

Jenn C. Lussier

From: David W. Fina
Sent: Monday, March 15, 2010 10:58 AM
To: Sondra M. Lanier
Subject: FW: Friday's Meeting

Sondra,
Take out the every other month language for now.

David W. Fina
Third Circuit Court Judge
Third Judicial Circuit

From: David W. Fina
Sent: Monday, March 15, 2010 10:47
To: Sondra M. Lanier
Subject: RE: Friday's Meeting

I made a few changes.

David W. Fina
Third Circuit Court Judge
Third Judicial Circuit

From: Sondra M. Lanier
Sent: Saturday, March 13, 2010 1:25
To: David W. Fina
Subject: Friday's Meeting

Judge Fina – Please let me know if this is what should go out...

Judges,

Judges' Meetings are now going to be held every other month, with the next meeting being held on Friday, May 14 at 10:30 in the Suwannee County Courthouse. E-mail updates will go out following each meeting.

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 4th, 11th, and 19th 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 3rd and 8th 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 8th 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 8th 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.

Sondra Lanier

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

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Jenn C. Lussier

From: David W. Fina
Sent: Friday, February 12, 2010 5:32 PM
To: Sondra L. Williams
Subject: RE: Foreclosure Mediation Orders

My understanding was osca would be obtaining the orders entered and have them available for distribution.

David W. Fina
Third Circuit Court Judge
Third Judicial Circuit

From: Sondra L. Williams
Sent: Friday, February 12, 2010 5:01
To: David W. Fina
Subject: Foreclosure Mediation Orders

Judge Fina,

So far, this is what I have heard from other circuits:

First and Ninth Circuits are amending their orders because they aren't in compliance with the new requirements.

Sixth, Seventh, Eighth, Tenth, Twelfth, Fifteenth, and Sixteenth Circuits don't have an order yet.

Nineteenth Circuit has an order on their website, and it was signed prior to the Supreme Court's order. Nancy has reviewed the order and given me feedback. However, it doesn't appear that there is anything helpful to us in that order. By copy of this e-mail, I'm asking Nancy to e-mail you a quick synopsis of what she found.

I haven't heard from the remaining 10 circuits, but am asking Nancy to follow up with her contacts in those circuits.

Sondra

Jenn C. Lussier

From: David W. Fina
Sent: Monday, February 08, 2010 12:54 PM
To: Sondra L. Williams
Subject: RE: Foreclosure Adm. Order

Several circuits have them and are the same.
Someone said we could request a copy.

David W. Fina
Third Circuit Court Judge
Third Judicial Circuit

From: Sondra L. Williams
Sent: Monday, February 08, 2010 12:52
To: David W. Fina
Subject: RE: Foreclosure Adm. Order

I was multi-tasking (and suffering from Attention Deficit Disorder after about 40 minutes). Is someone collecting them, or do I need to request them?

From: David W. Fina
Sent: Monday, February 08, 2010 12:50 PM
To: Sondra L. Williams
Subject: RE: Foreclosure Adm. Order

I would like to see them first. We may get some ideas.

David W. Fina
Third Circuit Court Judge
Third Judicial Circuit

From: Sondra L. Williams
Sent: Monday, February 08, 2010 12:49
To: David W. Fina
Subject: RE: Foreclosure Adm. Order

So should I assume that you aren't comfortable with the proposed one?

From: David W. Fina
Sent: Monday, February 08, 2010 12:47 PM
To: Sondra L. Williams
Subject: RE: Foreclosure Adm. Order

yes

David W. Fina
Third Circuit Court Judge
Third Judicial Circuit

From: Sondra L. Williams
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Managed mediation orders?

From: David W. Fina
Sent: Monday, February 08, 2010 12:45 PM
To: Sondra L. Williams
Subject: RE: Foreclosure Adm. Order

I got on about 12:15. Let's get a copy of the other circuits orders.

David W. Fina
Third Circuit Court Judge
Third Judicial Circuit

From: Sondra L. Williams
Sent: Monday, February 08, 2010 12:44
To: David W. Fina
Subject: RE: Foreclosure Adm. Order

OK. I'm doing it from my office as well. Have you been on for the whole time, or do you need my notes?

From: David W. Fina
Sent: Monday, February 08, 2010 12:42 PM
To: Sondra L. Williams
Subject: RE: Foreclosure Adm. Order

Yes.

David W. Fina
Third Circuit Court Judge
Third Judicial Circuit

From: Sondra L. Williams
Sent: Monday, February 08, 2010 12:42
To: David W. Fina
Subject: RE: Foreclosure Adm. Order

Are you on the call?

From: David W. Fina
Sent: Monday, February 08, 2010 12:40 PM
To: Sondra L. Williams
Subject: RE: Foreclosure Adm. Order

Is my signature necessary? What purpose will it serve?

David W. Fina
Third Circuit Court Judge
Third Judicial Circuit

From: Sondra L. Williams
Sent: Monday, February 08, 2010 9:41
To: David W. Fina
Subject: FW: Foreclosure Adm. Order

From: Kevin Lunsford [mailto:Kevin@KevinLunsford.com]
Sent: Sunday, February 07, 2010 11:55 AM
To: Sondra L. Williams
Subject: Foreclosure Adm. Order

Hi Sondra. I hope you are having a nice Sunday afternoon.

In preparing the required Forms for upload to the website, I noticed that the Notice To Borrower (Ex. 2 to the Model Order) that gets served with the Summons, Complaint and Form A has to be signed by Judge Fina. When he signs the Order he should also sign the Notice to Borrower. I could then scan a signed copy onto the website for the Plaintiff to download and include in the filing package. I would also furnish the Clerks with copies of Form A and Notice to Borrower in the event they want to provide them to the Plaintiff or least know what to look for when accepting new cases for filing.

Kevin

Jenn C. Lussier

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What do you think about asking that our local funding issues be addressed in march?

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Kevin

Jenn C. Lussier

From: David W. Fina
Sent: Friday, February 05, 2010 12:29 PM
To: Sondra L. Williams
Subject: FW: Third Circuit's Residential Mortgage Foreclosure Mediation program
Attachments: image001.jpg

Importance: High

David W. Fina

Third Circuit Court Judge

Third Judicial Circuit

From: Albert Orosa [mailto:Orosaa@adr.org]
Sent: Wednesday, February 03, 2010 3:47
To: David W. Fina
Subject: FW: Third Circuit's Residential Mortgage Foreclosure Mediation program
Importance: High



American Arbitration Association
Dispute Resolution Services Worldwide

February 3, 2010

David W. Fina, Chief Judge

Third Judicial Circuit of Florida

Suwanne County Courthouse

200 Ohio Ave S

Like Oak, Florida 32060

Dear Judge Fina,

The American Arbitration Association (“AAA”) is pleased to announce that we have been selected to serve in the capacity of Mediation Program Manager for the 17th Judicial Circuit Court of Florida’s Residential Mortgage Foreclosure Mediation program. Due to our involvement in this program, the AAA is also very interested in an opportunity to discuss and propose an AAA-administered mediation program for other Florida Circuit Courts under those guidelines and parameters issued by the Florida Supreme Court’s Administrative Order on Residential Mortgage Foreclosure Mediation. Our objectives are to leverage our significant investment in the development of this program and our physical presence in Florida to serve as a resource to the Florida Courts and other key stakeholders. Additionally, the AAA seeks to facilitate and increase early and equitable resolution of residential mortgage foreclosure cases, protect the rights of homeowners and lenders and ease the burden on the courts. Through the advantage of AAA’s state-of-the-art technology platforms and our economies of scale, we can now deliver this service at a reasonably low cost in compliance with the Supreme Court’s AOSC09-54.

The AAA is a 501(c) (3), not for profit organization, with eight decades of experience and an enviable national reputation in ADR programs all over the country and throughout the world. The AAA, more than any other organization in dispute resolution with the exception of the courts, has comprehensive experience in high-volume claims programs, particularly involving the service industry, consumers and homeowners. The AAA is the nation’s largest full-service alternative disputes resolution (ADR) provider, and our leadership role in this field results from our long history, invaluable experience and expertise administering a wide range of disputes and caseload types. The Association is dedicated to the development and widespread use of prompt, effective, and economical methods of dispute resolution and provides services to individuals and organizations who wish to resolve conflicts through means other than traditional litigation.

Having two AAA full service offices and experienced Executives located in Florida, allows the AAA to work closely on a local level with the local Courts, Bar Associations, Lenders, Borrowers and other stakeholders to bring all of our global knowledge and experience and local insight in support of this effort to ensure the timely and effective Circuit-by-Circuit execution of the required mediator foreclosure training and the implementation and administration of each Circuit Court’s Residential Mortgage Foreclosure Mediation program.

As a candidate for the Circuit's Mediation Program Manager, the Association Confirms That We Satisfy the Following Characteristics and Capabilities:

- Compliant with ADR principles as promulgated by the Supreme Court, and ADR statutes and rules;
- Non-profit entity of proven competence, autonomous and independent of the judicial branch;
- Capable of efficient administration of large case loads;
- Sensitive to cultural, diversity, and Americans with Disabilities Act issues;
- Politically and professionally neutral;
- Knowledgeable of court procedures, current trends, laws, rules, and regulations affecting residential foreclosures;
- Fiscally transparent and accountable;
- Quickly adaptable to a dynamic and rapidly evolving legal environment;
- Financially stable;
- Capable of sustained operation without fiscal impact on the courts;
- Capable of effectively implementing information technology systems and web-based programs;
- Alert to ethical and confidentiality issues; and
- Are agreeable to acting as manager for voluntary pre-suit mediation.

The AAA affirms that it is fully prepared and capable to execute the duties as detailed under the Supreme Court's Administrative Order as well as any future Administrative Order issued by the Supreme Court or the Chief Judge of the local Judicial Circuit in regards to the Residential Mortgage Foreclosure Mediation program. Additionally, the AAA is prepared to design, develop and implement a training program to ensure that a sufficient number of Circuit Civil certified mediators are trained in the specialized parameters established by the Supreme Court and the local Circuit Court for residential mortgage foreclosure workout options and resources. We are able to commence operations and begin accepting referrals as Mediation Program Manager upon reasonable notice in accordance with the Court's needs. One of our local AAA Executives will follow-up this letter with a personal call to discuss how the AAA may serve as a resource to the Court moving forward.

Cordially,

Albert J. Orosa

Elaine Lerner

Albert J. Orosa
Vice President
American Arbitration Association
100 S.E. 2nd. Street, Suite 2300
Miami, FL 33131
Tel: (305) 358-7712
Fax: (305) 358-4931
Email: orosaa@adr.org
lernere@adr.org

Elaine Lerner
Vice President
American Arbitration Association
315 East Robinson Street, Suite 290
Orlando, FL 32801
Tel: (407) 648-1852
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Email:



American Arbitration Association

Dispute Resolution Services Worldwide

Albert Orosa
Regional VP
Bank of America Tower at International Place
100 SE 2nd Street
Suite 2300
Miami, FL 33131
Tel: 305 358 7712
Fax: 305 358 4931
Mobile: 305 527 6302
E-mail: Orosaa@adr.org
www.adr.org

The information in this transmittal (including attachments, if any) is privileged and/or confidential and is intended only for the recipient(s) listed above. Any review, use, disclosure, distribution or copying of this transmittal is prohibited except by or on behalf of the intended recipient. If you have received this transmittal in error, please notify me immediately by reply email and destroy all copies of the transmittal. Thank you.

Jenn C. Lussier

From: David W. Fina
Sent: Friday, January 29, 2010 3:53 PM
To: Sondra L. Williams
Subject: RE: Administrative Order- Homstead Forclosures

What's an rfp?

David W. Fina
Third Circuit Court Judge
Third Judicial Circuit

From: Sondra L. Williams
Sent: Friday, January 29, 2010 3:51
To: David W. Fina
Subject: RE: Administrative Order- Homstead Forclosures

My one concern on this is that other circuits started circulating e-mails around about an RFP for managed mediation. Barb and I have been working to find out if a RFP would be required, because I want to make sure that we don't get in trouble for going with Kevin without a RFP.

From: David W. Fina
Sent: Friday, January 29, 2010 3:41 PM
To: Sondra L. Williams
Subject: FW: Administrative Order- Homstead Forclosures

How are we coming?

David W. Fina
Third Circuit Court Judge
Third Judicial Circuit

From: David W. Fina
Sent: Friday, January 29, 2010 3:38
To: Lucas J. Taylor; Adam L. Morrison
Subject: RE: Administrative Order- Homstead Forclosures

This has been addressed @ a recent judges meeting.
By agreement of those in attendance, Kevin Lunsford has agreed to act as our referral source for us.
He is working with Sondra on an adm. Order consistant with our discussions.

David W. Fina
Third Circuit Court Judge
Third Judicial Circuit

From: Lucas J. Taylor
Sent: Friday, January 29, 2010 9:47
To: Adam L. Morrison
Cc: David W. Fina
Subject: Administrative Order- Homstead Forclosures

Adam,

Judge Bryan asked me to research the new rule requiring mediation on all homestead property.

I attached the Supreme Court Administrative Order that requires mediation in foreclosure cases involving homestead property. We need to adopt our own localized order based on the guidelines set forth in the Admin Order.

There is a model order on page 13 of the attachment that we can adopt with some minor additions.

Lucas

Jenn C. Lussier

From: David W. Fina
Sent: Friday, January 29, 2010 3:52 PM
To: Sondra L. Williams
Subject: RE: Administrative Order- Homstead Forclosures

I have criminal court in mayo. Usually back by 2pm. What's up?

David W. Fina
Third Circuit Court Judge
Third Judicial Circuit

From: Sondra L. Williams
Sent: Friday, January 29, 2010 3:49
To: David W. Fina
Subject: RE: Administrative Order- Homstead Forclosures

This call is scheduled to last until 5:00, but I'll get in touch with you if I get done before then. Can I see you Monday morning if not before?

From: David W. Fina
Sent: Friday, January 29, 2010 3:47 PM
To: Sondra L. Williams
Subject: RE: Administrative Order- Homstead Forclosures

yes

David W. Fina
Third Circuit Court Judge
Third Judicial Circuit

From: Sondra L. Williams
Sent: Friday, January 29, 2010 3:47
To: David W. Fina
Subject: RE: Administrative Order- Homstead Forclosures

On a conference call. Are you back in town?

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Lucas

Jenn C. Lussier

From: Kristine Van Vorst <vanvorstlawfirm@gmail.com>
Sent: Friday, January 07, 2011 1:46 PM
To: David W. Fina; ed.jennings@hud.gov; jhcason@kablernorenocason.com; prs1030@aol.com; MTillman@naca.com
Cc: 'Cherie Fine'
Subject: Inns of Court Foreclosure Program

Thank you for agreeing to participate in our panel discussion regarding residential mortgage foreclosures. Currently the panel consists of the following persons: a sitting judge handling foreclosure cases; a HUD director; a real estate attorney and foreclosure mediator; a magistrate handling foreclosures; a bankruptcy attorney; a HUD certified counselor; and the director of the Eighth Circuit residential foreclosure mediation program.

The program is scheduled for January 27th at 6:00 p.m. at the Best Western Gateway Grand in Gainesville. Attorneys and judges from the Eighth Judicial Circuit will be in attendance. The meeting consists of a cocktail hour beginning at 6:00 p.m. with dinner to follow at 6:30 p.m. The program will begin around 7:00 p.m.

As the moderator, I would like to speak with each of you individually regarding the program and what information we would like for you to discuss. Please email me or call me regarding your availability prior to January 14th for a 15 minute teleconference. Thank you for your participation. Kristine

Kristine J. Van Vorst, Esq.
Van Vorst Law Firm, P.A.
P.O. Box 358808
Gainesville, Florida 32635
vanvorstlawfirm@gmail.com
Phone: 352/316-5657
Facsimile: 352/332-2412

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If this message contains tax advice, to ensure compliance with Treasury Regulations (31 CFR Part 10, §10.35), I inform you that the tax advice contained in this correspondence was not intended or written by me to be used, and cannot be used by you or anyone else, for the purpose of avoiding penalties imposed by the Internal Revenue Code. If you desire a formal opinion on a particular tax matter for the purpose of avoiding the imposition of any penalties, I will discuss referring you to another lawyer regarding the further Treasury requirements that must be met and whether it is possible to meet those requirements under the circumstances, as well as the anticipated time and additional fees involved.

Jenn C. Lussier

From: PapaGray1@aol.com
Sent: Friday, January 07, 2011 11:00 AM
To: MTillman@naca.com
Cc: cfine@ffplaw.com; rer@circuit8.org; ellisherb@hotmail.com; David W. Fina; martin@scruggs-carmichael.com; papagray1@aol.com; grmlaw@bellsouth.net; vanvorstlawfirm@gmail.com; chughes@shrlawfirm.com; lucus.taylor@suwanneelawyers.com; aingram@laborattorneys.org; pritchetta@SAO8.org; jsmith@avera.com; bpowell@reasonabledoubt.org; sharon@sharonsperling.com; craig@reasonabledoubt.org; mar.ferber@gmail.com
Subject: INNS OF COURT PANEL, JAN 27, 2011-INSERT AND ATTACHMENT
Attachments: jfg NACA let 1-7-11.docx

JAMES F. GRAY, P.A.

3615-B N.W. 13TH STREET
GAINESVILLE, FLORIDA 32609

E-MAIL ADDRESS
PAPAGRAY1@AOL.COM

TELEPHONE: (352) 371-6303
FACSIMILE: (352) 371-4722

January 7, 2011

Mark Tillman
NACA Jacksonville Office
Tel: 888 302 6222
Cell: 704 607 1427
Email: MTillman@Naca.Com

By Email only

Re: James C. Adkins Inns of Court, Foreclosure Program January 27, 2011 at 6 PM, Best Western Gateway Grand, 4200 NW 97th Boulevard, Gainesville, Florida 32606-3742
Phone: 352/331-3336 | Fax: 352/331-3337

Dear Mark,

The purpose of this letter is to give you details of the Inns of Court meeting as a panelist familiar with foreclosures. Thank you for your time yesterday on the phone. I very much appreciate your patience and helpful attitude.

Our group of the James C. Adkins Inns of Court is hosting a discussion of residential foreclosure issues for our January meeting [see time and location above]. See the official Inns website here-
<http://www.innsofcourt.org/Content/InnContent.aspx?Id=1499>

Our local Inns members are actually listed under "Pupillage Team Info" by group at the website. To quote from the American Inns website:

American Inns of Court (AIC) are designed to improve the skills, professionalism and ethics of the bench and bar. An American Inn of Court is an amalgam of judges, lawyers, and in some cases, law professors and law students. Each Inn meets approximately once a month both to "break bread" and to hold programs and discussions on matters of ethics, skills and professionalism.

I should tell you that drinks and socializing begin at 6, followed by dinner and the program. While I'm really not trying to bribe you, both are free [ha ha].

In this era of mass mortgage defaults and foreclosures, pleas for help from individuals, the Florida Bar Association, and Courts are often lost in the shuffle. We are all trying to work out of this mess, help our clients and the Courts, and maintain high standards of professionalism. Any contribution from a knowledgeable NACA representative as a panelist will be greatly appreciated, and expand awareness of help that you know about, but attorneys do not.

There will be 7 panelists consisting of Judges, attorneys, the foreclosure magistrate, AAA mediators and supervisor from the Residential Mortgage Foreclosure Mediation Program, and you.

I am so grateful that Darlene Pifalo brought your organization to our attention, and look forward to seeing you on the 27th.

Sincerely,

Jim Gray

James F. Gray

CC: Cheri Fine, Esq., Chairman Group 2,
Group 2 members

JAMES F. GRAY, P.A.

3615-B N.W. 13TH STREET
GAINESVILLE, FLORIDA 32609

E-MAIL ADDRESS
PAPAGRAY1@AOL.COM

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Sincerely,

Jim Gray

James F. Gray

CC: Cheri Fine, Esq., Chairman Group 2,
Group 2 members

Jenn C. Lussier

From: Ronna M. Cobble
Sent: Friday, January 07, 2011 9:27 AM
To: David W. Fina
Subject: dismissals as a result of case mgmt. 1-5-11

Judge Fina,

I have prepared dismissals as best I know how. I am not well-versed in legal jargon so my wording may be lacking. Feel free to note any corrections that need to be made. If you prefer to print them and "mark them up", let me know when you are done and I'll come pick them up in order to make changes.

Happy Friday!

Ronna Cobble

Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue
Live Oak, FL 32064
386-362-2661

Jenn C. Lussier

From: PapaGray1@aol.com
Sent: Thursday, January 06, 2011 5:16 PM
To: cfine@ffplaw.com; rer@circuit8.org; ellisherb@hotmail.com; David W. Fina;
martin@scruggs-carmichael.com; papagray1@aol.com; grmlaw@bellsouth.net;
vanvorstlawfirm@gmail.com; chughes@shrlawfirm.com;
lucus.taylor@suwanneelawyers.com; aingram@laborattorneys.org;
pritchetta@SAO8.org; jsmith@avera.com; bpowell@reasonabledoubt.org;
sharon@sharonsperling.com; craig@reasonabledoubt.org; mar.ferber@gmail.com
Subject: Check out Foreclosure Center at RealtyTrac

[Foreclosure Center at RealtyTrac](#)

Jenn C. Lussier

From: PapaGray1@aol.com
Sent: Thursday, January 06, 2011 4:04 PM
To: cfine@ffplaw.com; rer@circuit8.org; ellisherb@hotmail.com; David W. Fina; martin@scruggs-carmichael.com; papagray1@aol.com; grmlaw@bellsouth.net; vanvorstlawfirm@gmail.com; chughes@shrlawfirm.com; lucus.taylor@suwanneelawyers.com; aingram@laborattorneys.org; pritchetta@SAO8.org; jsmith@avera.com; bpowell@reasonabledoubt.org; sharon@sharonsperling.com; craig@reasonabledoubt.org; mar.ferber@gmail.com
Subject: GP2 FINAL RES DOCS
Attachments: RESIDENTIAL FORECLOSURE BENCH BOOK 11-10.ZIP

Jenn C. Lussier

From: Judge Robert Roundtree, Jr. <RoundtreeR@circuit8.org>
Sent: Thursday, January 06, 2011 1:48 PM
To: PapaGray1@aol.com; cfine@ffplaw.com; ellisherb@hotmail.com; David W. Fina; martin@scruggs-carmichael.com; grmlaw@bellsouth.net; vanvorstlawfirm@gmail.com; chughes@shrlawfirm.com; lucus.taylor@suwanneelawyers.com; aingram@laborattorneys.org; Angela Pritchett; jsmith@avera.com; bpowell@reasonabledoubt.org; sharon@sharonsperling.com; craig@reasonabledoubt.org; mar.ferber@gmail.com
Subject: RE: GP2 3RD PART MY LEGAL RES FORECLOSURE

In case you didn't know. I am now in Levy/Gilchrist counties so it will not be possible for me to attend any meetings for the program. I am there in spirit and will be there for the big event.

From: PapaGray1@aol.com [mailto:PapaGray1@aol.com]
Sent: Thursday, January 06, 2011 1:23 PM
To: cfine@ffplaw.com; Judge Robert Roundtree, Jr.; ellisherb@hotmail.com; fina.david@jud3.flcourts.org; martin@scruggs-carmichael.com; papagray1@aol.com; grmlaw@bellsouth.net; vanvorstlawfirm@gmail.com; chughes@shrlawfirm.com; lucus.taylor@suwanneelawyers.com; aingram@laborattorneys.org; Angela Pritchett; jsmith@avera.com; bpowell@reasonabledoubt.org; sharon@sharonsperling.com; craig@reasonabledoubt.org; mar.ferber@gmail.com
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Subject: GP2- FORECLOSURE CLE MATERIALS
Attachments: FACULTY 2001 01-03.docx; LECTURE PROGRAM & TABLE CONTENTS.docx; LECTURE PROGRAM-JFG NOTES.docx; Residential Foreclosure Cases-Litigation Issues, Strategies and Skills.mht; Residential Foreclosure Program Materials 1-3-11.pdf

Residential Foreclosure Cases: Litigation Issues, Strategies and Skills

**Honorable Jennifer Bailey, Circuit Judge for the 11th Judicial Circuit
Miami**

Judge Bailey is the administrative judge of the 11th Circuit's General Jurisdiction (Civil). She chaired the Florida Supreme Court's Task Force on Residential Mortgage Foreclosure Cases. As chair, Judge Bailey extensively studied the foreclosure problem in Florida and is intimately familiar with the foreclosure litigation process.

**Roy A. Diaz, shareholder of Smith, Hiatt & Diaz P.A.
Fort Lauderdale**

A native of Florida, Diaz attended undergraduate school at Florida International University (B.A., 1984) and law school at Nova Southeastern School of Law (Juris Doctor, 1987). His practice is concentrated in the areas of real estate, litigation and bankruptcy. He has represented lenders, servicers, private investors and real estate developers since 1994. Diaz was admitted to The Florida Bar in 1988.

**Lynn Drysdale, Jacksonville Area Legal Aid Inc.
Jacksonville**

Drysdale is a senior staff attorney with Jacksonville Area Legal Aid where she has represented consumers in foreclosure defense for more than 20 years. She regularly testifies before state and federal legislators on consumer issues and is a nationally recognized consumer attorney. Drysdale is an experienced foreclosure defense practitioner and regularly speaks on foreclosure and other consumer protection issues.

**Margery E. Golant, Golant & Golant, P.A.
Boca Raton**

Golant is a real estate attorney and litigator with more than 20 years of experience. She represents consumers in financial services litigation in defense of foreclosure and focuses on issues of securitization and structured finance issues. Golant previously worked at one of the largest subprime mortgage servicers in the United States and was a district court judge in Pennsylvania.

**Scott E. Simowitz, Moskowitz, Mandell, Salim & Simowitz, P.A.,
Fort Lauderdale**

Simowitz practices in the areas of foreclosure, banking and commercial litigation. He regularly represents lenders and financial institutions in foreclosures. He is a graduate of the University of Miami law school and is active in state and local bar associations.

LECTURE PROGRAM

1 – 1:30 p.m. **Overview of the foreclosure crisis in Florida;** making the initial assessment of your case; who are the players in the foreclosure process and how do they work; the major issues that plaintiffs and defendants have to address in foreclosures.

1:30 - 2:10 p.m.

Answers, Affirmative Defenses and Preliminary motions:

Motions to Dismiss, Motion to Stay (to comply with HAMP/HARP), verified pleadings, lost note/mortgage and other preliminary motions and matters.

2:10 – 2:20 p.m. **Questions** (submitted in writing and selected by the panel).

2:20 – 2:30 p.m. **Break**

2:30 – 3 p.m.

Effective Discovery – finding out what you need to know through initial written discovery, motions to compel and depositions.

3 – 3:30 p.m. **Effective advocacy in summary judgment motions** – when to file and what you need in support and in opposition.

3:30 – 3:40 p.m. **Break**

3:40 – 4:50 p.m.

Maximizing chances for success in mediation and exploring alternatives to foreclosure including during early foreclosure mediation process, navigating loss mitigation process and navigating HAMP and HARP.

4:50 – 5 p.m. **Q & A and closing comments**

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Residential Foreclosure Cases: Litigation Issues, Strategies and Skills

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1:30 - 2:10 p.m.

Honorable Jennifer Bailey, Circuit Judge for the 11th Judicial Circuit

Miami

90,000 CASES DADE COUNTY 2009, LACK INFRASTRUCTURE, GOAL- MANAGED MEDIATION FOR WORKOUT AT FRONT OF CASE, GOAL SETTLE OR LITIGATE W RESPECT FOR PS, COURT TRUST FUND, LEGISLATURE ALLOCATED FUNDS SENIOR JUDGES TO MOVE CASES.

Margery E. Golant, Golant & Golant, P.A.

Boca Raton

- CONSUMER ADVOCATE- LITIGATION COMPLICATED. SOME CASES DEFENSIBLE, IF UNDERSTAND BIG PICTURE.

MOST MTGS SECURITIZED- BORROWER TO MTG BKR, APPLICATION TO ORIGINATOR- ISSUES LOAN-AGGREGATOR BUYS MTG IN VOLUME, SELLS TO INVESTOR, HIRES SERVICER LIKE PROPERTY MANAGER, COLLECTS \$, TEL CALLS BORROWER, AGG BUILDS UP ENOUGH FOR SECURITIZATION THEN CONVEYS TO POOL OF LOANS- NOW OWNER OF MTGS FROM SELLING BONDS IN FINANCIAL MARKET. POOLING & SERVICING AGREEMENT- W MASTER SERVICER & SUBSERVICERS. HIRES TRUSTEE, USUALLY BANK, TO ACCOUNT FOR FUNDS. INVESTORS [DIFFERENT LEVELS PURCHASED, DIFF PRIORITIES] TEE PAYS PAYMENTS TO INVESTORS.

BORROWER NOT AWARE OF THESE TRANSACTIONS.

WHO IS LENDER? BORROWER NEVER KNOW. TEE UNKNOWN TO BORROWER.

2004 TO 2007- CRAZY B/C STEPS NOT DOCUMENTED. WHEN LOANS INTO DEFAULT, FORECLOSING ENTITY NOT HAVE DOCS TO FORECLOSE- SERVICER NOT HAVE

AUTHORITY TO FORECLOSE- NEITHER TEE NOR INVESTORS.

DEPOSITOR

SELLER

SERVICER

CREDIT RISK MANAGER

INVESTOR

FANNIE MAE- STAND GOOD ANY LOSSES & TEE, HIRES SERVICER- NOT REQUIRED TO DO SO.

**Scott E. Simowitz, Moskowitz, Mandell, Salim & Simowitz, P.A.,
Fort Lauderdale**

PL ATT. CK BORROWER, LEGAL DESCRIPTION, WHAT DEFAULT? MONETARY? NEED ALL DOCS FROM CLIENT PLAINTIFF. Q- CAN CREATE THE CHAIN OF ENTITLEMENT TO FORECLOSE- IS PL THE PL. ORIGINAL NOTE & MTG POSSESSION? PL, DEF, AMOUNT, FAIR DEBT COLLECTION PRACTICES ACT. TO ALL POSSIBLE ADDRESSES OF DEFS, W OFFER TO TALK ONE LAST TIME. ANY TIME OBLIGATIONS OF ADDITIONAL NOTICE IN NOTE & MTG-EXP NOTICE OF DEFAULT 30 DAYS. ALSO CHECK RE HAMP OR TILO APPLY- 1ST, BORROWER OCCUPIED PROPERTY, PHYSICAL INSPECTION OF PROPERTY. CONTACT CL RE REASONABLE EFFORTS TO COMPLY W HAMP- TEL CALLS, 2 LETTERS. =BASIC PROCEDURES.

NEXT- ORDER TITLE- REV FOR GOOD TITLE TO BUYER AT SALE. MTGEE TITLE POLICY- NOTIFY TITLE CO. -USUALLY LEGAL DESCRIPTION WRONG OR MISSING PARTIES. BASIC COMPLAINT- 2 CT- FORECLOSE MTG, SUIT ON NOTE. IF PN CAN'T BE FOUND-CT FOR LOST NOTE. IF TITLE PROBLEMS- AMEND TO REFORM MTG TO CURE PROBLEMS. OR ESTABLISH & FORECLOSE EQUITABLE LIEN. ALSO FILE QUIET TITLE ACTIONS FOR OTHER ISSUES, EQUITABLE SUBROGATION, ETC.

NEW RULES- COMPL MUST BE VERIFIED BY CLIENT- AS TO FACTUAL ACCURACY- & RETURN FOR FILING. SO, CHKS BY ATT & LENDER FOR ACCURACY. Q- WHAT RE ROBO-SIGNERS? BREAK IN CHAIN= QUIET TITLE, ETC.

99% PRACTICE CONSUMER LOANS- PL ALSO MTGEE & PAYEE W-O ASSIGNMENT

**Roy A. Diaz, shareholder of Smith, Hiatt & Diaz P.A.
Fort Lauderdale**

RECORDING TO PUT 3RD PS ON NOTICE, NOT BORROWER OR LENDER. ASSIGNMENTS NOT MATTER AS TO THEM- OWNER AND HOLDER CAN ENFORCE NOTE & MTG. Q- WHO OWNS THE PN & MTG= STANDING ISSUE. EXP- MERS = REGISTRATION SYSTEM. MTG IN MERS INDEXED BY MIN, SERVICER = CONTACT PERSON FOR LENDER. ASSIGNOR DETERMINED AT BEGINNING=AUTHORITY TO FORECLOSE, MANY CASES NOT REPORTED-NOT PART OF ABILITY TO FORECLOSE. PN&MTG W ENDORSEMENT- UCC MAY BE ENDORSED IN BLANK. POSSESSOR CAN FORECLOSE= REBUTTABLE PRESUMPTION OF RIGHT TO FORECLOSE UNLESS RAISED BY BORROWER.

ISSUE- SOME FIRMS -LOST PN FILED IN EVERY CASE= WHO OWNS AND WHO ARE YOU.

**Honorable Jennifer Bailey, Circuit Judge for the 11th Judicial Circuit
Miami**

MUST HAVE ENDORSEMENT AND POSSESSION TO TAKE SOMEONE'S HOUSE. CHAIN OF ENDORSEMENTS ON PN INCONSISTENT FROM ASSIGNMENT OF MTG & PN ON MTG. SO, INITIALLY, HAVE TO CREATE THE CHAIN. PERSON EXECUTING ASSIGNMENT, USUALLY OFFICER OF MERS, CORPORATE RESOLUTION AND ASSIGNMENT-

**Margery E. Golant, Golant & Golant, P.A.
Boca Raton**

DATE ON ASGNMT "WHEN FILE CAME INTO OFFICE" NOT KNOW WHO DID IT, NOT WITNESS TRANSFER, SO, NO PERSONAL KNOWLEDGE.

**Honorable Jennifer Bailey, Circuit Judge for the 11th Judicial Circuit
Miami**

DATE IMPORTANT. BLANK ENDORSEMENT UPHELD BY 4TH DCA. BAC VS JOHN JOHN.
NEED SUPPORTING AFFIDAVITS. NEED TO LOOK AT DOCS IN FILE- EXP PN NO
ENDORSEMENT. OTHER EXP- ENDORSEMENT FROM COMPANY OUT OF BUSINESS.

Answers, Affirmative Defenses and Preliminary motions:

Motions to Dismiss, Motion to Stay (to comply with
HAMP/HARP), verified pleadings, lost note/mortgage and other
preliminary motions and matters.

**Lynn Drysdale, Jacksonville Area Legal Aid Inc.
Jacksonville-Legal Aid**

Q= HOW IS CASE TO END? MO TO DISMISS, LIST OF LAWS, STATE AND FED. HAMP, HARP,
AND HAMP. GOAL- IS IT REASONABLE? USU- GAOL KEEP HOME. HOW SERVICER
HANDLE LOAN, PAYMENTS CREDITED, CHANGING SERVICERS, ORIGINATION ISSUES.
CLIENTS OVER 70 YOA- ADJUSTABLE RATE, EXP AMERIQUEST-SUED BY STATES ATT
GEN. WHO TO PAY? FREDDIE MAC, FANNIE MAE, VA, FHA? PREDEFAULT RIGHTS NOT
GIVEN OPPORTUNITY? HAMP PROGRAM- LENDERS WORKING WITH BORROWERS. MORE
NONPERFORMING LOANS THAN PERFORMING, LENDERS NOT WANT HOMES. WHAT
DOES JUDGE DO? -AFF DEFS VS MTD. LOAN DOCS- OBVIOUS IF NO NOTE OR
ENDORSEMENT ON NOTE & PL NOT ORIGINAL LENDER. CONFLICTING DOCS FROM
PLEADINGS. Q- IS LOST NOT COUNT PROPER?. IE- NO COPY OF PN ATTACHED. MO TO
STAY- IF BORROWER BOGGED DOWN IN HAMP OR MODIFICATION DOCS LOST. -CAN
RESOLVE QUICKLY IF BEFORE MEDIATOR. IF NO STANDING QS- FILE ANSW & AFF Defs-
FAIR DEBT COLLECTION. IF PL TRUST- NEED POOLING & SERVICING AGR. ALLEGE
OWNER & HOLDER OR SERVICER? COPIES ATTACHED, PROPER PL, RUN AROUND W-IN
HAMP? WHO EXECUTED ASSIGNMENTS? ELECTRONIC? MO TO DISMISS IF NO
VERIFICATION. WHO SIGNED IT? ATTORNEYS? PROPER PARTY- SEND LETTERS RE FED
TRUTH & LENDING ACT NEW REQUIREMENT THAT LENDER MUST SEND DEMAND TO
LENDER. QUALIFIED LETTER UNDER RESPA PLUS ACCOUNTING QS. GET ALL DOCS FROM
BORROWER. PUBLIC RECORDS.

IF SECURITIZED LOAN- POOLING AND SECURITIZATION DOCS.

AFF DEFS- STANDING, FAILURE CONDITION PRECEDENT, MEANINGFUL DEFAULT
SERVICING, TARP \$ TO LENDER? WHAT BORROWER DID IN DETAIL- NUMBER OF TIMES
DOCS LOST. TRUTH IN LENDING [TIL] PROPER DISCLOSURE? FED FAIR DEBT
COLLECTION- PREFORECLOSURE SERVICING, LETTERS. -DISCOVERY FOR DOCS TO
ESTABLISH DEFENSES OR GDS MO TO DISMISS. MUST START WITH FACTS=PAINT THE
STORY. JUDGE MUST EMPATHIZE WITH CL.

Honorable Jennifer Bailey

EACH CASE MUST BE PROVED. ALL PLEADINGS MUST BE PROVED, SO DON'T DO FORM
PLEADINGS.

VERIFIED PLEADINGS REQUIREMENT- RULE ADOPTED, FLSCT FEB 11TH, FORECLOSURE
FINAL JUDGMENT FORM NOW REQUIRED. CAN PL'S ATT SIGN PLEADINGS AS
VERIFICATION. LAW OF VERIFICATION- PARTY MUST SIGN, BUT SILENT AS TO ATT SIGN,
& ATT CAN RELY ON REPRESENTATIONS FROM CL, SO CAN SIGN. CLIENT MUST VERIFY.
Q- WHY GET ASSIGNMENT ENDORSED IF MERS HAS ORIGINAL? ASSIGNMENT MAY OR
MAY NOT GIVE RIGHT TO FORECLOSE. SECURITIZED LOAN- GOES THROUGH 4 TO 5

HANDS, EVEN IF GET PN, NOT RIGHT TO FORECLOSE. MERS ORIGINALLY CREATED TO GET ASSIGNMENTS. PN NOT ENOUGH FOR FORECLOSURE. PN- WHO ORIGINATED PN? BEST TO PLEAD CHAIN OF PN & MTG AS OF DATE OF FILING COMPL. BUT NOTICE PLEADING STATE- JUST HAVE TO PLEAD OWNER & HOLDER OF PN & MTG. STANDING IF MTGEE NOT PL.

Roy A. Diaz

MTG FOLLOWS DEBT IS OLD LAW. DELIVERY OF PN AFTER ENDORSEMENT IF PL IS HOLDER OF PN & MTG. SO, NOT AGREE ON LAW.

BANKS NOT WANT HOUSES.

Scott E. Simowitz

PL'S ATT- OFTEN SENDS LETTER ASKING TO TALK TO ATT. LENDERS REACHING OUT TO BORROWERS.

2:10 – 2:20 p.m. **Questions** (submitted in writing and selected by the panel).

2:20 – 2:30 p.m. **Break**

2:30 – 3 p.m.

Effective Discovery – finding out what you need to know through initial written discovery, motions to compel and depositions.

Margery E. Golant, Golant & Golant, P.A.

Boca Raton

NO STANDARD DEFENSE. TIL- ONLY IF REFINANCE. CLOSINGS BY MTG BKR. HAVE TO EDUCATE JUDGE. SENIOR JUDGES NOT FAMILIAR. SO, ANALYSIS AND LAW MUST BE CLEAR. LENDER BANKRUPTCY? WHO SIGNED? AUTHORIZED? ROBOSIGNER? WHAT ACTUAL KNOWLEDGE? DEPO- ROBO SIGNER- NO PERSONAL KNOWLEDGE, =HEARSAY AND CANNOT BE USED AS EVIDENCE. MUST DEPOSE SIGNERS. GAME PLAN- GOAL, STEPS TO GET THERE. LENDERS NOT WANT HOUSES, BUT IN LOCKSTEP PROCESS. HAMP PROCESS SLOW. SEVERAL BORROWERS SUED BY MULTIPLE PLS CLAIMING TO OWN PN & MTG. HAMP BEING ADMINISTERED INCORRECTLY. BIGGEST FACTOR- VALUE OF PROPERTY, LENDERS WON'T TELL DEF ATTS, CAN GET TREASURY SOFTWARE FOR HAMP ANALYSIS. FLSCT- REQUIRES LENDERS TO TELL FMV IF ASKED. ALSO NET PRESENT VALUE=NPV.

HAMP ONLY IF LOAN LESS THAN 729K, BORROWER LIVES IN HOME. HARD TO BE SURE DEALING WITH PROPER PARTY, SERVICER, TRANSFEROR, ENDORSEMENT QS. REAL PARTY IN INTEREST NOT PL, SERVICER WON'T DISCLOSE OWNER. WHO REALLY OWNED LOAN? COURT NEEDS TO BE TOLD, UCC, NEGOTIABLE PAPER, ASSIGNMENT LAW. =WHY IMPORTANT?-TELL JUDGE. SOME PL'S FIRMS RESPOND & SOME DON'T. IF NOT RESPOND, JUDGE WILL SIGN EX PARTE ORDER, USUALLY NOT GET RESPONSIVE ANSWERS.

Scott E. Simowitz

BANKS NOT WANT HOUSES. COMPLAINTS FROM DEF ATTS, WRONG, PL'S ATTS WILL TELL AND PROVIDE YOU EVERYTHING. BOILER PLATE PLEADINGS- IF NOT RELEVANT, WILL OBJECT. LOAN HISTORIES, PAYMENTS, ETC, LENDERS WILL RESPOND. LENDERS AND ATTS TRYING TO WORK WITH HAMP, BUT BORROWERS NOT PROVIDING DOCS TIMELY & NOT ORGANIZED. PROBLEM IS BORROWERS NOT PROVIDING DOCS.

Roy A. Diaz

DISCOVERY OFTEN TOO BROAD. SO, PL'S ATT GET ALL RECORDS RELATED TO PL'S CLAIM- TO PROVE LOAN AND DEFAULT IN PAYMENT. SOME DEFENSES VALID & ATTS

WILL RESPOND. RIGGS OPINION- SHIPPING CLERK SIGNED & 4TH DCA SAID OK- INDICIA OF TRANSFER.

Margery E. Golant

SIGNERS MUST HAVE PERSONAL KNOWLEDGE. COMMUNICATE WITH PL'S ATTS AND EXPLAIN WHY NEED DOCS. HARD TO GET SERVICING AGREEMENT, POOLING AGREEMENT. EVEN IF TRUST, MAY BE OTHERS WHO HAVE RIGHT. LENDERS USUALLY CLAIM POOLING AGREEMENT IS PRIVILEGED. SO, MO TO COMPEL.

Honorable Jennifer Bailey

ADVOCACY MUST BE DONE IN 30 SECONDS BEFORE THE JUDGE. -WHY NEED DOCS. START FROM BEGINNING -PLEADINGS AND DISCOVERY.

HAVE A BUSINESS PLAN FOR CASE- ATT FEES AND OUTCOME. WHAT IS GOAL, DO NOT WITHDRAW JUST BEFORE SUMMARY JUDGMENT. TAILOR DEFENSE TO WHAT CL CAN AFFORD. CHOOSE- HAMP OR MEDIATION. AS OFFICER OF COURT, STAY WITH CASE, DON'T WITHDRAW.

FILE AFFIDAVITS IN OPPOSITION TO MO FOR SUMMARY JUDGMENT, EXP- LOSS MITIGATION PAYMENTS MISAPPLIED WHEN LENDER APPLIES TO PAST DUE DEBT INSTEAD OF RESTRUCTURED DEBT.

JUDGE MAD ABOUT BOILER PLATE PLEADINGS—MUST HAVE FACTS OF THIS UNIQUE CASE. WILL LOSE SUM JUD HEARING. TAILOR PLEADINGS TO FACTS OF THIS CASE. JUDGES IN DISPUTE AMONG THEMSELVES ON SUMMARY JUDGMENT PROCEEDURES. MOST CASES MO SUM JUD UNOPPOSED AND/OR PRO SE BORROWERS, STANDING OF PLS RE POOLING AGREEMENTS. THIS JUDGE ASKED FOR JQC OPINION ON GETTING POOLING AGR. JUD INDIVIDUALLY REVIEWS PN & MTG, GET ORIGINAL PN, IF LOST NOTE, LOOK AT AFFIDAVIT. USUALLY AFFIDAVITS PROBABLY NOT SUFFICIENT IF CHALLENGED. LOOK AT SERVICE AND NONMILITARY AFFIDAVITS. REVIEW ALL DEFENSES FILED. SERVICE ON UNKNOWN TENANTS UNNECESSARY AND NOT CHARGEABLE TO BORROWERS. JUDICIAL PHILOSOPHY -LOOK AT UNOPPOSED CASES. JUDGES HAVE RIGHT TO RELY ON REPRESENTATIONS OF ATTORNEYS. SOME ECONOMY OF SCALE FOR LARGER FIRMS. IN 3 YEARS OF FORECLOSURE SWAMP, NEVER HAD ATTORNEY FOR LENDER ACTUALLY KNOW THE CASE STATUS. OFTEN THE SAME FOR BORROWER'S ATTORNEYS. LOSS MITIGATION? AFFIRMATIVE DEFENSES BASIS? TELL JUDGE STORY OF CASE AS SUPPORTED BY PLEADINGS AND AFFIDAVITS IN CASE.

Roy A. Diaz

HIS ATTORNEYS DO KNOW THEIR CASES. POLICIES AND PROCEDURES IN FACE OF DIFFERENT JUDGES.

Scott E. Simowitz

HIS ATTORNEYS HAVE TO KNOW THEIR CASES- MUST PROTECT REPUTATION AND ABILITY.

Lynn Drysdale

PLS ATTS NOT KNOW CASES. DEFS MUST HAVE FACTS IN AFFS. DISCOVERY MUST BE EARLY AND OFTEN.

Margery E. Golant

VAST MAJORITY OF FORECLOSURES HANDLED BY ONLY A FEW FIRMS AND NOT KNOW CASE- PLUS SPECIALTIES W-IN FIRM SO 1 ATT ALWAYS DOES ALL MEDIATIONS, BUT NOT KNOW CASE.

Honorable Jennifer Bailey

OUTSTANDING DISCOVERY W-OUT DILIGENTLY PURSUING IT, NOT GROUNDS FOR AVOIDING MFSJ. JUDGES CHARGED WITH MOVING CASES THROUGH SYSTEM. MANAGED

MEDIATION REQUIREMENT SYSTEM. CANNOT SIT ON THESE CASES. JUDGES HAVE RESPONSIBILITY TO MOVE CASES THROUGH SYSTEM. NOT ONE CASE TRIED IN 3 YEARS. MANY SET FOR TRIAL, ALL RESOLVED. ALL ATTORNEYS & JUDGES OFFICERS OF COURT, ALL MUST BE KNOWLEDGEABLE.

3 – 3:30 p.m. **Effective advocacy in summary judgment motions** – when to file and what you need in support and in opposition.

**Lynn Drysdale, Jacksonville Area Legal Aid Inc.
Jacksonville**

CANNOT HAVE MFSJ BEFORE MANAGED MEDIATION HELD. CERTIFICATE OF COMPLIANCE MANAGED MEDIATION BEFORE MFSJ. BORROWERS OFTEN DECLINE. DIFFERENT MANAGERS – COLLINS 11TH CIR HAS DETAILED INFO ON CASES. USUALLY CANNOT GET IN TOUCH WITH BORROWER. MED SHOULD BE EARLY, OFTEN LAST MINUTE. NOT ENOUGH BORROWERS PARTICIPATE. NACA IN MIAMI HAD 30,000 PEOPLE ATTEND EVENT. MTG FORECLOSURE “SOLUTIONS” SOLICITATION. 2 LETTERS & 4 PHONE CALLS PREDICTED- BUT BORROWERS NOT HAVE LAND LINES, & NO RECORD OF CELL PHONE. ATTORNEY’S 1ST OBLIGATION- IN FORECLOSURE- BORROWERS COMMITTED TO SAVING HOUSE, SO, REACH OUT TO MEDIATORS RE FINDING BORROWER. MAXIMIZE SUCCESS IN MEDIATION.

**Roy A. Diaz, shareholder of Smith, Hiatt & Diaz P.A.
Fort Lauderdale**

LENDER, BAC, HIRED 8K PEOPLE, BUT STILL CAN’T KEEP UP. MEDIATION USUALLY BOTH PS PARTIALLY RIGHT, SO SETTLE. NOW LOANS NOT ORIGINATED PROPERLY, SO DOOMED TO FAILURE= LENDER MAKING BUSINESS DEC FROM WRONG BUS DEC, HAVE GUIDELINES. PLUS FEDERAL GOVT DEPT JUSTICE WITH NEW AND CONSTANTLY CHANGING REGULATIONS. FROM LENDER’S POINT OF VIEW- MUST HAVE GOOD INFORMATION ON LOAN AND BORROWER UP FRONT- START W HAMP, THEN OWN INTERNAL POLICIES. FALSE ISSUE- MEDIATION – LENDER ATTENDING HAS FULL AUTHORITY- BUT BASED ON STANDARDS- BORROWER MUST QUALIFY FOR MOD. IF SHORT SALE- LENDER MUST HAVE INFO ON SHORT SALE AT THE MEDIATION. LENDERS MANAGING LOSSES AND WANT PERFORMING LOAN, EVEN OF AT LOWER RATE. SO, BORROWER MUST PROVIDE INFO TO LENDER.

**Honorable Jennifer Bailey, Circuit Judge for the 11th Judicial Circuit
Miami**

USA IS A WRITTEN CULTURE- ORAL CULTURAL PEOPLE. MOST BORROWERS ARE ORAL PEOPLE AND TALK ON PHONE= MISCOMMUNICATION. ATT MUST TELL BORROWERS TO BRING WRITINGS TO SEND TO LENDERS, ALL ARE WRITTEN CULTURE PEOPLE. ATT- HAVE TO INTERROGATE TO PUT IN WRITING. SAD NOT WORK. MAKING NEW DEAL. GOAL- TO CONVINCEN LENDERS TO TAKE A LOSS. SHORT SALE= LOSS. IF FORECLOSURE- NO ONE TAKING DECISION FOR A LOSS, BLAME THE ORIGINATOR. DOCUMENTATION PRIMARY, THOUGH BORROWERS NOT UNDERSTAND.

**Scott E. Simowitz, Moskowitz, Mandell, Salim & Simowitz, P.A.,
Fort Lauderdale**

LOAN OFFICERS HAVE TO JUSTIFY DECISION AND MUST BE DOCUMENTED. PRESUMPTION THAT SLOW RESPONSE OR REQUEST FOR MORE INFO- LOSS MITIGATION DONE FOR YEARS AND STANDARDS ESTABLISHED, WRITING MANDATORY. LARGEST LOSS IS FORECLOSED PROPERTIES. AT MEDIATION, BORROWERS MUST GIVE ALL INFO UP FRONT, DON'T WAIT TIL END. MOD, SHORT SALE, DEED IN LIEU. DON'T HIDE INFO. PROPERTY VALUATIONS MANDATORY. ACCESS TO PROPERTY MANDATORY. OUTCOME OF MEDIATION IN FORECLOSURE CASES- CAN'T AGREE, SO NEED TO CONTINUE CASE FOR MORE INFO. ONLY SETTLED OR NOT SETTLE. NOW, CAN CONTINUE CASE AND COMMUNICATION. ALL LENDERS WILL TALK TO BORROWERS EVEN IF MED FAILS. NO SETTLE ON EMOTION. SOMETIMES VALID DEFENSES, TIL VIOLATION, ETC, BUT MOST NONE. MEDIATION FINAL OPPORTUNITY FOR ATTORNEYS TO PROVIDE LENDERS DOCUMENTATION.

**Lynn Drysdale, Jacksonville Area Legal Aid Inc.
Jacksonville**

LIFE OF LOAN HISTORY REQUIRED AT MEDIATION. CLIENTS SENDING IN INFO, THEN TOLD LOST. HOUSING COUNSELORS PUT INFO TOGETHER, PLAINTIFFS HAVE TO GIVE INFO UPON REQUEST. BEST RESULT IN MED, BASED ON FACTS, PRESENT AS IF TO JURY. NET PRESENT VALUE OF HOME. POINT OUT FLAWS IN CASE BY LAYING OUT FACTS OF CASE, WEAKNESSES AND STRENGTHS.

**Margery E. Golant, Golant & Golant, P.A.
Boca Raton**

LOSS MITIGATION MED. SERVICER LOOKS AT WHAT GETS FROM FORECLOSURE. **NEED VALUATION OF PROPERTY= MOST IMPORTANT.** LENDERS REP AT MED, ONLY HAVE INFO GIVEN TO THEM AND CANNOT DEVIATE. SO, FIND OUT WHAT THEIR NUMBERS ARE THROUGH DISCOVERY. ATT SHOULD GO ARMED WITH NUMBERS.

**Scott E. Simowitz, Moskowitz, Mandell, Salim & Simowitz, P.A.,
Fort Lauderdale**

FULL SETTLEMENT AUTHORITY OF LENDER REP, BUT WILL NOT DEVIATE FROM INFO THEY HAVE, CANNOT RE-UNDERWRITE LOAN. IF DEFENSES, THEN WILL GO TO OTHER REAL MEDIATION WITH GIVE & TAKE. MANAGED MED, =1ST LEVEL, IF NEW INFO, THEN LEVEL 2. ATTS MUST GIVE INFO TO LENDER.

**Roy A. Diaz, shareholder of Smith, Hiatt & Diaz P.A.
Fort Lauderdale**

MUST HAVE INFO BEFORE MED. AND BORROWER AND LOSS MITIGATION SPECIALIST CAN AND SHOULD KEEP TALKING. FULL DISCLOSURE.

**Margery E. Golant, Golant & Golant, P.A.
Boca Raton**

ATTS HAVE TO HAVE INFO USED BY LENDERS.

**Honorable Jennifer Bailey, Circuit Judge for the 11th Judicial Circuit
Miami**

EXISTING INFRASTRUCTURE OVERWHELMED BY TSUNAMI OF FORECLOSURE FILINGS. THIS IS TRAFFIC JAM. FLSCT TASK FORCE. CASE MANAGEMENT- SETTLE, MEDIATE OR

TRY. GET SETTLE OUT 1ST. JUDGES ONLY CARE IF SETTLE OR NOT SETTLE. DO IT AT BEGINNING. 200 CASES FOR SALE DAILY. 135 MOS TO CANCEL SALE. 120 FOR HAMP. THESE CASES ALL 1 TO 2 YEARS OLD. HAMP REVIEW NOT DONE IN ONE TO 2 YEARS. NEW REGS- HAVE TO STOP SALE. PARTIES MUST FIGURE OUT CASE EARLY, NOT AT SALE. PAST 6 MONTHS- MORE HAMP, MORE SHORT SALES. MEDIATION- SET UP AS CULMINATING EVENT WITHIN 120 DAYS, FORECLOSURE COUNSELORS HELP. BUT FEW MODIFICATIONS WORK. REALLY- BORROWERS JUST WANT TO KEEP HOUSE. MED CONFIDENTIALITY- JUDGES NOT KNOW. MED REALLY AN INTRODUCTION OF LENDER & BORROWER, NOT AS ENVISIONED END GAME. HAMP RULES. DRIBBLE OUT INFO NOT WORK. PILOT 19TH & 1ST, ONLY ONE MED, REALLY NEED MORE MEDS FOR FINAL DECISION. NEED CASES TO MOVE. JUDGES HAVE OBLIGATION TO BOTH PARTIES. 600 DAYS NORMAL FOR FORECLOSURES EVEN UNCONTESTED. TAX BASE LOST. ECONOMIC RECOVERY FED MONEY. LEE COUNTY- FINALLY FORECLOSURE NUMBERS CAME DOWN- BECAUSE NO ONE LEFT IN COUNTY. GOAL- MEDIATION EARLY, RESOLVE CASES. MOST ONLY ONE HEARING- SUMMARY JUDGMENT HEARING FINALLY SEE JUDGE- BUT DEFENDANTS ORAL PEOPLE. LOSING HOME DEVASTATING. W-IN CIVIL DIVISIONS BEFORE VERY FEW PRO SE DEFENDANTS. OLD FAMILY LAW CASES- ELABORATE SELF HELP PROCEDURE AND PROCESSES. NOW DON'T HAVE LUXURY TO CREATE NEW SYSTEM. DEFS "WANT TO WORK OUT, BUT DON'T KNOW WHAT AVAILABLE, SENT INFO 6 TIMES & NO RESPONSE." LENDERS SEGREGATED LOSS MITIGATION FROM LAW SYS. LOSS MITIGATION TELLS BORROWERS ONE THING WHILE ATTS MOVING ALONG TO FORECLOSURE.

**Roy A. Diaz, shareholder of Smith, Hiatt & Diaz P.A.
Fort Lauderdale**

LENDERS STILL EVALUATING LOAN FOR HAMP'S CHANGING CRITERIA. ATTS GETTING EMAILS OF 600+ CASES TO PUT ON HOLD TO EVALUATE FOR HAMP. 5PM DAY BEFORE SALE.

**Honorable Jennifer Bailey, Circuit Judge for the 11th Judicial Circuit
Miami**

JUDGES -WHAT? SHALL NOT GO FORWARD IF HAMP, DEPT JUSTICE WILL INVESTIGATE. PALM BEACH COUNTY ADMIN ORD- NO CANCEL IF COME IN DAY BEFORE SALE. TENANTS AND CONDO ASSOCIATIONS. MUST HAVE DOCUMENTATION OF WORK OUT BEFORE CANCEL SALE. JUNE 1ST DIRECTIVE- HAMP, TREASURARY REGS, FEDS WANT MODIFICATIONS- SO, CHANGE RULES. ALL LEADS TO CHAOS. SOME CASES SALE CANCELLED 7 TIMES. USES UP JUDICIAL RESOURCES AND CLERK RESOURCES- READVERTISE, RESCHEDULE.

**Roy A. Diaz, shareholder of Smith, Hiatt & Diaz P.A.
Fort Lauderdale**

CONDO ASSOCS GOING BKCY BECAUSE 40 % NOT PAYING ASSESSMENTS.

**Margery E. Golant, Golant & Golant, P.A.
Boca Raton**

PL'S ATTS GRADED ON SWIFTESS OF PROCESS CASES. HOMES = CONNECTION TO COMMUNITY, AND EFFECT ON NEIGHBORING HOMES. OCT 1ST HAMP CHANGES- LENDERS NOT KEEPING UP. NEED TO DEFEND CASE TO SLOW DOWN PROCESS TO MAKE HAMP AND OTHER CHANGES AVAILABLE.

**Honorable Jennifer Bailey, Circuit Judge for the 11th Judicial Circuit
Miami**

ONLY TOUCH CASE ONCE- EXP 2007 CASES NOW AT SUMMARY JUDGMENT. ATTS PAID AT END OF CASE. SO MUCH MONEY SLOSHING AROUND IN SYSTEM, ONLY REASON WHY CASES NOT BEING PROCESSED. CRITERIA FOR SETTLEMENT CHANGING. THIS PERFECT STORM OF PROBLEMS. MEDIATION CHANGING, DEPENDENT ON LENDER'S CRITERIA. DEFICIENCIES- WHAT'S HAPPENING.

**Scott E. Simowitz, Moskowitz, Mandell, Salim & Simowitz, P.A.,
Fort Lauderdale**

LENDERS 100% RELEASE PROPERTY BUT NOT SATISFY MTG, STILL LIABLE.

**Roy A. Diaz, shareholder of Smith, Hiatt & Diaz P.A.
Fort Lauderdale**

NO DEFICIENCY JUDGMENTS SOUGHT AT ALL. PRESERVING RIGHT TO DEFICIENCY, BUT NOT REALLY PURSUING ANY OF THEM.

**Margery E. Golant, Golant & Golant, P.A.
Boca Raton**

NO SHORT SALE DEFICIENCIES BEING PURSUED.

Roy A. Diaz

MEASURE IS WHETHER BORROWER HAS FINANCIAL ABILITY TO PAY, PRESERVE ABILITY TO PURSUE MONEY JUDGMENT.

**Lynn Drysdale, Jacksonville Area Legal Aid Inc.
Jacksonville**

ISSUE FOR ATTS IS TO CLARIFY WHETHER IF DEBT BEING FORGIVEN OR PURSUED. WHETHER IRS WILL SEEK TAXES IF DEBT FORGIVEN.

**Lynn Drysdale, Jacksonville Area Legal Aid Inc.
Jacksonville**

MONEY BORROWED AND WENT SOMEWHERE, BANKS WILL 1099 INVESTOR PROPERTIES.

**Honorable Jennifer Bailey, Circuit Judge for the 11th Judicial Circuit
Miami**

UNIQUELY CHALLENGING TIME. COURTS SWAMPED. FORECLOSURE CASES NO DIFFERENT THAN ANY OTHER CASE FOR JUDGES OR ATTORNEYS, ALL OF WHO HAVE TAKEN OATH. IF IN DOUBT- THINK OF CASE AS SOMETHING ELSE AND DO WHAT NEEDS TO BE DONE. ALL CLIENTS DESERVE GOOD REPRESENTATION.

DOUG KILBY -FLBAR CONSUMER LAW COORDINATOR- CLE EVALUATION. CONSUMER PROTECTION COMMITTEE FLA BAR.

3:30 – 3:40 p.m. **Break**

3:40 – 4:50 p.m.

Maximizing chances for success in mediation and exploring alternatives to foreclosure including during early foreclosure mediation process, navigating loss mitigation process and navigating HAMP and HARP.

4:50 – 5 p.m. **Q & A and closing comments**

CLE SEMINAR EVALUATION FORM

Name (Optional): _____ Date: _____

Name of Course: Residential Foreclosure Cases: Litigation Issues, Strategies and Skills (1092)

City: _____ Facility: _____

Please evaluate the speaker presentation for this Florida Bar CLE program based on the following scale: **5=excellent; 4=good; 3=fair/average; 2=poor; 1=unacceptable.** If you rate a presentation 2 or 1, please explain why, in the comment section, so that we may further improve our programs.

Speaker	Course	Rating	Book	Comments
Hon. Jennifer D. Bailey	_____	_____	_____	_____
Roy A. Diaz	_____	_____	_____	_____
Lynn Drysdale	_____	_____	_____	_____
Margery Ellen Golant	_____	_____	_____	_____
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Please evaluate the facility based on the following scale: **5=excellent; 4=good; 3=fair/average; 2=poor; 1=unacceptable.** If you use a rate of 2 or 1, please explain why, in the comment section, so that we may further improve our programs.

- _____ convenience
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Where did you learn of this seminar?
 Bar News Ad Brochure FLABAR Website Section Website Other

Please identify any topic that you wish to see as the subject of future or expanded Florida Bar seminars:

Jenn C. Lussier

From: PapaGray1@aol.com
Sent: Thursday, January 06, 2011 1:23 PM
To: cfine@ffplaw.com; rer@circuit8.org; ellisherb@hotmail.com; David W. Fina; martin@scruggs-carmichael.com; papagray1@aol.com; grmlaw@bellsouth.net; vanvorstlawfirm@gmail.com; chughes@shrlawfirm.com; lucus.taylor@suwanneelawyers.com; aingram@laborattorneys.org; pritchetta@SAO8.org; jsmith@avera.com; bpowell@reasonable doubt.org; sharon@sharonsperling.com; craig@reasonable doubt.org; mar.ferber@gmail.com
Subject: GP2 3RD PART MY LEGAL RES FORECLOSURE
Attachments: Agendaforforeclosure.docx; Avoid Foreclosure Florida-HUD PAGE.mht; Contact HUDJacksonville Office.docx; D AFFS RE WELLS FARGO.pdf; Dodd-Frank Wall Street Reform and Consumer Protection Act - Wikipedia, the free encyclopedia.mht; Filing Fees and Service Fees Alachua County Florida -.mht; Find a Foreclosure Counselor NeighborhoodWorks.mht; FloridaLawHelp_org Foreclosure Help.mht; Foreclosure Avoidance CounselingU_S_ Department of Housing and Urban Development (HUD).mht; GP 2 EMAILS 10-14-10.docx; Groups ALL MEMBERSHIP.docx; Housing Crisis - Intro.mht; jfg HUD let 11-18-10.docx; jfg HUD let 11-18-10.pdf; Koogler Group e-Store - Foreclosure Special Report.mht; Lawyer Referral Service Index.mht; Mortgage Foreclosure Watchdog Warns of 'Potential Crisis' From Fraud - ABC News.mht; Program Notes.doc; RESIDENTIAL FORECLOSURE BENCH BOOK 11-10; Welcome to Members 2010 final.docx

Agenda:

a View from the Bench

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

Ethically Resolving Foreclosure Matters Outside the Courtroom

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

Issues in Foreclosure Disputes

1. Non-judicial Foreclosures

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

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- ▶ **Email us**
- ▶ Call toll-free **(800) CALL-FHA** (800-225-5342)

For questions about **HUD rental programs**, including Housing Choice (Section 8) Vouchers, contact our Public and Indian Housing (PIH) Resource Center:

- ▶ **Email us**
- ▶ Call toll-free **(800) 955-2232**

Jacksonville Office

Charles E. Bennett Federal Building
400 W. Bay Street, Suite 1015
Jacksonville, FL 32202

Phone: (904) 232-2627
Email: **Customer Service**
Fax: (904) 232-3759

Jurisdiction: The following 36 counties in North Florida: Alachua, Baker, Bay, Bradford, Calhoun, Columbia, Clay, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Marion, Nassau,

Okaloosa, Putnam, St. Johns,
Santa Rosa, Suwannee, Taylor,
Union, Wakulla, Walton, and
Washington.

Elaine Spencer, Field Office
Director

Office Hours: 8:00 a.m. to 4:30
p.m.
Monday through Friday

Map to office

<u>Spencer, Elaine</u> <u>D.</u>	4HMA	1015	904-208- 6058	Jacksonville
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Email—James.H.Martin@hud.gov

**Fed treasury tel re why turned down for restructures non fha 866
939 4469**

Fha central 866 377 8667 #3,#1 re turn downs 904 208 6141

HUD Jacksonville Field Office

Charles E. Bennett Federal Building

400 W. Bay Street, Suite 1015

Jacksonville, FL 32202

ELAINE SPENCER

Field Office Director (904) 232-2627

Fax

(904) 232-3759

Email Region IV

Atlanta GA

GENERAL AFFIDAVIT

State of Florida
County of Alachua

BEFORE ME, the undersigned Notary, Cynthia D. Regen [name of Notary before whom
affidavit is sworn], on this 11 [day of month] day of November [month], 2010, personally appeared
Troy Hartman [name of affiant], known to me to be a credible person and of lawful age,
who being by me first duly sworn, on his [his or her] oath, deposes and says.

Troy and Tina Hartman case #2010-CA-5383

Count 1

- We used the property in Indiana to obtain this bridge loan. When the housing market crashed all equity was lost in this home making it impossible to sell. When the bridge loan came due we worked with multiple departments within Wells Fargo to resolve this issue. The first Bridge loan was actually rewritten effective date of 8-26-08 and a due date of 4/20/2009. We continued making payments until Jan 2010. While making payments we worked with Lisa Lerma to rewrite the loan. We were told that loan had to default before we could get the loan rewritten. The Indiana property was given a drive by appraisal which we were told it appraised at \$49000. The 2007 appraisal was for \$114500. Greg Richards advised us to write a letter of hardship which we did. In April of 2010 we were contacted again from Lisa Lerma and were told that the house had to go on the market for \$49000. We owe approximately \$79000 plus the \$20175 for the bridge loan. We tried to resolve this with Wells Fargo to arrange alternate repayment options. We do not have the means to pay this note in lump sum.

[set forth affiant's statement of facts]

[Signature]
[signature of affiant]

Troy Hartman
[typed name of affiant]

6281 G Ave.
[address of affiant, line 1]

Mcintosh, FL 32664
[address of affiant, line 2]

State of Florida
County of Alachua

Sworn to (or affirmed) and subscribed before me this 11 day of November (year), by
Troy Hartman (name of person making statement)

Cynthia D. Regen
(Signature of Notary Public - State of Florida)

Cynthia D. Regen
(Print/Type, or Stamp Commissioned Name of Notary Public)

Personally Known OR Produced Identification

Type of Identification Produced _____



GENERAL AFFIDAVIT

State of Florida
County of Alachua

BEFORE ME, the undersigned Notary, Cynthia D. Regen [name of Notary before whom affidavit is sworn], on this 11 [day of month] day of November [month], 2010, personally appeared TINA HARTMAN [name of affiant], known to me to be a credible person and of lawful age, who being by me first duly sworn, on her [his or her] oath, deposes and says.

Troy and Tina Hartman case #2010-CA-5383

Count 1

- We used the property in Indiana to obtain this bridge loan. When the housing market crashed all equity was lost in this home making it impossible to sell. When the bridge loan came due we worked with multiple departments within Wells Fargo to resolve this issue. The first Bridge loan was actually rewritten effective date of 8-26- 08 and a due date of 4/20/2009. We continued making payments until Jan 2010. While making payments we worked with Lisa Lerma to rewrite the loan. We were told that loan had to default before we could get the loan rewritten. This Indiana property was given a drive by appraisal which we were told it appraised at \$49000. The 2007 appraisal was for \$114500. Greg Richards advised us to write a letter of hardship which we did. In April of 2010 we were contacted again from Lisa Lerma and were told that the house had to go on the market for \$49000. We owe approximately \$79000 plus the \$20175 for the bridge loan. We tried to resolve this with Wells Fargo to arrange alternate repayment options. We do not have the means to pay this note in lump sum.

[set forth affiant's statement of facts]

Tina Hartman
[signature of affiant]

Tina Hartman
[typed name of affiant]

6281 G Ave.
[address of affiant, line 1]

Mcintosh, FL 32664
[address of affiant, line 2]

State of Florida
County of Alachua

Sworn to (or affirmed) and subscribed before me this 11 day of November, 2010 (year), by Tina Hartman (name of person making statement).

Cynthia D. Regen
(Signature of Notary Public - State of Florida)

Cynthia D. Regen
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known OR Produced Identification

Type of Identification Produced _____



Jenn C. Lussier

From: PapaGray1@aol.com
Sent: Thursday, January 06, 2011 1:26 PM
To: cfine@ffplaw.com; rer@circuit8.org; ellisherb@hotmail.com; David W. Fina; martin@scruggs-carmichael.com; papagray1@aol.com; grmlaw@bellsouth.net; vanvorstlawfirm@gmail.com; chughes@shrlawfirm.com; lucus.taylor@suwanneelawyers.com; aingram@laborattorneys.org; pritchetta@SAO8.org; jsmith@avera.com; bpowell@reasonabledoubt.org; sharon@sharonsperling.com; craig@reasonabledoubt.org; mar.ferber@gmail.com
Subject: GP2 5TH LEGAL RESEARCH FORECLOSURES
Attachments: FAR - News & Events - Show me the mortgage papers' spreading as foreclosure defense.mht; FLORIDA FORECLOSURE PROCEDURES 3-09.wpd

Jenn C. Lussier

From: PapaGray1@aol.com
Sent: Thursday, January 06, 2011 1:17 PM
To: cfine@ffplaw.com; rer@circuit8.org; ellisherb@hotmail.com; David W. Fina; martin@scruggs-carmichael.com; papagray1@aol.com; grmlaw@bellsouth.net; vanvorstlawfirm@gmail.com; chughes@shrlawfirm.com; lucus.taylor@suwanneelawyers.com; aingram@laborattorneys.org; pritchetta@SAO8.org; jsmith@avera.com; bpowell@reasonable doubt.org; sharon@sharonsperling.com; craig@reasonable doubt.org; mar.ferber@gmail.com
Subject: GP2 SECOND PART MY LEGAL RES
Attachments: Bank of America Face Class-Action Lawsuit Over Home Loan Modifications - DailyFinance.mht; Bar Journal The Mortgage Foreclosure Crisis in Florida- A 21st Century Solution.mht; Contact HUDJacksonville Office.docx; Find a Foreclosure Counselor NeighborhoodWorks.mht; FloridaLawHelp_org Foreclosure Help.mht; Foreclosure Avoidance CounselingU_S_ Department of Housing and Urban Development (HUD).mht; Gainesville shelter operators strain under early cold snap Gainesville_com12-28-10.mht; Groups ALL MEMBERSHIP.docx; Home Affordable Refinancing.docx; Home prices and sales stall in the Gainesville area Gainesville_com12-28-10.mht; Housing Crisis - Intro.mht; Lawyer Referral Service Index.mht; Making Home Affordable - Home Affordable Modifications.mht; Making Home Affordable - Home.mht; MERS - State Foreclosure Details-HOW TO 11-11-10.mht; private mortgage backed securities Wall Street's Fatal Defect.mht; Wall Street's Ten Biggest Lies for 2010.docx; Welcome to Members 2010 final.docx

Jim Gray
James F Gray, PA
3615- B NW 13 St.
Gainesville, Florida 32609
Florida Bar #318681
Telephone 352 371 6303
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E-Mail PAPAGRAY1@AOL

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- ▶ Call toll-free **(800) 955-2232**

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Okaloosa, Putnam, St. Johns,
Santa Rosa, Suwannee, Taylor,
Union, Wakulla, Walton, and
Washington.

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Monday through Friday

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Email—James.H.Martin@hud.gov

**Fed treasury tel re why turned down for restructures non fha 866
939 4469**

Fha central 866 377 8667 #3,#1 re turn downs 904 208 6141

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400 W. Bay Street, Suite 1015

Jacksonville, FL 32202

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Fax

(904) 232-3759

Email Region IV

Atlanta GA

Jenn C. Lussier

From: Bryan Proshka <BProshka@amstarlit.com>
Sent: Thursday, December 16, 2010 2:43 PM
To: David W. Fina
Subject: Learn Bankruptcy & Foreclosure Defense And Get 27 FL Bar Approved Credit Hours For One Low Price

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- Training Presentation – Understanding Preferences and Fraudulent Conveyances
- Training Presentation – Chapter 7 Frequently Asked Questions
- Training Presentation – Chapter 13 Facts and Foreclosures in Chapter 13
- Whitepaper – "The Seven Deadly Sins of Consumer Bankruptcy Practice"
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Jenn C. Lussier

From: Kevin Lunsford <klunsford@suwanneemediation.org>
Sent: Thursday, January 06, 2011 12:46 PM
To: David W. Fina; Sondra M. Lanier
Cc: Leandra G. Johnson
Subject: RMFM Program 120 report
Attachments: RMFM120DayReport_Dec2010.pdf

December 2010 RMFM Program 120 Day Status Report attached.

Kevin C. Lunsford
Suwannee Valley Foreclosure Mediation, Inc.
P.O. Box 6126
Live Oak, FL 32064
(386) 269-4992
www.SuwanneeMediation.org

RMFM Program 120 Day Status Report (Key Determinants Identified by Supreme Court)	3/2010 Run 7/31/2010	4/2010 Run 8/31/2010	5/2010 Run 9/30/2010	6/2010 Run 10/31/2010	7/2010 Run 11/30/2010	8/2010 Run 12/31/2010	6 Mo. Total
A. Listing of Totals							
1. Total Form A Referrals Received for the Month-Case Eligible	0	4	43	38	51	46	182
2. Total Borrowers Contacted Total Form A Referrals in which the Program spoke on phone or in person to Borrower about program.	0	4	22	22	20	17	85
3. Total Mediations Scheduled	0	2	7	15	7	10	41
4. Total Mediations Conducted	0	2	7	15	7	10	41
5. Total Form A Referrals Closed With Failure to Appear: Borrower Only	0	0	0	0	0	0	0
6. Total Form A Referrals Closed With Failure to Appear: Lender Only	0	0	0	0	0	0	0
7. Total Form A Referrals Closed With Failure to Appear: Both Borrower and Lender	0	0	0	0	0	0	0
8. Total Form A Referrals Closed With Written Agreement Total Form A Referrals With Partial Written Agreement or Full Written Agreement After Mediation	0	0	4	5	2	3	14
9. Total Form A Referrals Closed Without Agreement	0	2	2	9	5	6	24
10. Total Form A Referrals Pending After 120 Days	0	0	1	1	0	1	3
B. Results by Percentage							
1. Borrower Contacted Percentage Total Borrower Contacted divided by Total Form A Referrals Received for the Month-Case Eligible	% 0.0	% 100.0	% 51.2	% 57.9	% 39.2	% 37.0	% 46.7
2. Mediations: Lender Failure to Appear Percentage Total Form A Referrals Failure to Appear: Lender Only divided by Total Mediations Scheduled	% 0.0	% 0.0	% 0.0	% 0.0	% 0.0	% 0.0	% 0.0
3. Mediations: Borrower Failure to Appear Percentage Total Form A Referrals Failure to Appear: Borrower Only divided by Total Mediations Scheduled	% 0.0	% 0.0	% 0.0	% 0.0	% 0.0	% 0.0	% 0.0
4. Mediations: Both Borrower and Lender Failure to Appear Percentage Total Form A Referrals Failure to Appear: Both Borrower and Lender divided by Total Mediations Scheduled	% 0.0	% 0.0	% 0.0	% 0.0	% 0.0	% 0.0	% 0.0
5. Mediations With Agreement Percentage Total Form A Referrals With Written Agreements divided by Total Mediations Conducted	% 0.0	% 0.0	% 57.1	% 33.3	% 28.6	% 30.0	% 34.1
6. Mediations Without Agreement Percentage Total Form A Referrals Without Agreement divided by Total Mediations Conducted	% 0.0	% 100.0	% 28.6	% 60.0	% 71.4	% 60.0	% 58.5

RMFM Program 120 Day Status Report
Key Determinates Identified by Supreme Court, August 2010

Submitted by: Suwannee Valley Foreclosure Mediation, Inc.
Report created on: 01/06/11

FCM V1.17

Jenn C. Lussier

From: Sharon Sperling <sharon@sharonsperling.com>
Sent: Wednesday, January 05, 2011 2:26 PM
To: PapaGray1@aol.com
Cc: cfine@ffplaw.com; rer@circuit8.org; ellisherb@hotmail.com; David W. Fina; martin@scruggs-carmichael.com; grmlaw@bellsouth.net; vanvorstlawfirm@gmail.com; chughes@shrlawfirm.com; lucus.taylor@suwanneelawyers.com; aingram@laborattorneys.org; pritchetta@SAO8.org; jsmith@avera.com; bpowell@reasonable-doubt.org; craig@reasonable-doubt.org; mar.ferber@gmail.com
Subject: Citigroup sees bankruptcy increase for homeowners denied modification
Attachments: Citigroup CitiMortgage Home Loan Modification Program Sees Bankruptcy Increase For Homeowners Denied Assistance Red, White, & Blue Press.pdf

Sharon T. Sperling
P.O. Box 358000
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352-377-6324 fax

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On 1/5/2011 2:05 PM, PapaGray1@aol.com wrote:
Jim Martin at the Jacksonville HUD office sent me this today.

Jim Gray

From: james.h.martin@hud.gov
To: PapaGray1@aol.com
Sent: 1/5/2011 1:09:27 P.M. Eastern Standard Time
Subj: FW: Florida attorney general details foreclosure chaos

Hi Jim, don't know if you were aware of this or not so here it is.

Jim

904-208-6141

FYI: Four of Florida's large foreclosure law firms that represent the banks are under investigation by the state, as well as two companies that serve court summonses on homeowners, and a Jacksonville-based servicing company that the presentation said produced 2,000 mortgage assignments per day. The Florida Attorney General's Office is also part of a 50-state coalition of attorneys general trying to work out agreements with the nation's largest lenders on foreclosure matters.

The Miami Herald

Posted on Wed, Jan. 05, 2011

Florida attorney general details foreclosure chaos

BY KIMBERLY MILLER
Palm Beach Post

Sweeping evidence of the case the state attorney general's office has built in its pursuit of foreclosure justice for Florida homeowners is outlined in a 98-page presentation complete with copies of allegedly forged signatures, false notarizations, bogus witnesses and improper mortgage assignments. The presentation, titled "Unfair, Deceptive and Unconscionable Acts in Foreclosure Cases," was given during an early December conference of the Florida Association of Court Clerks and Comptrollers by the attorney general's economic crimes division.

It is one of the first examples of what the state has compiled in its exploration of foreclosure malpractice, condemning banks, mortgage servicers and law firms for contributing to the crisis by cutting corners. "What we got from this is the state has had the opportunity to see where the laws have been broken, and frankly, it is in large part thanks to the work of the defense attorneys," said Palm Beach County Clerk and Comptroller Sharon Bock. "They've been bringing these defenses up in foreclosure cases for years now."

In page after page of copied records, the presentation meticulously documents cases of questionable signatures, notarizations that could not have occurred when they are said to have because of when the notary stamp expires, and foreclosures filed by entities that might not have had legal ability to foreclose. It also focuses largely on assignments of mortgage, documents that transfer ownership of mortgages from one bank to another. Mortgage assignments became an issue after the real estate boom, when mortgages were sold and resold, packaged into securitized trusts and otherwise transferred in a labyrinthine fashion that made tracking difficult.

As foreclosures mounted, the banks appointed people to create assignments, "thousands and thousands and thousands" of which were signed weekly by people who may not have known what they were signing. In one example, a signature by someone named Linda Green is said to appear on hundreds of thousands of mortgage documents from dozens of banks and mortgage companies, but in varying styles. In another example, the signature of Scott Anderson, an employee of West Palm Beach-based Ocwen Financial, appears in four styles on mortgage assignments. "No one bothered to take the time and effort to properly execute this stuff," said Boynton Beach attorney James Bonfiglio, who defends foreclosures. "It matters a great deal who signed the documents because people can be sued twice and three times for the same debt if it wasn't properly transferred."

Paul Koches, executive vice president of Ocwen, acknowledged Tuesday that the signatures were not all Anderson's, but that doesn't mean they were forged, he said. Certain employees were given authorization

to sign for Anderson on mortgage assignments, which Koches noted do not need to be notarized. Still, Qcwen has since stopped allowing other people to sign for Anderson, Koches said.

The attorney general's office had no comment Tuesday on the presentation, which was not aimed at a specific case. Four of Florida's large foreclosure law firms that represent the banks are under investigation by the state, as well as two companies that serve court summonses on homeowners, and a Jacksonville-based servicing company that the presentation said produced 2,000 mortgage assignments per day. The office is also part of a 50-state coalition of attorneys general trying to work out agreements with the nation's largest lenders on foreclosure matters.

Palm Beach Post staff writer Christine Stapleton contributed to this report.

Read more: <http://www.miamiherald.com/2011/01/05/v-print/2001248/florida-attorney-general-details.html#ixzz1AAj2FDz1>

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Red, White, And Blue Press

Home Banking/Finance Business Education Loan Modification Real Estate

Citigroup CitiMortgage Home Loan Modification Program Sees Bankruptcy Increase For Homeowners Denied Assistance

01/04/2011

By Edward McCray

Citigroup modification assistance from both the federal home loan modification program and proprietary modification plans have been in place and aided numerous homeowners over the past months, but there are still problems with homeowners who are attempting to find assistance through the federal modification program. Citigroup has been able to lower some homeowners's monthly mortgage payments through modification efforts but there are problems with homeowners failing into bankruptcy when they are either denied a trial modification or have their trial modification canceled.

A recent report from the Making Home Affordable Program stated that Citigroup's CitiMortgage division had 3,912 homeowners who were in the process of bankruptcy after having their trial modification canceled. This tracks data through October 2010, and the previous month's report stated that this same group of homeowners who had their trial canceled numbered at 3,579. Also, homeowners who were not offered a trial modification had bankruptcy issues as well as it was reported that 7,736 homeowners were the process of bankruptcy in this category, as of October 2010, while the previous month stated that only 6,910 homeowners who were denied a trial modification where the process of filing bankruptcy.

Obviously, there are numerous financial institutions who have seen these issues arise when homeowners are either unable to continue in their trial modification or simply do not qualify. However, there are still options for homeowners outside a federal mortgage assistance plans, like proprietary modifications and extension programs to address particular homeowner needs which may be causing financial strain when it comes to meeting their mortgage payments.

Servicers like Citigroup have seen success in the number of federal permanent modifications they made throughout 2010, but reports have indicated that these efforts have begun to slow in relation to the number of homeowners who are facing foreclosure. Understandably, homeowners have been critical of the modification program and many servicers, as they have grown frustrated at the modification process and being denied assistance which could offer them a lower monthly mortgage payment. However, servicers have countered with arguments stating that some homeowners who do not qualify for a home loan modification program or do not properly adhere to application requirements and are therefore disqualified.

Yet, despite the troubles that remain, homeowners with Citigroup and other financial institutions in the Making Home Affordable Program do still have options when it comes to finding affordability on their mortgage payments and there are also proprietary home loan assistance plans from in-house initiatives available to help homeowners who may not qualify for a federal assistance plan.

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Jenn C. Lussier

From: PapaGray1@aol.com
Sent: Wednesday, January 05, 2011 2:05 PM
To: cfine@ffplaw.com; rer@circuit8.org; ellisherb@hotmail.com; David W. Fina; martin@scruggs-carmichael.com; papagray1@aol.com; grmlaw@bellsouth.net; vanvorstlawfirm@gmail.com; chughes@shrlawfirm.com; lucus.taylor@suwanneelawyers.com; aingram@laborattorneys.org; pritchetta@SAO8.org; jsmith@avera.com; bpowell@reasonabledoubt.org; sharon@sharonsperling.com; craig@reasonabledoubt.org; mar.faeerber@gmail.com
Subject: Fwd: FW: Florida attorney general details foreclosure chaos

Jim Martin at the Jacksonville HUD office sent me this today.

Jim Gray

From: james.h.martin@hud.gov
To: PapaGray1@aol.com
Sent: 1/5/2011 1:09:27 P.M. Eastern Standard Time
Subj: FW: Florida attorney general details foreclosure chaos

Hi Jim, don't know if you were aware of this or not so here it is.

Jim

904-208-6141

FYI: Four of Florida's large foreclosure law firms that represent the banks are under investigation by the state, as well as two companies that serve court summonses on homeowners, and a Jacksonville-based servicing company that the presentation said produced 2,000 mortgage assignments per day. The Florida Attorney General's Office is also part of a 50-state coalition of attorneys general trying to work out agreements with the nation's largest lenders on foreclosure matters.

The Miami Herald 

Posted on Wed, Jan. 05, 2011

Florida attorney general details foreclosure chaos

BY KIMBERLY MILLER
Palm Beach Post

Sweeping evidence of the case the state attorney general's office has built in its pursuit of foreclosure justice for Florida homeowners is outlined in a 98-page presentation complete with copies of allegedly forged signatures, false notarizations, bogus witnesses and improper mortgage assignments. The presentation, titled "Unfair, Deceptive and Unconscionable Acts in Foreclosure Cases," was given during an early December conference of the Florida Association of Court Clerks and Comptrollers by the attorney general's economic crimes division.

It is one of the first examples of what the state has compiled in its exploration of foreclosure malpractice, condemning banks, mortgage servicers and law firms for contributing to the crisis by cutting corners. "What we got from this is the state has had the opportunity to see where the laws have been broken, and frankly, it is in large part thanks to the work of the defense attorneys," said Palm Beach County Clerk and Comptroller Sharon Bock. "They've been bringing these defenses up in foreclosure cases for years now."

In page after page of copied records, the presentation meticulously documents cases of questionable signatures, notarizations that could not have occurred when they are said to have because of when the notary stamp expires, and foreclosures filed by entities that might not have had legal ability to foreclose. It also focuses largely on assignments of mortgage, documents that transfer ownership of mortgages from one bank to another. Mortgage assignments became an issue after the real estate boom, when mortgages were sold and resold, packaged into securitized trusts and otherwise transferred in a labyrinthine fashion that made tracking difficult.

As foreclosures mounted, the banks appointed people to create assignments, "thousands and thousands and thousands" of which were signed weekly by people who may not have known what they were signing. In one example, a signature by someone named Linda Green is said to appear on hundreds of thousands of mortgage documents from dozens of banks and mortgage companies, but in varying styles. In another example, the signature of Scott Anderson, an employee of West Palm Beach-based Ocwen Financial, appears in four styles on mortgage assignments. "No one bothered to take the time and effort to properly execute this stuff," said Boynton Beach attorney James Bonfiglio, who defends foreclosures. "It matters a great deal who signed the documents because people can be sued twice and three times for the same debt if it wasn't properly transferred."

Paul Koches, executive vice president of Ocwen, acknowledged Tuesday that the signatures were not all Anderson's, but that doesn't mean they were forged, he said. Certain employees were given authorization to sign for Anderson on mortgage assignments, which Koches noted do not need to be notarized. Still, Ocwen has since stopped allowing other people to sign for Anderson, Koches said.

The attorney general's office had no comment Tuesday on the presentation, which was not aimed at a specific case. Four of Florida's large foreclosure law firms that represent the banks are under investigation by the state, as well as two companies that serve court summonses on homeowners, and a Jacksonville-based servicing company that the presentation said produced 2,000 mortgage assignments per day. The office is also part of a 50-state coalition of attorneys general trying to work out agreements with the nation's largest lenders on foreclosure matters.

Palm Beach Post staff writer Christine Stapleton contributed to this report.

Read more: <http://www.miamiherald.com/2011/01/05/v-print/2001248/florida-attorney-general-details.html#ixzz1AAj2FDz1>

6. =

Jenn C. Lussier

From: The Florida Bar <careercenter@flabar.org>
Sent: Tuesday, January 04, 2011 10:15 PM
To: David W. Fina
Subject: Job Flash: 19 new legal jobs

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Community Association Attorney

Backer Law Firm, PA - Boca Raton, FL

Community Association Attorney - Boca Raton, FL [more info...](#)

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Estate Planning, Probate, Tax, Corporate Attorney

Kirk-Pinkerton P.A. - Sarasota/Bradenton, FL

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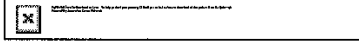
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Jenn-C. Lussier

From: Cherie Fine <cfine@ffplaw.com>
Sent: Monday, January 03, 2011 1:44 PM
To: rer@circuit8.org; ellisherb@hotmail.com; David W. Fina; martin@scruggs-carmichael.com; papagray1@aol.com; grmlaw@bellsouth.net; vanvorstlawfirm@gmail.com; chughes@shrlawfirm.com; lucus.taylor@suwanneelawyers.com; aingram@laborattorneys.org; pritchetta@SAO8.org; jsmith@avera.com; bpowell@reasonabledoubt.org; sharon@sharonsperling.com; craig@reasonabledoubt.org; mar.ferber@gmail.com; ed.jennings@hud.gov; jhcason@kablernocason.com; prsl030@aol.com; cholden@hcrklaw.com
Subject: Inn of Court planning meeting January 6th at 4pm

Well of the few people who responded the 6th is the best date. I think I will set it and hope everyone can come.

Thanks,

Cherie

From: Cherie Fine [mailto:cfine@ffplaw.com]
Sent: Thursday, December 30, 2010 4:51 PM
To: cfine@ffplaw.com; rer@circuit8.org; ellisherb@hotmail.com; fina.david@jud3.flcourts.org; martin@scruggs-carmichael.com; papagray1@aol.com; grmlaw@bellsouth.net; vanvorstlawfirm@gmail.com; chughes@shrlawfirm.com; lucus.taylor@suwanneelawyers.com; aingram@laborattorneys.org; pritchetta@SAO8.org; jsmith@avera.com; bpowell@reasonabledoubt.org; sharon@sharonsperling.com; craig@reasonabledoubt.org; mar.ferber@gmail.com; ed.jennings@hud.gov; jhcason@kablernocason.com; prsl030@aol.com; cholden@hcrklaw.com
Subject: Inns of Court Program January 27, 2011 Foreclosure Panel Discussion Meeting plan

Group 2 Inns of Court Program

Thursday, January 27th, 2011

Foreclosure:

cfine@ffplaw.com, rer@circuit8.org, ellisherb@hotmail.com, fina.david@jud3.flcourts.org, martin@scruggs-carmichael.com, papagray1@aol.com, grmlaw@bellsouth.net, vanvorstlawfirm@gmail.com, chughes@shrlawfirm.com, lucus.taylor@suwanneelawyers.com, aingram@laborattorneys.org, pritchetta@SAO8.org, jsmith@avera.com, bpowell@reasonabledoubt.org, sharon@sharonsperling.com, craig@reasonabledoubt.org, mar.ferber@gmail.com, ed.jennings@hud.gov, jhcason@kablernocason.com, prsl030@aol.com, cholden@hcrklaw.com

Hey everyone:

I believe our current panel for our program is as follows – correct me if I am wrong:

Judges Roundtree & Fina	fina.david@jud3.flcourts.org , rer@circuit8.org
Ed Jennings: director of HUD	ed.jennings@hud.gov
Ramona Griner: Site manager AAA	(Kristine can you let me know her email)
Jodi Cason, Esq.: AAA mediator	jhcason@kablernocason.com
Paul Silverman, Esq.: Magistrate	prsl030@aol.com
Chick Holden, Esq.: Property Attorney	cholden@hcrklaw.com
Sharon Sperling: Bankruptcy Attorney	sharon@sharonsperling.com

Group two members we need to meet. I suggest either the 4th, 5th or 6th at my office at 4pm. Please let me know your preferences. (Panel members feel free to join us at the group meeting or email me ideas you have regarding issues/topics to cover or we will muddle through and send you our ultimate plan☺)

At the meeting:

1. We need to meet to finalize our top ten issues faced in the current foreclosure crisis.
2. We need to come up with a snappy title.
3. We need to assign any research or photo copying jobs to our student members
4. We need to determine what if any AV equipment we need and notify the hotel
5. Need to work on scripts for MC's – discussion leaders

Thanks everyone! And Happy New Year!

Fondly,

Cherie

Cherie H. Fine, Esq.
Fine, Farkash & Parlapiano, PA
622 NE First Street
Gainesville, Florida 32601
352-372-7777
Fax: 352-372-0049
www.ffplaw.com
cfine@ffplaw.com

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Jenn C. Lussier

From: Cherie Fine <cfine@ffplaw.com>
Sent: Monday, January 03, 2011 12:07 PM
To: rer@circuit8.org; ellisherb@hotmail.com; David W. Fina; martin@scruggs-carmichael.com; papagray1@aol.com; grmlaw@bellsouth.net; vanvorstlawfirm@gmail.com; chughes@shrlawfirm.com; lucus.taylor@suwanneelawyers.com; aingram@laborattorneys.org; pritchetta@SAO8.org; jsmith@avera.com; bpowell@reasonabledoubt.org; sharon@sharonsperling.com; craig@reasonabledoubt.org; mar.ferber@gmail.com; ed.jennings@hud.gov; jhcason@kablernocason.com; prsl030@aol.com; cholden@hcrklaw.com
Subject: RE: Inns of Court Program January 27, 2011 Foreclosure Panel Discussion Meeting plan

I have only heard from 3 folks regarding the best date to meet. Please let me know which is best for you if you haven't. Thanks Cherie

From: Cherie Fine [mailto:cfine@ffplaw.com]
Sent: Thursday, December 30, 2010 4:51 PM
To: cfine@ffplaw.com; rer@circuit8.org; ellisherb@hotmail.com; fina.david@jud3.flcourts.org; martin@scruggs-carmichael.com; papagray1@aol.com; grmlaw@bellsouth.net; vanvorstlawfirm@gmail.com; chughes@shrlawfirm.com; lucus.taylor@suwanneelawyers.com; aingram@laborattorneys.org; pritchetta@SAO8.org; jsmith@avera.com; bpowell@reasonabledoubt.org; sharon@sharonsperling.com; craig@reasonabledoubt.org; mar.ferber@gmail.com; ed.jennings@hud.gov; jhcason@kablernocason.com; prsl030@aol.com; cholden@hcrklaw.com
Subject: Inns of Court Program January 27, 2011 Foreclosure Panel Discussion Meeting plan

Group 2 Inns of Court Program

Thursday, January 27th, 2011

Foreclosure:

cfine@ffplaw.com, rer@circuit8.org, ellisherb@hotmail.com, fina.david@jud3.flcourts.org, martin@scruggs-carmichael.com, papagray1@aol.com, grmlaw@bellsouth.net, vanvorstlawfirm@gmail.com, chughes@shrlawfirm.com, lucus.taylor@suwanneelawyers.com, aingram@laborattorneys.org, pritchetta@SAO8.org, jsmith@avera.com, bpowell@reasonabledoubt.org, sharon@sharonsperling.com, craig@reasonabledoubt.org, mar.ferber@gmail.com, ed.jennings@hud.gov, jhcason@kablernocason.com, prsl030@aol.com, cholden@hcrklaw.com

Hey everyone:

I believe our current panel for our program is as follows – correct me if I am wrong:

Judges Roundtree & Fina	<u>fina.david@jud3.flcourts.org</u> , <u>rer@circuit8.org</u>
Ed Jennings: director of HUD	<u>ed.jennings@hud.gov</u>
Ramona Griner: Site manager AAA	(Kristine can you let me know her email)
Jodi Cason, Esq.: AAA mediator	<u>jhcason@kablernocason.com</u>
Paul Silverman, Esq.: Magistrate	<u>prsl030@aol.com</u>
Chick Holden, Esq.: Property Attorney	<u>cholden@hcrklaw.com</u>
Sharon Sperling: Bankruptcy Attorney	<u>sharon@sharonsperling.com</u>

Group two members we need to meet. I suggest either the 4th, 5th or 6th at my office at 4pm. Please let me know your preferences. (Panel members feel free to join us at the group meeting or email me ideas you have regarding issues/topics to cover or we will muddle through and send you our ultimate plan☺)

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4. We need to determine what if any AV equipment we need and notify the hotel
5. Need to work on scripts for MC's – discussion leaders

Thanks everyone! And Happy New Year!

Fondly,

Cherie

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Jenn C. Lussier

From: FloridaBarCLE@lexisnexis.com <FloridaBarCLE@mail.lexisnexis.com>
Sent: Saturday, January 01, 2011 5:13 PM
To: David W. Fina
Subject: The Florida Bar January 1st CLE E-newsletter

✕

The Florida Bar CLE e-Newsletter

January 2011

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Advanced Federal Practice

Course Classification: Advanced Level

Live Presentation and Webcast: Friday, January 21, 2011 - Hyatt Regency Downtown, Miami, FL

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Course Classification: Advanced Level

Live Presentation and Webcast: January 13-14, 2011 - Omni Orlando at ChampionsGate, ChampionsGate, FL

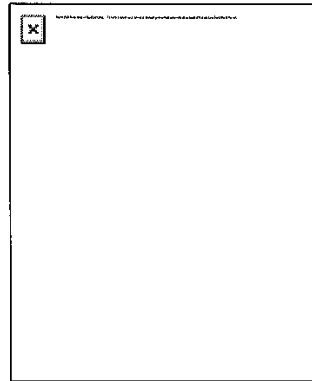
This seminar is designed for two audiences: those who plan to take the exam to become Board Certified as Civil Trial Lawyers and all litigators and civil trial lawyers who want a concise, dynamic and thorough review of civil trial practice with an emphasis on recent developments.

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Elder Law Certification Review Course 2011

Course Classification: Advanced Level
One Location: January 13-14, 2011 - Reunion Resort, Reunion, FL

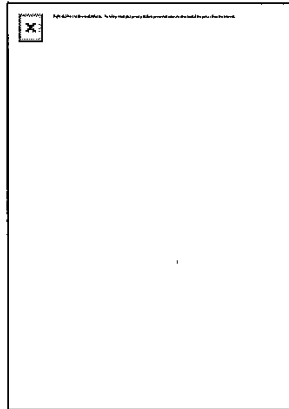
This is an advanced level course designed to assist in preparing for the Board Certification exam in Elder Law. It is a comprehensive review of the major areas of Elder Law and how to avoid common ethical pitfalls. The course also focuses on the most recent changes in the area of Elder Law and planning for persons with Special Needs.

RELATED FLORIDA BAR CLE PUBLICATIONS

Florida Probate Rules, 2011 Edition with CD-ROM

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The 2011 Edition of Florida Probate Rules features the full text of all the probate and guardianship rules, including 3-year cycle amendments, with the committee notes, rule histories, and statutory and rule references for each rule.



In addition, this reference includes related provisions from Florida Statutes, updated through the 2010 Session:

- Florida Probate Code
- Recently enacted Florida Trust Code (and the former trust law)
- Principle and income law
- Florida Guardianship Law
- Statutes governing the right to decline life-prolonging procedures
- Constitutional provisions regarding homestead

The companion CD-ROM features all of the material in the pamphlet in an easily accessible and searchable format, plus the full text of the cited cases. For full system requirements, click [here](#).

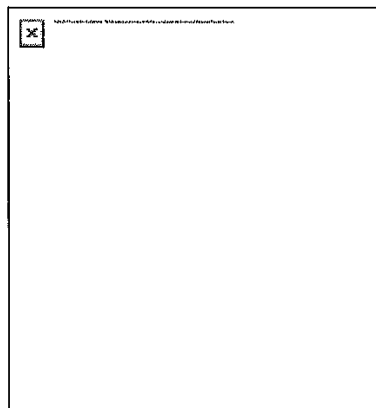
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Florida Will and Trust Forms Manual, Fourth Edition with 2010 Supplement, Deskbook and CD-ROM

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Based on the comprehensive publication by the late Walter S. Kane, this fully updated Fourth Edition sets forth the essential principles of estate planning and enables you to prepare a complete set of documents that meets your clients' needs. Using Model Wills and Trusts, this manual covers complex estate planning strategies as well as simple wills. The forms in this manual are designed to save you many hours in drafting your clients' estate planning documents.



The 2010 Supplement updates the Fourth Edition through the 2010 legislative session.

The Fourth Edition includes the new Florida Will and Trust Deskbook and a companion CD-ROM with the full, searchable text of the manual. The CD also features hyperlinks to cited cases and statutes, the full text of related cases and statutes, and all model wills, trusts, and alternate and supplemental provisions in MSWord format making drafting documents easy. For full system requirements, click [here](#).

To receive a 20% discount on future updates for this publication call 1-800-533-1637 to become a subscriber under the Automatic Shipment Subscription Program and to obtain full terms and conditions for that program.

[Click here for more information.](#)

No Stone Unturned? Discovery in Employment Cases

Course Classification: Intermediate Level
Webinar: January 10, 2011 - Noon - 2:00 p.m. (EST)

Wikipedia defines Discovery as "the pre-trial phase in a lawsuit in which each party . can request documents and other evidence from other parties.." It's not that simple! Join Rich McCrea as he shares his insights into the Do's and Don'ts of Labor and Employment Discovery.

Representing the Physician 2011: Keeping up with Legal and Structural Changes for the New Era of Medical Practice Integration

Course Classification: Intermediate Level
Live Presentation and Webcast: January 28, 2011 - Hyatt Regency Orlando International Airport, Orlando, FL

This program will include topics such as Tax Changes for 2011: Tricks and Traps for the Practitioner, Electronic Health Records and Meaningful Use: What You Need to Know to Help Your Clients, Choosing Entities for Practices, Joint Ventures and Investments: Tax Factors, Enhancement Techniques and Traps for the Unwary, What Your Clients Need to Know if They are Billing Out-of-Network, What a Good CPA Does for Physician Practices, Hot Topics in Medicare Enforcement Impacting Physicians, and a discussion on What Health Care Lawyers Have to Explain to Tax Lawyers, and What Tax Lawyers Have to Explain to Health Care Lawyers.

29th Annual International Tax Conference

Course Classification: Intermediate Level
Live Presentation: January 13 - 14, 2011 - J.W. Marriott, Miami, FL

The seminar is an intermediate to advanced conference on international tax and trust issues, both for U.S. taxpayers investing abroad and non-US taxpayers investing in the United States. Topics to be covered include: International Tax Developments Outbound Update, Structuring the

Acquisition of a Foreign Company, The U.S. Tax Compliance Nightmare of the International Executive, Swiss Corporate Tax Strategies for Global Players, Everything You Wanted to Know about Expatriation but Were Afraid to Ask, The PFIC Storm: A Preparation and Survival Guide, Recent Developments and Planning Opportunities with U.S. Income Tax Treaties, Determining Gain or Loss on Remittances from Foreign Operations with Different Functional Currencies, International Tax Developments Inbound Update, Tax Efficient Structuring of Foreign Corporate Investment in U.S. Real Estate and Business, The Attorney-CPA International Client Relationship--Joint Representation in Turbulent Times, Panel on Miscellaneous Civil and Criminal Procedural Issues, Washington Update-View from Inside the Internal Revenue Service, Canadians Investing in Florida Real Estate - A Depressed Market and a Strong Loonie - A Perfect Combination or the Perfect Storm, Complexities of Foreign Nongrantor Trusts with U.S. Beneficiaries, Don't Leave Home without It (Proper Tax Advice).

Practicing with Professionalism (Spring 2011)

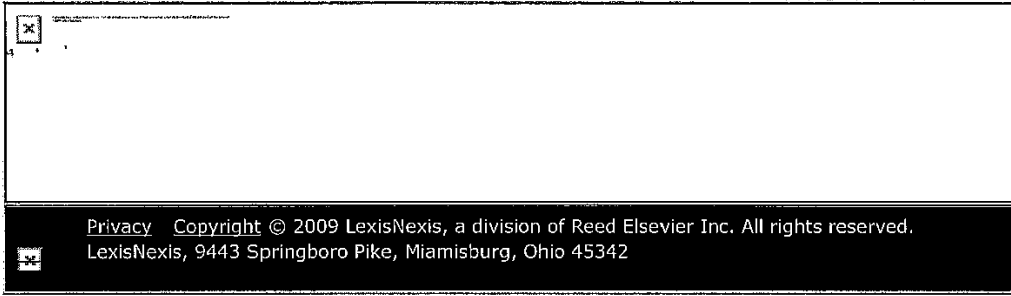
Course Classification: Basic Level

Live Presentations (10 Locations): January 14, 2011 - May 20, 2011 - Miami - Orlando - West Palm Beach - St. Petersburg - Ft. Lauderdale Gainesville - Tallahassee - Panama City

A one day seminar providing a broad overview of ethical and professional issues designed for new lawyers in fulfillment of phase 1 of the Basic Skills Requirement. The Florida Supreme Court in The Florida Bar Re: Amendment to Rules Regulating The Florida Bar, Rule 6-12 (Basic Skills Course Requirement, 524 So. 2d 634 (Fla. 1988)), made Practicing with Professionalism, mandatory for attorneys admitted to The Florida Bar after October 1, 1988. Effective on May 12, 2005, the Supreme Court of Florida amended Rule 6-12.3 and Rule 6-12.4. These amended rules state that in addition to attending Practicing with Professionalism, new admittees must attend three "basic" level substantive continuing legal education programs presented by the YLD. The Basic Skills Course Requirement must be completed within the initial 3-year continuing legal education cycle after admission to The Florida Bar or within 2 years after the expiration of any exempt status. The Practicing with Professionalism requirement must be met within the first year of admission to The Florida Bar or one year prior to being admitted to The Florida Bar. Out-of-State Practitioners, Military lawyers and Governmental lawyers may be exempt from the Basic Skills Course Requirement and should refer to Rule 6-12.4 to determine eligibility for an exemption.

Visit [The Florida Bar CLE Website](#) for more information about CLE seminars, video tapes and cassettes, online courses, and other information about your CLE requirements.

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Jenn C. Lussier

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Subject: Check out Bar Journal Article-FORECLOSURE CRISIS

[Bar Journal Article](#)

Jenn C. Lussier

From: PapaGray1@aol.com
Sent: Thursday, December 30, 2010 5:29 PM
To: cfine@ffplaw.com; rer@circuit8.org; ellisherb@hotmail.com; David W. Fina; martin@scruggs-carmichael.com; papagray1@aol.com; grmlaw@bellsouth.net; vanvorstlawfirm@gmail.com; chughes@shrlawfirm.com; lucus.taylor@suwanneelawyers.com; aingram@laborattorneys.org; pritchetta@SAO8.org; jsmith@avera.com; bpowell@reasonabledoubt.org; sharon@sharonsperling.com; craig@reasonabledoubt.org; mar.ferber@gmail.com
Subject: Fwd: Inns of Court Program January 27, 2011 Foreclosure Panel Discussion Meet...

Jan 4th or 5th at 4 are good, 6th is difficult, but will re-arrange if unavoidable.

Jim Gray

From: cfine@ffplaw.com
To: cfine@ffplaw.com, rer@circuit8.org, ellisherb@hotmail.com, fina.david@jud3.flcourts.org, martin@scruggs-carmichael.com, papagray1@aol.com, grmlaw@bellsouth.net, vanvorstlawfirm@gmail.com, chughes@shrlawfirm.com, lucus.taylor@suwanneelawyers.com, aingram@laborattorneys.org, pritchetta@SAO8.org, jsmith@avera.com, bpowell@reasonabledoubt.org, sharon@sharonsperling.com, craig@reasonabledoubt.org, mar.ferber@gmail.com, ed.jennings@hud.gov, jhcason@kablernocason.com, prsl030@aol.com, cholden@hcrklaw.com
Sent: 12/30/2010 4:51:17 P.M. Eastern Standard Time
Subj: Inns of Court Program January 27, 2011 Foreclosure Panel Discussion Meeting plan

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To: cfine@ffplaw.com; rer@circuit8.org; ellisherb@hotmail.com; David W. Fina; martin@scruggs-carmichael.com; papagray1@aol.com; grmlaw@bellsouth.net; vanvorstlawfirm@gmail.com; chughes@shrlawfirm.com; lucus.taylor@suwanneelawyers.com; aingram@laborattorneys.org; pritchetta@SAO8.org; jsmith@avera.com; bpowell@reasonabledoubt.org; sharon@sharonsperling.com; craig@reasonabledoubt.org; mar.ferber@gmail.com
Subject: Fwd: INNS OF COURT FORECLOSURE PROGRAM 1-27-11 GAINESVILLE

Hey Inns Group 2 Buddies

An early January meeting is good. Below is an email I sent to Ed Jennings incorporating the panelists we know of so far. Judge Griffis cannot be at the meeting because of a family commitment, but he really wanted to share his ideas regarding foreclosures. Sharon Sperling said she would be a panelist. I have not confirmed with Judge Roundtree that he will be willing, though. I incorporated Kristine's mediators.

Darlene Pifalo also recommended we have a representative from NACA in Jacksonville, who has expressed a desire to come. see their website here--
https://www.naca.com/index_main.jsp
I have not said yes or no yet. What do you think?

From: PapaGray1@aol.com
To: ed.jennings@hud.gov
Sent: 12/30/2010 5:09:26 P.M. Eastern Standard Time
Subj: INNS OF COURT FORECLOSURE PROGRAM 1-27-11 GAINESVILLE

Dear Mr. Jennings

I was told that you told Jimmy Feiber that you would like to participate in our Inns of Court program as a panelist in Gainesville on Jan 27, 2011. I can't tell you how wonderful that would be. Here is a portion of the letter I sent to James Martin at HUD in Jax, I believe it explains what we're up to:

James C. Adkins Inns of Court, Foreclosure Program January 27, 2011 at 6 PM, Best Western Gateway Grand, 4200 NW 97th Boulevard, Gainesville, Florida 32606-3742
Phone: 352/331-3336 | Fax: 352/331-3337

Our group of the James C. Adkins Inns of Court is hosting a discussion of residential foreclosure issues for our January meeting [see time and location above]. See the official Inns website here- <http://www.innsforcourt.org/Content/InnContent.aspx?Id=1499>

Our local Inns members are actually listed under "Pupillage Team Info" by group at the website. To quote from the American Inns website:

American Inns of Court (AIC) are designed to improve the skills, professionalism and ethics of the bench and bar. An American Inn of Court is an amalgam of judges, lawyers, and in some cases, law professors and law students. Each Inn meets approximately once a month both to "break bread" and to hold programs and discussions on matters of ethics, skills and professionalism.

I should tell you that drinks and socializing begin at 6, followed by dinner and the program. While I'm really not trying to bribe you, both are free [ha ha].

In this era of mass mortgage defaults and foreclosures, pleas for help from individuals, the Florida Bar Association, and Courts are often lost in the shuffle. We are all trying to work out of this mess, help our clients and the Courts, and maintain high standards of professionalism. Just the few telephone numbers you gave me for FHA and non FHA help with restructuring loans was amazing information. I know that any contribution from a knowledgeable HUD representative as a panelist would be greatly appreciated, and expand awareness of help that you know about, but attorneys do not.

PROPOSED PANELISTS

Magistrate Paul Silverman

Judge Roundtree

Banker –Alarion , M&S, or Capital City?

Title attorneys

Jeff Dollinger

Chick Holden

Realtor –Darlene Pifalo ?

HUD Jax Ed Jennings, Regional Director

Bankruptcy Attorney- Sharon Sperling?

Mediator- Jodi Cason foreclosure mediator

AAA administrator for the Eighth Circuit foreclosure mediations- Ramona Griner

Ed, thank you so much for being willing to participate.

Jim Gray

James F Gray, PA

3615- B NW 13 St.

Gainesville, Florida 32609

Florida Bar #318681

Telephone 352 371 6303

Fax 352 371 4722

E-Mail PAPAGRAY1@AOL

Jenn C. Lussier

From: Cherie Fine <cfine@ffplaw.com>
Sent: Thursday, December 30, 2010 4:51 PM
To: cfine@ffplaw.com; rer@circuit8.org; ellisherb@hotmail.com; David W. Fina; martin@scruggs-carmichael.com; papagray1@aol.com; grmlaw@bellsouth.net; vanvorstlawfirm@gmail.com; chughes@shrlawfirm.com; lucus.taylor@suwanneelawyers.com; aingram@laborattorneys.org; pritchetta@SAO8.org; jsmith@avera.com; bpowell@reasonabledoubt.org; sharon@sharonsperling.com; craig@reasonabledoubt.org; mar.ferber@gmail.com; ed.jennings@hud.gov; jhcason@kablernocason.com; prsl030@aol.com; cholden@hcrklaw.com
Subject: Inns of Court Program January 27, 2011 Foreclosure Panel Discussion Meeting plan

Group 2 Inns of Court Program
Thursday, January 27th, 2011
Foreclosure:

cfine@ffplaw.com, rer@circuit8.org, ellisherb@hotmail.com, fina.david@jud3.flcourts.org, martin@scruggs-carmichael.com, papagray1@aol.com, grmlaw@bellsouth.net, vanvorstlawfirm@gmail.com, chughes@shrlawfirm.com, lucus.taylor@suwanneelawyers.com, aingram@laborattorneys.org, pritchetta@SAO8.org, jsmith@avera.com, bpowell@reasonabledoubt.org, sharon@sharonsperling.com, craig@reasonabledoubt.org, mar.ferber@gmail.com, ed.jennings@hud.gov, jhcason@kablernocason.com, prsl030@aol.com, cholden@hcrklaw.com

Hey everyone:

I believe our current panel for our program is as follows – correct me if I am wrong:

Judges Roundtree & Fina	fina.david@jud3.flcourts.org , rer@circuit8.org
Ed Jennings: director of HUD	ed.jennings@hud.gov
Ramona Griner: Site manager AAA	(Kristine can you let me know her email)
Jodi Cason, Esq.: AAA mediator	jhcason@kablernocason.com
Paul Silverman, Esq.: Magistrate	prsl030@aol.com
Chick Holden, Esq.: Property Attorney	cholden@hcrklaw.com
Sharon Sperling: Bankruptcy Attorney	sharon@sharonsperling.com

Group two members we need to meet. I suggest either the 4th, 5th or 6th at my office at 4pm. Please let me know your preferences. (Panel members feel free to join us at the group meeting or email me ideas you have regarding issues/topics to cover or we will muddle through and send you our ultimate plan☺)

At the meeting:

1. We need to meet to finalize our top ten issues faced in the current foreclosure crisis.
2. We need to come up with a snappy title.
3. We need to assign any research or photo copying jobs to our student members
4. We need to determine what if any AV equipment we need and notify the hotel
5. Need to work on scripts for MC's – discussion leaders

Thanks everyone! And Happy New Year!
Fondly,