

**Sondra M. Lanier**

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**From:** Gary Phillips <phillipsg@flcourts.org>  
**Sent:** Monday, June 07, 2010 3:44 PM  
**To:** Sondra M. Lanier  
**Subject:** RE: OPS Positions for Foreclosure Backlog/Economic Recovery

Thank you.

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**From:** Sondra M. Lanier [mailto:lanier.sondra@jud3.flcourts.org]  
**Sent:** Monday, June 07, 2010 2:03 PM  
**To:** Gary Phillips  
**Cc:** Barbara Lussier; Lisa Butler  
**Subject:** RE: OPS Positions for Foreclosure Backlog/Economic Recovery

Please see attached.

*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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**From:** Gary Phillips [mailto:phillipsg@flcourts.org]  
**Sent:** Monday, June 07, 2010 11:56 AM  
**To:** Sondra M. Lanier  
**Subject:** RE: OPS Positions for Foreclosure Backlog/Economic Recovery

Sondra,

Yes, please. It will be much easier for us to set everything up now.

Thanks,  
Gary

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**From:** Sondra M. Lanier [mailto:lanier.sondra@jud3.flcourts.org]  
**Sent:** Monday, June 07, 2010 11:28 AM  
**To:** Gary Phillips  
**Subject:** RE: OPS Positions for Foreclosure Backlog/Economic Recovery

Gary,

We are going to hire one position right away, but we are going to hold off on the second one until we get a better handle on the workload. Do you need both on this spreadsheet?

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**From:** Gary Phillips [mailto:phillipsg@flcourts.org]  
**Sent:** Monday, June 07, 2010 11:06 AM  
**To:** Personnel Reps  
**Cc:** Trial Court Administrators; Terri Williams; David Pepper  
**Subject:** OPS Positions for Foreclosure Backlog/Economic Recovery  
**Importance:** High

Good morning all,

As you know, each circuit submitted a plan for how you will use temporary funding to tackle the backlog of foreclosure of real property cases. You might be using Senior Judges, contracting, using OPS magistrates, case managers and secretaries; or some combination of resources for this purpose.

**This message pertains to OPS resources only** (magistrates, case managers and secretaries). Attached is a spreadsheet that I need for you to fill out and return to my office as soon as possible by listing the OPS resources you intend to use for this project. This information is necessary so we can assign position numbers to OPS resources that you intend to use, and so we can get the resources set up in People First. The sooner you supply our office with this information, the sooner we can provide position numbers for your upcoming OPS hires.

If you have any questions, feel free to give me a call or e-mail.

Thanks,  
Gary

Gary R. Phillips, SPHR  
Chief of Personnel Services  
Office of the State Courts Administrator  
500 S. Duval Street  
Tallahassee, Florida 32399-1900  
phone: 850-617-4028  
fax: 850-488-3744  
email: phillipsg@flcourts.org

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**Attachments:** Econ.foreclosure.positions.xls

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## Sondra M. Lanier

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**From:** Millicent A. Schneider  
**Sent:** Tuesday, June 01, 2010 11:11 AM  
**To:** Sondra M. Lanier  
**Subject:** RE: Foreclosure Plan

Sondra,  
I believe Barry's address is [barryb@suwclerk.org](mailto:barryb@suwclerk.org). You left out the u.  
m

*Millie J. Schneider*  
Judicial Assistant to  
Circuit Judge David W. Fina  
Third Judicial Circuit

\*\*\*If you have an urgent communication or if you have not heard from me in response to your e-mail, telephone me. **DO NOT ASSUME THAT YOUR E-MAIL HAS BEEN RECEIVED.**

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**From:** Sondra M. Lanier  
**Sent:** Tuesday, June 01, 2010 11:08 AM  
**To:** Millicent A. Schneider  
**Subject:** FW: Foreclosure Plan

Please see the following that I sent Judge Fina. I was hoping that you would hear from him so that you could find out if or how he wanted me to handle it while he was out, but Lori said that you don't expect to hear from him. I didn't think that it was a good idea for me to bring Judge Johnson in since Judge Fina and I have been and will be working on it, and coordinating with the clerks will be a critical part of the process.

The e-mail to Barry was returned. Can you please tell me a correct e-mail address for him?

Thanks.

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

---

**From:** Sondra M. Lanier  
**Sent:** Tuesday, June 01, 2010 10:52 AM  
**To:** 'pdcason@columbiaclerk.com'; 'djohnson@dixieclerk.com'; 'hamiltonclerk@fjcjn.net'; 'rnlclerk@yahoo.com'; 'tsanders@madisonclerk.com'; 'barryb@swclerk.org'; 'cmock@taylorclerk.com'  
**Cc:** David W. Fina  
**Subject:** Foreclosure Plan

Good morning. I have received communication from the CCOC and OSCA regarding the need for the clerks and courts to develop a coordinated approach to the foreclosure issue. I just wanted to let you know that Judge Fina is out this week, but we will be in touch early next week regarding this. I have been in contact with John Dew, and he is OK with the timetable given Judge Fina's absence.

*Sondra Lanier*  
Trial Court Administrator

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## Sondra M. Lanier

---

**From:** John Dew <JohnDew@flccoc.org>  
**Sent:** Tuesday, June 01, 2010 10:50 AM  
**To:** Sondra M. Lanier  
**Subject:** RE: Foreclosures

Thanks!

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**From:** Sondra M. Lanier [mailto:lanier.sondra@jud3.flcourts.org]  
**Sent:** Tuesday, June 01, 2010 10:45 AM  
**To:** John Dew  
**Cc:** hforman@clerk-17th-flcourts.org; kmayes@clerk-17th-flcourts.org  
**Subject:** RE: Foreclosures

Thanks John. I will let our clerks know what to expect.

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**From:** John Dew [mailto:JohnDew@flccoc.org]  
**Sent:** Tuesday, June 01, 2010 10:42 AM  
**To:** Sondra M. Lanier  
**Cc:** hforman@clerk-17th-flcourts.org; kmayes@clerk-17th-flcourts.org  
**Subject:** RE: Foreclosures

Hi Sondra.

If your Acting Chief is not aware of how your circuit will be undertaking the handling of backlogged foreclosures for 10/11 then please wait until the Chief Judge returns. Our goal is to assure we work with the courts and provide the limited resources we have for the Clerks to help the Judges in their efforts. However the Clerks have received a copy of the correspondence to the Chief Judge that was sent out last week. Could you please keep them in the loop in whatever decision is made so they know when to expect communications with the Chief Judge or Acting Chief Judge.

Thanks,

John

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**From:** Sondra M. Lanier [mailto:lanier.sondra@jud3.flcourts.org]  
**Sent:** Tuesday, June 01, 2010 10:22 AM  
**To:** John Dew  
**Subject:** RE: Foreclosures

John – Our Chief is out until next week, and I'm really not comfortable doing this in his absence. We have an Acting Chief, but I think it would be better to wait for Judge Fina since this is going to be an ongoing project. Is next week OK, or is this a "drop dead" deadline?

*Sondra Lanier*

Trial Court Administrator



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---

**From:** John Dew [mailto:JohnDew@flccoc.org]

**Sent:** Friday, May 28, 2010 5:04 PM

**To:** Sondra M. Lanier

**Subject:** Foreclosures

Good Afternoon Judge Fina.

Please find attached a request from Clerk Howard Forman, Chair of the Clerk of Court Operations Corporation, for your assistance. The Corporation is responsible for determining the amount of resources to provide to Clerks for the purpose of helping move backlogged foreclosure cases. Please call me at (850) 386-2223 if you have any questions.

Thank you in advance.

John Dew  
CCOC Executive Director

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John Dew  
CCOC Executive Director



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**From:** Kristine Slayden <slaydenk@flcourts.org>  
**Sent:** Tuesday, June 01, 2010 9:51 AM  
**To:** Sondra M. Lanier  
**Subject:** RE: Foreclosure and Economic Recovery Non-recurring Funding

Thanks. Kris

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

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**From:** Sondra M. Lanier [mailto:lanier.sondra@jud3.flcourts.org]  
**Sent:** Tuesday, June 01, 2010 9:41 AM  
**To:** Kristine Slayden  
**Subject:** RE: Foreclosure and Economic Recovery Non-recurring Funding

I saw John's message. Our Chief has been meeting on a regular basis with the clerks, and he was planning to bring this up at their meeting late next week. I know that it can't wait that long, but there are some delicate politics going on. At this point, he hasn't even brought me back into those meetings although I always attended in the past. Judge Johnson is acting chief, but I don't think it's good to bring her in on this. Let me see if the Chief's JA will be hearing from him. I'm afraid that she won't, but I'll check.

*Sondra Lanier*  
Trial Court Administrator  
Third Judicial Circuit  
(386)758-2163 Lake City  
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(386)362-2658 Fax

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**From:** Kristine Slayden [mailto:slaydenk@flcourts.org]  
**Sent:** Tuesday, June 01, 2010 9:35 AM  
**To:** Sondra M. Lanier  
**Subject:** RE: Foreclosure and Economic Recovery Non-recurring Funding

Did you see the email from John Dew? I will forward it on to you. It has a deadline of June 5<sup>th</sup>!!! Let's see what can be done. I understand that your Chief needs to be involved though. Who is the acting chief while he is gone? Kris

Kris Slayden  
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Office of the State Courts Administrator  
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Tallahassee, Florida 32399  
850-922-5106 (wk)

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850-414-1342 (fax)

---

**From:** Sondra M. Lanier [mailto:lanier.sondra@jud3.flcourts.org]  
**Sent:** Tuesday, June 01, 2010 9:18 AM  
**To:** Kristine Slayden  
**Subject:** RE: Foreclosure and Economic Recovery Non-recurring Funding

Kris,

Our Chief Judge is out until next week, and I really need him to be involved in this. Will that be OK?

*Sondra Lanier*  
Trial Court Administrator  
Third Judicial Circuit  
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---

**From:** Kristine Slayden [mailto:slaydenk@flcourts.org]  
**Sent:** Friday, May 28, 2010 9:10 AM  
**To:** Trial Court Chief Judges  
**Cc:** Trial Court Administrators; Lisa Goodner; Judge Margaret O. Steinbeck; Charlotte Jerrett; Dorothy Wilson; Theresa Westerfield; Arlene Johnson; Heather Thuotte-Pierson  
**Subject:** Foreclosure and Economic Recovery Non-recurring Funding

Chief Judges -

Attached are the final versions of the Foreclosure and Economic Recovery Funding Circuit Allocations chart and the In-courtroom Resources chart. As mentioned in my email last Friday, the Trial Court Budget Commission anticipates that the chief judge in each circuit will work with their clerks to ensure the clerks use their separate appropriation (see excerpt of CS/HB 5401 below) to adequately support the court's plan. These plans (clerk's and court's) need to be shared with the Office of the State Courts Administrator so that the Legislature can be informed of the collaborative work on this issue. In addition, the TCBC approved the requirement that the clerks of court provide data support for this initiative.

The Clerks of Court Operations Corporation (CCOC) Executive Council met on May 25, 2010 to discuss their Finance and Budget (F&B) Committee's recommendation on the methodology for distribution of their foreclosure Appropriation. They discussed the language in CS/HB 5401 and were aware that the TCBC had asked the chief judges to work with the clerks on the plan.

The CCOC F&B Committee's recommendation distributed the \$3.6 million appropriation in the following manner: Part 1 distributes \$1.8 million based on the number of cases as referenced by the TCBC reimbursed at the average per case rate; and Part 2 distributes the remaining \$1.8 million based on Court determined percentage allocation of court appropriations for foreclosures to each of the Judicial Circuits. Since the CCOC F&B methodology does not allocate by county, there was discussion about an appropriate allocation in multi-county jurisdictions. It was decided that the clerks in multi-county jurisdictions should coordinate with each other, and all clerks, in every circuit, should meet with their chief judges to make sure that the county allocations and the clerks' plans match the plan of the chief judges in each circuit.

The clerks stated their understanding that the funding will be available on July 1<sup>st</sup> and they recognized the urgency to get the resources in place as soon as possible. They discussed the goal of the appropriation to clear the foreclosure backlog and agreed that they would hire resources to assist the courts in achieving that goal. Their chair, Mr. Forman, offered to

send a letter any chief judge, if contact was needed. They also passed a motion to develop a simple tracking system to make sure that they were able to track the money spent on this initiative. They plan to present a more formal plan for the tracking system at their next meeting on June 29, 2010.

**Please contact the clerks in your circuit as soon as possible about your plan to fund this initiative. Legislative staff have requested that the clerks' and courts' spending plans be submitted at the same time so that they can ensure that the two plans work together in support of the goal.**

The Trial Court Budget Commission plans to discuss this matter again at their June 4<sup>th</sup> meeting. Please let me know any update on the status of the communication with your clerks before the meeting, if at all possible. Thank you for your help. Kris

*CS/HB 5401 Enrolled - The sum of \$3,600,000 of non-recurring funds from the Clerks of Court Trust Fund is appropriated to the Clerks of Court Operations Corporation to be distributed to the clerks of court where the state court system has distributed the increased resources provided in the 2010-11 General Appropriations Act for workload associated with foreclosure and economic recovery. The corporation shall submit a budget amendment pursuant to chapter 216, Florida Statutes, to distribute the funding among the clerks of court.*

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**Sondra M. Lanier**

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**From:** Kristine Slayden <slaydenk@flcourts.org>  
**Sent:** Tuesday, June 01, 2010 9:36 AM  
**To:** Sondra M. Lanier  
**Subject:** FW: Foreclosures  
**Attachments:** LtrToChiefCircuitJudge1203.pdf

Sorry. Saw that you were already copied. Kris

Kris Slayden  
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**From:** John Dew [mailto:JohnDew@fccoc.org]  
**Sent:** Friday, May 28, 2010 5:05 PM  
**To:** Judge David Fina  
**Cc:** Kristine Slayden; Millie Schneider; williams.sondra@jud3.flcourts.org  
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**Subject:** Foreclosure and Economic Recovery Non-recurring Funding  
**Attachments:** Foreclosure and Economic Recovery In Courtroom Resources Responses from Circuits\_May 27 2010 (2).pdf; Foreclosure and Economic Recovery Funding Plans Updated after 05212010.pdf

Chief Judges -

Attached are the final versions of the Foreclosure and Economic Recovery Funding Circuit Allocations chart and the In-courtroom Resources chart. As mentioned in my email last Friday, the Trial Court Budget Commission anticipates that the chief judge in each circuit will work with their clerks to ensure the clerks use their separate appropriation (see excerpt of CS/HB 5401 below) to adequately support the court's plan. These plans (clerk's and court's) need to be shared with the Office of the State Courts Administrator so that the Legislature can be informed of the collaborative work on this issue. In addition, the TCBC approved the requirement that the clerks of court provide data support for this initiative.

The Clerks of Court Operations Corporation (CCOC) Executive Council met on May 25, 2010 to discuss their Finance and Budget (F&B) Committee's recommendation on the methodology for distribution of their foreclosure Appropriation. They discussed the language in CS/HB 5401 and were aware that the TCBC had asked the chief judges to work with the clerks on the plan.

The CCOC F&B Committee's recommendation distributed the \$3.6 million appropriation in the following manner: Part 1 distributes \$1.8 million based on the number of cases as referenced by the TCBC reimbursed at the average per case rate; and Part 2 distributes the remaining \$1.8 million based on Court determined percentage allocation of court appropriations for foreclosures to each of the Judicial Circuits. Since the CCOC F&B methodology does not allocate by county, there was discussion about an appropriate allocation in multi-county jurisdictions. It was decided that the clerks in multi-county jurisdictions should coordinate with each other, and all clerks, in every circuit, should meet with their chief judges to make sure that the county allocations and the clerks' plans match the plan of the chief judges in each circuit.

The clerks stated their understanding that the funding will be available on July 1<sup>st</sup> and they recognized the urgency to get the resources in place as soon as possible. They discussed the goal of the appropriation to clear the foreclosure backlog and agreed that they would hire resources to assist the courts in achieving that goal. Their chair, Mr. Forman, offered to send a letter any chief judge, if contact was needed. They also passed a motion to develop a simple tracking system to make sure that they were able to track the money spent on this initiative. They plan to present a more formal plan for the tracking system at their next meeting on June 29, 2010.

**Please contact the clerks in your circuit as soon as possible about your plan to fund this initiative. Legislative staff have requested that the clerks' and courts' spending plans be submitted at the same time so that they can ensure that the two plans work together in support of the goal.**

The Trial Court Budget Commission plans to discuss this matter again at their June 4<sup>th</sup> meeting. Please let me know any update on the status of the communication with your clerks before the meeting, if at all possible. Thank you for your help. Kris

CS/HB 5401 Enrolled - *The sum of \$3,600,000 of non-recurring funds from the Clerks of Court Trust Fund is appropriated to the Clerks of Court Operations Corporation to be distributed to the clerks of court where the state court system has distributed the increased resources provided in the 2010-11 General Appropriations Act for workload associated with foreclosure and economic recovery. The corporation shall submit a budget amendment pursuant to chapter 216, Florida Statutes, to distribute the funding among the clerks of court.*

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

**Sondra M. Lanier**

---

**From:** Dorothy Wilson <burked@flcourts.org>  
**Sent:** Wednesday, May 26, 2010 4:05 PM  
**To:** Sondra M. Lanier  
**Subject:** RE: Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11

Thank you

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

---

**From:** Sondra M. Lanier [mailto:lanier.sondra@jud3.flcourts.org]  
**Sent:** Wednesday, May 26, 2010 3:56 PM  
**To:** Dorothy Wilson  
**Subject:** RE: Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11

Ours should remain as is.

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

---

**From:** Dorothy Wilson [mailto:burked@flcourts.org]  
**Sent:** Wednesday, May 26, 2010 3:55 PM  
**To:** Grant Slayden; Sondra M. Lanier; Mark Weinberg; 'Ted McFetridge'; Matthew Benefiel; Mike Bridenback; Carol Ortman; Richard Callanan  
**Subject:** FW: Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11  
**Importance:** High

Good Afternoon,  
Just checking on the status of the exercise below? Thanks

---

**From:** Kristine Slayden  
**Sent:** Friday, May 21, 2010 2:42 PM  
**To:** Trial Court Chief Judges; Trial Court Administrators  
**Cc:** Trial Court Budget Commission; Lisa Goodner; Charlotte Jerrett; Dorothy Wilson; Gary Phillips; Theresa Westerfield; Heather Thuotte-Pierson; Kristine Slayden; Sharon Bosley; Sharon Buckingham  
**Subject:** Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11

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

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

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

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

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

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

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

### **Issue 3: Budget Policy Considerations Approved**

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

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

- a. The Budget Management Committee (BMC) will monitor expenditures on a monthly basis to ensure that resources are only being used for the purpose of backlog reduction for the approved case types. In addition, the BMC will monitor case event data to ensure that expenditures correlate with the TCBC approved activities.

- b. The Supreme Court Inspector General will also be reviewing the Foreclosure and Economic Recovery initiative for potential inclusion in the branch's FY 2010/11 audit plan.

**Issue 5: Clerk Assistance Approved**

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

Two other issues on performance measurement and FY 2011/12 Legislative Budget Request were postponed until the June 4<sup>th</sup> TCBC meeting.

**Directions:**

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

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

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

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

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

Please let me know if you have any questions. Kris

Kris Slayden  
 Research and Data  
 Office of the State Courts Administrator  
 Florida Supreme Court

500 S. Duval Street  
Tallahassee, Florida 32399  
850-922-5106 (wk)  
850-556-2335 (cell)  
850-414-1342 (fax)



## Sondra M. Lanier

---

**From:** Dorothy Wilson <burked@flcourts.org>  
**Sent:** Wednesday, May 26, 2010 3:55 PM  
**To:** Grant Slayden; Sondra M. Lanier; Mark Weinberg; 'Ted McFetridge'; Matthew Benefiel; Mike Bridenback; Carol Ortman; Richard Callanan  
**Subject:** FW: Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11  
**Attachments:** ForeclosureandEconomicRecovery\_FundingPlans\_Updated05212010.pdf; Foreclosure and Economic Recovery Responses from Circuits\_May 2010\_v2.pdf; 62% Estimated RPMF Backlog.pdf

**Importance:** High

Good Afternoon,  
Just checking on the status of the exercise below? Thanks

---

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**Sent:** Friday, May 21, 2010 2:42 PM  
**To:** Trial Court Chief Judges; Trial Court Administrators  
**Cc:** Trial Court Budget Commission; Lisa Goodner; Charlotte Jerrett; Dorothy Wilson; Gary Phillips; Theresa Westerfield; Heather Thuotte-Pierson; Kristine Slayden; Sharon Bosley; Sharon Buckingham  
**Subject:** Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11

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### Directions:

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Please let me know if you have any questions. Kris

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

**Sondra M. Lanier**

---

**From:** Pat Perry <pperry@columbiaclerk.com>  
**Sent:** Tuesday, May 25, 2010 4:11 PM  
**To:** Sondra M. Lanier  
**Subject:** RE: Foreclosure cases

That's fine. Will you be using the same forms and procedures that we use? Just let me know what you need.

*Patricia A. Perry*  
*Chief Deputy*  
*Columbia County Clerk of Courts*  
*P. O. Box 2069*  
*Lake City, FL 32056*  
*386.758.1350*

---

**From:** Sondra M. Lanier [mailto:lanier.sondra@jud3.flcourts.org]  
**Sent:** Tuesday, May 25, 2010 3:50 PM  
**To:** Pat Perry  
**Subject:** RE: Foreclosure cases

Thanks Pat. I started with Lori since she ran the report for Carrina, but I'll work with you. We are supposed to be looking at our pending foreclosure cases and seeing if any court action is needed to get/keep them moving. I just looked at a sample of them on CCIS to get a feel for what is going to be involved before I assign anyone. I will be getting with you soon if that's OK.

Sondra

---

**From:** Pat Perry [mailto:pperry@columbiaclerk.com]  
**Sent:** Tuesday, May 25, 2010 3:02 PM  
**To:** Sondra M. Lanier  
**Subject:** Foreclosure cases

Sondra, I supervise the circuit and county civil/small claims departments. Dismissal of inactive foreclosure cases (and county civil cases) is a two-step process and governed by Florida Rule of Procedure 1.420(e). Small Claims cases are governed by Florida Small Claims Rule 7.110(e) and are subject to 6 months inactivity.

*Patricia A. Perry*  
*Chief Deputy*  
*Columbia County Clerk of Courts*  
*P. O. Box 2069*  
*Lake City, FL 32056*  
*386.758.1350*

**Sondra M. Lanier**

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**From:** Pat Perry <pperry@columbiaclerk.com>  
**Sent:** Tuesday, May 25, 2010 3:02 PM  
**To:** Sondra M. Lanier  
**Subject:** Foreclosure cases

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*Patricia A. Perry*  
*Chief Deputy*  
*Columbia County Clerk of Courts*  
*P. O. Box 2069*  
*Lake City, FL 32056*  
*386.758.1350*

## Sondra M. Lanier

---

**From:** Lori Koon <lbkoon@columbiaclerk.com>  
**Sent:** Tuesday, May 25, 2010 2:22 PM  
**To:** Sondra M. Lanier  
**Subject:** RE: Foreclosure Question

No, we go by the 10 month rule.

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

**From:** Sondra M. Lanier [mailto:lanier.sondra@jud3.flcourts.org]  
**Sent:** Tuesday, May 25, 2010 1:44 PM  
**To:** Lori Koon  
**Subject:** RE: Foreclosure Question

We are being required to specifically review foreclosures, so we can do that part and free you up a little. Once those are caught up, we will have to look at contract/indebtedness and small claims between 5001 and 15000 dollars. There are quite a few that at first glance should probably be dismissed, so I was wondering if you have any criteria other than 10 months with no activity.

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

**From:** Lori Koon <lbkoon@columbiaclerk.com>  
**Sent:** Tuesday, May 25, 2010 12:12 PM  
**To:** 'Sondra M. Lanier' <lanier.sondra@jud3.flcourts.org>  
**Cc:** 'Pat Perry' <pperry@columbiaclerk.com>; Belinda Scippio <bscippio@columbiaclerk.com>  
**Subject:** RE: Foreclosure Question

That is fine. I will try to assist you anyway possible. This is one that just got overlooked. We need to go to the next step with this one. I will be it to the department supervisor. We are in the process of working on the Notice of Intent to Dismiss Cases. We have been trying to work one department at a time and have been trying to work on county civil and small claims. I know that some work has been done on the Circuit Civil cases, but I am not sure how much.

Lori

---

**From:** Sondra M. Lanier [mailto:lanier.sondra@jud3.flcourts.org]  
**Sent:** Tuesday, May 25, 2010 11:58 AM  
**To:** Lori Koon  
**Subject:** RE: Foreclosure Question

Sorry. I may be firing questions off for a few days. We've been instructed to look at our pending foreclosure cases and start case management to try to catch up what the people in Tallahassee see as a backlog. I'm trying to get up-to-speed on foreclosures and figure out what we need to do before I delegate it.

One example is 06-125. There was a Notice of Intent to Dismiss for Failure to Prosecute on December 27, 2007. Nothing happened after that, and then there are quite a few older cases where no notice was sent. I was trying to understand the criteria and process. That's all (for now anyway).

Sondra Lanier

Trial Court Administrator

Third Judicial Circuit

(386)758-2163 Lake City

(386)362-1017 Live Oak

(386)362-2658 Fax

---

From: Lori Koon [mailto:lbkoon@columbiaclerk.com]

Sent: Tuesday, May 25, 2010 11:32 AM

To: Sondra M. Lanier

Subject: RE: Foreclosure Question

Sondra,

Can you give me a few of the case numbers that you are referring to so I can look at them.

Thanks,

Lori

---

From: Sondra M. Lanier [mailto:lanier.sondra@jud3.flcourts.org]

Sent: Tuesday, May 25, 2010 11:20 AM

To: lbkoon@columbiaclerk.com

Subject: Foreclosure Question

Hi Lori,

Carrina forwarded the information you gave her. I noticed that there were dismissal notices in some of them. Can you please tell me what the "trigger" or criteria is for those?

Thanks.

Sondra Lanier

Trial Court Administrator

Third Judicial Circuit

(386)758-2163 Lake City

(386)362-1017 Live Oak

(386)362-2658 Fax



## Sondra M. Lanier

---

**From:** Lori Koon <lbkoon@columbiaclerk.com>  
**Sent:** Tuesday, May 25, 2010 12:15 PM  
**To:** Sondra M. Lanier  
**Cc:** 'Pat Perry'; Belinda Scippio  
**Subject:** RE: Foreclosure Question

That is fine. I will try to assist you anyway possible. This is one that just got overlooked. We need to go to the next step with this one. I will be it to the department supervisor. We are in the process of working on the Notice of Intent to Dismiss Cases. We have been trying to work one department at a time and have been trying to work on county civil and small claims. I know that some work has been done on the Circuit Civil cases, but I am not sure how much.

Lori

---

**From:** Sondra M. Lanier [mailto:lanier.sondra@jud3.flcourts.org]  
**Sent:** Tuesday, May 25, 2010 11:58 AM  
**To:** Lori Koon  
**Subject:** RE: Foreclosure Question

Sorry. I may be firing questions off for a few days. We've been instructed to look at our pending foreclosure cases and start case management to try to catch up what the people in Tallahassee see as a backlog. I'm trying to get up-to-speed on foreclosures and figure out what we need to do before I delegate it.

One example is 06-125. There was a Notice of Intent to Dismiss for Failure to Prosecute on December 27, 2007. Nothing happened after that, and then there are quite a few older cases where no notice was sent. I was trying to understand the criteria and process. That's all (for now anyway)...

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

---

**From:** Lori Koon [mailto:lbkoon@columbiaclerk.com]  
**Sent:** Tuesday, May 25, 2010 11:32 AM  
**To:** Sondra M. Lanier  
**Subject:** RE: Foreclosure Question

Sondra,

Can you give me a few of the case numbers that you are referring to so I can look at them.

Thanks,  
Lori

---

**From:** Sondra M. Lanier [mailto:lanier.sondra@jud3.flcourts.org]  
**Sent:** Tuesday, May 25, 2010 11:20 AM  
**To:** lbkoon@columbiaclerk.com  
**Subject:** Foreclosure Question

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Thanks.

*Sondra Lanier*

Trial Court Administrator  
Third Judicial Circuit  
(386)758-2163 Lake City  
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**Sondra M. Lanier**

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Thanks,  
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**Sondra M. Lanier**

---

**From:** Carrina M. Cooper  
**Sent:** Tuesday, May 25, 2010 9:38 AM  
**To:** Sondra M. Lanier  
**Subject:** FW: Pending Foreclosure Numbers  
**Attachments:** Pending Case Addendum Thru May 24 2010.pdf

Sondra

Please see below.

Carrina

---

**From:** Lori Koon [mailto:lbkoon@columbiaclerk.com]  
**Sent:** Tuesday, May 25, 2010 9:33 AM  
**To:** Carrina M. Cooper  
**Subject:** RE: Pending Foreclosure Numbers

Carrina,

Attached is a list of All Pending Circuit Civil Actions. Prior to 2010, they were all listed as Real Property Mtg Foreclosure. Beginning in 2010 they are separated in 12 different categories, they all begin with RP/MF.

Hope this is what you are looking for. You can also, find some of this information in the CCIS program.

Call or email if you need anymore help.

Lori

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**Sondra M. Lanier**

---

**From:** Brenda P. Pryce  
**Sent:** Tuesday, May 25, 2010 9:24 AM  
**To:** Sondra M. Lanier  
**Subject:** RE: Foreclosure and Economic Recovery - OPS Information

Okay

*Brenda Pryce*  
*Court Operations Consultant*  
**Court Administration**  
*Third Judicial Circuit*  
*Office: (386) 719-7576*  
*Fax: (386) 758-2162*

---

**From:** Sondra M. Lanier  
**Sent:** Tuesday, May 25, 2010 9:24 AM  
**To:** Brenda P. Pryce  
**Subject:** RE: Foreclosure and Economic Recovery - OPS Information

Yes. I will call you in a few minutes.

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

---

**From:** Brenda P. Pryce  
**Sent:** Tuesday, May 25, 2010 9:24 AM  
**To:** Sondra M. Lanier  
**Subject:** RE: Foreclosure and Economic Recovery - OPS Information

Are these time limited positions?

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*Court Operations Consultant*  
**Court Administration**  
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*Fax: (386) 758-2162*

---

**From:** Sondra M. Lanier  
**Sent:** Tuesday, May 25, 2010 9:23 AM  
**To:** Brenda P. Pryce  
**Subject:** RE: Foreclosure and Economic Recovery - OPS Information

Yes.

*Sondra Lanier*  
Trial Court Administrator

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

---

**From:** Brenda P. Pryce  
**Sent:** Tuesday, May 25, 2010 9:23 AM  
**To:** Sondra M. Lanier  
**Subject:** FW: Foreclosure and Economic Recovery - OPS Information

Are we hiring under this project?

*Brenda Pryce*  
*Court Operations Consultant*  
**Court Administration**  
*Third Judicial Circuit*  
*Office: (386) 719-7576*  
*Fax: (386) 758-2162*

---

**From:** Gary Phillips [mailto:phillipsg@ficourts.org]  
**Sent:** Tuesday, May 25, 2010 8:59 AM  
**To:** Circuit Personnel Reps  
**Cc:** Trial Court Administrators; Delcynth Schloss; Charlotte Jerrett  
**Subject:** Foreclosure and Economic Recovery - OPS Information

Good Morning All:

This is to address issues concerning the use of OPS resources for the foreclosure backlog.

#### **Rapid Deployment of Resources and Advertising on People First**

A new version of People First will be released in July. Therefore, the system will be taken off line on July 1 for about 3 weeks. Due to this transition, any advertisement you run on People First in June will have a closing date of no later than June 30<sup>th</sup>. Even if you advertise on June 29<sup>th</sup>, the system will force a June 30 closing date. Therefore, you need to advertise by mid June in order to have a two week advertising window. Advertisements will not be able to be started back up until at least the last week of July.

#### **General Information Concerning Employing OPS Staff for the Foreclosure Backlog Project**

- Each Circuit will have an approved plan and allotment.
- Each circuit utilizing OPS will engage in recruitment and selection activities.
- As candidates are selected, submit OPS Employment Authorization Forms (OSCA Intranet Site, Personnel, Forms Section), and all of the additional forms listed on the bottom of the Authorization Form except Direct Deposit forms, to the Office of Personnel Services. Direct Deposit forms are to be handled just like FTE new hires. Agreement Periods will be six months or the end of the fiscal year, **whichever is sooner**.
- Since there is a specific appropriation for this project, extensions beyond 1040 hours in a calendar year will be automatic and will not need to be requested.
- All OPS employees are paid biweekly. **Attached is a biweekly pay schedule.**
- Payroll processing each biweekly pay period for OPS employees will be complete only upon receipt of the OPS employee's timesheet, also on our Intranet site, signed by the employee and approved by the manager/supervisor and submitted to our office in a timely manner.
- Overtime is not permitted. Should overtime inadvertently occur, the employees in included classes will have to be paid time-and-a-half.

- Listed below are the job classes and hourly rates for OPS positions that were used in the original proposal for the Foreclosure and Economic Recovery Funding. You may use discretion and flexibility in classification and pay as long as pay is within guidelines and you stay within your allotment. If you have any questions concerning classification and pay, please call me to discuss.

---

<u>Element</u>	<u>Position</u>	<u>Hourly Rate</u>
Magistrates:	Magistrate	\$35.48 hourly
Case Management:	Court Program Specialist II	\$17.36 hourly
	Court Program Specialist I	\$14.58 hourly
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Palm Beach		
Admin. Support:	Senior Secretary	\$11.89 hourly
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Palm Beach		

This amount does not include the 7.65% FICA that needs to be added to the hourly rate. You will need to add this amount when tracking your budget.

Best of luck with this project. I am available if I can be of any assistance.

Gary

Gary R. Phillips, SPHR  
 Chief of Personnel Services  
 Office of the State Courts Administrator  
 500 S. Duval Street  
 Tallahassee, Florida 32399-1900  
 phone: 850-617-4028  
 fax: 850-488-3744  
 email: phillipsg@flcourts.org

**Sondra M. Lanier**

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**From:** Brenda P. Pryce  
**Sent:** Tuesday, May 25, 2010 9:24 AM  
**To:** Sondra M. Lanier  
**Subject:** RE: Foreclosure and Economic Recovery - OPS Information

Are these time limited positions?

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*Court Operations Consultant*  
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*Sondra Lanier*  
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Third Judicial Circuit  
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*Court Operations Consultant*  
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*Third Judicial Circuit*  
*Office: (386) 719-7576*  
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**From:** Gary Phillips [mailto:phillipsg@flcourts.org]  
**Sent:** Tuesday, May 25, 2010 8:59 AM  
**To:** Circuit Personnel Reps  
**Cc:** Trial Court Administrators; Delcynth Schloss; Charlotte Jerrett  
**Subject:** Foreclosure and Economic Recovery - OPS Information

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This is to address issues concerning the use of OPS resources for the foreclosure backlog.



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Palm Beach		

This amount does not include the 7.65% FICA that needs to be added to the hourly rate. You will need to add this amount when tracking your budget.

Best of luck with this project. I am available if I can be of any assistance.

Gary

Gary R. Phillips, SPHR  
Chief of Personnel Services  
Office of the State Courts Administrator  
500 S. Duval Street  
Tallahassee, Florida 32399-1900  
phone: 850-617-4028  
fax: 850-488-3744  
email: [phillipsg@flcourts.org](mailto:phillipsg@flcourts.org)

## Sondra M. Lanier

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**From:** Brenda P. Pryce  
**Sent:** Tuesday, May 25, 2010 9:23 AM  
**To:** Sondra M. Lanier  
**Subject:** FW: Foreclosure and Economic Recovery - OPS Information  
**Attachments:** 2010 Biweekly Schedule.doc

Are we hiring under this project?

*Brenda Pryce*  
*Court Operations Consultant*  
**Court Administration**  
*Third Judicial Circuit*  
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**Sondra M. Lanier**

---

**From:** Carrina M. Cooper  
**Sent:** Monday, May 24, 2010 1:58 PM  
**To:** Sondra M. Lanier  
**Subject:** FW: Pending Foreclosure Numbers

See below.

Carrina

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**From:** Lori Koon [mailto:lbkoon@columbiaclerk.com]  
**Sent:** Monday, May 24, 2010 1:59 PM  
**To:** Carrina M. Cooper  
**Subject:** Pending Foreclosure Numbers

Total Pending Foreclosure for Columbia County are 523.

*Lori B Koon  
Project Manager  
Columbia County Clerk of Courts  
P O Box 2069  
Lake City FL 32056  
386-719-7403  
386-719-7539 (fax)  
[www.columbiaclerk.com](http://www.columbiaclerk.com)*

## Sondra M. Lanier

---

**From:** Kristine Slayden <slaydenk@flcourts.org>  
**Sent:** Friday, May 21, 2010 2:42 PM  
**To:** Trial Court Chief Judges; Trial Court Administrators  
**Cc:** Trial Court Budget Commission; Lisa Goodner; Charlotte Jerrett; Dorothy Wilson; Gary Phillips; Theresa Westerfield; Heather Thuotte-Pierson; Kristine Slayden; Sharon Bosley; Sharon Buckingham  
**Subject:** Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11  
**Attachments:** ForeclosureandEconomicRecovery\_FundingPlans\_Updated05212010.pdf; Foreclosure and Economic Recovery Responses from Circuits\_May 2010\_v2.pdf; 62% Estimated RPFM Backlog.pdf

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

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

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

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

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

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

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

### Issue 3: Budget Policy Considerations Approved

- a) In order to comply with legislative intent, any expenditure of any type utilizing this funding is strictly limited to direct support of the backlog reduction of the approved case types listed in Issue 2.
- b) In order to ensure that senior judges who are assigned to the Foreclosure and Economic Recovery initiative are paid with the appropriate funds, the current senior judge application will be modified to allow circuits to specify



from which funding source the senior judge should be paid. The Trial Court Administrators are responsible for ensuring that the information is reported properly.

- c) Expenditures from the Expense category are limited to intra-circuit travel for staff, intra- and inter-circuit travel for Senior Judges, consumable office supplies, postage, copying, printing and reproduction. To maximize the Expense allotment, circuits are encouraged to use existing resources or surplus furnishings for any office furniture needs for OPS staff and/or Senior Judges. Subscriptions and the like are not allowable expenditures for this funding, neither are computers or other communication devices as those items are a county funding responsibility.
- d) A contingency for the Expense category was approved in the original proposal and factored into the appropriated amount. In order to access these contingency funds, a circuit must have exhausted its Foreclosure and Economic Recovery Expense allotment. Requests for additional Expense are to be made in writing to the TCBC Chair, with a copy to the TCBC Budget Management Committee Chair, and to the State Courts Administrator. The request must provide a complete, detailed explanation of how Expense funding came to be exhausted, what steps were taken to alleviate the impending shortfall, the amount requested and how that amount was calculated.

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

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

**Issue 5: Clerk Assistance Approved**

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

Two other issues on performance measurement and FY 2011/12 Legislative Budget Request were postponed until the June 4<sup>th</sup> TCBC meeting.

**Directions:**

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

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

<u>Element</u>	<u>Position</u>	<u>Maximum rate</u>
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	Senior Secretary	\$12.48 hourly w/ CAD – Broward, Dade, Monroe,

Palm Beach

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

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

Please let me know if you have any questions. Kris

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

**Sondra M. Lanier**

---

**From:** Nancy T. Blanton  
**Sent:** Wednesday, May 19, 2010 2:13 PM  
**To:** Carrina M. Cooper  
**Cc:** Sondra M. Lanier; Jana D. Sullivan; John Lake  
**Subject:** Foreclosure Mediation Administrative Order

I am currently on a teleconference with the DRC. Is our Administrative Order for Foreclosure on our website? Thanks,  
nancy

Nancy Blanton  
Mediation Coordinator  
Third Judicial Circuit Court  
Court Administration  
105 North Ohio Avenue  
Live Oak, Florida 32064  
Phone: (386) 362-2010  
E-Mail: [blanton.nancy@jud3.flcourts.org](mailto:blanton.nancy@jud3.flcourts.org)

**Sondra M. Lanier**

---

**From:** Charlotte Jerrett <jerrettc@flcourts.org>  
**Sent:** Thursday, May 13, 2010 10:53 AM  
**To:** Trial Court Administrators  
**Cc:** Heather Thuotte-Pierson; Kristine Slayden; Dorothy Wilson  
**Subject:** Economic Recovery Foreclosure Funds

Hi All,

The question has arisen about whether or not these funds can be run through the county budget so that FTE's can be established and benefits can be paid to employees. The intent of the legislature is that we administer these funds with temporary resources. Since we have to file a budget amendment for approval of this plan, I do not believe we would be successful with the strategy of contracting with the county and using these resources to pay for employees with benefits. In order to contract with the county, we would need a G/A category to make the payments and stipulate conditions for reporting. If you are planning on proceeding in this manner, please let me know as the TCBC will need to address this issue during their conference call and we will need to include the new G/A category in our budget amendment request.

If you want to discuss this issue further, please give me a call directly. I don't want us to submit a plan that can't be administered or isn't workable. Thanks for your help.

C.

Charlotte Jerrett  
Administrative Services Division  
Office of the State Courts Administrator  
(850) 488-9922  
(850) 488-3744 fax

**Sondra M. Lanier**

---

**From:** Heather Thuotte-Pierson <piersonh@flcourts.org>  
**Sent:** Wednesday, May 12, 2010 1:54 PM  
**To:** Sondra M. Lanier  
**Subject:** RE: Foreclosure and Economic Recovery Program Allocations

Sondra-

Will you be sending information on the FTEs and courtrooms today?

Thanks,  
Heather

---

**From:** Sondra M. Lanier [mailto:lanier.sondra@jud3.flcourts.org]  
**Sent:** Friday, May 07, 2010 4:19 PM  
**To:** Heather Thuotte-Pierson  
**Cc:** Judge David Fina; Barbara Lussier  
**Subject:** RE: Foreclosure and Economic Recovery Program Allocations

Here you go.

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

---

**From:** Heather Thuotte-Pierson [mailto:piersonh@flcourts.org]  
**Sent:** Friday, May 07, 2010 4:04 PM  
**To:** Sondra M. Lanier  
**Subject:** RE: Foreclosure and Economic Recovery Program Allocations

Sondra-

Since the positions are OPS you should reduce the amount to match your allotment.

Let me know what you decide.

Thanks,  
Heather

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**From:** Sondra M. Lanier [mailto:lanier.sondra@jud3.flcourts.org]  
**Sent:** Friday, May 07, 2010 3:58 PM  
**To:** Heather Thuotte-Pierson  
**Subject:** RE: Foreclosure and Economic Recovery Program Allocations

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

Good morning,

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

**Sondra M. Lanier**

---

**From:** Heather Thuotte-Pierson <piersonh@flcourts.org>  
**Sent:** Tuesday, May 11, 2010 1:01 PM  
**To:** Trial Court Administrators  
**Subject:** Foreclosure and Economic Recovery Program

Just as a reminder, when you are calculating how much of your funds you plan to allocate to the OPS category, you will need to factor in the 7.65% for FICA.

Thanks,  
Heather

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



**Sondra M. Lanier**

---

**From:** Heather Thuotte-Pierson <piersonh@flcourts.org>  
**Sent:** Tuesday, May 11, 2010 9:15 AM  
**To:** Sondra M. Lanier  
**Subject:** RE: Foreclosure and Economic Recovery Program Allocations

Sondra-

Will you also be providing me with the information for the clerks on the FTE and courtrooms for each county?

Thanks,  
Heather

---

**From:** Sondra M. Lanier [mailto:lanier.sondra@jud3.flcourts.org]  
**Sent:** Friday, May 07, 2010 4:19 PM  
**To:** Heather Thuotte-Pierson  
**Cc:** Judge David Fina; Barbara Lussier  
**Subject:** RE: Foreclosure and Economic Recovery Program Allocations

Here you go.

*Sondra Lanier*  
Trial Court Administrator  
Third Judicial Circuit  
(386)758-2163 Lake City  
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**From:** Heather Thuotte-Pierson [mailto:piersonh@flcourts.org]  
**Sent:** Friday, May 07, 2010 4:04 PM  
**To:** Sondra M. Lanier  
**Subject:** RE: Foreclosure and Economic Recovery Program Allocations

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**Sent:** Friday, May 07, 2010 11:27 AM

**To:** Trial Court Chief Judges; Trial Court Administrators

**Cc:** Lisa Goodner; Kristine Slayden; Sharon Buckingham; Charlotte Jerrett; Dorothy Wilson; Arlene Johnson; Patty Harris; Theresa Westerfield; Elizabeth Garber; Greg Youchock; Gary Phillips

**Subject:** Foreclosure and Economic Recovery Program Allocations

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piersonh@flcourts.org

**Sondra M. Lanier**

---

**From:** Heather Thuotte-Pierson <piersonh@flcourts.org>  
**Sent:** Monday, May 10, 2010 7:42 AM  
**To:** Sondra M. Lanier  
**Subject:** RE: Foreclosure and Economic Recovery Program Allocations

There is a TCBC teleconference call on May 20th at noon. It was just scheduled a couple of days ago. There is still a meeting on June 4. Thanks.

---

**From:** Sondra M. Lanier [lanier.sondra@jud3.flcourts.org]  
**Sent:** Friday, May 07, 2010 4:44 PM  
**To:** Heather Thuotte-Pierson  
**Subject:** RE: Foreclosure and Economic Recovery Program Allocations

My calendar shows a TCBC meeting on Friday, June 4, but you mentioned a meeting on May 20. Am I missing something?

Sondra Lanier  
Trial Court Administrator  
Third Judicial Circuit  
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---

**From:** Heather Thuotte-Pierson [mailto:piersonh@flcourts.org]  
**Sent:** Friday, May 07, 2010 4:26 PM  
**To:** Sondra M. Lanier  
**Subject:** RE: Foreclosure and Economic Recovery Program Allocations

Thanks!

**From:** Sondra M. Lanier [mailto:lanier.sondra@jud3.flcourts.org]  
**Sent:** Friday, May 07, 2010 4:19 PM  
**To:** Heather Thuotte-Pierson  
**Cc:** Judge David Fina; Barbara Lussier  
**Subject:** RE: Foreclosure and Economic Recovery Program Allocations

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**Sent:** Friday, May 07, 2010 4:04 PM  
**To:** Sondra M. Lanier

Subject: RE: Foreclosure and Economic Recovery Program Allocations

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**Attachments:** Supplemental Foreclosure Economic Proposal.pdf

TCAs-

Your original allocation amount and distribution of resources is attached for additional information.

Thanks,  
Heather

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**Attachments:** Foreclosure and Economic Recovery Program.pdf;  
ForeclosureandEconomicRecovery\_Distribution.xls

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

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

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

Thanks,  
Heather

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

**Sondra M. Lanier**

---

**From:** Lisa L. Butler  
**Sent:** Tuesday, May 04, 2010 11:55 AM  
**To:** Sondra M. Lanier  
**Subject:** FW: Foreclosure Rates for the 3rd Circuit

Lisa Butler  
Administrative Assistant III  
Administrative Office of the Courts  
Third Judicial Circuit of Florida  
105 North Ohio Avenue  
Live Oak, Florida 32064  
Office: (386)362-1017  
Fax: (386)362-2658

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

**From:** Lucas J. Taylor  
**Sent:** Tuesday, May 04, 2010 11:50 AM  
**To:** Lisa L. Butler  
**Subject:** Foreclosure Rates for the 3rd Circuit

Hey Lisa,

Does Court Administration keep track of foreclosure rates around the circuit? If so, do you know who keeps that information? I'm trying to find out how many foreclosures we had in the 3rd Circuit last year, and how many so far this year.

Thanks, Lucas



## Sondra M. Lanier

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**From:** Frederick L. Koberlein  
**Sent:** Saturday, April 10, 2010 9:28 AM  
**To:** Sondra M. Lanier  
**Subject:** RE: Today's Meeting reply to 8th bullet

For reasons previously expressed, I will not be attending any interviews.

I will not sit around waiting for the meeting; if the meeting is scheduled for a "hard time", I will attend.

VTY  
FLK

---

**From:** Sondra M. Lanier  
**Sent:** Friday, April 09, 2010 5:10 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; Tom Coleman; William R. Slaughter  
**Cc:** Lisa L. Butler  
**Subject:** Today's Meeting

Good afternoon. Following is a summary of the items discussed at today's Judges' Meeting.

- The House Budget includes a 3% salary reduction for everyone. If enacted, the Chief Justice may choose to instead impose layoffs, reclassifications, terminations, or salary reductions or adjustments in order to keep the Branch within its appropriation. The Senate Budget does not include any cuts to salary or benefits. However, JA's would be required to pay \$5 per month for individual health insurance coverage or \$18 per month for family coverage. JA's hired after April 30, 2010 would pay \$25 for individual or \$90 for family coverage. The differences between the House and Senate budgets will be worked out in conference.
- Bills affecting state employees' retirement will not be passed this year, but actuarial analyses will be conducted over the summer, and the issues will be revisited during next year's session. (The 2011 session will last for 6 months because of redistricting.)
- A bill requiring employee contributions of .25% for all classes of membership in the Florida Retirement System, including DROP participants, has passed and will go to the Governor. (The employee contribution would be \$355.45 annually for Circuit Judges and \$335.70 for County Judges)
- Another bill would affect Senior Judges by not allowing them to receive payment for work as a Senior Judge AND their retirement check for 12 months after their retirement date.
- The Residential Foreclosure Mediation order has been signed and is available on our website at [http://www.jud3.flcourts.org/admin\\_orders/Admin\\_Order\\_2010-003.pdf](http://www.jud3.flcourts.org/admin_orders/Admin_Order_2010-003.pdf).
- The User Support Analyst and Digital Court Reporter position announcements have closed, and interviews will be conducted soon.
- Crystal Ecker has begun work as a law clerk, and Jackie Jo Brinson will begin interning soon (and officially start work with us in August).
- The announcement for our 3<sup>rd</sup> law clerk position has closed, and we have approximately 30 applicants. Interviews will begin at 9:00 on May 14, and we will have a brief Judges' Meeting following those interviews. Please let us know if you plan to participate in the interviews so that we can plan accordingly. Also, please let us know if you would like the application packets for those to be interviewed in advance of the meeting.

- The judicial training scheduled for June will not be held because we were unable to secure presenters. This was due to the restrictions placed on the funding, coupled with the fact that so many presenters are already committed to and preparing for AJS and summer conferences. Some of our judges are interested in training on Baker and Marchman Act cases, and we will attempt to secure a trainer to provide a workshop on those topics in conjunction with a future Judges' Meeting.
- The Clerks of Court have indicated an interest in having an after hours event with the Judges, and Judge Fina has offered to host an event at his river house in June. Additional details will be forthcoming.

We look forward to seeing you at the May interviews/meeting.

*Sondra Lanier*

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

**Sondra M. Lanier**

---

**From:** barbara ceryak <ceryak@gmail.com>  
**Sent:** Friday, April 09, 2010 4:57 PM  
**To:** Sondra M. Lanier  
**Cc:** Kevin C Lunsford  
**Subject:** Re: Foreclosure AO

Wonderful. We could use some good news around here so I'm happy to hear this. Glad it is done, especially since I'm out of town so Kevin gets to do all the work!

Sondra, hope your finger is better.

Barb

On Fri, Apr 9, 2010 at 1:07 PM, Sondra M. Lanier <[lanier.sondra@jud3.flcourts.org](mailto:lanier.sondra@jud3.flcourts.org)> wrote:

Hi Kevin – The administrative order has been signed, and a copy is on the way to you. It is also on our website at [http://www.jud3.flcourts.org/admin\\_orders/Admin\\_Order\\_2010-003.pdf](http://www.jud3.flcourts.org/admin_orders/Admin_Order_2010-003.pdf).

*Sondra Lanier*

Trial Court Administrator

Third Judicial Circuit

(386)758-2163 Lake City

(386)362-1017 Live Oak

(386)362-2658 Fax

---

**From:** Kevin C Lunsford [mailto:[kevin@kevinlunsford.com](mailto:kevin@kevinlunsford.com)]  
**Sent:** Friday, April 09, 2010 1:01 PM  
**To:** Sondra M. Lanier  
**Cc:** ceryak, barbara  
**Subject:** Foreclosure AO

Good afternoon Sondra.

It has been awhile since we have heard anything positive regarding the AO. Do you have any idea of a time frame for when our circuit expects to implement the AO?

We are continuing to get calls from attorneys, mediators and desperate homeowners and we of course are devoting a significant amount of time and money to this project. We would like to reduce some of our monthly expenditures in the event you foresee additional delays.

Kevin

**Sondra M. Lanier**

---

**From:** Kevin C Lunsford <kevin@kevinlunsford.com>  
**Sent:** Friday, April 09, 2010 1:26 PM  
**To:** Sondra M. Lanier  
**Cc:** ceryak, barbara  
**Subject:** Re: RE: Foreclosure AO

That's great news! Thank you for all your help and patience. Have a great weekend.  
Kevin

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

**From:** ~~Sondra M. Lanier~~  
**To:** Kevin C Lunsford  
**Cc:** ceryak, barbara  
**Sent:** Friday, April 09, 2010 1:07 PM  
**Subject:** [SPAM] RE: Foreclosure AO

Hi Kevin – The administrative order has been signed, and a copy is on the way to you. It is also on our website at [http://www.jud3.flcourts.org/admin\\_orders/Admin\\_Order\\_2010-003.pdf](http://www.jud3.flcourts.org/admin_orders/Admin_Order_2010-003.pdf).

*Sondra Lanier*  
Trial Court Administrator  
Third Judicial Circuit  
(386)758-2163 Lake City  
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**Sent:** Friday, April 09, 2010 1:01 PM  
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Kevin

## Sondra M. Lanier

---

**From:** Kevin C Lunsford <kevin@kevinlunsford.com>  
**Sent:** Tuesday, March 30, 2010 9:47 AM  
**To:** Sondra M. Lanier  
**Subject:** Re: RE: Residential Foreclosure

Good Morning Sondra. It was sent to Bill with a copy to you by hitting "Reply All" since he copied you originally. Maybe your old email address is being forwarded to you and it doesn't show it as a copy?  
Kevin

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

**From:** Sondra M. Lanier  
**To:** Kevin C Lunsford  
**Sent:** Tuesday, March 30, 2010 9:33 AM  
**Subject:** [SPAM] RE: Residential Foreclosure

Hey – You sent this to me, but I don't see it copied to Bill. Did you do that separately?

*Sondra Lanier*

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

---

**From:** Kevin C Lunsford [mailto:kevin@kevinlunsford.com]  
**Sent:** Tuesday, March 30, 2010 9:31 AM  
**To:** Sondra M. Lanier  
**Subject:** Re: Residential Foreclosure

Thank you for the update. When you have a moment, please send me copies of the following:

1. your completion certificate for the 40 hour circuit civil mediation training
2. your completion certificate for the March 5 foreclosure training
3. the training agenda for the March 5 foreclosure training
4. Resume or CV
5. mediation malpractice insurance certificate, if you have it

I will create a file for you and when the 3rd Circuit institutes the Program I will send you a contract and add your name to the List of Panel Mediators.

You can mail or fax the documents to Suwannee Valley Foreclosure Mediation, P.O. Box 6126, Live Oak, FL 32064, 386-362-7673 Fax.

Thanks, Kevin

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

**From:** William Blue  
**To:** Kevin C Lunsford  
**Cc:** Sondra L. Williams  
**Sent:** Monday, March 29, 2010 4:08 PM  
**Subject:** [SPAM] Residential Foreclosure

FYI -

On March 5, 2010, I completed the Residential Mortgage Foreclosure Mediation Training required by AOSC 09-54.

Sincerely,

William W. Blue  
Blue & Byers, PLLC  
115 W. Bay Street  
Perry, FL 32347  
(850) 584-3111  
Fax (850) 584-8593  
[williamwblue@gmail.com](mailto:williamwblue@gmail.com)

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**Sondra M. Lanier**

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## Jenn C. Lussier

---

**From:** Cherie Fine <cfine@ffplaw.com>  
**Sent:** Thursday, October 14, 2010 1:52 PM  
**To:** PapaGray1@aol.com; rer@circuit8.org; ellisherb@hotmail.com; David W. Fina; martin@scruggs-carmichael.com; grmlaw@bellsouth.net; vanvorstlawfirm@gmail.com; chughes@shrlawfirm.com; lucus.taylor@suwanneelawyers.com; aingram@laborattorneys.org; pritchetta@SAO8.org; jsmith@avera.com; bpowell@reasonabledoubt.org; sharon@sharonsperling.com; craig@reasonabledoubt.org; mar.ferber@gmail.com  
**Subject:** RE: FORECLOSURE MEETING

Thanks Jim ☺  
Cherie

---

**From:** PapaGray1@aol.com [mailto:PapaGray1@aol.com]  
**Sent:** Thursday, October 14, 2010 12:53 PM  
**To:** cfine@ffplaw.com; rer@circuit8.org; ellisherb@hotmail.com; fina.david@jud3.flcourts.org; martin@scruggs-carmichael.com; papagray1@aol.com; grmlaw@bellsouth.net; vanvorstlawfirm@gmail.com; chughes@shrlawfirm.com; lucus.taylor@suwanneelawyers.com; aingram@laborattorneys.org; pritchetta@SAO8.org; jsmith@avera.com; bpowell@reasonabledoubt.org; sharon@sharonsperling.com; craig@reasonabledoubt.org; mar.ferber@gmail.com  
**Subject:** FORECLOSURE MEETING

Cherie and group

10-14-10

Any time that you set for a meeting, Cherie, is ok. I am taking the new foreclosure cle as soon as October 31st ends, so it counts for my next cycle cles. I should have a lot of new ideas the first week of November. Meanwhile, Ryan Curtis provided the attached foreclosure defense outline at a North Florida Real Estate Attorneys [NFREA] meeting [cases omitted]. You may find it a source of legal ideas.

Since I have been dealing with many people threatened with, or in, foreclosure because of the incredible job loss, I have come to 3 additional foreclosure defenses-

1] "Call your Mama". Homeowners are reluctant to turn to their family for help in times of financial distress, but I have often had family rally around and help to reinstate the mortgage, and/or co-sign to refinance. This is a guaranteed win, but is not realistic if the mortgage exceeds the current property value. Then the homeowner needs to put his/her values into play- for example, children's college education is more important than a house, so don't throw the owner's money away.

2] Reinstatement. Under modern mortgages, homeowners have an absolute right to reinstate the mortgage at any time before the foreclosure sale by paying delinquent payments and costs incurred by the bank. This may go with #1 above. Homeowners are being tricked by lenders who deluge the owner with paperwork and false assurances that they are being considered for a "restructure" of their loan, while the bank's attorneys are proceeding rigidly with the legal foreclosure and sale of the home because the owner is not making payments until the "restructure" is approved by the lender, which is never unconditionally done-the banks always reserve the right to refuse the restructure even if the payments are current under the new deal.

3] Short Sales. Most lenders will agree to a short sale [not Chase-they agree, then refuse all reasonable offers] if the property is listed with a realtor familiar with short sales and the INCREDIBLE paperwork the lender will require. Most realtors don't understand their obligation to provide docs to the lender's short sale department. Some do, and should be used to list the property. The owner's benefits are that they get a free place to live since they do not make any mortgage payments, but the owner must keep homeowners insurance in place in case the house burns down since, if it does, the bank will be paid in full, and the owner will receive 50% to 75% of the insured value of replacing the home for their contents. Meanwhile, when the house is sold at a short sale, the owners do not have a judgment against them in the public record forever, and they are released from further liability to the bank.

Jim Gray  
James F Gray, PA  
3615- B NW 13 St.  
Gainesville, Florida 32609  
Florida Bar #318681  
Telephone 352 371 6303  
Fax 352 371 4722  
E-Mail [PAPAGRAY1@AOL.COM](mailto:PAPAGRAY1@AOL.COM)

**Jenn C. Lussier**

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**Subject:** FORECLOSURE MEETING  
**Attachments:** Foreclosure Defense Ryan Curtis 09-10.pdf

Cherie and group

10-14-10

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# **FORECLOSURE DEFENSE**

# 101

PREPARED BY: RYAN C. CURTIS

## FORECLOSURE DEFENSES

### A. PLEADING

- a. PLEAD PROPERLY-CERTAINTY AND PARTICULARITY IS REQUIRED WHEN PLEADING DEFENSES AND PLEADING CONCLUSIONS OF LAW UNSUPPORTED BY ALLEGATIONS OF ULTIMATE FACT IS LEGALLY INSUFFICIENT.
- b. PLEADING CONCLUSORY-USUALLY DEFICIENT. *ZITO V. WASHINGTON FED. SAV & LOAN ASS'N OF MIAMI BEACH*, 318 SO.2D 175, 176 (FLA 3D DCA 1975).
- c. INITIALLY, GENERAL PLEADING SHOULDN'T DOOM DEFENSE. SEE *HOWDESHELL V. FIRST NATIONAL BANK OF CLEARWATER*, 369 SO.2D 432 (FLA 2D DCA 1979)- COURT DIVERGED FROM USUAL INSISTENCE UPON PLEADING DEFENSES WITH ULTIMATE FACTS.
- d. IF INSUFFICIENTLY PLED, COURTS GENERALLY PERMIT THEM TO BE AMENDED. SEE *ZITO*.
- e. PERMISSION TO AMEND ANSWER TO ADD NEW DEFENSES IS LIBERALLY GRANTED-*BILL WILLIAMS AIR CONDITIONING & HEATING, INC. V. HAYMARKET CO-OP BANK*, 566 SO.2D 52 (FLA 1<sup>ST</sup> DCA 1990)
- f. TACTICAL-COULD PROLONG ISSUES WITH REPLEADING.

### B. CONTRACTUAL DEFENSES -LOAN DOCUMENTS ARE CONTRACTS SO CONTRACT DEFENSES ARE AVAILABLE.

- a. LACK/FAILURE OF CONSIDERATION-SEE *HOWDERSHELL*
- b. FAILURE TO COMPLY WITH NOTICE PROVISIONS-*GOMEZ V. AMERICAN SAV & LOAN ASS'N*, 515 SO.2D 301 (FLA 4<sup>TH</sup> DCA 1987). SEE ALSO *STELIAN LAZURAN V. CITIMORTGAGE, INC.*, (FLA 4D DCA 2010)
- c. FAILURE TO COMPLY WITH RELEASE PROVISIONS-*DUNCAN PROPERTIES INC. V. KEY LARGO OCEAN VIEW INC.*, 360 SO.2D 471 (FLA 3D DCA 1978)

### C. FRAUD-MEYERSON V. BOYCE, 97 SO.2D 488 (FLA 3D DCA 1957)

### D. DURESS-SMITH V. PAUL REVERE LIFE INS. CO., 998 F.SUPP. 1412 (S.D. FLA. 1997)

**E. EQUITABLE & STATUTORY DEFENSES**

- a. **WAIVER-INTENTIONAL RELINQUISHMENT OF A KNOWN RIGHT EXISTING IN FAVOR OF LENDER.** *FLAGLER CENTER BUILDING LOAN CORP. V. CHEMICAL REALTY CORP.*, 363 SO.2D 344 (FLA 3D DCA 1976)
- b. **ESTOPPEL-JUSTIFIABLE RELIANCE PROMPTING A CHANGE IN CONDUCT BY THE MORTGAGOR.** *LAMBERT V. DRACOS*, 403 SO.2D 481 (FLA 1<sup>ST</sup> DCA 1981)
- c. **STATUTE OF LIMITATIONS-SEE 95.11(2)(C) F.S.-MUST BRING ACTION WITHIN FIVE YEARS OF CAUSE OF ACTION.**
- d. **UNCLEAN HANDS DOCTRINE-REQUIRES A SHOWING OF THE LENDER'S ACTIVE PARTICIPATION IN ILLEGAL OR FRAUDULENT CONDUCT.** *QUALITY ROOF SERVICES, INC. V. INTERVEST NATIONAL BANK*, 21 SO.3D 883 (FLA 4<sup>TH</sup> DCA 2009). SEE ALSO *TRIBECA LENDING CORPORATION V. REAL ESTATE DEPOT, INC.*, (FLA 4<sup>TH</sup> DCA 2010)
- e. **ABSENCE OF IMPAIRMENT OF SECURITY (NON MONITARY DEFAULT, I.E. TAXES & INSURANCE)-BORROWER MAY BE ABLE TO DEFEAT ACCELERATION AND FORECLOSURE BY SHOWING THAT THE DEFAULT DOES NOT IMPAIR SECURITY.** *DELGADO V. STRONG*, 360 SO.2D 73 (FLA 1978)
- f. **TENDER OF PAYMENT-DUKE V. REED, 396 SO.2D 1218 (FLA 3D DCA 1981)**
- g. **USURY-SEE F.S. 687.02**

**F. LACK OF STANDING- THE PROPER PARTY WITH STANDING TO FORECLOSE A NOTE AND/OR MORTGAGE IS THE HOLDER OF THE NOTE AND MORTGAGE OR THE HOLDER'S REPRESENTATIVE.**

- a. *MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. V. AZIZE*, 965 SO.2D 151 (FLA 2D DCA 2007)
- b. *VERIZZO V. BANK OF NEW YORK*, 28 20.3D 976 (FLA 2D DCA 2010)
- c. *JERRY A. RIGGS, SR., v. AURORA LOAN SERVICES, LLC* (FLA 4<sup>TH</sup> DCA 2010)- ENDORSEMENT IN BLANK WAS SUFFICIENT.
- d. *BAC FUNDING CONSORTIUM INC., V. JEAN-JACQUES*, 28 SO.3D 936 (FLA 2D. DCA 2010).



- e. *GREGORY TAYLOR V. DEUTSCHE BANK NATIONAL TRUST COMPANY, ETC.* (FLA 5<sup>TH</sup> DCA 2010)

#### G. SUMMARY JUDGMENT

- a. "ANY DOUBT AS TO THE EXISTENCE OF A GENUINE ISSUE OF MATERIAL FACT MUST BE RESOLVED AGAINST THE MOVANTS WHOSE BURDEN IS TO ESTABLISH THE ABSENCE OF SUCH AN ISSUE." *ADAM SMITH ENTERPRISES, INC. V. BARNES*, 539 SO.2D 549, 552 (FLA. 2D DCA 1989)
- b. "WHEN CONSIDERING A MOTION FOR SUMMARY JUDGMENT, THE COURT SHOULD TAKE A STRICT READING OF THE PAPERS FILED BY THE MOVING PARTY AND A LITERAL READING AND CONSTRUCTION OF THE PAPERS FILED BY THE OPPOSING PARTY" *SWIFT INDEPENDENT PACKING CO. V. BASIC FOOD INTERNATIONAL, INC.*, 461 SO.2D 1017 (FLA.4<sup>TH</sup> DCA 1984)
- c. *WINTERS V. SAMI*, 462 SO.2D 521 (FLA 4<sup>TH</sup> DCA 1985)-REVERSED SUMMARY JUDGMENT FINDING A LEGITIMATE CONTROVERSY OVER THE TERMS OF PAYMENT OF THE UNDERLYING OBLIGATION AND NOTING THAT THE BORROWER HAD MADE ALL BUT ONE OF THE DISPUTED PAYMENTS [COULD ARGUE IN CONTEXT OF MODIFICATON PAYMENT]
- d. SUMMARY JUDGMENT MAY BE REVERSED IF COURT FINDS GENUINE ISSUE RAISED BY DEFENDANT'S AFFIRMATIVE DEFENSES THAT ARE NOT CONCLUSIVELY REFUTED ON THE RECORD-SEE *BILL WILLIAMS*
- e. REVERSE WARRANTED WHEN THE PARTIES AFFIDAVITS FILED IN SUPPORT AND IN OPPOSITION TO SUMMARY JUDGMENT CONFLICT AS TO THE AMOUNT DUE. *CHARLES E. BURKETT V. ASSOCS V. VICK*, 546 SO.2D 1190 (FLA 5<sup>TH</sup> DCA 1989)
- f. WHILE SUMMARY JUDGMENT DYNAMICS IN MORTGAGE FORECLOSURE DIFFERS MARKEDLY FROM THAT OF NEGLIGENCE CLAIMS, THE LENDER NEVERTHELESS CAN EXPECT TO PROCEED THROUGH THE MORE TORTUOUS PATH OF TRIAL IF THE BORROWER SUFFICIENTLY PLEADS THE REQUISITE ALLEGATIONS AND IS WILLING TO SWEAR TO THEM. SEE *CHARLES E. BURKETT*

**H. PRODUCE THE NOTE-SUMMARY JUDGMENT NOT PROPER WITHOUT THE ORIGINAL NOTE. *TELEPHONE UTILITY TERMINAL CO., INC. V. EMC INDUSTRIES, INC.*, 404 SO.2D 183 (FLA 5<sup>TH</sup> DCA 1981)**

- a. IN CASE OF NEGOTIABLE PROMISSORY NOTES, ANY HOLDER IN DUE COURSE IS ENTITLED TO PAYMENT THEREUNDER EVEN THOUGH THE PAYOR MAY CLAIM HE HAS DISCHARGED HIS OBLIGATION TO SOMEONE ELSE. THUS, PRODUCTION OF THE INSTRUMENT ENTITLES A HOLDER TO RECOVER ON UNLESS THE DEFENDANT ESTABLISHES A DEFENSE.
- b. REQUIRING PRODUCTION OF THE INSTRUMENT PROTECTS THE PAYOR FROM BEING LIABLE LATER TO A HOLDER IN DUE COURSE WHERE THE ORIGINAL PAYEE FRAUDULENTLY OBTAINED PAYMENT IN AN ACTION USING A COPY OF THE NOTE.

**I. OBJECTIONS TO FORECLOSURE SALE**

- a. FAILURE OF THE MORTGAGEE TO CONDUCT DILIGENT SEARCH AND INQUIRY TO DETERMINE THE MORTGAGOR'S WHEREABOUTS. *HUDSON V. PIONEER FED. SAV. & LOAN ASS'N*, 516 SO.2D 339 (FLA 1<sup>ST</sup> DCA 1987)
- b. OBJECT TO SALE IN MASS VS. SALE IN PARCELS-*APPLEFIELD V. FIDELITY FEDERAL SAVINGS & LOAN ASSOC OF TAMPA*, 137 SO.2D 259, 262 (FLA 2D DCA 1962)
- c. FAILURE TO RECEIVE NOTICE OF SALE-*BENNETT V. WARD*, 667 SO.2D 378 (FLA 1<sup>ST</sup> DCA 1995)

**J. FORECLOSURE DEFENSE RESOURCES**

- a. [MATTWEIDNERLAW.COM/BLOG](http://MATTWEIDNERLAW.COM/BLOG)
- b. [FORECLOSUREFRAUD.ORG](http://FORECLOSUREFRAUD.ORG)
- c. [FORECLOSURES IN FLORIDA, KENDALL COFFEY \(2ED. 2008\)](#)

**Jenn C. Lussier**

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**From:** Melissa Henderson <HendersM@flcourts.org>  
**Sent:** Thursday, October 14, 2010 12:10 PM  
**To:** Trial Court Chief Judges; Trial Court Administrators  
**Cc:** Susan Leseman; OSCA-JUDED; Blan Teagle  
**Subject:** New Publication Announcement from Judge Mark King Leban, Chair, FCEC Publication Committee  
**Attachments:** Foreclosure Bench Book.pdf

**To: Chief Judges and Trial Court Administrators**

**From: Judge Mark King Leban, Chair, Florida Court Education Council's Publications Committee**

**Re: New Publication: *Residential Foreclosure Bench Book***

The Publications Committee of the Florida Court Education Council is pleased to announce the posting of the *Residential Foreclosure Bench Book* in the Court Education Resource Library on the Florida State Courts intranet. The *Residential Foreclosure Bench Book* was written by the Eleventh Circuit's Judge Jennifer Bailey and Assistant General Counsel Doris Bermudez-Goodrich. Used for a recent judicial education course for judges assigned to hear foreclosure cases, this bench book presents readers with the nuts and bolts of current foreclosure law and procedures.

In addition to this bench book, the Court Education Resource Library, developed by OSCA's Court Education Section and Publications Unit, contains a plethora of judicial education materials, among them, court publications (benchguides, bench books, toolkits, and case summaries); court education program materials; and other useful resources (a catalog of books, manuals, and other publications, including materials by state and national organizations).

A PDF of the bench book is attached, but you can also access it from the Court Education Resource Library, at [https://intranet.flcourts.org/osca/Judicial\\_Education/Library/librarymain.shtml](https://intranet.flcourts.org/osca/Judicial_Education/Library/librarymain.shtml) (As the bench book will be periodically updated to reflect changes in foreclosure law and procedure, please visit the site for update notifications.)

***Please share this information with judges and court staff who are handling residential mortgage foreclosure cases.***

If you have any questions, contact Susan Leseman, OSCA Publications Attorney, at (850) 922-5085 or [lesemans@flcourts.org](mailto:lesemans@flcourts.org)

# **RESIDENTIAL FORECLOSURE BENCH BOOK**

Prepared by

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

and

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

**Jenn C. Lussier**

---

**From:** Cherie Fine <cfine@ffplaw.com>  
**Sent:** Wednesday, October 13, 2010 11:27 AM  
**To:** cfine@ffplaw.com; rer@circuit8.org; ellisherb@hotmail.com; David W. Fina; martin@scruggs-carmichael.com; papagray1@aol.com; grmlaw@bellsouth.net; vanvorstlawfirm@gmail.com; chughes@shrlawfirm.com; lucus.taylor@suwanneelawyers.com; aingram@laborattorneys.org; pritchetta@SAO8.org; jsmith@avera.com; bpowell@reasonabledoubt.org; sharon@sharonsperling.com; craig@reasonabledoubt.org; mar.ferber@gmail.com  
**Subject:** Foreclosure topic  
**Attachments:** Agenda for foreclosure.docx

Hey everyone:

I'm attaching some potential areas of discussion that I saw while browsing Foreclosure topics. We should meet to discuss our topic. We can pick a date or we can meet before the meeting. The next meeting is 10/28. Let me know which you would prefer (meet at a separate time or before meeting). Also, feel free to reply all with issues you think we should address re foreclosure.

Thanks,

Cherie

622 NE First Street  
Gainesville, Florida 32601  
352-372-7777  
Fax: 352-372-0049  
[www.ffplaw.com](http://www.ffplaw.com)  
[cfine@ffplaw.com](mailto:cfine@ffplaw.com)

**Agenda:**

**a View from the Bench**

1. How has the Foreclosure Crisis Affected Litigation in State Courts?
2. What is the Judicial View on Foreclosures?
3. What Special Considerations Should Attorneys Make In Foreclosure Disputes?
4. The Use of Online Sales in Foreclosure Cases
5. Ethical Issues Involved in Litigating Foreclosure Matters
6. Suggestions to Counsel from the Bench: What Strategies Have Worked?
7. Motion Practice in Foreclosure Disputes
8. Ethical Considerations in Conferring with Opposing Counsel in Foreclosure Matters

**Ethically Resolving Foreclosure Matters Outside the Courtroom**

1. A Background on Litigating Mortgage Foreclosures in State Courts
2. Ethical Issues Involved in Resolving Foreclosures through Mediation
3. Ethical Guidelines in Receiverships
4. Contractual Forms of Alternative Dispute Resolution
5. Judicial Mortgage Foreclosure Process & Mediation
6. Deciding Where to Bring Foreclosure Matters
7. Managing Conflicts of Interest
8. Ethical Overtones in Distressed Loan Purchases and Sales
9. Judgment Purchases and Sales
10. Bid Assignments & Ethical Pitfalls

**Issues in Foreclosure Disputes**

1. Non-judicial Foreclosures

2. Questions to Ask Clients During Initial Interview
3. Commercial Real Estate & Foreclosures
4. Ethical Issues in Commercial Foreclosures
5. The Future for Foreclosure Sales
6. Maintaining Confidences in Foreclosure Litigation
7. Determining Who Is the Client
8. Keeping and Maintaining Expectations Against an Ethical Backdrop

## Jenn C. Lussier

---

**From:** Cherie Fine <cfine@ffplaw.com>  
**Sent:** Wednesday, October 06, 2010 10:18 AM  
**To:** 'Kristine Van Vorst'; PapaGray1@aol.com; bpowell@reasonabledoubt.org; rer@circuit8.org; ellisherb@hotmail.com; David W. Fina; martin@scruggs-carmichael.com; grmlaw@bellsouth.net; chughes@shrlawfirm.com; lucus.taylor@suwanneelawyers.com; aingram@laborattorneys.org; pritchetta@SAO8.org; jsmith@avera.com; sharon@sharonsperling.com; craig@reasonabledoubt.org; mar.ferber@gmail.com  
**Subject:** RE: Our Inns Program

Sorry, right, foreclosure. I apologize for the confusion.

Cherie

---

**From:** Kristine Van Vorst [mailto:vanvorstlawfirm@gmail.com]  
**Sent:** Wednesday, October 06, 2010 9:40 AM  
**To:** PapaGray1@aol.com; bpowell@reasonabledoubt.org; cfine@ffplaw.com; rer@circuit8.org; ellisherb@hotmail.com; fina.david@jud3.flcourts.org; martin@scruggs-carmichael.com; grmlaw@bellsouth.net; chughes@shrlawfirm.com; lucus.taylor@suwanneelawyers.com; aingram@laborattorneys.org; pritchetta@SAO8.org; jsmith@avera.com; sharon@sharonsperling.com; craig@reasonabledoubt.org; mar.ferber@gmail.com  
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Beth and I suggested a program on foreclosures; I think the bankruptcy topic was a mistype. The topic is timely given the recent changes by the Fla. Supreme Court requiring mediation on homesteaded properties and implementation of mediation programs in each circuit. The subject would also include the effect on community associations, comparison of foreclosure on homesteaded, investment, and commercial properties, and how court system is affected (i.e., the number of foreclosures filed, pending, dismissed, etc). As Barbara mentions below we now have a special magistrate that is specifically assigned to handle the foreclosures within our circuit. Jim's suggestion of the different federal programs available would also be helpful as part of the program in addition to the programs that specific lenders may have who do not participate in the federal programs. We could also add a bankruptcy piece regarding any recourse a borrower may have and how the foreclosure action is affected. Thanks, Kristine

Kristine J. Van Vorst, Esq.  
Van Vorst Law Firm, P.A.  
P.O. Box 358808  
Gainesville, Florida 32635  
[vanvorstlawfirm@gmail.com](mailto:vanvorstlawfirm@gmail.com)  
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If this message contains tax advice, to ensure compliance with Treasury Regulations (31 CFR Part 10, §10.35), I inform you that the tax advice contained in this correspondence was not intended or written by me to be used, and cannot be used by you or anyone else, for the purpose of avoiding penalties imposed by the Internal Revenue Code. If you desire a formal opinion on a particular tax matter for the purpose of avoiding the imposition of any penalties, I will discuss referring you to another lawyer regarding the further Treasury requirements that must be met and whether it is possible to meet those requirements under the circumstances, as well as the anticipated time and additional fees involved.

---

**From:** PapaGray1@aol.com [mailto:PapaGray1@aol.com]  
**Sent:** Tuesday, October 05, 2010 10:17 PM  
**To:** bpowell@reasonable-doubt.org; cfine@ffplaw.com; rer@circuit8.org; ellisherb@hotmail.com; fina.david@jud3.flcourts.org; martin@scruggs-carmichael.com; papagray1@aol.com; grmlaw@bellsouth.net; vanvorstlawfirm@gmail.com; chughes@shrlawfirm.com; lucus.taylor@suwanneelawyers.com; aingram@laborattorneys.org; pritchetta@SAO8.org; jsmith@avera.com; sharon@sharonsperling.com; craig@reasonable-doubt.org; mar.ferber@gmail.com  
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Jim

In a message dated 10/5/2010 6:27:07 P.M. Eastern Daylight Time, [bpowell@reasonable-doubt.org](mailto:bpowell@reasonable-doubt.org) writes:

What about foreclosure?...big issues going on....we also have a new magistrate just to deal with the huge flush of cases in state court...Paul Silverman....? Barbara

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

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**Sent:** Tuesday, October 05, 2010 4:28 PM  
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Hey everyone:

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Cherie

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Version: 8.5.445 / Virus Database: 271.1.1/3178 - Release Date: 10/05/10 06:34:00

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