on Hagan. As indicated, please closely monitor the case to see what develops and that it doesn't fall through the cracks.

Leandra Johnson
Circuit Judge

From: Kathleen M. Brackney
Sent: Thursday, May 20, 2010 9:07 AM
To: Leandra G. Johnson
Subject: Proposed orders from 05/17/10 pro se hearings

Judge Johnson,

Please find the attached proposed orders from the hearings held on Monday. Please let me know if anything needs to be changed.

I would especially appreciate feedback about the Order Continuing Hearing for Hagan v. Hagan, 09-884-DR. I haven't had many opportunities to prepare orders of continuance so I hope that this proposed order is close to what is needed. Also, I didn't mention the evidence that was submitted by the parties, as the Wife's evidence consisted of copies of documents already found in the foreclosure case file, and the Husband's evidence seemed to pertain more to the DV case. Please let me know if these should be mentioned in this order.

Thanks,

Kathleen Brackney
Family Law Case Manager
Third Judicial Circuit of Florida
173 NE Hernando Ave., Room 408
Lake City, FL 32055
Phone: 386-719-7417
Fax: 386-758-2162
Email: brackney.kathleen@jud3.flcourts.org

Jenn C. Lussier

From: Kevin C Lunsford <klunsford@suwanneemediation.org>
Sent: Monday, May 17, 2010 4:49 PM
To: Leandra G. Johnson
Subject: Order Referring Case to RMFM Program
Attachments: Order_Referring_Case.doc

Dear Judge Johnson:

I have attached the Florida Supreme Court Model Order in Word (.doc) format.

If you have any questions, please do not hesitate to call me. Also, please feel free to include our phone number and website address in the Order if you think it would be of benefit to the parties.

Kevin Lunsford
Suwannee Valley Foreclosure Mediation, Inc.
www.SuwanneeMediation.org
386.269.4992

IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT
IN AND FOR COLUMBIA COUNTY, FLORIDA

CASE NO.

Plaintiff,

vs.

Defendants.
_____ /

ORDER REFERRING CASE TO RMFM PROGRAM
(Case Filed Prior to April 15, 2010)

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 2010-003 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 2010-003. 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 _____.

Circuit Court Judge

cc: Suwannee Valley Foreclosure Mediation. Inc.

Jenn C. Lussier

From: Leandra G. Johnson
Sent: Thursday, February 25, 2010 7:57 PM
To: Sondra M. Lanier
Subject: RE: Foreclosure Mediation

Great. I'm glad it worked out.

From: Sondra M. Lanier
Sent: Wednesday, February 24, 2010 10:13 PM
To: Leandra G. Johnson
Cc: David W. Fina
Subject: Foreclosure Mediation

Judge Johnson,

I just wanted to let you know that I met with Robert George on Tuesday afternoon, and I agree that he will be a great resource for our circuit as we iron out the details of this foreclosure mediation process. I will be speaking with Judge Fina as soon as I can to determine how he wants to proceed from this point. Thanks so much for the connection.

Sondra

Jenn C. Lussier

From: Leandra G. Johnson
Sent: Monday, February 22, 2010 3:28 PM
To: Sondra L. Williams
Cc: David W. Fina
Subject: foreclosure mediation program

Sondra,

As I explained during our phone conversation earlier this afternoon, Robert George, an attorney from the Jacksonville law firm of Liles, Gavin, Costantino, George & Dearing, P.A. contacted me about providing mediation services in foreclosures as mandated by the Florida Supreme Court. I've known Robert for many years (he's originally from Lake City and comes from a very good family who still lives here) and he is a very good attorney from an excellent and reputable "AV" rated law firm. He is very familiar with the program being implemented in the Fourth Circuit and has completed the certification for foreclosure mediation. He will be glad to share with you what is being done in Duval Co. His phone number is 904-634-1100.

Leandra

Jenn C. Lussier

From: Leandra G. Johnson
Sent: Thursday, December 31, 2009 4:40 PM
To: 'P. DeWitt Cason'
Cc: David W. Fina
Subject: RE: Emailing: AOSC09-54

DeWitt,

Thanks for forwarding the order. I'm sure our chief judge will be addressing this in our circuit and talking with the clerks about the implementation of the mediation program. We appreciate your support and willingness to help in this issue that affects all of us.

Happy New Year!

Leandra

From: P. DeWitt Cason [mailto:pdcason@columbiaclerk.com]
Sent: Wednesday, December 30, 2009 9:23 AM
To: Darren K. Jackson; David W. Fina; Frederick L. Koberlein; Greg S. Parker; Julian E. Collins; Leandra G. Johnson; Paul S. Bryan; James R. Bean; Sonny Scaff; Jean Pittman; Tom Coleman; E. Vernon Douglas; H. Wetzel Blair; William R. Slaughter
Subject: Emailing: AOSC09-54

Judges,

I'm sure all of you are of aware of this, But I felt it was important enough to send out. Apparently, Homestead Foreclosures must go to mediation now. Let me know if my office can do anything to help speed the process.

DeWitt

p.s. Happy New Year

Jenn C. Lussier

From: Kevin C Lunsford <kevin@kevinlunsford.com>
Sent: Tuesday, December 29, 2009 4:08 PM
To: Undisclosed-Recipient;;
Cc: info@kevinlunsford.com
Subject: New Florida Supreme Court Mortgage Foreclosure Order
Attachments: AOSC09-54_Foreclosures.12.28.09.pdf

The Administrative Order requires that all new residential homestead foreclosure actions be referred to mediation. Attached please find the Residential Mortgage Foreclosure Mediation Administrative Order AOSC09-54 issued by Chief Justice Quince on December 28, 2009.

Wishing you all a Happy and Healthy New Year.



**NORTH FLORIDA
MEDIATION**

www.NorthFloridaMediation.com

Kevin C. Lunsford
Attorney | Mediator | Arbitrator
Email: kevin@kevinlunsford.com

LAKE CITY
496 S.W. Ring Court
Lake City, FL 32025
(386) 268-0942 Fax: 269-1049

FORT LAUDERDALE
1975 E. Sunrise Boulevard
Suite 515
Fort Lauderdale, FL 33304
(954) 467-8842 Fax: 564-4813

Supreme Court of Florida

No. AOSC09-54

IN RE: FINAL REPORT AND RECOMMENDATIONS ON
RESIDENTIAL MORTGAGE FORECLOSURE CASES

ADMINISTRATIVE ORDER

Foreclosure case filings in Florida trial courts stood at nearly 369,000 in December 2008. At the beginning of the last quarter of 2009, foreclosure filings statewide totaled in excess of 296,000. Florida has the third highest mortgage delinquency rate, the worst foreclosure inventory, and the most foreclosure starts in the nation. At the close of 2009, it is estimated there will be an inventory of approximately 456,000 pending foreclosure cases statewide. The crisis continues unabated.

The Task Force on Residential Mortgage Foreclosure Cases was established to respond on an emergency basis to the residential mortgage foreclosure crisis in Florida.¹ In Re: Task Force on Residential Mortgage Foreclosure Cases, AOSC09-8 (March 27, 2009). The 15-member Task Force issued a Final Report and

1. The Task Force was asked to recommend “policies, strategies, and methods for easing the backlog of pending residential mortgage foreclosure cases while protecting the rights of parties” through “mediation and other alternative dispute resolution strategies, case management techniques, and approaches to providing *pro bono* or low-cost legal assistance to homeowners.”

Recommendations on August 15, 2009.² The Final Report and Recommendations was published for comment, and oral argument was held on November 4, 2009. In its report, the Task Force identified lack of communication between plaintiffs and borrowers as the most significant issue impeding early resolution of foreclosure cases, and concluded that effective case management and mediation techniques are the best methods the courts can employ to ensure that such communications occur early enough in the case to avoid wasted time and resources for the courts and the parties.

Recognizing that section 44.108, Florida Statutes, and statewide trial court budget policy considerations do not allow trial courts to collect fees for the provision of circuit civil mediation services, the Task Force concluded that outside entities would be needed to manage mediations on the scale required to address the state's foreclosure crisis.

Statewide Managed Mediation Program

The Task Force recommended adoption of a uniform, statewide managed mediation program to be implemented through a model administrative order to be issued by each circuit chief judge. Under this program, all foreclosure cases in the

2. The Task Force met over a period of approximately 20 weeks. During that time period, it conducted in-depth surveys and engaged in other outreach efforts to determine the impact of the foreclosure crisis on lenders and servicers, borrowers, attorneys and judges. The Task Force's Final Report and Recommendations is available at http://www.floridasupremecourt.org/pub_info/documents.shtm#foreclosure.

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

Jenn C. Lussier

From: Leandra G. Johnson
Sent: Tuesday, December 01, 2009 11:13 AM
To: 'wjh@bbattorneys.com'; 'lct@bbattorneys.com'
Cc: 'tadams@fcllaw.com'
Subject: FW: Hearing 9am Estate of Miller; Columbia County Case No. 08-768-CA
Attachments: EstateofMillerCase.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Haley and Mrs. Carter-Tidwell,

I am forwarding to you this message which Ms. Adams sent me this morning before the hearing held at 9:00 a.m. in the above-referenced case. I did not see the message prior to the hearing and the case attached was not argued by Ms. Adams during the hearing. Nevertheless, I am advising you of this communication by counsel and also of a fax transmission of a copy of the case cited. Everything will be filed in the court file, including a copy of this message.

Leandra Johnson
Circuit Judge

From: Tracy Adams [mailto:tadams@fcllaw.com]
Sent: Tuesday, December 01, 2009 8:51 AM
To: Leandra G. Johnson
Subject: Hearing 9am Estate of Miller

Please give the Judge this case for our hearing.

Tracy J. Adams, Esq.

Attorney at Law
Litigation / Special Resolution Team
Ben-Ezra & Katz, P.A.
2901 Stirling Road, Suite 300
Fort Lauderdale, FL 33312
Telephone: (305) 770-4100 Ext. 833
Facsimile: (305) 653-2329
tadams@fcllaw.com

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151 So.2d 28

Adolph W. NENOW, Jr., Appellant,

v.

CEILINGS AND SPECIALTIES, INC., a Florida corporation, Howard G. Wiley, Jr., and Howard G. Wiley, Sr., Appellees.

No. 3311.

District Court of Appeal of Florida, Second District.

March 1, 1963.

Rehearing Denied March 26, 1963.

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Charles K. Inglis, St. Petersburg Beach, for appellant.

Robert Tench of Tench & Whitehurst, Clearwater, for appellees.

ALLEN, Judge.

Appellant, plaintiff below, appeals an order dismissing his complaint with prejudice for failure to abide by an order of court.

On January 10, 1962, appellant filed a complaint against appellees seeking appointment of a receiver, an accounting, and damages for property had and received. At the same time, appellant filed a petition for immediate deposition of the appellees. This petition was granted, the deposition was taken, and, on January 18th, appellant filed a petition for appointment of a temporary receiver and a notice of hearing on this latter petition.

Appellees had notice of the petition and scheduled hearing prior to its having been filed a they filed, on January 18th, a motion to stay the hearing on the petition. On the same date, appellees filed motions to strike and to dismiss the complaint.

On January 18th, with appellees' motion to strike, motion to dismiss and motion to stay hearing and appellant's petition for appointment of a receiver all filed, a hearing was held on the latter petition and the following order was entered.

'The foregoing cause coming on this day to be heard upon plaintiff's petition for Receiver and objections thereto and the same having been argued by counsel for the respective parties and duly considered by the court, it is ordered that the hearing for the appointment of a receiver be and the same is hereby stayed until further Order of the Court.

It is further ordered that plaintiff be allowed 20 days in which to amend his Complaint and that defendant be granted 20 days after service of Amended Complaint in which to file such pleadings as he may be advised. IT IS FURTHER ORDERED THAT all pending motions shall be heard on March 15, 1962, at 3:30 P.M. unless earlier time shall be made available by the Court.'

On March 8, 1962, appellees filed a motion to dismiss for the reason:

'1) That the Court on January 18, 1962, dismissed the Complaint in the above-styled cause directing the Plaintiff to file its Amended Complaint within twenty (20) days and that such Amended Complaint has not been filed.'

On March 9, 1962, forty-one days after the entry of the January 18th order, appellant filed his amended complaint.

On March 28, 1962, an order was entered providing:

'This cause coming on to be heard on Defendant's motion to dismiss pursuant to rule

1.35(b) and the Court finding that on the day of January 18, 1962 there was argued before this Court Plaintiff's PETITION for receiver and objections thereto and at that time after a discussion and without objection on behalf of the Counsel for the Defendant, counsel for the Plaintiff agreed to file an amended complaint within 20 days.

'The Court further finds that no amended complaint was filed within 20 days and in fact was not filed until

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March 8, 1962 and that at no time did the Plaintiff request an extension of time pursuant to the provisions of Rule 1.6(b) Florida Rules of Civil Procedure nor has any reason been given by Plaintiff for this delay. * * *'

and dismissing the cause with prejudice.

Appellant contends that the dismissal under Rule 1.35(b), Florida Rules of Civil Procedure, 30 F.S.A., was improper in that dismissal under that rule can follow only after failure to comply with a 'valid' order of court and that the January 18th order, insofar as it limited the right to amend, was invalid and in contravention of appellant's right under Rule 1.15(a) to amend his complaint once as a matter of course before the filing of a responsive pleading. He argues that the only proper basis of dismissal in this cause would be a failure, in the complaint or amended complaint, to state a cause of action.

Appellees contend that the January 18th order was an order of dismissal with direction to amend within a specified period and that having failed to amend, appellant was properly dismissed.

If the January 18th order was, in fact, an order of dismissal with leave to amend, the March 28th order would be affirmed. *Capers v. Lee*, Fla.1956, 91 So.2d 337. However, in view of the facts that the order of January 18th nowhere mentions dismissal of the cause, that it

specifically recites that it was entered pursuant to a petition for appointment of receiver and motion to stay hearing and that it specifically orders hearing on pending motions, i. e., motion to dismiss, at a future date, it cannot be construed as an order dismissing the cause for failure to state a cause of action. Rather, it is an order allowing amendment apparently unrelated to any adjudication concerning the necessity for amendment.

The question remains as to whether the order of January 18th is an order within the contemplation of Rule 1.35(b):

'(b) Involuntary Dismissal. For failure of the plaintiff to prosecute or to comply with these rules or any order of court, a defendant may move for dismissal of an action or of any claim against him.

* * *

* * *

'With Prejudice. Unless the court in its order for dismissal otherwise specifies, a dismissal under the foregoing paragraph, other than a dismissal for lack of jurisdiction, for improper venue. or for the lack of an indispensable party, operates as an adjudication upon the merits.'

Appellant argues that the order limiting the time for amendment contravened an absolute right afforded him by Rule 1.15(a). We cannot agree that the right to amend before a responsive pleading is filed is absolute and, in this regard, adhere to our opinion in *Volpicella v. Volpicella*, Fla.App.1962, 136 So.2d 231.

In the *Volpicella* case, supra, we held that the right granted by Rule 1.15 terminated with a judgment of dismissal and that subsequent amendment was committed to the trial court's discretion. We note that the decisions of the federal courts construing the analogous Federal Rule of Civil Procedure, Rule 15(a), are in conflict. Two circuits are apparently committed to the existence of an absolute right. See *Ohio Casualty Ins. Co. v. Farmers' Bank of Clay*, Kentucky, 6th Cir.1949, 178 F.2d 570; *Fuhrer v.*

Fuhrer, 7th Cir.1961, 292 F.2d 140. But see McHenry v. Ford Motor Co., 6th Cir.1959, 269 F.2d 18. On the other hand, at least six of the circuits, including, by clear implication of recent decision, the 5th Circuit, qualify the right under the rule to the same extent as our decision in the Volpicella case, supra. See United States v. Newbury Mfg. Co., 1st Cir.1941, 123 F.2d 453; Market v. Swift & Co., Inc., 2nd Cir.1949, 173 F.2d 517; Fedderson Motors Inc. v. Ward, 10th Cir.1950, 180 F.2d 519; Kelly v. Delaware River Joint Commission, 3rd

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Cir.1951, 187 F.2d 93; Cassel v. Michaux, 1956, 99 U.S.App.D.C. 375, 240 F.2d 406; Britton v. Atlantic Coast Line R. R., 5th Cir.1962, 303 F.2d 274.

However, neither the Volpicella case nor the persuasive authority last cited are conclusive of the issue here presented. Conceding that the right of amendment as of course is not absolute, the question remains as to whether an order other than an order of dismissal terminates the right to amend. In terms of the instant facts, the question is whether an order, entered without objection from and apparently with the concurrence of appellant, by which the right to amend is restricted, can, in fact, restrict that right so as to both bar amendment after the date set and be the basis for dismissal under Rule 1.35(b).

On the precise facts of the instant case, we answer the question in the affirmative insofar as the validity and propriety of the January 18th order is concerned, but in the negative insofar as the dismissal with prejudice under Rule 1.35 is concerned. It is important to note, however, that both answers are confined to the facts of this cause and are not to be construed as holding that the rights under Rule 1.15(a) may always be curtailed by order of court or that dismissal under Rule 1.35 for failure to comply with an order of court should be without prejudice.

With respect to the propriety and consequent validity of the order limiting the time for amendment, it is significant that it did not bar amendment but merely altered the time in which amendment could be made. It is significant too that appellant agreed to abide by the limitation. Rule 1.15 provides that parties can consent to amendment after the time for amendment has expired and there seems to be no reason why the parties cannot, by consent, limit the time for amendment. The latter was done in the instant case and was embodied in the order of the court. Cf. Fern v. U. S., 9th Cir.1954, 213 F.2d 674, 15 Alaska 31; Vars v. International Brotherhood of Boilermakers, etc., D.C.Conn.1962, 204 F.Supp. 245; In re Watuga Steam Laundry, D.C.E.D.Tenn.1947, 7 F.R.D. 657.

Accordingly, while no useful purpose was served by the order and while it would seem, if not in conflict with, certainly inconsistent with the purpose of the Rules, we are constrained to approve it as valid in the instant case.

Recognition of the validity of the January 18th order does not, however, necessarily entail the conclusion that failure to observe the order should result in dismissal with prejudice. A review of recent cases involving dismissal under Rule 1.35(b) for failure to abide an order of court indicates certain circumstances usually precedent to dismissal with prejudice. The usual pattern is one involving dismissal with an accompanying order permitting the dismissed party to vitiate the dismissal by some act. Capers v. Lee, Fla.1956, 91 So.2d 337, or an order directing some act to forestall dismissal, Hinchee v. Fisher, Fla.1957, 93 So.2d 351; Sneider v. Park View Island Corporation, Fla.App.1962, 140 So.2d 136. Significantly, the dismissals for failure to abide an order always arose from orders clearly made conditions to continued maintenance of the action.

In the instant cause there is nothing in the order of January 18th indicating that amendment was necessary to maintenance of the action. Indeed, the court expressly deferred consideration of the motion to dismiss, which

motion raised the question of the validity of the cause of action, until a later date. Neither the January 18th order nor the findings relative to the January order in the order dismissing the case indicate that failure to amend within 20 days would entail any consequence other than loss of right to amend. In effect, appellant merely accepted the election to amend or stand on his original complaint. He chose the latter. Having chosen one of two alternatives, neither of which entailed the inherent consequence of dismissal, appellant did not fail to obey the order, rather, he elected, albeit passively, the alternative

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implicit in the order. There having been no failure to obey an order of the court, dismissal under Rule 1.35(b) was improper.

Appellee argues that the January 18th order was, despite its wording and the omission of any mention of consequence upon failure to amend, imperative in nature. There is nothing in the record to support this view. Even if the order were viewed as somehow imperative, the authority under Rule 1.35(b) to dismiss with or without prejudice for failure to observe orders of court is similar to the authority under Rule 1.31(b)(2) to dismiss for failure to observe discovery orders, and dismissal with prejudice under the circumstances of this case might well have constituted abuse of discretion. See *Thornton v. Board of County Commissioners of Dade County*, Fla.App., 149 So.2d 393.

The entry of the order of March 28, 1962, dismissing the cause was erroneous and is reversed with permission, on remand, to file amended complaint. See *Volpicella v. Volpicella*, *supra*.

Reversed and remanded for further proceedings consistent with the foregoing.

SHANNON, C. J., and SMITH, J., concur.

Jenn C. Lussier

From: Leandra G. Johnson
Sent: Wednesday, September 30, 2009 7:24 PM
To: 'Beverly Brown'
Subject: RE: Evaluation of Foreclosure 101 Videoconference 9/30/09

Thank you for your assistance today. I've completed the evaluation and submitted the forms on line. Please let me know if I need to do anything else.

Leandra G. Johnson
Circuit Judge
Third Judicial Circuit
P.O. Box 2123
Lake City, FL 32056
386-719-2012

From: Beverly Brown [mailto:BrownB@flcourts.org]
Sent: Wednesday, September 30, 2009 1:51 PM
To: Leandra G. Johnson
Subject: Evaluation of Foreclosure 101 Videoconference 9/30/09

Dear Judge Leandra G. Johnson,

Thank you for participating in the **Foreclosure 101 Videoconference** on September 30, 2009. Please complete the online evaluation of this course. This will provide us with information that will help us better serve you during upcoming distance learning courses. Complete instructions are included in this email below and are also available on the website by clicking the "?" or "Help" button at the bottom of each page.

Your LOGIN ID is: LJ6345 and your PASSWORD is: JL12747

Instructions for Using On-Line Course Evaluation and CJE Forms

- ! Using Microsoft Internet Explorer web browser, navigate to the website: <http://apps.flcourts.org/pls/courtapps/JE.logon>
- ! Enter your Login ID and PASSWORD and press SUBMIT LOGIN button.
- ! Select program and press the SUBMIT button.
- ! Check all courses attended and press SUBMIT FORM button.
- ! From this screen you will be able to complete the course and faculty evaluations **and** enter your Continuing Judicial Education (CJE) hours.

IMPORTANT! YOU MUST COMPLETE ALL EVALUATIONS (both session and instructor) BEFORE COMPLETING YOUR CJE HOURS. UPON SUBMISSION OF THE LAST EVALUATION, YOU MAY THEN SUBMIT ALL OF YOUR CJE HOURS.

P to complete session evaluations click on the course title

- N A new screen will appear with evaluation questions.
- N Answer each question using the drop menu choices.
- N When complete press the SUBMIT EVALUATION Button.
- N Repeat for each class.

P to complete an instructor evaluation click on the instructor name

- N A new screen will appear with evaluation questions.
- N Answer multiple-choice questions using the drop menu.
- N Answer each response question in the space provided.
- N When complete press the SUBMIT EVALUATION Button.
- N Repeat for each instructor.

! When all evaluations are complete, record your time attended for each session on the CJE Form.

- P For each class: Select the time attended from the pull down menus.
- P Time should be recorded as Regular Time unless Ethics hours are indicated on the Agenda or in the session.
- P Once all time in all sessions is recorded press the SUBMIT CJE FORM Button.
- P A confirmation screen will appear.
- P CJE Submission is complete.
- P Exit the application.

If you are unable to view the website, please contact your local technology support staff for assistance. If you need an accommodation in order to evaluate the course, please submit your request to Beverly Brown at 850-922-5084 or brownb@flcourts.org.

***Beverly Brown, Court Education Program Coordinator
Office of the State Courts Administrator
brownb@flcourts.org
850-922-5084***

Jenn C. Lussier

From: Beverly Brown <BrownB@flcourts.org>
Sent: Wednesday, September 30, 2009 1:51 PM
To: Leandra G. Johnson
Subject: Evaluation of Foreclosure 101 Videoconference 9/30/09

Dear Judge Leandra G. Johnson,

Thank you for participating in the **Foreclosure 101 Videoconference** on September 30, 2009. Please complete the online evaluation of this course. This will provide us with information that will help us better serve you during upcoming distance learning courses. Complete instructions are included in this email below and are also available on the website by clicking the "?" or "Help" button at the bottom of each page.

Your LOGIN ID is: LJ6345 and your PASSWORD is: JL12747

Instructions for Using On-Line Course Evaluation and CJE Forms

- ! Using Microsoft Internet Explorer web browser, navigate to the website: <http://apps.flcourts.org/pls/courtapps/JE.logon>
- ! Enter your Login ID and PASSWORD and press SUBMIT LOGIN button.
- ! Select program and press the SUBMIT button.
- ! Check all courses attended and press SUBMIT FORM button.
- ! From this screen you will be able to complete the course and faculty evaluations **and** enter your Continuing Judicial Education (CJE) hours.

IMPORTANT! YOU MUST COMPLETE ALL EVALUATIONS (both session and instructor) BEFORE COMPLETING YOUR CJE HOURS. UPON SUBMISSION OF THE LAST EVALUATION, YOU MAY THEN SUBMIT ALL OF YOUR CJE HOURS.

P to complete session evaluations click on the course title

- N A new screen will appear with evaluation questions.
- N Answer each question using the drop menu choices.
- N When complete press the SUBMIT EVALUATION Button.
- N Repeat for each class.

P to complete an instructor evaluation click on the instructor name

- N A new screen will appear with evaluation questions.
- N Answer multiple-choice questions using the drop menu.
- N Answer each response question in the space provided.
- N When complete press the SUBMIT EVALUATION Button.
- N Repeat for each instructor.

- ! When all evaluations are complete, record your time attended for each session on the CJE Form.

- P For each class: Select the time attended from the pull down menus.
- P Time should be recorded as Regular Time unless Ethics hours are indicated on the Agenda or in the session.
- P Once all time in all sessions is recorded press the SUBMIT CJE FORM Button.
- P A confirmation screen will appear.
- P CJE Submission is complete.
- P Exit the application.

If you are unable to view the website, please contact your local technology support staff for assistance. If you need an accommodation in order to evaluate the course, please submit your request to Beverly Brown at 850-922-5084 or brownb@flcourts.org.

Beverly Brown, Court Education Program Coordinator
Office of the State Courts Administrator
brownb@flcourts.org
850-922-5084

Jenn C. Lussier

From: Leandra G. Johnson
Sent: Wednesday, September 30, 2009 10:15 AM
To: 'Beverly Brown'
Cc: Diane B. Hiers
Subject: RE: Materials for Today's Videoconference

Thank you so much for registering me for the Foreclosure 101 Videoconference and sending me the materials.

Leandra G. Johnson
Circuit Judge
Third Judicial Circuit
P.O. Box 2123
Lake City, FL 32056
386-719-2012

From: Beverly Brown [mailto:BrownB@flcourts.org]
Sent: Wednesday, September 30, 2009 10:12 AM
To: Leandra G. Johnson
Subject: Materials for Today's Videoconference

The materials are attached ☺

Jenn C. Lussier

From: Beverly Brown <BrownB@flcourts.org>
Sent: Wednesday, September 30, 2009 10:12 AM
To: Leandra G. Johnson
Subject: Materials for Today's Videoconference
Attachments: ForeclosureBenchbook.pdf

The materials are attached ☺

FORECLOSURE BENCHBOOK

Prepared by

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

and

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

Introduction

1. Foreclosure is the enforcement of a security interest by judicial sale of collateral.

2. **Definitions:**

(a) **Mortgage:** any written instrument securing the payment of money or advances including liens to secure payment of assessments for condominiums, cooperatives and homeowners' associations. § 702.09, Fla. Stat. (2003).

A mortgage creates only a specific lien against the property; it is not a conveyance of legal title or of the right of possession. § 697.02, Fla. Stat. (2008); *Fla. Nat'l. Bank & Trust Co. of Miami v. Brown*, 47 So. 2d 748 (1949).

(b) **Mortgagee:** refers to the lender; the secured party or holder of the mortgage lien. § 721.82(6), Fla. Stat. (2000).

(c) **Mortgagor:** refers to the obligor; the individual or entity who has assumed the obligation secured by the mortgage lien. § 721.82(7), Fla. Stat. (2000). The mortgagor holds legal title to the mortgaged property. *Hoffman v. Semet*, 316 So. 2d 649, 652 (Fla. 4th DCA 1975).

3. To foreclose the mortgage lien and extinguish equities of redemption, secured parties must file a civil action. § 45.0315, Fla. Stat. (2008).

Lender's Right to Foreclose

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

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

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

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

Default

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

Acceleration

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

Statute of Limitations

1. Five year statute of limitations period - applies specifically to mortgage foreclosure actions. § 95.11(2)(c), Fla. Stat. (2006); *Farmers & Merch. Bank v. Riede*, 565 So. 2d 883, 885 (Fla. 1st DCA 1990).

2. Commencement of limitations period:

(a) General rule – commencement upon accrual of the cause of action; this occurs when the last element of the cause of action is satisfied (for example, default). § 95.031(1), Fla. Stat. (2003); *Maggio v. Dept. of Labor & Employment Sec.*, 910 So. 2d 876, 878 (Fla. 2d DCA 2005).

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

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

3. Tolling of the limitations period - acknowledgment of the debt or partial loan payments subsequent to the acceleration notice toll the statute of limitations. § 95.051(1)(f), Fla. Stat. (2008); *Cadle Company v. McCartha*, 920 So. 2d 144, 145 (Fla.5th DCA 2006).

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

Jurisdiction

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

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

(a) Class of case - jurisdictional parameters defined by Article V Section 5(b), Florida Constitution, implemented by Section 26.012(2)(g), Fla. Stat. (2004). *Alexdex Corp. v. Nachon Enter., Inc.*, 641 So. 2d 858 (Fla. 1994), (concurrent equity jurisdiction over lien foreclosures of real property that fall within statutory monetary limits). *Id.*, at 863.

(b) Jurisdictional authority over real property only in the circuit where the land is situated. *Hammond v. DSY Developers, LLC.*, 951 So. 2d 985, 988 (Fla. 2d DCA 2007). *Goedmakers v. Goedmakers*, 520 So.2d 575, 578 (Fla.

1988); (court lacks *in rem* jurisdiction over real property located outside the court's circuit).

Parties to the Foreclosure Action

Plaintiff

1. Must be the owner/holder of the note.

(a) The holder of a negotiable instrument means the person in possession of the instrument payable to bearer or to the identified person in possession. § 671.201(21), Fla. Stat. (2008).

(b) The holder may be the owner or a nominee, such as a servicer, assignee or a collection and litigation agent. Rule 1.210(a), Fla. R. Civ. P. (2008) provides that an action may be prosecuted in the name of an authorized person without joinder of the party for whose benefit the action is brought.

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

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

(a) No requirement of a written and recorded assignment of the mortgage to maintain foreclosure action. *WM Specialty Mortgage, LLC v. Salomon*, 874 So. 2d 680, 682 (Fla. 4th DCA 2004); *Chem. Residential Mortgage v. Rector*, 742 So. 2d 300 (Fla. 1st DCA 1998); *Clifford v. Eastern Mortg. & Sec. Co.*, 166 So. 562

Jenn C. Lussier

From: Beverly Brown <BrownB@flcourts.org>
Sent: Thursday, September 10, 2009 2:56 PM
To: Leandra G. Johnson
Subject: Register for Foreclosure 101 Videoconference 9/30/09

Foreclosure 101 Videoconference

for Circuit Judges and Senior Judges

Wednesday, September 30, 2009

12:15 p.m. – 1:30 p.m. ET

Course Content

This course will provide a basic overview of mortgage foreclosure actions and give judges the tools they need to efficiently and effectively handle their foreclosure caseload. Participants will also be provided access to the Foreclosure Benchbook, which was prepared by The Honorable Jennifer Bailey and Assistant General Counsel Doris Bermudez-Goodrich, both from the Eleventh Judicial Circuit.

Faculty

Thomas H. Bateman, III, Esquire, Messer, Caparello & Self, P.A., Tallahassee (2009-present). B.S., Nova University; J.D., George Mason University. Formerly Circuit Judge, Second Judicial Circuit (2001-2008); County Court Judge, Leon County (1990-2001); General Counsel, Florida Department of Transportation (1987-90); Florida Office of the Attorney General, Assistant Attorney General, Civil Division (1985-87); Criminal Appeals Division (1984-85); Assistant Public Defender, Ninth Judicial Circuit (1982-84).

Location

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

Continuing Judicial Education Credit (CJE) and Evaluation

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

How to Register

Space may be limited in some locations so registration is required. Use the password **101** to register at this link –

<http://www.flcourts.org/UltimateSurvey/Surveys/TakeSurvey.aspx?s=AE8056A4D7C84109A4950611CA3F084C>

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

Jenn C. Lussier

From: Documentary Clearing House <email@cancelthemortgage-now.com>
Sent: Saturday, September 05, 2009 2:10 PM
To: Leandra G. Johnson
Subject: Omnibus Motion Released

Leandra G Johnson
Re: cancelthemortgagenow.com

Dear Colleague:

Your client's defense against foreclosure is incomplete unless you file the Omnibus Motion to Cancel the Mortgage-Now! If the mortgage was converted into a security, the conversion rendered the mortgage unenforceable. Don't simply delay foreclosure; end it by cancelling the mortgage. If you are defending a client whose mortgage was converted into a security from foreclosure, your defense is incomplete unless you file this motion. You have a professional obligation to raise this defense. "Cancel the Mortgage-Now!" will become the new rallying cry to defeat mortgage foreclosure. See our webpage at cancelthemortgagenow.com

Up until now, the defenses traditionally raised to foreclosure do not put the plaintiff at risk. DCH intends to alter the equation. The Omnibus Motion launches a frontal assault upon each and every mortgage that has been converted into a security with a very simple argument: Conversion of the mortgage into a security renders the mortgage unenforceable. The Omnibus Motion threatens the existence of the secondary mortgage market.

One consequence of mortgage securitization is that it allowed the banks to sell the mortgage to investors, thereby passing on the risk of loss, while retaining control and collecting lucrative fees and payments for portfolio, security management. Viewed in this way, the Omnibus Motion reconnects the lenders who created the financial crisis in the secondary market with the losses resulting. If the mortgages are unenforceable, the liability of the lenders who created, marketed and continue to manage the investment becomes incalculable.

The filing of this motion gives a lender a powerful incentive to reach an accommodation with the debtor.

Documentary Clearing House, LLC. ("DCH") now offers the Omnibus Motion for sale as a legal form to practitioners. Orders may be placed at and documents downloaded at cancelthemortgagenow.com

DCH spared neither time nor expense. It enlisted the finest legal minds and legal resources to produce a comprehensive set of affirmative defenses to stop foreclosure. Most clients could not afford to retain the legal team or spend the time or the money to mount this comprehensive assault on foreclosure of a securitized mortgage. DCH now can provide you with this forensic tour de force to stop foreclosure.

The Omnibus Motion consists of a five page Omnibus Motion to Dismiss and a 26 page Memorandum of Points and Authorities. The Omnibus Motion contains six arguments stating that the mortgage is unenforceable. Four allege a failure to state a cause of action for which relief can be granted, and two allege lack of standing.

The arguments produced in the Omnibus Motion had to meet three criteria:

1. The argument had to be Dispositive to achieve a final judgment, i.e dismissal with prejudice in favor of defendant.
2. The argument had to be Determinable as a Matter of Law not fact. No need for proof of facts in dispute or discovery to obtain judgment.
3. The argument had to be Generic. It had to apply to all cases where a mortgage had been securitized. It could not turn upon the facts specific to a single case.

Documentary Clearing House invested nine months in the conduct of exhaustive research and analysis to produce the Omnibus Motion. Such a protracted undertaking is beyond the financial means of most defendants facing foreclosure. Accordingly, this product is intended to provide a resource to litigating counsel which would, under normal circumstances, be unavailable because of constraints of time and cost. The vendor hopes to cause widespread dissemination of this Omnibus Motion. Each purchaser will be asked to sign a licensing agreement whereby the purchaser agrees that use, republication and reproduction of the Omnibus Motion will be limited to the purchaser, either a single practitioner or a law firm, and the client's of the purchaser. Purchasers are not authorized to publish or otherwise disseminate the motion for the use of other persons.

The Omnibus Motion is designed to be used in Florida although it can easily be adapted for use in other jurisdictions. It is expected that mortgage cancellation by securitization will ultimately need to be argued before the Supreme Court. The initial price of the Omnibus Motion is \$599.00 for a single practitioner and \$799.00 for a law firm. Payment is to be made by credit card. The Omnibus Motion is available for download in PDF Format or Word. An hard copy is available by mail upon request for a slight additional charge. Orders may be placed at and documents downloaded at cancelthemortgagenow.com

Please use our Omnibus Motion and thank you for your consideration.

Sincerely,

/s/

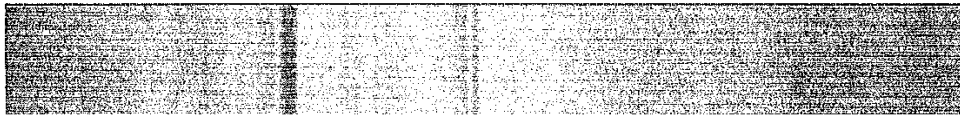
Richard F. Kessler, C.E.O

Documentary Clearinghouse LLC.
3970 Berlin Drive
Sarasota FL 34233
206-426-1106

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Jenn C. Lussier

From: Tenisha Lewis <lewist@flcourts.org>
Sent: Thursday, September 03, 2009 5:01 PM
To: Leandra G. Johnson
Subject: Foreclosure 101

Court Education is pleased to send out this **MARK YOUR CALENDAR** announcement for the following videoconference program:

FORECLOSURE 101

Wednesday, September 30, 2009, from 12:15 p.m. to 1:30 p.m. (ET)

Retired Circuit Judge Tom Bateman, will be the presenter for this program, which will focus on an overview of the current status of foreclosure law for circuit judges. Up to 1.25 hours of CJE will be available for this course. The plan is to link to all 20 judicial circuits, so that you can participate in a designated location.

This presentation is sponsored by the Conference of Circuit Judges and is one of several distance learning programs that is being presented through October 2009 to facilitate Continuing Judicial Education due to the cancellation of the 2009 Circuit Conference.

You will be notified of the official registration process next week and we are hopeful that you will be able to take advantage of this distance learning opportunity. Please watch your inbox for the registration information.

Should you have any questions about the program prior to the registration notification being disseminated, please contact Danica Winter, Court Education Senior Attorney, at winterd@flcourts.org.

Jenn C. Lussier

From: Third Circuit Bar Association <3circuitbar@gmail.com>
Sent: Tuesday, May 18, 2010 2:38 PM
To: alegalvision@yahoo.com; aball_law@hotmail.com; acancio@alltel.net; adamsfarm@hughes.net; airth_h@yahoo.com; andrewjdecker@windstream.net; angela.miller@dot.state.fl.us; bigbish@gtcom.net; bill@blueandbyers.com; BOBDEKLE@yahoo.com; bonnie.green@dot.state.fl.us; William B. Brannon, Jr; brianjb@bellsouth.net; brianganga@bellsouth.net; bwr@rkkattorneys.com; cdr@pd3.coj.net; cliffwilson_rc1@jac.state.fl.us; cline@fairpoint.net; cmc@bbattorneys.com; Tom Coleman; Julian E. Collins; craig.jacobsen@sa3.state.fl.us; craunlaw@msn.com; cschnitker@earthlink.net; dana@lakecitylawoffice.com; danahill@windstream.net; danclark_rc1@jac.state.fl.us; dave.phelps@sa3.state.fl.us; David_Rothamer@dcf.state.fl.us; david.robertson@dot.state.fl.us; davisrb1@windstream.net; deborah.rivera@trls.org; decklaw@windstream.net; Debbie A. DeNike; dkdavisonlaw@gmail.com; dmv@pd3.coj.net; donna.macrae@trls.org; dosslaw@comcast.net; E. Vernone Douglas; dstathopoulos@tampabay.rr.com; dtomsawyer@yahoo.com; duane@duanethomas.org; ebbrowning@earthlink.net; ebrown@norrisattorneys.com; em_domain@msn.com; emapaloan@bellsouth.net; erniepage@fairpoint.net; erniepage3@embarqmail.com; esellers@windstream.net; ewlaw02@bellsouth.net; feliciathrem@alltel.net; David W. Fina; flcpd3@gtcom.net; flk@rkkattorneys.com; foyebwalker@comcast.net; frankgafford@bellsouth.net; fschutte@windstream.net; georgeblow@windstream.net; gnorris@norrisattorneys.com; gps@pd3.coj.net; gsdow@excite.com; gsparker@gp-attorney.com; hat@prevattlaw.com; heather@foremanolvera.com; herbertfdarby@bellsouth.net; hland@windstream.net; hwe@pd3.coj.net; info@kevinlunsford.com; Darren K. Jackson; James_Kirkconnell@dcf.state.fl.us; jay@jaywillingham.com; jeff@lakecitylawoffice.com; jerry.blair@windstream.net; jgw@pd3.coj.net; jhmccormick2@windstream.net; jjk@rkkattorneys.com; jkylemcleod@hotmail.com; jnorris@norrisattorneys.com; jocelyn.croci@dot.state.fl.us; joel@foremanolvera.com; john.weed@sa3.state.fl.us; Leandra G. Johnson; jonah.farr@sa3.state.fl.us; joye_clayton@dcf.state.fl.us; jrhd3@fairpoint.net; junebyers@blueandbyers.com; justinwblow@gmail.com; karen.hatton@sa3.state.fl.us; kendrahinton@bellsouth.net; kim.garner@sa3.state.fl.us; kim.sedor@sa3.state.fl.us; kkm@pd3.coj.net; Frederick L. Koberlein; krisanne.hall@sa3.state.fl.us; lalawrence39@hotmail.com; lauraann@taxattorney.comcastbiz.net; lawbishop@fairpoint.net; lawhatter@aol.com; lct@bbattorneys.com; ldepaz@foremanolvera.com; leagle@bellsouth.net; liveoakjohn@yahoo.com; lloydpeterson@hotmail.com; lucas.taylor@sa3.state.fl.us; maf@pd3.net; mao@pd3.coj.net; marseejdanielatt@bellsouth.net; mayorwitt@yahoo.com; mcm@bbattorneys.com; mcmillanlaw@windstream.net; mcraelaw@yahoo.com; mctunsil@bellsouth.net; mefeagle@bellsouth.net; michael.sanfilippo@sa3.state.fl.us; mike@smithandsmithpa.net; mindy.wollitz@sa3.state.fl.us; mlbryant3@yahoo.com; mmosteen79@yahoo.com; Adam L. Morrison; najah.adams@trls.org; nancyfieldsdisabilitylaw@hotmail.com; neveragainmichele@yahoo.com; pd3liveoak@hotmail.com; phendricklaw@aol.com; prossi@jaa.aero; ralph.maxon@dot.state.fl.us; ralphdeas@windstream.net; rdb@pd3.coj.net; rhettbullard@hotmail.com; rick@lakecitylawoffice.com; rjplaw@windstream.net; rmdeckerjr@windstream.net; roberta.getzan@sa3.state.fl.us; robertfjordan@msn.com; robertmoellenpa@bellsouth.net; rommesil@fairpoint.net; rudser@alltel.net; ruth.dow@va.gov; sandra.peterson@gal.fl.gov; saustinpeele@bellsouth.net; scb@bbattorneys.com; skhaas@windstream.net; slaughter.william@jud3.fl.courts.org; sonnyscaff@yahoo.com;

To: spousey@pcsphosphate.com; TaiblLaw@aol.com; thingson@avera.com;
thomasestone@usa.net; thoward@omhlaw.com; tomi@bellsouth.net; tomk1@alltel.net;
tomreeves@earthlink.net; tseifert@avera.com; ttdemas@bellsouth.net;
twb@bbattorneys.com; walter_l_flinn@yahoo.com; websterbaker@gmail.com;
wendyt@mail.sa3.state.fl.us; wes_douglas@hotmail.com; wewhitley@bellsouth.net;
wfw@pd3.coj.net; wjh@bbattorneys.com; wm197@bellsouth.net;
wseubanks@windstream.net; wtcopelandlaw@yahoo.com; youngkwon1@juno.com;
zant17@shareinet.net; skip.jarvis@sa3.state.fl.us; brannon.bill@sa3.state.fl.us; Losmin
Jimenez

Subject: SAVE THE DATE

SAVE THE DATE

August 20, 2010

TCAWL

*The Third Circuit Association for Women Lawyers
and
Three Rivers Legal Services, Inc.*

are planning a

CLE Luncheon & Bankruptcy Judicial Reception

**honoring the
United States Bankruptcy Court Judges sitting in the
Third Judicial Circuit of Florida**

Our invited guests include:

The Honorable Paul M. Glenn

Chief United States Bankruptcy Judge

Middle District of Florida, Jacksonville Division

The Honorable Lewis Killian, Jr.
Chief United States Bankruptcy Judge
Northern District of Florida

The Honorable Jerry A. Funk
United States Bankruptcy Judge
Middle District of Florida

A CLE luncheon presentation on the Tax Ramifications of Mortgage Foreclosure will be given by Erica R. Shaffor, LLM, tax counsel for Three Rivers Legal Services, Inc.'s Low Income Tax Payer Clinic

CLE Credits Pending FL Bar Authorization
Friday, August 20, 2010
11:30am - 1:30pm
Venue and Cost to be Determined

Jenn C. Lussier

From: Julian E. Collins
Sent: Tuesday, May 11, 2010 2:06 PM
To: Candice T. Herring
Subject: Please review 'order, hackerforeclosure'
Attachments: order, hackerforeclosure.doc

Follow Up Flag: Review
Flag Status: Flagged

Please review the attached document.

IN THE CIRCUIT COURT, THIRD JUDICIAL CIRCUIT,
IN AN FOR COLUMBIA COUNTY, FLORIDA.

CHASE HOME FINANCE LLC,

Plaintiffs,

Case No.: CASE NO. 07-0546CA

vs.

ROGER D. HACKER,

Defendant.

ORDER ON DEFENDANT'S
OBJECTION TO FORECLOSURE SALE AND MOTION TO CANCEL OR STAY FORECLOSURE
SALE AND MOTION TO REQUIRE MANDATORY MEDIATION

THIS CAUSE came on to be heard on May 11, 2010, on the OBJECTION TO FORECLOSURE SALE AND MOTION TO CANCEL OR STAY FORECLOSURE SALE AND MOTION TO REQUIRE MANDATORY MEDIATION filed on behalf of Roger Hacker, hereinafter referred to as Defendant. Present before the court were Nancy Holliday-Fields, counsel for Defendant, Roger D. Hacker, Defendant, and Kenneth Bochette, Paralegal. The hearing was duly noticed and Plaintiffs did not appear telephonically, The Court having reviewed the pleadings and being otherwise fully advised in the premises:

ORDERS AND ADJUDGES as follows:

1. The Defendants Motion to cancel foreclosure sale scheduled for May 12th, 2010 is granted.
2. The Court finds it has discretion to order mediation pursuant to the Administrative Order for Case Management of Residential Foreclosure Cases and Mandatory Referral of Mortgage of Foreclosure Cases Involving Homestead Residences to Mediation. (Administrative Order 2010-003)

3. The Plaintiffs and Defendant are ordered to comply with the requirements of Administrative Order 2010-003 and submit all documentation to Suwannee Valley Foreclosure Mediation, Inc. (Program Manager) and follow all procedures as outlined in the order.

DONE AND ORDERED in Chambers, in COLUMBIA County, Florida, this 11th day of May, 2010.

Julian Collins
Circuit Judge

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Florida Default Law Group, P.L.
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Tampa, FL. 33622
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Justice Watch

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By: John Pacenti

Ever since the U.S. Supreme Court made sentencing guidelines advisory rather than mandatory, the usefulness of pre-sentencing reports has slid, some attorneys say.

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By: Marcia Coyle

University of Missouri-Kansas City School of Law professor Kris Kobach rebuts criticisms of the Arizona immigration law he helped draft.

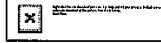
Jury Verdicts

Jury awards \$36 million to woman disfigured by doctor

By: Julie Kay

A Palm Beach Circuit Court jury awarded \$36 million to a Deerfield Beach woman who

received a pain injection in her spinal cord that left her partially paralyzed with a limp, disfigured and in constant pain.



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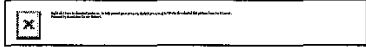
years experience. Knowledge of Juris software a plus. [more info...](#)

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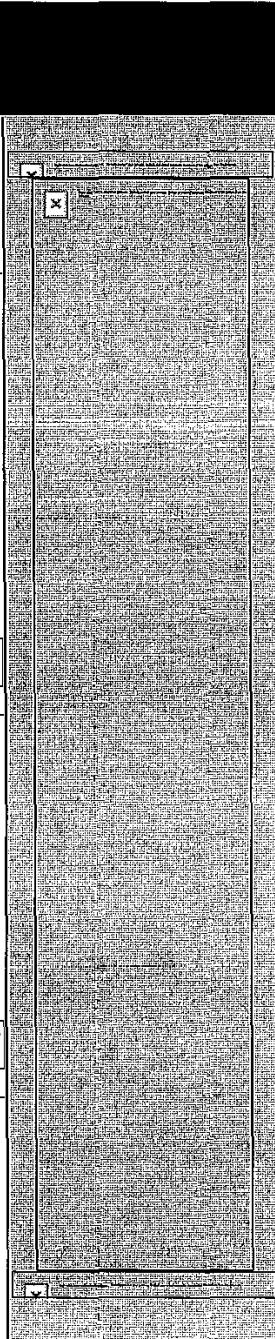
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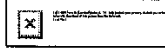
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seize under federal law, and how much can the bankruptcy trustee lay claim to?

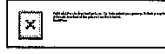


U.S. Supreme Court

At issue: Right to privacy under First Amendment

By: Marcia Coyle

A First Amendment challenge to public disclosure of the names of people signing referendum petitions appeared in trouble during arguments in the U.S. Supreme Court.

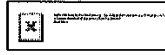


Business of Law

Greenberg accused of botching Chicago case

By: Leigh Jones

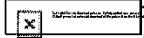
Greenberg Traurig faces a malpractice suit from a former client claiming it mishandled a case at a cost of \$25 million.

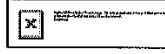


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Young litigation boutiques flourish

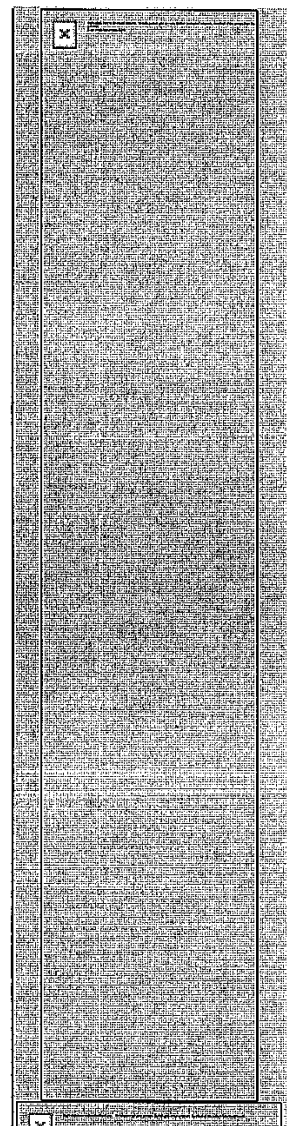
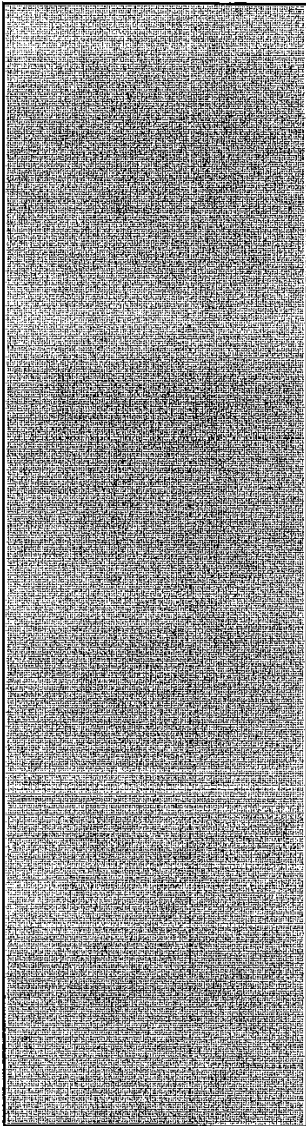
By: Zack Needles

 They came from larger firms with hopes of carving out a niche and building something on their own terms. And then the recession hit. But small litigation boutiques have managed to forge ahead and, in some cases, thrive and grow.



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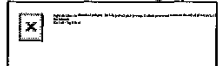
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
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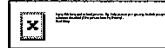
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Florida Supreme Court

Law firms challenge Bar's website proposals

By: Julie Kay

Eight large law firms have banded together to protest proposed Florida Bar rules regulating law firm websites.



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Securities Fraud

South African biotechnology company ordered to pay \$188 million

By: Jose Pagliery

A Miami federal judge has ordered a South African biotechnology company to pay a U.S. firm \$188 million in a securities fraud case, a

