

**Jenn C. Lussier**

---

**From:** Donna D. Moore  
**Sent:** Tuesday, August 24, 2010 1:24 PM  
**To:** Sondra M. Lanier  
**Subject:** Foreclosure  
**Attachments:** Foreclosurerept.docx

Please see attached for information regarding foreclosure cases.

Donna D. Moore  
*Judicial Assistant to  
Darren K. Jackson  
Lafayette County Judge  
Phone: 386-294-1555  
Fax 386-294-5006*

**Cases continuing Final Judgment or Voluntary Dismissal that needs to be closed in CCIS**

97-170-CA	07-181-CA
02-81-CA	08-102-CA
02-101-CA	08-57-CA
02-128-CA	09-86-CA
02-146-CA	09-51-CA
02-151-CA	08-98-CA
02-182-CA	08-142-CA
03-34-CA	10-19-CA
07-162-CA	

**Cases open or recent cases to review again in 6 months**

09-137-CA	10-62-CA
09-08-CA	10-65-CA
09-19-CA	10-66-CA
09-60-CA	10-78-CA
08-160-CA	10-82-CA
09-87-CA	10-83-CA
09-170-CA	10-97-CA
09-169-CA	10-98-CA
09-157-CA	10-99-CA
10-15-CA	10-101-CA
10-43-CA	10-100-CA
10-60-CA	10-115-CA
10-61-CA	10-115-CA
10-22-CA	

**Notice of Dismissal for No Prosecution**

07-169-CA	2/9/08
08-180-CA	12/22/08
09-110-CA	8/28/09

**Cases where there has been no action for over 6 months but less than 1 year**

09-112-CA	2/24/10
09-125-CA	11/4/09
10-18-CA	2/1/10
10-26-CA	3/10

**Cases where suggestion of Bankruptcy has been filed**

08-156-CA  
09-163-CA  
10-16-CA  
10-21-CA

**Cases where defendant has not been served**

09-178-CA

**Denn C. Lussier**

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**From:** Ronna M. Cobble  
**Sent:** Friday, September 17, 2010 11:29 AM  
**To:** Donna D. Moore; Darren K. Jackson  
**Subject:** Foreclosure notices  
**Attachments:** blank intent to dismiss.doc; LACK PROSECUTION.2.doc

Donna,

We have not yet met as I have only been "on the job" for 11 days as Foreclosure Case Manager. There is much to learn but I am working on it. ☺

Judge Jackson and I talked this morning and he asked that I send you these two documents for him to review. The first is the notice to dismiss that Judge Fina uses currently. The second is a notice drafted by Debbie DeNike that hoped to condense notice of dismissal with a notice for case management. There is no uniform method for the circuit at this time. However Judge Jackson determines to word his notices is up to him as of right now. He expressed that he was ready to prepare and send his own notices and that is fine. However, please email or fax something that will help me keep up with the status of your cases because I have to do a monthly report to OSCA showing our progress. Thanks for your help with this. Let me know if I can help further.

*Ronna Jones Cobble*

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

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— — —

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

'  
**Plaintiff,**

**--vs--**

**CASE NO.**

'  
**Defendant,**

---

**NOTICE OF LACK OF PROSECUTION**

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

**HEARING DATE:**

**TIME:**

**JUDGE:**

**LOCATION:**

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

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

**BARRY BAKER  
CLERK OF THE CIRCUIT COURT**

By: \_\_\_\_\_  
DEPUTY CLERK

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

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

Cc:

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

Plaintiff,

--VS--

CASE NO.

Defendant,

---

**ORDER OF DISMISSAL**

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

The court finds that:

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

Accordingly,

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

**DONE AND ORDERED** in Chambers at the Suwannee County  
Courthouse, Live Oak, Florida this \_\_\_ day of \_\_\_\_\_, 2010.

---

DAVID W. FINA  
Circuit Court Judge

Cc:

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

CASE NO.

\_\_\_\_\_ /

TO:

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

PLEASE TAKE NOTICE that it appears on the face of the record that no activity by filing of pleadings, motions, order(s) of court, or otherwise has occurred for a period of ten (10) months immediately preceding service of this notice, and no stay has been issued or approved by the court.

Pursuant to Rule 1.420(e), Fla.R.Civ.P., if no such record activity occurs within sixty (60) days following service of this Notice, and no stay is issued, this action shall be dismissed by the court, on its own motion, or on the motion of any interested person, whether a party to the action or not, after reasonable notice to the parties, unless a party shows good cause, in writing, at least five (5) days before the hearing scheduled below, why the action should remain pending.

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

**ORDER SCHEDULING CASE MANAGEMENT CONFERENCE**

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

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

JUDGE:

DATE/TIME:

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

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

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

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

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

DONE AND ORDERED in Lake City, Columbia County, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
CIRCUIT JUDGE

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

\_\_\_\_\_  
Judicial Assistant/Administrative Assistant/  
Case Manager



**AMERICAN WITH DISABILITIES ACT NOTICE**

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

**Jenn C. Lussier**

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**From:** Sondra M. Lanier  
**Sent:** Friday, October 15, 2010 6:11 AM  
**To:** Candice T. Herring; Darren K. Jackson; David W. Fina; Debbie J. Saunders; Debra P. Sadler; Diane B. Hiers; Donna D. Moore; Donna K. Jones; E. Vernon Douglas; Frederick L. Koberlein; Greg Parker; H. Wetzel Blair; Heather J. Norris; James R. Bean; Jean Pittman; Joyce Cameron; Julian E. Collins; Leandra G. Johnson; Linda H. Morgan; Marcie A. Kemp; Melanie A. Vaughn; Millicent A. Schneider; Pam K. Ring; Paul S. Bryan; Sonny Scaff; Sybil C. Powell; Tom Coleman; William R. Slaughter  
**Subject:** FW: New Publication Announcement from Judge Mark King Leban, Chair, FCEC Publication Committee  
**Attachments:** Foreclosure Bench Book.pdf

FYI...

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**From:** Melissa Henderson [mailto: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

**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 [slesemans@flcourts.org](mailto:slesemans@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

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## **Introduction**

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

### **Definitions:**

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

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

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

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

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

## **Lender's Right to Foreclose**

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

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

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

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

## Jenn C. Lussier

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**From:** Sondra M. Lanier  
**Sent:** Monday, October 25, 2010 10:25 AM  
**To:** Barb Lussier; Bonnie S. Page; Brenda P. Pryce; Carrina M. Cooper; Casey C. Harrison; Charna E. Raines; Crystal M. Ecker; D. Judd Walden; Debbie A. DeNike; Debbie L. Copeland; Dianna W. Peeler; Duane L. Bestoso; Jackie-Jo Brinson; Jana D. Sullivan; Janice M. Howard; Jennifer R. Kuyrkendall; John Lake; Judy S. Eichar; Junaid X. Savani; June Byers; Kathleen M. Brackney; Laurie A. Chaffin; Lisa L. Butler; Lori A. McKee; Lynn Sapp; Nancy T. Blanton; Ronna M. Cobble; Rosalind Merrick; Sandy A. Ring; Tracy Brantley  
**Cc:** Candice T. Herring; Darren K. Jackson; David W. Fina; Debbie J. Saunders; Debra P. Sadler; Diane B. Hiers; Donna D. Moore; Donna K. Jones; E. Vernon Douglas; Frederick L. Koberlein; Greg Parker; H. Wetzel Blair; Heather J. Norris; James R. Bean; Jean Pittman; Joyce Cameron; Julian E. Collins; Leandra G. Johnson; Linda H. Morgan; Marcie A. Kemp; Melanie A. Vaughn; Millicent A. Schneider; Pam K. Ring; Paul S. Bryan; Sonny Scaff; Sybil C. Powell; Tom Coleman; William R. Slaughter  
**Subject:** Staff News

Good morning. Please join me in congratulating Janice Howard who will be assuming the duties of family court case manager next week. Janice was first hired as part-time secretary for the Child Support Hearing Officer, and she then moved to the front desk in Lake City when she was promoted to Administrative Assistant II.

Charna Raines will remain at the front desk in the Lake City office, and she will assume all of the responsibility for the phones and assisting walk-in's. We will not have a second person at the front as we have had in the past, so I am asking Lake City staff to pitch in and help as needed.

The Administrative Assistant III and Administrative Services Manager postings close tomorrow. We will be advertising soon for 2 digital court reporters, although we do not expect those positions to be filled until December. We have not yet hired a User Support Analyst to fill Jacob's old position, although we hope to fill that position soon as well.

Ronna Cobble, who is the Foreclosure Case Manager, is able to work only a few hours per week until mid-December. We are pitching in as much as possible to keep the foreclosure cases moving in her absence, but her absence is definitely being felt.

Thanks to all of you who are pitching in to fill the voids created by all of these vacancies, and to those who are being patient as we adjust workloads and do our best to respond to you in a timely manner.

Sondra

**Jenn C. Lussier**

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**From:** Sondra M. Lanier  
**Sent:** Friday, November 12, 2010 4:35 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; Heather J. Norris; James R. Bean; Jean Pittman; Joyce Cameron; Julian E. Collins; Leandra G. Johnson; Linda H. Morgan; Marcie A. Kemp; Melanie A. Vaughn; Millicent A. Schneider; Pam K. Ring; Paul S. Bryan; Sonny Scaff; Sybil C. Powell; Tom Coleman; William R. Slaughter  
**Cc:** Debbie A. DeNike; Carrina M. Cooper  
**Subject:** Notes from Judges' Meeting

Good afternoon. Following are notes from today's judges' meeting (with a few additional pieces of information).

Court Administration Update

- Jackie Jo Brinson and Junaid Savani, two of our law clerks, presented information about WestLaw Next. Jackie Jo demonstrated some of the features of the new program and advised that Debbie DeNike is working to bring some training to the circuit. Judge Fina asked that the training be on the day of a future judges' meeting for the convenience of those who choose to participate.
- Sondra advised that in the past 6 months the law clerks have reduced the backlog of post-conviction motions from 501 to 297. They expect that all motions filed prior to 2009 will be completed by the end of this year. A backlog has existed for several years, and the situation was aggravated by turnover and hiring freezes. Debbie DeNike and the law clerks have done a wonderful job of organizing and prioritizing the cases so that the backlog continues to be reduced.
- Staff positions are being filled, and court administration expects to be back up to full staff by the end of the year. An updated employee directory has not been produced because of staff turnover and vacancies, but a new one will be published and distributed in early 2011.

Judge Case Count Reporting Requirement

- The clerks of court are supposed to be cleaning up the data in CCIS so that the case count by judge report will be as accurate as possible when it is presented to the Legislature. Some of the clerks have been in contact with the judges in their counties about this, but access to this information through CCIS will not be available to judges and court administration until December 1. At that time, we should be able to access the "appropriations" report through CCIS. Court administration staff will review the data and work with each judge to address whatever issues may exist. This is the data that will be used to prepare the alternative report by division to be prepared and submitted by the court administrator. Staff should be able to look at reopened cases and determine how many were VOP's so that those proceedings will be properly accounted for, and we will work with each judge to determine the other factors that need to be considered in order to present the most accurate picture of workload in each county/division.

E-Portal Update

- A memo regarding the recently established ePortal Interlocal Authority was provided to the judges. The Florida E-Filing Authority is the public body that will own the new Statewide E-Filing Court Records Portal through which attorneys and litigants will be able to file pleadings. The portal is to be up and running by January 1, 2011. The



e-filing plans for probate court in all of the counties in our circuit have been approved. Taylor County recently submitted an application for most of the other divisions in their county, and we expect the other counties to submit a coordinated plan for their other divisions soon. Additional equipment and training will be provided before the judges are expected to begin using the system.

#### Courtroom Space

- Judge Fina reminded everyone that when you are scheduling a hearing in a courthouse other than where you are primarily assigned, please remind your JA's to notify courthouse security in advance. Also, please remember to coordinate with the local judges as well to be sure that courtroom space is available.

#### Mortgage Foreclosure Case Management Issues

- Because of a "disparity in judicial philosophies" regarding mortgage foreclosure case management, Judge Fina advised the judges to work with Ronna Cobble in Court Administration to manage their cases as they see fit. Judge Fina described how he handled his first foreclosure case management docket, and he asked other judges to share their experiences after their hearings as well. Although there was no consensus on a circuit-wide form, Ronna has examples of notices/orders that other judges in our circuit have used.

#### Duty Judge Protocol

- Judge Fina discussed the duty judge protocol again and asked for input regarding whether the protocol should be continued. The consensus was that it should be continued. Judge Fina emphasized the importance of judges being available when they are the duty judge, including answering their cell phones when called and being in proximity to the technology necessary for them to receive, sign, and return emergency petitions, search warrants, etc. Also, Judge Fina asked that judges be sure their JA's are familiar with the protocol and follow it appropriately.

#### County Funding

- The judges reviewed the options available to address the issue of counties not paying their portion of the technology and/or facilities budgets for the courts. (For more information, please contact Judge Fina.) There will be a 15-minute meeting prior to the Christmas luncheon to follow up on this.

#### Judicial Assignments for July

- There will be a Chief Judge election in February, and judicial assignments will be made accordingly.

#### Court Calendar

- Once again, Judge Fina reminded judges of the importance of reviewing the draft master calendar when it is sent out for comments. If you have concerns, including scheduling around certain holidays, etc., those should be addressed with Carrina at that time rather than after the calendar has been finalized.

**FUTURE MEETINGS:** December – There will be a 15-minute meeting prior to the Christmas luncheon at Melody Christian Center.

January – We will invite our legislative delegation to attend this meeting, which will be held in Live Oak. Lin Williams' investiture may be held after lunch on the same day, but this has not been confirmed.

February – The meeting will be held in Hamilton County in February.

**Jenn C. Lussier**

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**From:** Debra Ouelette <Debra.Ouellette@gmlaw.com>  
**Sent:** Monday, November 15, 2010 11:51 AM  
**To:** Donna D. Moore  
**Subject:** 19314.0185 JULIAN CORBIN [WOV-ACTIVE.FID1815]  
**Attachments:** CORRECT ORDER TO APPEAR BY TELEPHOONE.DOC

Donna,  
Please see attached, the revised order with correct telephone number. Please confirm receipt of this email.

Thanks,



**GREENSPOON MARDER, P.A.**  
ATTORNEYS AT LAW

Debra Rigg  
Foreclosure Department  
Trade Centre South, Suite 700  
100 West Cypress Creek Road  
Fort Lauderdale, FL 33309  
954-491-1120 (Office)  
954-771-9264 (Office Fax)  
Email: [debra.ouellette@gmlaw.com](mailto:debra.ouellette@gmlaw.com)  
<http://www.gmlaw.com>

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Pursuant to Internal Revenue Service guidance, be advised that any federal tax advice contained in this written or electronic communication, including any attachments or enclosures, is not intended or written to be used and it cannot be used by any person or entity for the purpose of (i) avoiding any tax penalties that may be imposed by the Internal Revenue Service or any other U.S. Federal taxing authority or agency or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

IN THE CIRCUIT COURT OF THE 3RD  
JUDICIAL CIRCUIT OF FLORIDA IN  
AND FOR LAFAYETTE COUNTY  
GENERAL JURISDICTION DIVISION  
CASE NO. 32-2009-CA-000019

REGIONS BANK D/B/A REGIONS  
MORTGAGE,  
Plaintiff,

vs.

CORBIN, JULIAN M., *et. al.*,  
Defendants.

---

**ORDER ON PLAINTIFF'S REQUEST FOR TELEPHONE APPEARANCE**

THIS CAUSE having come before the Court on Plaintiff's request to appear telephonically at a hearing to be held on the **DECEMBER 17, 2010 AT 10:30AM**, on Plaintiff's MOTION FOR SUMMARY FINAL JUDGMENT IN FORECLOSURE WITH ASSESSMENT OF ATTORNEY'S FEES AND COSTS and the Court being advised in the premises, it is hereby

ORDERED AND ADJUDGED that:

1. Plaintiff's Motion to Appear by Telephone is hereby GRANTED.
2. At the time of the hearing, the Judge shall contact Plaintiff's attorney at (954 )343 6947.

DONE AND ORDERED at LAFAYETTE County Florida, this \_\_\_\_\_.

---

CIRCUIT COURT JUDGE

Copies:

GREENSPOON MARDER, PA,  
TRADE CENTRE SOUTH, SUITE 700,  
100 W CYPRESS CREEK ROAD  
FT LAUDERDALE, FL 33309

DANIEL R. McCOMB, ESQ.  
ATTORNEY FOR JULIAN M CORBIN  
435 EAST MAIN STREET  
BATAVIA, NEW YORK 14020

TAMMY M CORBIN  
3724 W MAIN ST RD  
BATAVIA, NY 14020

LEENETTE W. MCMILLAN, ESQ  
ATTY FOR DEF. LAFAYETTE COUNTY, FLORIDA  
POST OFFICE BOX 1388  
MAYO, FL 32066

1880255 v1

**3rd Cir 1420**

**Jenn C. Lussier**

---

**From:** Ronna M. Cobble  
**Sent:** Tuesday, November 16, 2010 9:14 AM  
**To:** Donna D. Moore  
**Subject:** Case Management Notices  
**Attachments:** bryan 09-61.doc

Thank you. Thank you, for helping with these notices. Let me know if I need to come over and help get them out. I am attaching the notice with the "extra language". I don't have a blank one. You can just delete all info that is not pertinent for you. Call me if there are questions. Please ask Judge Jackson if he wants me present for his hearings. I am appearing at Judges' requests.

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

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

CASE NO. 09-61 CA

Chase Home Finance,  
Plaintiff

vs.

Sharon M. Brown, et. al.,  
Defendant(s)

**ORDER SCHEDULING CASE MANAGEMENT CONFERENCE**

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

DATE/TIME: Thursday, December 2, 2010 at 11:30 a.m.

LOCATION: Columbia County Courthouse  
173 NE Hernando Avenue, Room 256  
Lake City, FL 32055

JUDGE: Paul S. Bryan

Rule 2.250 of the Florida Rules of Judicial Administration provides time standards which are presumptively reasonable for the completion of cases. The court records reflect either that this cause has exceeded these standards or that there are other reasons for case management.

The parties, if not represented by counsel, and counsel of record shall appear as stated above to address the following issues that may aid in the prompt and fair disposition of this action:

1. Schedule or reschedule trial or additional case management conference(s);
2. Schedule or reschedule the service of motions, pleadings and other papers;
3. Coordinate the progress of the action if complex litigation factors are present;
4. Limit, schedule, order or expedite discovery;
5. Schedule disclosure of expert witnesses and discovery of facts known and opinions held by such experts;
6. Require filing of preliminary stipulations if issues can be narrowed;
7. Possibilities of settlement;

8. Referral to mediation;
9. Dismissal;
10. Other\_\_\_\_\_.

**NOTICE OF DISMISSAL/RESOLUTION FILED AT LEAST 5 DAYS BEFORE  
MANAGEMENT CONFERENCE WILL CANCEL CONFERENCE WITH PRIOR  
COURT APPROVAL.**

DONE AND ORDERED in Lake City, Columbia County, Florida this \_\_\_\_\_  
day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
CIRCUIT JUDGE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U.S.  
First Class Mail to the attorneys of record and pro se parties above this \_\_\_\_\_ day of  
\_\_\_\_\_, 2010.

By \_\_\_\_\_

**AMERICAN WITH DISABILITIES ACT NOTICE**

**If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Carrina Cooper, Court Administration at 173 NE Hernando Avenue, Room 408, Lake City, Florida 32055, 386-758-2163 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you are hearing and/or voice impaired, call the Florida Relay Service at 711.**

CC:

Ashleigh L. Politano  
FL Default Law Group, PL  
Post Office Box 25018  
Tampa, FL 33622-5018

Foundation Technologies  
c/o Jefferson M. Braswell, Esquire  
Post Office Box 23109  
Gainesville, FL 32602

Sharon Brown  
6129 SW County Road 138  
Fort White, FL 32038



**Jenn C. Lussier**

---

**From:** Donna D. Moore  
**Sent:** Tuesday, November 16, 2010 10:09 AM  
**To:** Ronna M. Cobble  
**Subject:** RE: Case Management Notices

I will start working on them right away. Judge Jackson said you do not need to attend hearings. There are two cases that the Court has motion to dismiss hearings set for Dec. 7th: 09-19-CA & 09-60-CA. I will remove those from the case management list. If there are any more changes, I'll let you know.

*Donna D. Moore*  
*Judicial Assistant to*  
*Darren K. Jackson*  
*Lafayette County Judge*  
*Phone: 386-294-1555*  
*Fax 386-294-5006*

---

**From:** Ronna M. Cobble  
**Sent:** Tuesday, November 16, 2010 9:14 AM  
**To:** Donna D. Moore  
**Subject:** Case Management Notices

Thank you. Thank you, for helping with these notices. Let me know if I need to come over and help get them out. I am attaching the notice with the "extra language". I don't have a blank one. You can just delete all info that is not pertinent for you. Call me if there are questions. Please ask Judge Jackson if he wants me present for his hearings. I am appearing at Judges' requests.

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

**Jenn C. Lussier**

---

**From:** Ronna M. Cobble  
**Sent:** Tuesday, November 16, 2010 11:06 AM  
**To:** Donna D. Moore  
**Subject:** RE: Notice

It is the one Fina used , with the exception of the added bold language about ....if you file dismissal or resolution within 5 days of hearing.....this hearing will be cancelled.

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

---

**From:** Donna D. Moore  
**Sent:** Tuesday, November 16, 2010 10:25 AM  
**To:** Ronna M. Cobble  
**Subject:** Notice

Judge Jackson would like to know if the notice you sent is the same one that Judge Fina uses?

*Donna D. Moore*  
*Judicial Assistant to*  
*Darren K. Jackson*  
*Lafayette County Judge*  
*Phone: 386-294-1555*  
*Fax 386-294-5006*

**Jenn C. Lussier**

---

**From:** Ronna M. Cobble  
**Sent:** Wednesday, November 17, 2010 2:52 PM  
**To:** Donna D. Moore  
**Subject:** RE: Case management hearing

DON'T EVER USE CAPS IN EMAIL BECAUSE IT MEANS YOU ARE YELLING! I AM YELLING, "YOU ARE AMAZING, SO GOOD AND KIND TO HELP ME OUT THE WAY YOU HAVE. BLESS YOU MY DEAR (AND WHOEVER HELPED YOU). Now, I really can't wait to meet you and deliver some much deserved chocolates!

Your new friend...

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

---

**From:** Donna D. Moore  
**Sent:** Wednesday, November 17, 2010 2:04 PM  
**To:** Ronna M. Cobble  
**Subject:** Case management hearing

Orders for the for the case management hearings on December 6<sup>th</sup> went out today for the following cases:

08-160  
09-170  
09-169  
09-157  
10-15  
10-43  
10-60  
10-22  
10-62  
10-65  
10-66  
10-78  
10-97  
10-98  
10-99  
10-100  
10-115  
09-112  
09-125  
10-18  
10-26

There are a total of 21. If you need additional information or I can be of further assistance, please let me know.

Donna D. Moore  
Judicial Assistant to  
Darren K. Jackson  
Lafayette County Judge  
Phone: 386-294-1555  
Fax 386-294-5006

**Jenn C. Lussier**

---

**From:** Donna D. Moore  
**Sent:** Wednesday, November 17, 2010 3:21 PM  
**To:** Ronna M. Cobble  
**Subject:** RE: Case management hearing

Glad I could help. I look forward to meeting you as well.  
Donna

---

**From:** Ronna M. Cobble  
**Sent:** Wednesday, November 17, 2010 2:52 PM  
**To:** Donna D. Moore  
**Subject:** RE: Case management hearing

DON'T EVER USE CAPS IN EMAIL BECAUSE IT MEANS YOU ARE YELLING! I AM YELLING, "YOU ARE AMAZING, SO GOOD AND KIND TO HELP ME OUT THE WAY YOU HAVE. BLESS YOU MY DEAR (AND WHOEVER HELPED YOU). Now, I really can't wait to meet you and deliver some much deserved chocolates!

Your new friend...

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

---

**From:** Donna D. Moore  
**Sent:** Wednesday, November 17, 2010 2:04 PM  
**To:** Ronna M. Cobble  
**Subject:** Case management hearing

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10-66  
10-78  
10-97  
10-98  
10-99  
10-100

10-115  
09-112  
09-125  
10-18  
10-26

There are a total of 21. If you need additional information or I can be of further assistance, please let me know.

Donna D. Moorz  
Judicial Assistant to  
Darren K. Jackson  
Lafayette County Judge  
Phone: 386-294-1555  
Fax 386-294-5006

**Jenn C. Lussier**

---

**From:** Bryant Clayborn <bclayborn@fcllaw.com>  
**Sent:** Monday, November 22, 2010 12:01 PM  
**To:** Donna D. Moore  
**Cc:** Shirley Harris  
**Subject:** Motion and order to appear telephonically  
**Attachments:** Gay-motion&order.pdf

Good Morning Donna,

Hear is a copy of the Motion and Order to appear telephonically that you request from our firm regarding the hearing for December 6, 2010 at 11:00. The case is U.S. Bank National vs. Christine Alexis Gay number 2009-000092CA. Please feel free to contact me with any questions or concerns you may have.

Bryant Clayborn  
Hearing Coordinator  
Ben-Ezra & Katz, P.A.  
2901 Stirling Road, Suite 300  
Fort Lauderdale, FL 33312  
P. (305) 770-4100 Ext. 877  
F. (305) 653-2329

*The FastTrack Foreclosure Process® / The FastTrack Deed in Lieu Process™ / Serious About Florida Foreclosures® / Member of the Fannie Mae Retained Counsel Network*

This message is intended exclusively for the named person. If you are not the intended recipient, please delete this message without copying and kindly advise us by e-mail of the mistake in delivery. Information contained herein is confidential and may be subject to attorney/client privilege or the work product doctrine.

November 22, 2010

Honorable DARREN K. JACKSON  
Lafayette County Courthouse  
100 N. Main Street, Hwy 27 and 51  
Mayo, FL 32066

Re: U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE HOLDERS OF  
MASTR ADJUSTABLE RATE MORTGAGES TRUST 2007-1 vs. CHRISTINE  
ALEXIS GAY, et al.  
Case No. 09000092CA

Your Honor:

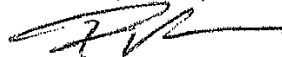
Enclosed you will find the following:

1. Motion for Order Setting Telephonic Hearing;
2. Proposed Order Setting Telephonic Hearing;
3. Envelopes and copies for the parties.

If the Order meets with your approval kindly have your assistant forward conformed copies to the parties in the envelopes provided.

Your assistance and consideration is appreciated.

Respectfully,



Fame Varon

FVA/brc

encl



IN THE CIRCUIT COURT OF THE THIRD  
JUDICIAL CIRCUIT OF FLORIDA IN AND FOR  
LAFAYETTE COUNTY

CASE NO. 09000092CA

U.S. BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR THE HOLDERS OF MASTR  
ADJUSTABLE RATE MORTGAGES TRUST  
2007-1,

Plaintiff,

vs.

CHRISTINE ALEXIS GAY; UNKNOWN  
SPOUSE OF CHRISTINE ALEXIS GAY;  
RICHARD CARL ZINCKE; UNKNOWN  
SPOUSE OF RICHARD CARL ZINCKE;  
UNKNOWN TENANT #1; UNKNOWN TENANT  
#2,

Defendants.

---

**MOTION TO APPEAR BY TELEPHONE**

COMES NOW U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE  
HOLDERS OF MASTR ADJUSTABLE RATE MORTGAGES TRUST 2007-1, Plaintiff, and  
pursuant to Fla.R.Jud.Admin. 2.071, hereby moves this Court to allow Plaintiff's attorney to  
appear at a hearing on DEFENDANT'S MOTION to SET ASIDE THE FORECLOSURE FINAL  
JUDGEMENT. The hearing will require less than 15 minutes to be heard, and the distance  
required to be traveled by Plaintiff's attorney would be cost prohibitive for Plaintiff should the  
attorney be required to appear at said hearing in person. Plaintiff's attorney will be available at  
the time of the hearing to receive a collect call from the Court at (305) 770-4100.

Ben-Ezra & Katz, P.A.  
Attorneys for Plaintiff  
2901 Stirling Road, Suite 300  
Fort Lauderdale, Florida 33312  
Telephone: (305) 770-4100  
Fax: (305) 653-2329

BY: 

Fame Varon  
Fla. Bar No. 29781

Our file 73323 | bro  
Servicer Loan #0031434434  
N:\docs\fc\NM&OPhoneHmg.DOC

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion was mailed to:

CHRISTINE ALEXIS GAY  
16 CUNNINGHAM DR  
NEW SMYRNA BEACH, FL 32168

RICHARD CARL ZINCKE  
789 SE RIVERSIDE EAST DR  
BRANFORD, FL 32066

RICHARD CARL ZINCKE  
18 CUNNINGHAM DR  
NEW SMYRNA BEACH, FL 32168

RICHARD CARL ZINCKE  
23925 SUNDANCE DR  
SORRENTO, FL 32776

RICHARD CARL ZINCKE  
55714 SAM ST  
ASTOR, FL 32102

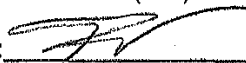
UNKNOWN SPOUSE OF RICHARD CARL ZINCKE,  
789 SE RIVERSIDE EAST DR  
BRANFORD, FL 32066

UNKNOWN SPOUSE OF RICHARD CARL ZINCKE  
18 CUNNINGHAM DR  
NEW SMRYNA BEACH, FL 32168

UNKNOWN SPOUSE OF RICHARD CARL ZINCKE  
23925 SUNDANCE DR  
SORRENTO, FL 32776

UNKNOWN SPOUSE OF RICHARD CARL ZINCKE  
55714 SAM ST  
ASTOR, FL 32102

Ben-Ezra & Katz, P.A.  
Attorneys for Plaintiff  
2901 Stirling Road, Suite 300  
Fort Lauderdale, Florida 33312  
Telephone: (305) 770-4100  
Fax: (305) 653-2329

By:   
Fame Varon  
Fla. Bar No. 29781

Our file 73323 | brc  
Servicer Loan #0031434434  
N:\docs\clm&OPhoneHmg.DOC

IN THE CIRCUIT COURT OF THE THIRD  
JUDICIAL CIRCUIT OF FLORIDA IN AND FOR  
LAFAYETTE COUNTY  
GENERAL JURISDICTION DIVISION

CASE NO. 09000092CA

U.S. BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR THE HOLDERS OF MASTR  
ADJUSTABLE RATE MORTGAGES TRUST  
2007-1,  
Plaintiff,

vs.

CHRISTINE ALEXIS GAY; UNKNOWN  
SPOUSE OF CHRISTINE ALEXIS GAY;  
RICHARD CARL ZINCKE; UNKNOWN  
SPOUSE OF RICHARD CARL ZINCKE;  
UNKNOWN TENANT #1; UNKNOWN TENANT  
#2,  
Defendants.

ORDER ON PLAINTIFF'S REQUEST FOR TELEPHONE APPEARANCE

THIS CAUSE having come before the Court on Plaintiff's request to appear telephonically at a hearing to be held on the 6<sup>th</sup> day of December, 2010, on DEFENDANT'S MOTION to SET ASIDE THE FORECLOSURE FINAL JUDGEMENT. and the Court being advised in the premises, it is hereby

ORDERED AND ADJUDGED that the Plaintiff's Motion to Appear by Telephone is hereby GRANTED/DENIED. At the time of the hearing, the Court will contact Plaintiff's attorney by placing a collect/toll-free call to (305) 770-4100.

DONE AND ORDERED at MAYO, Lafayette County, Florida, this \_\_\_\_ day  
\_\_\_\_\_, 2010.

\_\_\_\_\_  
DARREN K. JACKSON  
CIRCUIT JUDGE

Copies to: Fame Varon, Esq.,  
2901 Stirling Road, Suite 300  
Fort Lauderdale, Florida 33312

Our file 73323 | brc  
Servicer Loan #0031434434  
N:\docs\fol\M&OPhoneHmg.DOC

CHRISTINE ALEXIS GAY  
16 CUNNINGHAM DR  
NEW SMYRNA BEACH, FL 32168

RICHARD CARL ZINCKE  
789 SE RIVERSIDE EAST DR  
BRANFORD, FL 32066

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SORRENTO, FL 32776

RICHARD CARL ZINCKE  
55714 SAM ST  
ASTOR, FL 32102

UNKNOWN SPOUSE OF RICHARD CARL ZINCKE  
789 SE RIVERSIDE EAST DR  
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23925 SUNDANCE DR  
SORRENTO, FL 32776

UNKNOWN SPOUSE OF RICHARD CARL ZINCKE  
55714 SAM ST  
ASTOR, FL 32102

**Jenn C. Lussier**

---

**From:** Debra Ouelette <Debra.Ouellette@gmlaw.com>  
**Sent:** Tuesday, November 30, 2010 4:03 PM  
**To:** Donna D. Moore  
**Subject:** FW: 19314.0185 JULIAN CORBIN [IWOV-ACTIVE.FID1815]  
**Attachments:** image001.png; CORRECT ORDER TO APPEAR BY TELEPHOONE.DOC

Hi Donna,  
Please confirm if our request for telephone appearance is granted. I haven't receive a copy of the order back? Thanks



GREENSPOON MARDER, P.A.  
ATTORNEYS AT LAW

Debra Rigg  
Foreclosure Department  
Trade Centre South, Suite 700  
100 West Cypress Creek Road  
Fort Lauderdale, FL 33309  
954-491-1120 (Office)  
954-771-9264 (Office Fax)  
Email: [debra.ouellette@gmlaw.com](mailto:debra.ouellette@gmlaw.com)  
<http://www.gmlaw.com>

---

**From:** Debra Ouelette [mailto:Debra.Ouellette@gmlaw.com]  
**Sent:** Monday, November 15, 2010 11:51 AM  
**To:** Moore.donna@jud3.flcourts.org  
**Subject:** 19314.0185 JULIAN CORBIN [IWOV-ACTIVE.FID1815]

The information contained in this transmission may be attorney/client privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by reply e-mail.

Pursuant to Internal Revenue Service guidance, be advised that any federal tax advice contained in this written or electronic communication, including any attachments or enclosures, is not intended or written to be used and it cannot be used by any person or entity for the purpose of (i) avoiding any tax penalties that may be imposed by the Internal Revenue Service or any other U.S. Federal taxing authority or agency or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

IN THE CIRCUIT COURT OF THE 3RD  
JUDICIAL CIRCUIT OF FLORIDA IN  
AND FOR LAFAYETTE COUNTY  
GENERAL JURISDICTION DIVISION  
CASE NO. 32-2009-CA-000019

REGIONS BANK D/B/A REGIONS  
MORTGAGE,  
Plaintiff,

vs.

CORBIN, JULIAN M., *et. al.*,  
Defendants.

---

**ORDER ON PLAINTIFF'S REQUEST FOR TELEPHONE APPEARANCE**

THIS CAUSE having come before the Court on Plaintiff's request to appear telephonically at a hearing to be held on the **DECEMBER 17, 2010 AT 10:30AM**, on Plaintiff's MOTION FOR SUMMARY FINAL JUDGMENT IN FORECLOSURE WITH ASSESSMENT OF ATTORNEY'S FEES AND COSTS and the Court being advised in the premises, it is hereby

ORDERED AND ADJUDGED that:

1. Plaintiff's Motion to Appear by Telephone is hereby GRANTED.
2. At the time of the hearing, the Judge shall contact Plaintiff's attorney at (954 )343 6947.

DONE AND ORDERED at LAFAYETTE County Florida, this \_\_\_\_\_.

---

CIRCUIT COURT JUDGE

Copies:

GREENSPOON MARDER, PA,  
TRADE CENTRE SOUTH, SUITE 700,  
100 W CYPRESS CREEK ROAD  
FT LAUDERDALE, FL 33309

DANIEL R. McCOMB, ESQ.  
ATTORNEY FOR JULIAN M CORBIN  
435 EAST MAIN STREET  
BATAVIA, NEW YORK 14020

TAMMY M CORBIN  
3724 W MAIN ST RD  
BATAVIA, NY 14020

LEENETTE W. MCMILLAN, ESQ  
ATTY FOR DEF. LAFAYETTE COUNTY, FLORIDA  
POST OFFICE BOX 1388  
MAYO, FL 32066

1880255 v1

**Jenn.C. Lussier**

---

**From:** Donna D. Moore  
**Sent:** Tuesday, November 30, 2010 4:10 PM  
**To:** 'Debra Ouelette'  
**Subject:** RE: 19314.0185 JULIAN CORBIN [IWOV-ACTIVE.FID1815]

Telephonic appearance was granted on November 15 and copies of the order were mailed out on the same day. If you do not see it soon, I can fax a copy to you.

Donna D. Moore  
Judicial Assistant to  
Darren K. Jackson  
Lafayette County Judge  
Phone: 386-294-1555  
Fax 386-294-5006

---

**From:** Debra Ouelette [mailto:Debra.Ouellette@gmlaw.com]  
**Sent:** Tuesday, November 30, 2010 4:03 PM  
**To:** Donna D. Moore  
**Subject:** FW: 19314.0185 JULIAN CORBIN [IWOV-ACTIVE.FID1815]

Hi Donna,  
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Thanks



**GREENSPOON MARDER, P.A.**  
ATTORNEYS AT LAW

Debra Rigg  
Foreclosure Department  
Trade Centre South, Suite 700  
100 West Cypress Creek Road  
Fort Lauderdale, FL 33309  
954-491-1120 (Office)  
954-771-9264 (Office Fax)  
Email: [debra.ouellette@gmlaw.com](mailto:debra.ouellette@gmlaw.com)  
<http://www.gmlaw.com>

---

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**Sent:** Monday, November 15, 2010 11:51 AM  
**To:** Moore.donna@jud3.flcourts.org  
**Subject:** 19314.0185 JULIAN CORBIN [IWOV-ACTIVE.FID1815]

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notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have

received this communication in error, please notify us immediately by reply e-mail.

Pursuant to Internal Revenue Service guidance, be advised that any federal tax advice contained in this written or electronic communication, including any attachments or enclosures, is not intended or written to be used and it cannot be used by any person or entity for the purpose of (i) avoiding any tax penalties that may be imposed by the Internal Revenue Service or any other U.S. Federal taxing authority or agency or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

**Jenn C. Lussier**

---

**From:** Debra Ouelette <Debra.Ouellette@gmlaw.com>  
**Sent:** Tuesday, November 30, 2010 4:12 PM  
**To:** Donna D. Moore  
**Subject:** RE: 19314.0185 JULIAN CORBIN [IWOV-ACTIVE.FID1815]

Thank you Donna, if you could email or fax me a copy, I would appreciate that.



**GREENSPOON MARDER, P.A.**  
ATTORNEYS AT LAW

Debra Rigg  
Foreclosure Department  
Trade Centre South, Suite 700  
100 West Cypress Creek Road  
Fort Lauderdale, FL 33309  
954-491-1120 (Office)  
954-771-9264 (Office Fax)  
Email: [debra.ouellette@gmlaw.com](mailto:debra.ouellette@gmlaw.com)  
<http://www.gmlaw.com>

---

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**Sent:** Tuesday, November 30, 2010 4:10 PM  
**To:** Debra Ouelette  
**Subject:** RE: 19314.0185 JULIAN CORBIN [IWOV-ACTIVE.FID1815]

Telephonic appearance was granted on November 15 and copies of the order were mailed out on the same day. If you do not see it soon, I can fax a copy to you.

Donna D. Moore  
Judicial Assistant to  
Darren K. Jackson  
Lafayette County Judge  
Phone: 386-294-1555  
Fax 386-294-5006

---

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**Sent:** Tuesday, November 30, 2010 4:03 PM  
**To:** Donna D. Moore  
**Subject:** FW: 19314.0185 JULIAN CORBIN [IWOV-ACTIVE.FID1815]

Hi Donna,  
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Thanks



GREENSPOON MARDER, P.A.  
ATTORNEYS AT LAW

Debra Rigg  
Foreclosure Department  
Trade Centre South, Suite 700  
100 West Cypress Creek Road  
Fort Lauderdale, FL 33309  
954-491-1120 (Office)  
954-771-9264 (Office Fax)  
Email: [debra.ouellette@gmlaw.com](mailto:debra.ouellette@gmlaw.com)  
<http://www.gmlaw.com>

---

**From:** Debra Ouelette [mailto:[Debra.Ouellette@gmlaw.com](mailto:Debra.Ouellette@gmlaw.com)]  
**Sent:** Monday, November 15, 2010 11:51 AM  
**To:** [Moore.donna@jud3.flcourts.org](mailto:Moore.donna@jud3.flcourts.org)  
**Subject:** 19314.0185 JULIAN CORBIN [IWOV-ACTIVE.FID1815]

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**Jenn C. Lussier**

---

**From:** Branden Strickland <brandenstrickland@rocketmail.com>  
**Sent:** Wednesday, December 01, 2010 2:48 PM  
**To:** Donna D. Moore  
**Subject:** Case 10-99-CA/Case Management/Motion for Hearing via Telephone  
**Attachments:** BIRCHLER TELEPHONE MOTION ORDER.pdf

Good Afternoon Donna,

I spoke with you earlier today regarding the Case management hearing on the 4 foreclosures I am representing in your county. Attached is the Motion to attend the Case Management Hearing via telephone as well as the order. In addition, tomorrow I will e-mail (as well as mail) a Motion for Default Final Judgment as well as all the necessary affidavits so this case can be set for a hearing. Please let me know if you need anything else in the meantime. I will be sending you 3 more of these before I go home today. Thanks so much for your help and have a great day!

Branden L. Strickland, Esq  
Strickland Law Firm, P.L.  
121 Alhambra Plaza  
Suite 1500  
Coral Gables, FL 33134  
(305)779-5660 PHONE  
(305)262-1920 FAX

Please be advised that this law firm may be acting as a debt collector and is attempting to collect a debt and any information provided will be used for that purpose.

CONFIDENTIALITY NOTICE - This e-mail transmission, and any documents, files or previous e-mail messages attached to it may contain information that is confidential or legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that you must not read or play this transmission and that any disclosure, copying, printing, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify the sender by telephone or return e-mail and delete the original transmission and its attachments without reading or saving in any manner.

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

PICKETT LAKE SUBDIVISION, INC.,

CIVIL DIVISION

Plaintiff,

CASE NO.:10-99-CA

vs.

DION BIRCHLER,  
ANY AND ALL UNKNOWN PARTIES  
CLAIMING BY, THROUGH, UNDER, AND  
AGAINST THE HEREIN NAMED INDIVIDUAL  
DEFENDANT(S) WHO ARE NOT KNOWN TO  
BE DEAD OR ALIVE, WHETHER SAID  
UNKNOWN PARTIES MAY CLAIM AN  
INTEREST AS SPOUSES, HEIRS, DEVISEES,  
GRANTEES OR OTHER CLAIMANTS

Defendant

**MOTION FOR TELEPHONIC APPEARANCE**

COMES NOW, Branden L. Strickland, Attorney for Plaintiff, and moves this Court for an Order to permit the Petitioner to appear via telephone.

1. The Petitioner, Branden L. Strickland, requests to appear by phone because Petitioner's primary office is located in Coral Gables, FL and Petitioner has several meetings scheduled in Coral Gables on Monday, December 6, 2010 that would be burdensome to reschedule. In addition, Petitioner is a sole practitioner and it would cause a financial hardship to travel to Lafayette County, Florida for this hearing.

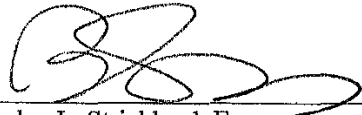
2. The Petitioner's attendance at this hearing is not possible absent an Order from this Court for this purpose on the aforementioned date.

WHEREFORE, the Petitioner, Branden L. Strickland, requests this Court to enter an Order allowing attendance via telephone for the hearing on the Case management Conference on Monday, December 6,

2010 at 9:00 a.m.

Respectfully Submitted,

Date: December 1, 2010

A handwritten signature in black ink, appearing to be 'Branden L. Strickland', written over a horizontal line.

Branden L. Strickland, Esq.  
Attorney for Plaintiff  
Strickland Law Firm, P.L.  
121 Alhambra Plaza, Suite 1500  
Coral Gables, FL 33134  
Telephone (305) 779-5660  
Florida Bar No. 12169

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

PICKETT LAKE SUBDIVISION, INC.,

CIVIL DIVISION

Plaintiff,

CASE NO.:10-99-CA

vs.

DION BIRCHLER,  
ANY AND ALL UNKNOWN PARTIES  
CLAIMING BY, THROUGH, UNDER, AND  
AGAINST THE HEREIN NAMED INDIVIDUAL  
DEFENDANT(S) WHO ARE NOT KNOWN TO  
BE DEAD OR ALIVE, WHETHER SAID  
UNKNOWN PARTIES MAY CLAIM AN  
INTEREST AS SPOUSES, HEIRS, DEVISEES,  
GRANTEES OR OTHER CLAIMANTS

Defendant

**ORDER ON MOTION FOR TELEPHONIC HEARING**

**THIS CAUSE**, coming on to be considered on the Plaintiff's Motion For Telephonic Hearing, and the Court having reviewed said motion and being fully advised in the premises, it is hereby

**ORDERED AND ADJUDGED:**

1. That Plaintiff's Motion to Appear via Telephone at Case Management Conference on December 6, 2010 at 9:00 a.m. is granted.
2. That said hearing will be held on **December 6, 2010 at 9:00 a.m.** before the undersigned Judge at the Lafayette County Courthouse.
3. Plaintiff's counsel can be reached at the time of the hearing at (305) 779-5660 or an alternative number is 786-553-4099.
4. Plaintiff's counsel will be available at the scheduled hearing time and will await the phone call from the presiding judge.

**ORDERED** this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
CIRCUIT JUDGE

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Order for Telephonic Hearing was furnished by U.S. Mail to the following addressees:

Strickland Law Firm, P.L.  
Branden L. Strickland  
121 Alhambra Plaza  
Suite 1500  
Coral Gables, FL 33134

Dion Birchler  
2701 Epworth Lane  
Owensborough, KY 42303

---

Judicial Assistant

**Plaintiff's Telephone No. (305) 779-5660**



**Jenn C. Lussier**

---

**From:** Ronna M. Cobble  
**Sent:** Tuesday, December 07, 2010 10:08 AM  
**To:** Donna D. Moore  
**Subject:** notice of dismissal  
**Attachments:** fina dismissal 09-420.doc

Let me know if I need to work on these further. Thanks for your help.

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

---

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

Case No. 09-420 CA

Bank of New York Mellon Trust,  
Plaintiff,

-vs-

William Nixon, et. al.,  
Defendant.

---

**ORDER OF DISMISSAL WITHOUT PREJUDICE**

**THIS CAUSE** coming on to be heard for Case Management Conference; and the Plaintiff having failed to appear; and the Court being otherwise fully advised in the premises, it is, after due consideration

**ORDERED AND ADJUDGED** as follows:

1. This case is Dismissed. This dismissal is without prejudice
2. This Court hereby retains jurisdiction of the parties hereto and the subject matter hereof for the purpose of entering such other and further Orders as may be just and proper in and about this cause.

**DONE AND ORDERED** at Live Oak, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2010.

---

CIRCUIT COURT JUDGE

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was furnished to the parties named hereinabove at the addresses shown hereinabove by Regular United States Mail, this \_\_\_\_ day of \_\_\_\_\_, 2010.

---

Deputy Clerk



**Jenn C. Lussier**

---

**From:** Donna D. Moore  
**Sent:** Tuesday, December 07, 2010 1:56 PM  
**To:** Darren K. Jackson  
**Subject:** FW: notice of dismissal  
**Attachments:** fina dismissal 09-420.doc

---

**From:** Ronna M. Cobble  
**Sent:** Tuesday, December 07, 2010 10:08 AM  
**To:** Donna D. Moore  
**Subject:** notice of dismissal

Let me know if I need to work on these further. Thanks for your help.

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

---

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

Case No. 09-420 CA

Bank of New York Mellon Trust,  
Plaintiff,

-vs-

William Nixon, et. al.,  
Defendant.

---

**ORDER OF DISMISSAL WITHOUT PREJUDICE**

**THIS CAUSE** coming on to be heard for Case Management Conference; and the Plaintiff having failed to appear; and the Court being otherwise fully advised in the premises, it is, after due consideration

**ORDERED AND ADJUDGED** as follows:

1. This case is Dismissed. This dismissal is without prejudice
2. This Court hereby retains jurisdiction of the parties hereto and the subject matter hereof for the purpose of entering such other and further Orders as may be just and proper in and about this cause.

**DONE AND ORDERED** at Live Oak, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
CIRCUIT COURT JUDGE

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was furnished to the parties named hereinabove at the addresses shown hereinabove by Regular United States Mail, this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Deputy Clerk

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**Jenn C. Lussier**

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**From:** Sondra M. Lanier  
**Sent:** Friday, December 10, 2010 2:37 PM  
**To:** Candice T. Herring; Darren K. Jackson; David W. Fina; Debbie J. Saunders; Debra P. Sadler; Diane B. Hiers; Donna D. Moore; Donna K. Jones; E. Vernon Douglas; Frederick L. Koberlein; Greg Parker; H. Wetzel Blair; Heather J. Norris; James R. Bean; Jean Pittman; Joyce Cameron; Julian E. Collins; Leandra G. Johnson; Linda H. Morgan; Marcie A. Kemp; Melanie A. Vaughn; Millicent A. Schneider; Pam K. Ring; Paul S. Bryan; Sonny Scaff; Sybil C. Powell; Tom Coleman; William R. Slaughter  
**Cc:** Jenn D. Lussier; John Lake  
**Subject:** Public Records Request

Good afternoon. There was one matter that we forgot to mention at this morning's meeting. We are preparing a response to the ACLU's public records request regarding foreclosures, and we have to retrieve e-mails that were sent or received on the subject. The server on which this information was stored experienced a failure, so we need to get the information from each of our computers. There are 2 ways to accomplish this, so please let me know which you prefer:

Option 1: You can do a search of your e-mails using the search term "foreclosure", and then forward each of those e-mails to [Lussier.jen@jud3.flcourts.org](mailto:Lussier.jen@jud3.flcourts.org) so that Jenn can print and compile them.

Option 2: You can let me know that you prefer to have John log in to your account remotely and conduct the search for you. If this is your choice, we will print the e-mails and handle it all without anything being required of you (except your permission).

We need to complete this task by the end of next week, so please let me know your preference.

Thanks,  
Sondra

**Debbie J. Saunders**

---

**From:** Sondra L. Williams  
**Sent:** Wednesday, March 18, 2009 9:03 AM  
**To:** Candice T. Herring; Darren K. Jackson; David W. Fina; Debbie J. Saunders; Debra P. Sadler; Diane B. Hiers; 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; Liz B. Sullivan; Marcie A. Kemp; Melanie A. Vaughn; Millicent A. Schneider; Pam K. Ring; Patty L. Harris; Paul S. Bryan; Sonny Scaff; Tom Coleman; William R. Slaughter  
**Subject:** FW: Task Force on Residential Mortgage Foreclosure Cases - Response Requested

Please see the following from OSCA, and let me know if there is anything that you would like me to pass on to this group.

Thanks,  
Sondra

---

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

Chief Justice Quince recently created a Task Force on Residential Mortgage Foreclosure Cases and appointed Judge Jennifer Bailey as the chair.

<http://www.floridasupremecourt.org/clerk/adminorders/2009/AOSC09-8.pdf>

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

- Copies of all Administrative Orders dealing with Mortgage Foreclosures from your circuit
- A listing of the three most significant problems with mortgage foreclosures in your circuit
- Any suggestion or ideas on rule amendments, procedures, or policies which would help you and your judges with mortgage foreclosures

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



**Debbie J. Saunders**

---

**From:** Sharon Press [presss@flcourts.org]  
**Sent:** Wednesday, June 03, 2009 11:31 AM  
**To:** Debbie J. Saunders  
**Subject:** Mortgage Foreclosure Task Force Survey for Judges

Dear Colleagues:

The Supreme Court Task Force on Foreclosures has designed a survey for judges to try to capture the problems we are all experiencing. You can access the survey at <http://intranet.flcourts.org/> and look right below the masthead and you will see it. This is the chance to make your complaints heard, please fill it out!

*Jennifer D. Bailey*

Chair, Supreme Court Residential Mortgage Foreclosure Task Force  
Administrative Judge, Civil Division  
11th Judicial Circuit  
Miami-Dade County Courthouse  
73 W. Flagler St., Room 1307  
Miami, FL 33130  
(305) 349-7152

12/14/2010

**3rd Cir 1457**

**Debbie J. Saunders**

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**From:** Kristine Slayden [slaydenk@flcourts.org]  
**Sent:** Thursday, July 23, 2009 11:39 AM  
**To:** DCA Budget Commission; Trial Court Budget Commission; Trial Court Chief Judges; DCA Marshals; DCA Chief Judges; Trial Court Administrators  
**Cc:** Charlotte Jerrett; Dorothy Wilson; Lavitta Stanford; Lisa Goodner  
**Subject:** State Courts Revenue Trust Fund  
**Attachments:** Fine and Filing Fee Revenue compared to obligations and cash recieved.pdf

Members, Chief Judges, Marshals, and Trial Court Administrators – Attached is an accounting of the State Courts Revenue Trust Fund, comparing the projected revenue to estimated expenses and cash received as of July 22, 2009. As you can see from the spreadsheet, we have received almost \$28 million in filing fees and fines, from money collected by the clerks of court in June 2009. Please note that our projected monthly revenue of \$23.3 represents 1/12 of the total amount projected to be collected in FY 2009-10. It is possible that the amount collected over the year will be larger in the first part of the year and smaller in the later months, due to foreclosure cases slowing down as the economy improves.

I am working on an analysis by type of revenue (sliding scale in foreclosure cases, probate increase, traffic fines, etc.) to compare projected versus actual cash receipts in June. I will send that out to you when completed. I will also share this information with the Revenue Estimating Conference that is meeting Tuesday, July 28<sup>th</sup>. 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)

12/14/2010

**Debbie J. Saunders**

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**From:** Brenda Johnson [johnsonb@flcourts.org]  
**Sent:** Thursday, September 03, 2009 11:10 AM  
**To:** SC-JUSTICES; DCA Budget Commission; Trial Court Chief Judges; Trial Court Budget Commission; Trial Court Administrators; Judge Peter Blanc; Judge Gary Flower  
**Cc:** Lisa Goodner; Blan Teagle; Laura Rush; Steve Henley; Cal Goodlett  
**Subject:** Creation of a pro bono foreclosure defense funding program  
**Attachments:** Attorney General.pdf

The attached "Media Advisory" provides information regarding the creation of a pro bono foreclosure defense funding program and the partnership between Attorney General Bill McCollum and the Florida Bar Foundation.

*Brenda G. Johnson*

Director of Community and Intergovernmental Relations  
Office of the State Courts Administrator  
500 South Duval Street  
Tallahassee, FL 32399-1900  
(850)922-5692

12/14/2010

**3rd Cir 1459**

MEDIA ADVISORY

To: Interested Media  
Date: September 3, 2009  
Subject: Attorney General to make South Florida announcement on foreclosure defense funding

Members of the Media,

Attorney General Bill McCollum will make an important announcement this afternoon regarding his pro bono foreclosure defense funding program, created in partnership with The Florida Bar Foundation. He will be joined by representatives from several South Florida organizations which will be involved in this program.

Who: Attorney General Bill McCollum  
Tony Karrat, Executive Director, Legal Aid Service of Broward County  
Luis Felipe Pinzon, Director of Programs, Hispanic Unity of Florida  
Shawn Boehringer, Director of Advocacy, Legal Aid Service of Broward County  
Kathleen Thomsen, Director of Development, Legal Aid Service of Broward County  
Roland Sanchez Medina, President, Cuban American Bar Association  
Carolina Lombardi, senior housing attorney, Legal Services of Greater Miami, Inc.  
Richard Champagne, President, Haitian Lawyers Association  
Maria D. Garcia, board member, Spanish American League Against Discrimination, Inc.  
Lorenzo Cobiella, executive director, Spanish American League Against Discrimination, Inc.  
Osvaldo Soto, board Chairman, Spanish American League Against Discrimination, Inc.  
Marcos Regalado, board member, Spanish American League Against Discrimination, Inc.  
Reverend Guillermo Revuelta, board member, Spanish American League Against Discrimination, Inc.

What: South Florida announcement on pro bono foreclosure defense funding

When: Thursday, September 3, 2009, 2:00 p.m.

Where: Office of the Attorney General  
Rivergate Plaza, Sixth Floor  
444 Brickell Ave  
Miami, FL

Contact: Sandi Copes/850.245.0150  
[Sandi.Copes@myfloridalegal.com](mailto:Sandi.Copes@myfloridalegal.com)

###

**Debbie J. Saunders**

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**From:** Tenisha Lewis [lewist@flcourts.org]  
**Sent:** Thursday, September 03, 2009 5:01 PM  
**To:** Debbie J. Saunders  
**Subject:** Foreclosure 101

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

**FORECLOSURE 101**

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

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

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

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

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

12/14/2010

**3rd Cir 1461**

## **Foreclosure 101 Videoconference**

*for Circuit Judges and Senior Judges*

**Wednesday, September 30, 2009**

**12:15 p.m. – 1:30 p.m. ET**

### **Course Content**

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

### **Faculty**

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

### **Location**

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

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

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

### **How to Register**

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

<http://www.flcourts.org/UlimateSurvey/3surveys/takeSurvey.aspx?s=AED056A4D7C1B41181A4950611CA3>  
FIRMC

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

### **Contact Information**

Danka Winter, Court Education Senior Attorney  
(850) 488-2842 or [winterd@flcourts.org](mailto:winterd@flcourts.org)

### **Website**

[http://intranet.flcourts.org/osca/Judicial\\_Education/DistanceLearning/2009Foreclosure101/roain.html](http://intranet.flcourts.org/osca/Judicial_Education/DistanceLearning/2009Foreclosure101/roain.html)

**Debbie J. Saunders**

---

**From:** Heather Thuotte-Pierson [piersonh@flcourts.org]  
**Sent:** Tuesday, November 24, 2009 2:00 PM  
**To:** Trial Court Budget Commission; DCA Budget Commission  
**Cc:** Lisa Goodner; Charlotte Jerrett; Kristine Slayden  
**Subject:** Trust Fund Revenue Estimates - November 2009 Article V Revenue Estimating Conference  
**Attachments:** ArticleVTrustFundEstimates\_Nov2009.pdf

Members-

The official estimates from the November 16, 2009 Article V Revenue Estimating Conference for the State Courts Revenue Trust Fund, the Clerk of Court Trust Fund and General Revenue are attached. Proposed forecasts were provided to the conference principals by the Legislative Office of Economic and Demographic Research, the Executive Office of the Governor, the Office of the State Courts Administrator and the Clerks of Court Operations Corporation. Official estimates were based on first quarter revenue receipts for FY 2009-10 and/or transaction data. More detailed information on the estimates can be found on the Office of Economic and Demographic Research website here:

[http://edr.state.fl.us/conferences/Article%20V/Article%20V%20Results\\_11-16-09\\_.pdf](http://edr.state.fl.us/conferences/Article%20V/Article%20V%20Results_11-16-09_.pdf)

The conference principals significantly increased the revenue projection for the SCRTF (mostly due to mortgage foreclosure filings still remaining high) by \$136.4. This means the 8% service charge on trust fund revenues will also go up. The \$125.5 excess, after the additional service charge is paid, is just excess cash or a cushion that we can't spend. They kept foreclosure revenue projections up for FY 2010-11 as well. They believe (and have been told by a number of banks) that there are still a significant number of delinquent mortgages that the banks/mortgage companies have not filed on yet.

For the COCTF, they reduced the revenue down fairly significantly (\$47 million). This is mostly due the fact that the clerks did not send up any revenue collected in June to the Department of Revenue in July. They kept that money locally, so the new revenue forecasts are based on just 11 months of revenue. Their typical remittance has been around \$37-41 million a month. The remaining decrease is most likely due to a reduction in the fine revenue, which represents a bigger portion of their revenue than it does in the court's trust fund. The conference did not address what happened to the June revenue that was kept locally or how the 10% of fine revenue plays into their budgets.

The forecasts for direct receipts to GR (from SB 1790 revenues from session 2008, the \$80 redirect, counterclaims, 20.6% of fines and some other revenue sources) were also adjusted upward by 7%. However the amount projected to get in excess from the clerks went down to \$0 from the original estimate of \$58 million. This is due to the reduction in revenue mentioned above and the 8% service charge that the clerks must pay that wasn't factored into the calculation of excess before.

Please let me know if you have any questions.

Thanks,  
Heather

Heather Thuotte-Pierson  
Office of the State Courts Administrator

12/14/2010

Court Statistics Consultant  
(850) 410-3376  
[piersonh@flcourts.org](mailto:piersonh@flcourts.org)

12/14/2010

**3rd Cir 1464**



**July 2009 and November 2009 Article V Revenue  
Projection Comparisons  
COCTF and SCRTF  
(in millions)**

Fiscal Year	Estimate	Clerk of Court Trust Fund	State Courts Revenue Trust Fund
2009-10	OLD (July)	\$516.5	\$279.6
2009-10	NEW (November)	\$469.5	\$416.0
2010-11	OLD (July)	\$517.9	\$214.3
2010-11	NEW (November)	\$505.9	\$368.6

Source: FY 2009/10 and FY 2010/11 Projected Revenue from the July 2009 and November 2009 Article V Revenue Estimating Conferences

Notes:

The SCRTF fund estimate increased in November due to foreclosures declining at a slower rate than previously expected.

The lower November estimate for the COCTF is based on 11 months of revenue and not solely a result of declining revenues.

**July 2009 and November 2009 Article V Revenue Projection  
Comparisons  
General Revenue  
(in millions)**

Fiscal Year	Estimate	Direct GR Receipts	Transfer to GR	Total General Revenue
2009-10	OLD (July)	\$187.2	\$58.0	\$245.2
2009-10	NEW (November)	\$200.6	\$0.0	\$200.6
2010-11	OLD (July)	\$184.7	\$58.0	\$242.7
2010-11	NEW (November)	\$196.1	\$11.2	\$207.3

Source: FY 2009/10 and FY 2010/11 Projected Revenue from the July 2009 and November 2009 Article V Revenue Estimating Conferences

State Courts Revenue Trust Fund  
Revenue Projections by Source (in millions)  
FY 2009/10 and FY 2010/11

Source	FY 2009/10 Projected Revenue <sup>1</sup> (Annual Projection)	FY 2010/11 Projected Revenue <sup>1</sup> (Annual Projection)
\$5 Civil Traffic Assessment	\$11.6	\$11.6
Adjudication Withheld Fine	\$4.5	\$4.5
\$25 Speeding Fine Increase	\$8.2	\$8.2
18% Driving School Reductio	\$6.5	\$6.6
Real Property/Foreclosure \$80 Redirect, \$100 Fee Increase and Graduated Filing Fee Increase	\$326.0	\$279.2
\$115 Increase in Probate	\$7.7	\$7.7
\$180 Redirect/Increase in Circuit Civil (Excluding Foreclosures)	\$40.6	\$39.8
\$80 Redirect in Family	\$10.1	\$10.2
Counterclaim Graduated Fee Increase	\$0.8	\$0.8
<b>Total</b>	<b>\$416.0</b>	<b>\$368.6</b>

<sup>1</sup> FY 2009/10 and FY 2010/11 Projected Revenue from the November 2009 Article V Revenue Estimating Conference.

State Courts Revenue Trust Fund  
FY 2009/10 Monthly Revenue Comparisons (Projected vs. Actual)

Source	FY 2009/10 Projected Revenue <sup>1</sup> (Annual Projection)	FY 2009/10 Projected Revenue (One Month Projection)	Actual Revenues (June 2009 Collections/July 2009 Remittance) <sup>2</sup>	Actual Revenues (July 2009 Collections/Aug. 2009 Remittance) <sup>3</sup>	Actual Revenues (August 2009 Collections/Sept 2009 Remittance) <sup>4</sup>	Actual Revenues (September 2009 Collections/Oct 2009 Remittance) <sup>5</sup>	FY 2009/10 Year to Date Collections
\$5 Civil Traffic Assessment	\$11,600,000	\$966,667	\$899,775	\$971,701	\$934,149	\$971,073	\$3,776,698
Adjudication Withheld Fine	\$4,500,000	\$375,000	\$370,461	\$306,888	\$355,545	\$456,676	\$1,489,569
\$25 Speeding Fine Increase	\$8,200,000	\$683,333	\$667,850	\$656,855	\$591,679	\$607,852	\$2,524,236
18% Driving School Reduction	\$6,500,000	\$541,667	\$612,012	\$576,188	\$517,007	\$543,103	\$2,248,310
Real Property/Foreclosure \$80 Redirect, \$100 Fee Increase and Graduated Filing Fee Increase	\$326,000,000	\$27,166,667	\$25,375,554	\$32,382,791	\$28,541,485	\$28,747,773	\$115,047,603
\$115 Increase in Probate	\$7,700,000	\$641,667	\$602,263	\$749,940	\$681,504	\$682,863	\$2,716,570
\$180 Redirect/Increase in Circuit Civil (Excluding Foreclosures)	\$40,600,000	\$3,383,333	\$3,105,135	\$4,401,186	\$3,385,423	\$3,357,912	\$14,249,656
\$80 Redirect in Family	\$10,100,000	\$841,667	\$2,036,428	\$414,566	\$463,788	\$438,614	\$3,353,397
Counterclaim Graduated Fee Increase	\$800,000	\$66,667	\$74,892	\$75,776	\$66,441	\$61,428	\$278,538
Other (Refunds)	NA	NA	\$1,097	NA	NA	NA	\$1,097
<b>Total</b>	<b>\$416,000,000</b>	<b>\$34,666,667</b>	<b>\$33,745,466</b>	<b>\$40,535,893</b>	<b>\$35,537,020</b>	<b>\$35,867,293</b>	<b>\$145,685,673</b>

Note: Monthly Projected Revenue represent 1/12 of the annual amount. Actual revenue will vary from month to month, and revenues will likely be lower in later months due to foreclosure cases slowing down as the economy improves.

<sup>1</sup> FY 2009-10 Projected Revenue from the November 2009 Article V Revenue Estimating Conference.

<sup>2</sup> As reported in the Department of Revenue August Consolidation Report

<sup>3</sup> As reported in the Department of Revenue September Consolidation Report

<sup>4</sup> As reported in the Department of Revenue October Consolidation Report

<sup>5</sup> As reported in the Department of Revenue November Consolidation Report

**Debbie J. Saunders**

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

Judges,

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

DeWitt

p.s. Happy New Year

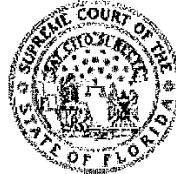
12/14/2010

**3rd Cir 1469**

**Debbie J. Saunders**

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**From:** Debbie Howells [howellsd@flcourts.org]  
**Sent:** Wednesday, December 30, 2009 4:17 PM  
**To:** Debbie J. Saunders  
**Subject:** Cases Involving Complex Civil Litigation




**Office of the State Courts Administrator**

Phone: (850) 922-5081 Fax: (850) 488-0156  
e-mail: osca@flcourts.org

**M E M O R A N D U M**

**TO:** All Circuit Court Judges  
All County Court Judges

**FROM:** Lisa Goodner 

**DATE:** December 30, 2009

**SUBJECT:** Cases Involving Complex Civil Litigation

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The purpose of this memorandum is to provide you with information about the recent Supreme Court opinion regarding complex civil litigation and the impact it could potentially have on judicial work in the circuit civil and family divisions.

The Court's opinion in In Re: Amendments to the Florida Rules of Civil Procedure – Management of Cases Involving Complex Litigation, Case No. SC08-1141, was released on May 28, 2009. The opinion is available at <http://www.floridasupremecourt.org/decisions/2009/sc08-1141.pdf>.

On October 15, 2009, in response to comments from separate interested parties, the Supreme Court released a supplement to that opinion. To view the updated opinion, please go to <http://www.floridasupremecourt.org/decisions/2009/sc08-1141a.pdf>. Some requirements became effective on May 28, 2009 (the date the original opinion was released), and others will become effective on January 1, 2010. We encourage you to review both the May 28 and October 15 opinions for further information.

The Court adopted a total of four **required** forms as part of the Rules of Court Procedure. The first three forms listed below are available on The Florida Bar website ([www.floridabar.org](http://www.floridabar.org)) under Professional Practice, Rules of Procedure. The fourth form listed below is available on the Florida

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**3rd Cir 1470**

Courts website ([www.flcourts.org](http://www.flcourts.org)) under Self Help, Family Law Forms.

- 1) Form 1.997, the revised Civil Cover Sheet (effective January 1, 2010);
- 2) Form 1.998, the revised Final Disposition Form (effective May 28, 2009, and revised on October 25, 2009);
- 3) Form 1.999, the new Order Designating a Case Complex (effective May 28, 2009); and
- 4) Form 12.928, the new Cover Sheet for Family Court Cases (effective January 1, 2010).

These forms significantly redefine the categories under which civil and family cases must be reported by the county clerks of court, as required for the Summary Reporting System (SRS). The opinion also establishes a new quarterly Complex Case Report.

With regard to the forms and report, please be aware of the following:

1. Form 1.999 – Order Designating a Case Complex. This form is available on The Florida Bar’s website, but it needs to be adapted for each circuit and county. Those circuits that do not already have the revised form in place should take steps to adapt and implement the form.
2. Complex Case Report. The opinion requires the county clerk of court to report quarterly details on each case that is currently designated as complex. As part of that reporting requirement, the clerks will need to know the hearing/trial dates and last action events. The clerks may need to get this information from the judicial assistants in many cases, as they are the individuals responsible for setting the dates. The new 2010 Circuit Civil instructions, which update the 2002 SRS Manual, are available on the Florida Courts website at [http://www.flcourts.org/gen\\_public/pubs/srsmanual.shtml](http://www.flcourts.org/gen_public/pubs/srsmanual.shtml). These instructions include detailed reporting requirements for the Complex Case Report. Please note that the instructions and Frequently Asked Questions are fairly lengthy (42 pages).
3. Form 12.928 – Family Cover Sheet. The new 2010 Circuit Family instructions, which update the 2002 SRS Manual, are available on the Florida Courts website at [http://www.flcourts.org/gen\\_public/pubs/srsmanual.shtml](http://www.flcourts.org/gen_public/pubs/srsmanual.shtml). These instructions include definitions of the new case types on the cover sheets. Please note that the instructions and Frequently Asked Questions are fairly lengthy (34 pages). We believe that the new case types listed on the cover sheet may generate questions from the clerks to the judges during hearings. In addition, there have already been questions raised about whether the Family Cover Sheet is required for dependency or delinquency cases. In its October 15, 2009, opinion in Case No. SC08-1141, the Supreme Court states the following on page 5 in the first paragraph: “We also amend form 12.928 to make it a Florida Family Law Rule of Procedure Form, as opposed to a Florida Supreme Court Approved Family Law Form, as requested by the Family Law Rules Committee.” In the last paragraph on page 5, the Supreme Court further states: “Our intent is to ensure that form 12.928, as adopted herein, is filed in all cases under the Florida Family Law Rules of Procedure or the Florida Rules of Juvenile Procedure.” As of December 2009, the Court has not adopted a rule that requires the family court cover sheet be filed in delinquency and dependency cases. However, the opinion in Case No. SC08-1141 indicates the intention of the Court to have the family court cover sheet filed in all cases that fall under the definition of family and juvenile cases. That approach will facilitate the clerk’s responsibility to report judicial workload data pursuant to section 25.075, Florida Statutes.
4. Form 1.997 – Civil Cover Sheet. Again, you may want to refer to new 2010 Circuit Civil

instructions that update the 2002 SRS Manual and that are available online at [http://www.flcourts.org/gen\\_public/pubs/srsmanual.shtml](http://www.flcourts.org/gen_public/pubs/srsmanual.shtml). These instructions include definitions of the new case types on the cover sheets. We believe that the new case types listed on the cover sheet may generate questions from the clerks to the judges during hearings. This is also true for foreclosure cases when the clerk needs to make sure that they have the valuation information on the final judgment to determine if a refund needs to be given or additional fees need to be charged.

I hope that these circuit civil and circuit family forms and SRS 2010 instructions will be helpful to you and your staff. If you have any comments or questions regarding this information please contact Ms. Miriam Jugger, Senior Court Analyst I in the OSCA Court Services office, by e-mail ([juggerm@flcourts.org](mailto:juggerm@flcourts.org)) or phone (850-410-1888).

Thank you for your time, cooperation, and commitment.

LG:MJ:dgh

cc: Chief Judges of the Circuit Courts  
Trial Court Administrators

12/14/2010

**3rd Cir 1472**



**Debbie J. Saunders**

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**From:** Heather Thuotte-Pierson [piersonh@flcourts.org]  
**Sent:** Friday, February 12, 2010 1:29 PM  
**To:** Trial Court Chief Judges; Trial Court Budget Commission; Trial Court Administrators  
**Cc:** Lisa Goodner; Kristine Slayden; Charlotte Jerrett  
**Subject:** February 8, 2010 Article V Revenue Estimating Conference  
**Attachments:** ArticleVRECRResults\_Feb2010.pdf

The official estimates from the February 8, 2010 Article V Revenue Estimating Conference for the State Courts Revenue Trust Fund, the Mediation and Arbitration Trust Fund and General Revenue are attached. Proposed forecasts were provided to the conference principals by the Legislative Office of Economic and Demographic Research, the Executive Office of the Governor, the Office of the State Courts Administrator and the Clerks of Court Operations Corporation. Official estimates were based on seven months of actual revenue data for FY 2009/10 and/or transaction data. More detailed information on the estimates can be found on the Office of Economic and Demographic Research website here:  
[http://edr.state.fl.us/conferences/Article%20V/Article%20V%20Results\\_2-8-10\\_.pdf](http://edr.state.fl.us/conferences/Article%20V/Article%20V%20Results_2-8-10_.pdf).

The conference principals increased the revenue projections for the SCRTF for FY 09/10 and FY 10/11 due to mortgage foreclosure/real property filing revenues exceeding the expected year-to-date collections from the November 2009 Conference estimate. The MATF forecast was also increased as revenues collected for mediation session fees were coming in well above the previous estimate from November.

Please let me know if you have any questions.

Thanks,  
Heather

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

12/14/2010

Article V Revenue Estimating Conference Comparisons  
 July 2009, November 2009, and February 2010  
 FY 2009/10 and FY 2010/11 Revenue Estimates (in millions)

Article V Revenue Conferences	SCRTF		MATF*		GR	
	FY 2009/10	FY 2010/11	FY 2009/10	FY 2010/11	FY 2009/10	FY 2010/11
July 2009 Estimate	\$279.6	\$214.3	\$12.3	\$12.3	\$187.2	\$184.7
November 2009 Estimate	\$416.0	\$368.6	\$18.8	\$17.9	\$200.6	\$196.1
February 2010 Estimate	\$430.3	\$379.8	\$19.6	\$19.2	\$197.4	\$195.6

\* The July 2009 estimate did not include all revenue sources going to MATF.

State Courts Revenue Trust Fund  
FY 2009/10 Monthly Revenue Comparisons (Projected vs. Actual)

Source	FY 2009/10 Projected Revenue (Annual Projection)	FY 2009/10 Projected Revenue (One Month Projection)	Actual Revenues (June 2009 Collections/July 2009 Remittance) <sup>2</sup>	Actual Revenues (July 2009 Collections/Aug. 2009 Remittance) <sup>3</sup>	Actual Revenues (August 2009 Collections/Sept 2009 Remittance) <sup>4</sup>	Actual Revenues (September 2009 Collections/Oct 2009 Remittance) <sup>5</sup>	Actual Revenues (October 2009 Collections/Nov 2009 Remittance) <sup>6</sup>	Actual Revenues (November 2009 Collections/Dec 2009 Remittance) <sup>7</sup>	Actual Revenues (December 2009 Collections/Jan 2010 Remittance) <sup>8</sup>	FY 2009/10 Year to Date Collections
\$5 Civil Traffic Assessment	\$11,600,000	\$966,667	\$899,775	\$971,701	\$934,149	\$971,073	\$1,002,429	\$838,424	\$1,044,343	\$6,661,894
Adjudication Withheld Fine	\$4,500,000	\$375,000	\$370,461	\$306,888	\$355,545	\$456,676	\$401,898	\$326,729	\$396,964	\$2,615,160
\$25 Speeding Fine Increase	\$8,200,000	\$683,333	\$667,850	\$656,855	\$591,679	\$607,852	\$609,169	\$520,374	\$648,071	\$4,301,851
18% Driving School Reduction	\$6,500,000	\$541,667	\$612,012	\$576,188	\$517,007	\$543,103	\$555,907	\$451,262	\$595,280	\$3,850,760
Real Property/Foreclosure \$80 Redirect, \$100 Fee Increase and Graduated Filing Fee Increase	\$343,200,000	\$28,600,000	\$25,375,554	\$32,382,791	\$28,541,485	\$28,747,773	\$29,265,100	\$23,068,152	\$32,808,741	\$200,189,595
\$115 Increase in Probate	\$7,700,000	\$641,667	\$602,263	\$749,940	\$681,504	\$682,863	\$646,435	\$445,444	\$545,716	\$4,354,166
\$180 Redirect/Increase in Circuit Civil (Excluding	\$40,600,000	\$3,383,333	\$3,105,135	\$4,401,186	\$3,385,423	\$3,357,912	\$3,331,044	\$2,631,651	\$3,318,474	\$23,530,825
\$80 Redirect in Family	\$7,200,000	\$600,000	\$2,036,428	\$414,566	\$463,788	\$438,614	\$548,589	\$439,123	\$497,999	\$4,839,108
Counterclaim Graduated Fee Increase	\$800,000	\$66,667	\$74,892	\$75,776	\$66,441	\$61,428	\$82,107	\$54,290	\$62,284	\$477,219
Other (Refunds)	NA	NA	\$1,097	\$4,571	\$530	\$0	\$0	\$0	\$0	\$6,198
<b>Total</b>	<b>\$430,300,000</b>	<b>\$35,858,333</b>	<b>\$33,745,466</b>	<b>\$40,540,464</b>	<b>\$35,537,550</b>	<b>\$35,867,293</b>	<b>\$36,442,679</b>	<b>\$28,775,449</b>	<b>\$39,917,873</b>	<b>\$250,826,775</b>

Note: Monthly Projected Revenue represent 1/12 of the annual amount. Actual revenue will vary from month to month, and revenues will likely be lower in later months due to foreclosure cases slowing down as the economy improves. Any collection of revenue above the legislatively appropriated budget for the State Courts System is just excess cash that cannot be spent because the courts do not have the authority to spend it.

<sup>1</sup> FY 2009-10 Projected Revenue from the February 8, 2010 Article V Revenue Estimating Conference.

<sup>2</sup> As reported in the Department of Revenue August 2009 Consolidation Report

<sup>3</sup> As reported in the Department of Revenue September 2009 Consolidation Report

<sup>4</sup> As reported in the Department of Revenue October 2009 Consolidation Report

<sup>5</sup> As reported in the Department of Revenue November 2009 Consolidation Report

<sup>6</sup> As reported in the Department of Revenue December 2009 Consolidation Report

<sup>7</sup> As reported in the Department of Revenue January 2010 Consolidation Report

<sup>8</sup> As reported in the Department of Revenue February 2010 Consolidation Report

**Debbie J. Saunders**

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**From:** Sondra M. Lanier  
**Sent:** Monday, March 15, 2010 11:10 AM  
**To:** Candice T. Herring; Darren K. Jackson; David W. Fina; Debbie J. Saunders; Debra P. Sadler; Diane B. Hiers; Donna D. Moore; Donna K. Jones; E. Vernon Douglas; Frederick L. Koberlein; Greg Parker; H. Wetzel Blair; Heather J. Norris; James R. Bean; Jean Pittman; Joyce Cameron; Julian E. Collins; Leandra G. Johnson; Linda H. Morgan; Marcie A. Kemp; Melanie A. Vaughn; Millicent A. Schneider; Pam K. Ring; Paul S. Bryan; Sonny Scaff; Tom Coleman; William R. Slaughter  
**Subject:** Notes from Friday's Meeting

Good morning Judges,

Following are some of the issues discussed at the Judges' Meeting on Friday, March 12, 2010.

- Judge Fina expects to enter an administrative order related to Foreclosure Mediations within approximately a week. The issue has been discussed on Chief Judges' calls, and the circuits were asked to coordinate their orders in order to ensure as much uniformity as possible among the circuits. We will be reviewing orders from the 4<sup>th</sup>, 11<sup>th</sup>, and 19<sup>th</sup> circuits, comparing them to the Supreme Court's model order, and drafting an order for our circuit based on those samples.
- An agreement between the 3<sup>rd</sup> and 8<sup>th</sup> Judicial Circuits allowing for juvenile detention hearings from Columbia, Dixie, Hamilton, Lafayette, and Suwannee Counties to be held in Gainesville on the weekends has expired, and it is currently under review and reconsideration. Judges in the 8<sup>th</sup> Judicial Circuit have expressed concern about a lack of follow-up by DJJ after juvenile detention hearings are held in Gainesville on the weekends. The 8<sup>th</sup> circuit will continue to conduct hearings for 90 days to allow for a new agreement to be reached if possible. A copy of Chief Judge Martha Lott's memo regarding this issue is attached for your information.
- Three bills under consideration by the Legislature have the potential to do away with judicial immunity, further reduce judges' salaries, and prevent judges from serving as senior judges for one year following their date of retirement. We will continue to monitor these bills and keep you informed as decisions are made.
- Silvia Harris is no longer employed by the Third Circuit as a Digital Court Reporter.
- Interviews were conducted on Friday afternoon for the Child Support Hearing Officer position.
- Crystal Ecker, our new law clerk, will begin on April 1; Adam and Lucas will leave on May 1; Jackie Jo Brinson will start as a law clerk on August 1; and we will be interviewing soon for a third law clerk to begin on August 1.
- *(Not mentioned at Judges' Meeting, but also staff news)* We are currently advertising for the User Support Analyst position previously held by Harold Blakley, and we expect to conduct interviews and fill that position soon.
- Debbie DeNike was in attendance at the meeting and reported to the judges that she expects to have time to take on new responsibilities as soon as a Child Support Hearing Officer is hired and begins work. Family court and foreclosures were discussed as two possible areas that she might add to her probate workload.
- Judge Fina reminded everyone that any requests for changes in assignments for the July 2010 – June 2011 calendar be made to him by the end of the day on Friday March 12th.

12/14/2010

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

12/14/2010

**3rd Cir 1477**

**Debbie J. Saunders**

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**From:** Kristine Slayden [slaydenk@flcourts.org]  
**Sent:** Tuesday, April 06, 2010 4:19 PM  
**To:** Trial Court Chief Judges; Trial Court Administrators; Trial Court Budget Commission; DCA Chief Judges; DCA Marshals  
**Cc:** Lisa Goodner; Charlotte Jerrett; Dorothy Wilson; Brenda Johnson; Heather Thuotte-Pierson; Laura Rush; Greg Smith  
**Subject:** Non-judicial Foreclosure Fiscal Impact

The Revenue Estimating Conference (REC) met on Monday afternoon to discuss the fiscal impact of the non-judicial foreclosure bills. The methodology and results are posted on the Economic and Demographic Research (EDR) website (control and click to open the link):  
<http://edr.state.fl.us/conferences/revenueimpact/pdf/Impact0405.pdf>

The REC decided on a 60% conversion factor, meaning that they believe that 60% of the current filings would go through a non-judicial process starting July 1, 2010. The population affected differed by bill (see below). For FY 2010-11, the fiscal impact to our trust funds from a reduction in filing fee revenue are:

**CS/HB 1523 (all foreclosures)**

\$176.2 million less would be coming in to our SCRTF in FY 2010-11. In addition, we would lose \$2.9 million in our mediation trust fund and \$700K in our court education trust fund.

**SB 2270 (non-homestead foreclosures only)**

\$100.5 million less would be coming in to our SCRTF in FY 2010-11. In addition, we would lose \$1.6 million in our mediation trust fund and \$400K in our court education trust fund.

**CS/HB 1411 and CS/SB 2358 (timeshare foreclosures only)**

No impact in the first year, \$200K impact in the second year and \$400K impact in the third and fourth years to our SCRTF. No impact to our other trust funds.

There are also negative impacts to General Revenue and other trust funds from these bills. There are positive impacts to doc stamp and property tax revenue, but the Conference decided to go with positive indeterminate for those revenue sources. The Conference believed that any positive gains in the doc stamp revenue would be largely offset by the potential losses from the filing fee revenue.

The EDR link above provides the estimated impacts out to FY 2013-14, as well as the impact to general revenue.

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)

12/14/2010

Debbie Saunders  
Judicial Assistant to  
Honorable Paul S. Bryan  
173 NE Hernando Avenue  
Lake City, FL 32055  
Phone: 386-758-2147  
Fax: 386-758-2151

## Debbie J. Saunders

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**From:** Lisa L. Butler  
**Sent:** Friday, April 09, 2010 3:53 PM  
**To:** Darren K. Jackson; David W. Fina; E. Vernon Douglas; Frederick L. Koberlein; Greg S. Parker; H. Wetzel Blair; James R. Bean; Julian E. Collins; Leandra G. Johnson; Paul S. Bryan; Sonny Scaff; Tom Coleman; William R. Slaughter; Candice T. Herring; Cathy M. Hall; Debbie J. Saunders; Debra P. Sadler; Diane B. Hiers; Donna K. Jones; Donna Moore; Jean Pittman; Joyce Cameron; Linda H. Morgan; Liz B. Sullivan; Marcie A. Kemp; Melanie Vaughn; Millicent A. Schneider; Pam K. Ring  
**Subject:** Residential Foreclosure Mediation Order  
**Attachments:** image.pdf; image.txt



image.pdf (3 MB) image.txt (489 B)

Good afternoon. Please find attached Administrative Order 2010-003.  
Below is the link that will take you directly to the order which is posted on our website.

[http://www.jud3.flcourts.org/ao\\_mediation.htm](http://www.jud3.flcourts.org/ao_mediation.htm)

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

IN THE THIRD JUDICIAL CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NUMBER 2010 – 003

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

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

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

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

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

Whereas, high residential mortgage foreclosure rates are damaging the economies of the counties in the Third Judicial Circuit; and

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

Whereas, Suwannee Valley Foreclosure Mediation, Inc. is an independent, nonpartisan, nonprofit organization that has demonstrable ability to assist the courts with managing the large number of residential mortgage foreclosure actions that recently have been filed in the Third



Judicial Circuit.

**NOW, THEREFORE, IT IS ORDERED:**

**Definitions**

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

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

“Borrower’s Financial Disclosure for Mediation” means those documents described in Exhibit 5 attached as page A-29 to the Supreme Court of Florida’s Administrative Order No. AOSC09-54 on Residential Mortgage Foreclosure Cases, entered on December 28, 2009 (hereinafter Order No. AOSC09-54). This Order is available online on the Florida Supreme Court’s website at [www.floridasupremecourt.org](http://www.floridasupremecourt.org).

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

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

“Form A” means the certifications required herein in the format of Exhibit 1 which can be found on the Program Manager’s website at [www.suwanneccmediation.org](http://www.suwanneccmediation.org).

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

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

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

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

“The Program Manager” means Suwannee Valley Foreclosure Mediation, Inc., qualified in accordance with parameters attached as Exhibit 13 attached as page A-68 to Order No. AOSC09-54. Also referred to as the “Mediation Manager.”

“RMFM Program” (Residential Mortgage Foreclosure Mediation Program) means the mediation program managed by Suwannee Valley Foreclosure Mediation, Inc. to implement and carry out the intent of this Administrative Order.

### Scope

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

Upon the effective date of this Administrative Order, all newly filed mortgage foreclosure actions filed against a homestead residence shall be referred to the RMFM Program unless the plaintiff and borrower agree in writing otherwise or unless pre-suit mediation was conducted in accordance with paragraph 23. The parties to the foreclosure action shall comply with the conditions and requirements imposed by this Administrative Order. In actions to foreclose a mortgage on a homestead residence, the plaintiff and borrower shall attend at least one mediation session, unless the plaintiff and borrower agree in writing not to participate in the RMFM Program or the Program Manager files a notice of borrower nonparticipation.

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

At the discretion of the presiding judge, compliance with this Administrative Order may also be required for homestead residential mortgage foreclosure actions filed prior to the effective date of this Administrative Order, to residences which are not homestead residences, and any other residential foreclosure action the presiding judge deems appropriate. A party requesting that the case be sent to mediation with the RMFM Program at the discretion of the presiding judge shall make the request in format of Exhibit 3 attached as page A-25 to Order No. AOSC09-54.

2. *Referral to Mediation.* This Administrative Order constitutes a formal referral to mediation pursuant to the Florida Rules of Civil Procedure in actions involving a mortgage foreclosure of a homestead residence. The plaintiff and borrower are deemed to have stipulated to mediation by a mediator assigned by the Program Manager unless pursuant to Rule 1.720(f), Florida Rules of Civil Procedure, the plaintiff and borrower file a written stipulation choosing not to participate in the RMFM Program. Referral to the RMFM Program is for administration and management of the mediation process and assignment of a Florida Supreme Court certified circuit civil mediator who has been trained in mediating residential mortgage foreclosure actions and who has agreed to be on the panel of available certified circuit civil mediators. Mediators used in the RMFM Program shall be trained in accordance with the standards stated in Exhibit 12, attached as page A-59 to Order No. AOSC09-54. Mediation through the RMFM Program shall be conducted in accordance with Florida Rules of Civil Procedure and Florida Rules for

Certified and Court-Appointed Mediators. Such mediators are deemed assigned by the Court and entitled to all privileges and immunities available to mediators under the law.

**3. *Compliance Prior to Judgment.*** The parties must comply with this Administrative Order and the mediation process must be completed before the plaintiff applies for default judgment, a summary judgment hearing, or a final hearing in an action to foreclose a mortgage on a homestead residence unless a notice of nonparticipation is filed by the Program Manager.

**4. *Delivery of Notice of RMFM Program with Summons.*** After the effective date of this Administrative Order, in all actions to foreclose a mortgage on residential property the clerk of court shall attach to the summons to be served on each defendant a notice regarding managed mediation for homestead residences in the format of Exhibit 2, attached as page A-23 to Order No. AOSC09-54.

### Procedure

#### **5. *Responsibilities of Plaintiff's Counsel; Form A***

When suit is filed, counsel for the plaintiff must file a completed Form A with the clerk of court. If the property is a homestead residence, all certifications in Form A must be filled out completely. Within one (1) business day after Form A is filed with the clerk of court, counsel for plaintiff shall also electronically transmit a copy of Form A to Suwannee Valley Foreclosure Mediation, Inc. at the email address provided on the website ([www.suwanneemediation.org](http://www.suwanneemediation.org)) along with the case number of the action and contact information for all of the parties. The contact information must include at a minimum the last known mailing address and phone number for each party.

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

If the property is a homestead residence and if the case is not exempted from participation in the RMFM Program because of pre-suit mediation conducted in accordance with paragraph 23 below, plaintiff's counsel shall further certify in Form A the identity of the plaintiff's representative who will appear at mediation. Plaintiff's counsel may designate more than one plaintiff's representative. At least one of the plaintiff's representatives designated in Form A must attend any mediation session scheduled pursuant to this Administrative Order. Form A may be amended to change the designated plaintiff's representative, and the amended Form A must be filed with the court no later than five days prior to the mediation session. All amended Forms A must be electronically transmitted to the Program Manager via a secure dedicated e-mail address or on the web-enabled information platform described in paragraph 8 no later than one (1) business day after being filed with the clerk of court.

**6. *Responsibilities of Borrower.*** Upon the Program Manager receiving a copy of Form A, the Program Manager shall begin efforts to contact the borrower to explain the RMFM Program

to the borrower and the requirements that the borrower must comply with to obtain a mediation. The Program Manager shall also ascertain whether the borrower wants to participate in the RMFM Program.

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

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

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

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

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

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

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

The borrower must deliver a written request for such information to Suwannee Valley Foreclosure Mediation, Inc. (the Program Manager) in the format of Exhibit 6 attached as page A-43 to Order No. AOSC09-54 no later than 25 days prior to the mediation session. The Program Manager shall promptly electronically transmit the request for information to plaintiff's counsel.

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

**8. Information to Be Provided on Web-Enabled Information Platform or secure email.** All information to be provided to Suwannee Valley Foreclosure Mediation, Inc. to advance the mediation process, such as Form A, Borrower's Financial Disclosure for Mediation, Plaintiff's Disclosure for Mediation, as well as the case number of the action and contact information for the parties, shall be submitted via the secure dedicated e-mail address listed on the website or the

web-enabled information platform with XML data elements if provided

**9. *Nonparticipation by Borrower.*** If the borrower does not want to participate in the RMFM Program, or if the borrower fails or refuses to cooperate with the Program Manager, or if the Program Manager is unable to contact the borrower, the Program Manager shall file a notice of nonparticipation in the format of Exhibit 4 attached as page A-27 to Order No. AOSC09-54. The notice of nonparticipation shall be filed no later than 120 days after the initial copy of Form A is filed with the court. A copy of the notice of nonparticipation shall be served on the parties by the Program Manager.

**10. *Referral to Foreclosure Counseling.*** The Program Manager shall be responsible for referring the borrower to a foreclosure counselor prior to scheduling mediation. Selection from a list of foreclosure counselors certified by the United States Department of Housing and Urban Development shall be by rotation or by such other procedures as may be adopted by administrative order of the chief judge in the circuit in which the action is pending. The borrower's failure to participate in foreclosure counseling shall be cause for terminating the case from the RMFM Program.

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

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

Mediation shall not be scheduled until the borrower has had an opportunity to meet with an approved foreclosure counselor. Mediation shall not be scheduled earlier than 30 days after the Borrower's Financial Disclosure for Mediation has been transmitted to the plaintiff via a secure

dedicated e-mail address or uploaded to the web-enabled information platform described in paragraph 8 except by mutual consent of the parties.

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

**13. Attendance at Mediation.** The following persons are required to be physically present at the mediation session: a plaintiff's representative designated in the most recently filed Form A; plaintiff's counsel; the borrower; and the borrower's counsel of record, if any. However, the plaintiff's representative may appear at mediation through the use of communication equipment, if plaintiff files and serves at least five (5) days prior to the mediation a notice in the format of Exhibit 7 attached as page A-45 to Order No. AOSC09-54 advising that the plaintiff's representative will be attending through the use of communication equipment and designating the person who has full authority to sign any settlement agreement reached. Plaintiff's counsel may be designated as the person with full authority to sign the settlement agreement. If the plaintiff exercises the right to appear by telephone, the plaintiff shall be responsible for initiating the telephone call and any communication charges incurred.

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

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

If the plaintiff's representative attends mediation through the use of communication equipment, the person authorized by the plaintiff to sign a settlement agreement must be physically present at mediation. If the plaintiff's representative attends mediation through the use of communication equipment, the plaintiff's representative must remain on the communication equipment at all times during the entire mediation session. If the plaintiff's representative attends through the use of communication equipment, and if the mediation results in an impasse, within five (5) days after the mediation session, the plaintiff's representative shall file in the court file a certification in the format of Exhibit 8 attached as page A-47 to Order No. AOSC09-54 as to whether the plaintiff's representative attended mediation. If the mediation results in an impasse after the appearance of the plaintiff's representative through the use of communication equipment, the failure to timely file the certification regarding attendance through the use of communication equipment shall be grounds to impose sanctions against the plaintiff, including requiring the physical appearance of the plaintiff's representative at a second mediation, taxation of the costs of a second mediation to the plaintiff, or dismissal of the action.

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

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

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

**15. Written Settlement Agreement; Mediation Report.** If a partial or final agreement is reached, it shall be reduced to writing and signed by the parties and their counsel, if any. Pursuant to rule 1.730(b), Florida Rules of Civil Procedure, if a partial or full settlement agreement is reached, the mediator shall report the existence of the signed or transcribed agreement to the court without comment within 10 days after completion of the mediation. If the parties do not reach an agreement as to any matter as a result of mediation, the mediator shall

report the lack of an agreement to the court without comment or recommendation. In the case of an impasse, the report shall advise the court who attended the mediation, and a copy of Form A or any amended Form A shall be attached to the report for the court to determine if at least one of the plaintiff's representative named in Form A appeared for mediation. The mediator's report to the court shall be in the format of Exhibit 9 attached as page A-49 to Order No. AOSC09-54.

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

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

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

**18. Mediation Not Required If Residence Is Not Homestead.** If the plaintiff certifies in Form A that the property is NOT a homestead residence when suit is filed, plaintiff's counsel must file and serve with the complaint a certification identifying the agent of plaintiff who has full authority to settle the case without further consultation. The certification shall be in the form of Exhibit 10 attached as page A-51 to Order No. AOSC09-54.

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

#### **RMFM Program Fees**

**19. RMFM Program Fees.** The fee structure for the RMFM Program is based on the assumption that a successful mediation can be accomplished with one mediation session. Accordingly, pursuant to Rule 1.720(g), Florida Rules of Civil Procedure, the reasonable program fees for the managed mediation, including foreclosure counseling, the mediator's fee, and administration of the managed mediation program, is determined by the court to be a total of \$750.00 payable directly to Suwannee Valley Foreclosure Mediation, Inc. The check shall



contain the venue of the court, the case number and name of the primary borrower and be sent by regular U.S. Mail to Suwannee Valley Foreclosure Mediation, Inc., P.O. Box 6126, Live Oak, FL 32064. Payments shall be made as follows:

- 1) \$400.00 paid by plaintiff at the time suit is filed for administrative fees of the RMFM Program, including outreach to the borrower and foreclosure counseling fees; and
- 2) \$350.00 paid by plaintiff within 10 days after notice of the mediation conference is filed for the mediation fee component of the RMFM Program fees

If more than one mediation session is needed, the total program fee stated above will also cover a second mediation session. However, if an additional mediation session is needed after the second session, the plaintiff shall be responsible for the payment of the program fees for such additional mediation sessions, unless the parties agree otherwise. The program fees for the third and each subsequent mediation session shall be \$350.00 per session.

If the case is not resolved through the mediation process, the presiding judge may tax the program fees as a cost or apply it as a set off in the final judgment of foreclosure.

If the borrower cannot be located, chooses not to participate in the RMFM Program, or if the borrower does not make any contact with the foreclosure counselor, the plaintiff shall be entitled to a refund of the portion of the Program fees attributable to foreclosure counseling. If mediation is scheduled and the borrower announces an intention not to participate further in the RMFM Program prior to the mediation session, or if the case settles and the Program Manager has notice of the settlement at least five (5) days prior to the mediation session, the plaintiff shall be entitled to a refund of the Program fees allocated for the mediation session (\$350.00). If notice of settlement is not received by the Program Manager at least five (5) days prior to the scheduled mediation session, the plaintiff shall not be entitled to any refund of mediation fees.

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

#### Program Manager to Monitor Compliance and Satisfaction

*20. Monitoring Compliance Concerning Certain Provisions of This Administrative Order, Satisfaction with RMFM Program, and Program Operation.* As is reasonably possible, the Program Manager shall use available data for monitoring whether Form A has been filed in all residential foreclosure actions that commence after the effective date of this Administrative Order and whether the RMFM Program fees have been paid if the residence is a homestead

residence. The Program Manager shall send compliance reports to the chief judge or the chief judge's designee in the format and with the frequency required by the chief judge.

The Program Manager may assist with enforcing compliance with this Administrative Order upon filing a written motion pursuant to Rule 1.100(b), Florida Rules of Civil Procedure, stating with particularity the grounds therefore and the relief or order sought. Example orders are attached as Exhibit 11, page A-53 to Order No. AOSC09-54.

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

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

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

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

#### **List of Participating Mediators and Rotation of Mediators**

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

parties mutually agree on a specific mediator or the case requires a particular skill on the part of the mediator or the mediator has a conflict of interest.

**Pre-Suit Mediation Encouraged**

23. *Pre-Suit Mediation.* Mortgage lenders, whether private individuals, commercial institutions, or mortgage servicing companies, are encouraged to use any form of alternative dispute resolution, including mediation, before filing a mortgage foreclosure lawsuit with the clerk of the court. Lenders are encouraged to contact Suwannee Valley Foreclosure Mediation, Inc. ([www.suwanneemediation.org](http://www.suwanneemediation.org)) to arrange for entry into a pre-suit mediation process with their borrowers *prior* to filing foreclosure actions in the Third Judicial Circuit to reduce the costs to the parties for maintaining the litigation and to reduce to the greatest extent possible the stress on the limited resources of the courts caused by the large numbers of such actions being filed across the state and, in particular, in the Third Judicial Circuit.

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

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

This Administrative Order shall be recorded by the clerk of the court in each county of the Third Judicial Circuit, takes effect on April 15, 2010, and will remain in full force and effect unless and until otherwise ordered.

ORDERED on April 7<sup>th</sup>, 2010.

  
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David W. Fina, Chief Judge  
Third Judicial Circuit, State of Florida

Third Circuit Judges  
Third Circuit Clerks of Court  
John Lake (for web posting)  
Suwannee Valley Foreclosure Mediation, Inc.

**Debbie J. Saunders**

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**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.

12/14/2010

- 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.

12/14/2010

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

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

12/14/2010

## Foreclosure and Economic Recovery Funding Proposal FY 2010/11 Circuit Allocations

Circuit	General Magistrate/Senior Judge				Case Management			General Magistrate/Senior Judge Administrative Support			Mediation Administrative Support			Total	
	GM OPS	GM Contracted Services	GM/Senior Judge Expense	Senior Judge Days	OPS	Contracted Services	Expenses	OPS	Contracted Services	Expenses	OPS	Contracted Services	Expenses		
1			\$5,200	\$32,200	\$63,179		\$5,786							\$106,365	
2			\$2,426	\$21,180	\$40,142		\$4,800	\$34,217		\$3,600				\$106,365	
3					\$38,171			\$26,090						\$64,261	
4				\$172,729				\$40,000						\$212,729	
5				\$44,100				\$140,430		\$113	\$28,086			\$212,729	
6			\$6,514	\$82,950	\$117,378		\$3,000	\$104,360		\$3,550				\$317,752	
7			\$3,351	\$91,000	\$117,378		\$1,000							\$212,729	
8		\$37,035	\$2,500	\$17,500	\$39,126		\$5,204		\$5,000					\$106,365	
9				\$246,750	\$178,707									\$425,457	
10				\$18,200	\$42,119		\$8,980	\$28,086		\$8,980				\$106,365	
11	\$82,481		\$2,597	\$171,500	\$457,782		\$20,925	\$120,568		\$6,200				\$862,053	
12			\$1,411	\$94,500	\$114,000		\$2,818							\$212,729	
13			\$2,500	\$195,000	\$168,477		\$5,355	\$56,172						\$427,504	
14			\$5,000	\$32,430	\$36,115		\$2,500	\$27,820		\$2,500				\$106,365	
15			\$10,000	\$140,000	\$313,008		\$17,000	\$161,475		\$5,057				\$646,540	
16		\$14,400	\$12,725	\$49,700				\$27,989		\$1,551				\$106,365	
17				\$87,500	\$547,549		\$11,491							\$646,540	
18				\$260,643				\$58,451						\$319,094	
19			\$12,000	\$84,000	\$84,238		\$4,405	\$28,086						\$212,729	
20	\$135,470			\$153,300	\$39,126			\$71,472			\$26,090			\$425,458	
<b>Sub Total</b>	<b>\$217,951</b>	<b>\$51,435</b>	<b>\$66,224</b>	<b>\$1,995,182</b>	<b>\$2,396,495</b>	<b>\$0</b>	<b>\$93,264</b>	<b>\$925,216</b>	<b>\$5,000</b>	<b>\$31,551</b>	<b>\$54,176</b>	<b>\$0</b>	<b>\$0</b>	<b>\$5,836,494</b>	
														<b>2% Expense Contingency</b>	<b>\$119,112</b>
														<b>Executive Direction</b>	<b>\$44,394</b>
														<b>Grand Total</b>	<b>\$6,000,000</b>

3rd Cir 1495

## Foreclosure and Economic Recovery Funding Proposal In-Courtroom Resources Only

Circuit	County	Target Backlog Reduction	General Magistrate OPS	General Magistrate Contracted Services	Senior Judge Days	Estimated General Magistrate FTE	Senior Judge		Maximum Courtrooms
							Estimated FTE	Estimated Days	
1	Escambia						0.09	24	1
	Okaloosa						0.12	32	1
	Santa Rosa						0.05	12	1
	Walton						0.09	24	1
	<b>Total</b>	<b>8,035</b>	<b>\$0</b>	<b>\$0</b>	<b>\$32,200</b>	<b>0.00</b>	<b>0.35</b>	<b>92</b>	<b>4</b>
2	Franklin						0.04	10	1
	Gadsden						0.04	10	1
	Jefferson						0.04	10	1
	Leon						0.04	10	1
	Liberty						0.04	10	1
	Wakulla						0.04	10	1
	<b>Total</b>	<b>2,719</b>	<b>\$0</b>	<b>\$0</b>	<b>\$21,180</b>	<b>0.00</b>	<b>0.24</b>	<b>60</b>	<b>6</b>
3	Columbia								
	Dixie								
	Hamilton								
	Lafayette								
	Madison								
	Suwannee								
	Taylor								
	<b>Total</b>	<b>822</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.00</b>	<b>0.00</b>	<b>0</b>	<b>0</b>
4	Clay						0.63	165	1
	Duval						0.84	218	2
	Nassau						0.42	110	1
	<b>Total</b>	<b>13,344</b>	<b>\$0</b>	<b>\$0</b>	<b>\$172,729</b>	<b>0.00</b>	<b>1.89</b>	<b>493</b>	<b>4</b>

3rd Cir 1496



## Foreclosure and Economic Recovery Funding Proposal In-Courtroom Resources Only

Circuit	County	Target Backlog Reduction	General Magistrate OPS	General Magistrate Contracted Services	Senior Judge Days	Estimated General Magistrate FTE	Senior Judge		Maximum Courtrooms
							Estimated FTE	Estimated Days	
5	Citrus						0.10	25	1
	Hernando						0.10	25	1
	Lake						0.19	51	1
	Marion						0.10	25	1
	Sumter						0.00	0	0
	<b>Total</b>		<b>12,357</b>	<b>\$0</b>	<b>\$0</b>	<b>\$44,100</b>	<b>0.00</b>	<b>0.49</b>	<b>126</b>
6	Pasco						0.46	118	2
	Pinellas						0.46	119	2
	<b>Total</b>		<b>\$0</b>	<b>\$0</b>	<b>\$82,950</b>	<b>0.00</b>	<b>0.92</b>	<b>237</b>	<b>4</b>
7	Flagler						0.25	65	1
	Putnam						0.25	65	1
	St. Johns						0.25	65	1
	Volusia						0.25	65	1
	<b>Total</b>		<b>13,383</b>	<b>\$0</b>	<b>\$0</b>	<b>\$91,000</b>	<b>0.00</b>	<b>1.00</b>	<b>260</b>
8	Alachua					0.00	0.19	50	1
	Baker					0.10	0.00	0	1
	Bradford					0.10	0.00	0	1
	Gilchrist					0.10	0.00	0	1
	Levy					0.10	0.00	0	1
	Union					0.10	0.00	0	1
	<b>Total</b>		<b>1,597</b>	<b>\$0</b>	<b>\$37,035</b>	<b>\$17,500</b>	<b>0.50</b>	<b>0.19</b>	<b>50</b>
9	Orange						2.00	470	2
	Osceola						1.00	235	1
	<b>Total</b>		<b>31,372</b>	<b>\$0</b>	<b>\$0</b>	<b>\$246,750</b>	<b>0.00</b>	<b>3.00</b>	<b>705</b>

3rd Cir 1497

## Foreclosure and Economic Recovery Funding Proposal In-Courtroom Resources Only

Circuit	County	Target Backlog Reduction	General Magistrate OPS	General Magistrate Contracted Services	Senior Judge Days	Estimated General Magistrate FTE	Senior Judge		Maximum Courtrooms
							Estimated FTE	Estimated Days	
10	Hardee						0.00	0	0
	Highlands						0.00	0	0
	Polk						0.20	52	1
	<b>Total</b>	<b>8,047</b>	<b>\$0</b>	<b>\$0</b>	<b>\$18,200</b>	<b>0.00</b>	<b>0.20</b>	<b>52</b>	<b>1</b>
11	Dade	54,532	\$82,481	\$0	\$171,500	1.00	2.00	490	3.5
12	Desoto						0.00	0	0
	Manatee						0.52	135	2
	Sarasota						0.52	135	2
	<b>Total</b>	<b>15,845</b>	<b>\$0</b>	<b>\$0</b>	<b>\$94,500</b>	<b>0.00</b>	<b>1.04</b>	<b>270</b>	<b>4</b>
13	Hillsborough	23,672	\$0	\$0	\$195,000	0.00	2.14	557	2
14	Bay						0.36	92	1
	Calhoun						0.00	0	0
	Gulf						0.00	0	0
	Holmes						0.00	0	0
	Jackson						0.00	0	0
	Washington						0.00	0	0
	<b>Total</b>	<b>2,873</b>	<b>\$0</b>	<b>\$0</b>	<b>\$32,430</b>	<b>0.00</b>	<b>0.36</b>	<b>92</b>	<b>1</b>
15	Palm Beach	39,309	\$0	\$0	\$140,000	0.00	1.54	400	2
16	Monroe	1,656	\$0	\$14,400	\$49,700	0.18	0.55	142	3
17	Broward	35,659	\$0	\$0	\$87,500	0.00	0.96	250	2
18	Brevard						1.91	496	2
	Seminole						0.95	248	1
	<b>Total</b>	<b>19,252</b>	<b>\$0</b>	<b>\$0</b>	<b>\$260,643</b>	<b>0.00</b>	<b>2.86</b>	<b>744</b>	<b>3</b>

3rd Cir 1498

## Foreclosure and Economic Recovery Funding Proposal In-Courtroom Resources Only

Circuit	County	Target Backlog Reduction	General Magistrate OPS	General Magistrate Contracted Services	Senior Judge Days	Estimated General Magistrate FTE	Senior Judge		Maximum Courtrooms
							Estimated FTE	Estimated Days	
19	Indian River						0.18	48	1
	Martin						0.18	48	1
	Okeechobee						0.00	0	0
	St. Lucie						0.55	144	1
	<b>Total</b>		<b>12,844</b>	<b>\$0</b>	<b>\$0</b>	<b>\$84,000</b>	<b>0.00</b>	<b>0.91</b>	<b>240</b>
20	Charlotte					0.00	0.15	40	1
	Collier					0.20	0.62	162	1
	Glades					0.00	0.15	38	1
	Hendry					0.00	0.07	18	1
	Lee					1.50	0.69	180	2
	<b>Total</b>		<b>25,423</b>	<b>\$135,470</b>	<b>\$0</b>	<b>\$153,300</b>	<b>1.70</b>	<b>1.68</b>	<b>438</b>
<b>State Total</b>		<b>347,165</b>	<b>\$217,951</b>	<b>\$51,435</b>	<b>\$1,995,182</b>	<b>3.38</b>	<b>22.33</b>	<b>5,698</b>	<b>66</b>

Note: Information provided for Maximum Courtrooms in circuits 13 and 14 represent Hearing Rooms. All totals may not be exact due to rounding.

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

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