



CIRCUIT COURT  
FOURTH JUDICIAL CIRCUIT OF FLORIDA

CAROLINE C. EMERY, ESQ.  
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DUVAL COUNTY COURTHOUSE  
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February 14, 2011

Larry Schwartztol, Esq.  
ACLU  
125 Broad Street  
18 Floor  
New York, NY 10004-2400

Dear Mr. Schwartztol:

On behalf of Chief Judge Moran, Jr., I am responding to the records request sent to the Fourth Judicial Circuit by the American Civil Liberties Union (ACLU) on October 19, 2010. The specialized Foreclosure Division in the Fourth Judicial Circuit was established on July 1, 2010. Therefore, as clarified by your office through Laura Rush of the Florida Trial Court Administrator's Office, your request may be limited to records dating after July 1, 2010 and should relate to the adjudicatory process rather than the managed mediation program.

Regarding e-mails, I have been advised that the Foreclosure Division judges and the Administrative Judge of the Circuit Civil Division do not have e-mails that fall under the categories of the items that have been requested. I have considered all of the combined incoming and outgoing e-mails of the Court Administrator and relevant staff members of Court Administration, the Chief Judge, Court Counsel, and the personnel in the Clerk's Office assigned to foreclosures, using the search term "foreclosure," and we have estimated that over two-thousand-seven-hundred e-mails exist. We expect that it will involve extensive use of attorney and supervisory services to review these voluminous e-mails to determine whether the e-mails are relevant to the items requested by ACLU and, if so, whether any are exempt, confidential, or need to be redacted. Consequently, we estimate that it will cost at least \$3,950.00 to review and produce the e-mails to you. If you would like us to proceed with that task, we ask that you send us a check in the full amount of \$3,950.00 payable to the "Clerk of the Court of Duval County, Florida" in advance, before we produce the e-mails. If it turns out to cost less, we will be happy to refund the money to ACLU.

All of the following judicial records for the period of July 2010 through December 2010 are enclosed and produced free of charge.

In response to item number 1, relating to the establishment of the Foreclosure Division in the Fourth Judicial Circuit created to manage, adjudicate, or dispose of proceedings in foreclosure cases, we are providing Administrative Orders, Memoranda, and correspondences sent prior to the establishment in July 2010. Although not requested, we are also including Administrative Order No. 2010-1, establishing the Residential Mortgage Foreclosure Mediation Program (which is not relevant to establishing the judicial Foreclosure Division), only because the Chief Judge of the Fourth Judicial Circuit thought it might be of interest to you. In addition, the amendments to this Administrative Order 2010-1 have been included in this response because they are relevant to other items that ACLU requested, so we believe the original should be produced in order to put the amendments into context.

In response to item number 2, regarding records of the judicial branch relating to the rules, procedures, and practices established to manage, adjudicate or dispose of foreclosure cases in the Fourth Judicial Circuit, we are producing Administrative Orders, form Orders used by the Foreclosure Division, Memoranda and form Memoranda, and Notices.

The procedure established for setting Notices of Hearings require attorneys to send a request for hearing by e-mail to the case manager/assistant, who sets a hearing date and time in her reply e-mail. A form Notice of Hearing has been included as an example, along with several examples of Notices and an e-mail as an example. This procedure generated literally an average of a hundred and fifty e-mails every week to and from the case manager/assistant, totaling approximately six-thousand-five-hundred e-mails between July and December 2010, all strictly for the purpose of merely setting hearings, using this form request with a reply assigning a date and time in case specific instances, which would not be relevant to any of the categories requested. The case manager/assistant represented that she uses her e-mails strictly to set hearings, using this form. Unless ACLU makes another specific request, and is willing to make an advance payment (in addition to the \$3,950.00 mentioned above), we have decided it would be best to save ACLU the cost of Court Counsel's salary that would be charged for taking needless and countless hours to review thousands of e-mails over the 6 months period, merely to confirm and verify that these e-mails are irrelevant, and only concerning setting hearings.

Regarding item number 3, we have included a list of the names of all judges, clerks and the former case manager/assistant in the Foreclosure Division. The Fourth Judicial Circuit never has used, and does not use, any magistrates for the Foreclosure Division. Sara Pappas (case manager/assistant) was originally assigned in July 2010, but she was promoted to a Judicial Assistant and was replaced by Robin Talley in late August, 2010. We have included additional records that list the names of all Foreclosure Division Judges and their schedules, for each county (Duval, Clay and Nassau). We have redacted their e-mail addresses and phone numbers for privacy reasons.

In response to item number 4, the training manual "Residential Foreclosure Bench Book" prepared by the Eleventh Judicial Circuit and used by senior judges in this Circuit who are assigned to the Foreclosure Division is enclosed and being produced.

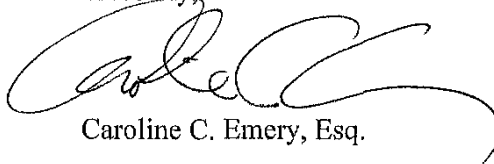
In response to item number 5, we are producing records, including letters and a Memorandum from Chief Judge Moran regarding public access to proceedings in foreclosure cases.

Finally, in response to item number 6, we are producing a CD for your convenience and substantial cost savings because the records were far too voluminous to download and print. When reviewing the data on the CD, please keep in mind that the Foreclosure and Economic Recovery Case Tracking System (FERCTS) data was provided in summary format for Duval, Clay, and Nassau Counties from July through September 2010 because the Fourth Judicial Circuit had not yet acquired the necessary computer program. Eve Janocko, Court Operations Program Assistant with Court Administration, currently has over 250 e-mails regarding foreclosures and was responsible for submitting the FERCTS reports to the OSCA. We have not taken the extensive time that would be required to review her e-mails in order to determine whether they are relevant to the records request. However, included in our response, is a copy of an e-mail trail regarding the Court's expenditure of over \$7,900 to develop the necessary software program through the Clerk's Office in late September 2010.

The automated format reporting to the OSCA began in November 2010 and incorporated the months of July through October 2010 for Duval, Clay, and Nassau Counties. We are producing copies of the reports submitted to the OSCA through December 2010 for Duval, Clay, and Nassau Counties. The attached CD includes all of these reports, which were submitted to the OSCA.

This records request has been extensive and has consumed substantial time and limited resources, yet we have done our absolute, level best to respond, and in good faith, search through numerous employees' records to locate, make copies, and produce all records that appear to be relevant to the items requested, without claiming exemptions or confidentiality, and without charging ACLU a fee for our time nor for the copies, while recognizing that ACLU is a benevolent non-profit organization with a mission to protect human rights and civil liberties. Nevertheless, if, in our efforts, there is anything that you believe we might have unintentionally left out, please feel free to contact me and I will be happy to supplement our response.

Sincerely,



Caroline C. Emery, Esq.

cc. The Honorable Donald R. Moran, Jr., Chief Judge, Fourth Judicial Circuit  
The Honorable A.C. Soud, Foreclosure Division  
Joseph Stelma, Court Administrator



CIRCUIT COURT  
FOURTH JUDICIAL CIRCUIT OF FLORIDA

FREDERICK B. TYGART  
Circuit Judge

Duval County Courthouse  
Jacksonville, Florida 32202

**MEMORANDUM**

**TO: JACKSONVILLE BAR ASSOCIATION / LINDA MORRIS**

**FROM: JUDGE FRED TYGART** *FT*

**DATE: MARCH 24, 2010**

**RE: FORECLOSURE COMPLAINTS NOT IN COMPLIANCE WITH  
ADMINISTRATIVE ORDER 2010-1**

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Attached is a form order to show cause that is to be served regarding foreclosure cases filed beginning March 1, 2010 in which the plaintiff did not comply with Administrative Order 2010-1.

Please prepare and submit to me after obtaining a mass hearing date from my judicial assistant, Linda Stone. The hearing date should be thirty (30) days from the date the Order will be signed. If you have any questions, please call me.

FBT/lss

IN THE CIRCUIT COURT, FOURTH  
JUDICIAL CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA.

CASE NO.:  
DIVISION: CV-B

**Plaintiff,**

vs.

**Defendants.**

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**ORDER TO SHOW CAUSE**

The Court finds that the plaintiff in the above case has failed to comply with Administrative Order 2010-1 which requires mandatory mediation in foreclosure cases filed in the Fourth Judicial Circuit, State of Florida, (Clay, Duval and Nassau Counties), effective March 1, 2010.

This Administrative Order requires that in every foreclosure of property the plaintiff **shall** file **Form A** (copy attached) with the complaint. If Form A indicates that the mandatory mediation program is applicable to the subject property then the plaintiff **at the time of filing** shall remit a check in the amount of \$400.00 **directly to** and payable to the Jacksonville Bar Association, the Program Manager with a copy of the check being filed with the Clerk. A complete copy of Administrative Order 2010-1 may be obtained at [<http://www.jaxbar.org/rmfmp.php>]

This Court finds that plaintiff is not in compliance with Administrative Order 2010-1 by failing to do the following:

\_\_\_\_\_ **Failed to file Form A.**

\_\_\_\_\_ **Failed to remit \$400.00 check to the Jacksonville Bar Association.**

This Order is intended to advise you of the program and allow you a reasonable opportunity to comply. **FAILURE TO FOLLOW THIS ORDER WILL RESULT IN THE DISMISSAL OF THE CASE** with leave to refile. Upon consideration, it is

**ORDERED AND ADJUDGED:**

1. Plaintiff shall appear before the Honorable Frederick B. Tygart in Chambers, Room 202, Duval County Courthouse, 330 East Bay Street, Jacksonville, Florida, on April , 2010 at 8:45 A.M. to show cause why you have not complied with Administrative Order 2010-1.

2. This hearing will be cancelled and plaintiff's attendance not required if plaintiff files **Form A** with the Clerk of Court and serves a copy on Program Manager (The Jacksonville Bar Association) together with a check in the amount of \$400.00 made payable to the Jacksonville Bar Association with these requirements to be completed at least five (5) days prior to the hearing date. The address of the Jacksonville Bar Association is 1301 Riverplace Boulevard, Suite 730, Jacksonville, Florida 32207-9040.

**DONE AND ORDERED** in Chambers at Jacksonville, Duval County, Florida,

\_\_\_\_\_ day of March, 2010.

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**FREDERICK B. TYGART, Circuit Judge**

**Copies to:**



CIRCUIT COURT  
FOURTH JUDICIAL CIRCUIT OF FLORIDA

A.C. Soud, Jr.  
Senior Circuit Judge

Duval County Courthouse  
Jacksonville, Florida 32202

May 27, 2010

RE: Foreclosure Division

I have reviewed with Sara the Number of cases that have been set for time certain on your calendars. These cases do not include the divisions that set cases for a block of time for ex-parte. The Clerk of Court has been kind enough to furnish me with the list of hearings that have already been set date and time certain, which number 258 cases, not including cases that some will hear ex-parte.

We can not under our present scheduling process for 4 days a week, hear those 258 cases at the times and date you all have previously set.. In addition we will not be able to hear ex-parte dates after July 1, 2010 because we do not know when they will appear for hearing. To do either or both would create chaos for the dates and times we are currently setting, since we are setting cases by the local attorney's names in blocks of time.

Therefore, those cases you have set for time certain, as well as those of you who previously set ex-parte will have to be heard by your Judge. That will avoid cancellation of hearings or having to re-notice them. Doing it this way you will gradually wean off all mortgage foreclosures since you should not be setting anymore after July 1, 2010. If you have any questions, please do not hesitate to contact Sara Pappas at 904-630-3792.

Thank You,

A.C. Soud, Jr.  
Senior Circuit Judge

**4th Cir 00007**



FOURTH JUDICIAL CIRCUIT  
DUVAL COUNTY COURTHOUSE

A.C. Soud, Jr.  
SENIOR CIRCUIT JUDGE  
(904) 630-2591

330 E. Bay St., Room 506  
Jacksonville, FL 32202

MEMORANDUM

TO: TO: William S. Frazier, Esq., Rodger Friedline, Esq.,  
Darryl Kendrick, Esq., Mark Kessler, Esq., Sidney  
Lewis, Esq., Elaine Lucas, Esq., Douglas Oberdorfer,  
Esq., Joseph Shacter, Esq., Susanne Bass, Esq., Sharon  
Simmons, Esq., Ryan T. Hyde, Esq., Richard and Sharon  
Ruth, Esq., Rehan N. Khawaja, Esq., Stephanie Potts  
Wholey, Esq.

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FROM: Senior Circuit Judge A.C. Soud, Jr.

DATE: May 28, 2010

RE: Foreclosure Division  
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Pursuant from the instructions from Judge Soud, that has been communicated to all of the Circuit Civil Judges, wether by time certain or ex-parte, all of those hearings will be heard by the current judge before whom those hearings have already been set. This includes time certain set hearings or in an ex-parte slot.

I have learned that there are 258 cases set beyond July 1, 2010 for Time certain, which does not include those that are set for an ex-parte block. To try to merge those into our schedule would be chaotic and further delay your hearings and require re-scheduling and re-noticing.

Thus all of the hearings that the Foreclosure Division will be hearing after July 1, 2010 will be the ones set by Sara Pappas.



Date

Homeowner  
Address 1  
City, State Zip

Re: Property address: Foreclosure Case

Dear [Name of Homeowner],

You have received this letter because you or your attorney has contacted our office to see if you may re-enter the Foreclosure Mediation Program.

The Program Manager, the Jacksonville Bar Association, is required to file a Nonparticipation form with the Clerk of the Court when a signed Request to Participate in the Mediation Program was not received from you within sixty (60) days after the Foreclosure case was filed.

The Request to Participate in the Mediation Program was sent to you at the address provided by your mortgage company. Your Notice of Borrower Nonparticipation was mailed to you at the same address.

You may file the attached form with the Clerk of Court at the Duval County Courthouse, 330 East Bay Street, Jacksonville, Florida. You must give specific reasons why you did not mail back or deliver the Request to Participate form with the Jacksonville Bar Association when it was first mailed to you. You should also write down reasons why you may be able to save your home by participating in the Mediation Program. The judge will consider your reasons and decide whether you can reenter the Program.

Sincerely,

Program Coordinator  
Jacksonville Bar Association

IN THE CIRCUIT COURT, IN AND FOR  
THE FOURTH JUDICIAL CIRCUIT,  
DUVAL COUNTY, FLORIDA

CASE NUMBER:

\_\_\_\_\_  
PLAINTIFF NAME

VS

\_\_\_\_\_  
DEFENDANT(S) NAME

**REQUEST TO BE REINSTATED IN  
FORECLOSURE MEDIATION PROGRAM**

The Defendant(s), (print your name)  
requests to be reinstated in the Foreclosure Mediation Program and states:

1. The Defendant(s) failed to return the Borrower's Request to Participate in the Mediation Program form within the required twenty (20) days.
2. The Program Manager has filed a Notice of Borrower's Nonparticipation with the Circuit Court.
3. The Defendant(s) would like to participate in the Mediation Program.
4. The reasons that I did not return the Request to Participate in Mediation form within twenty (20) days are:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. The Defendant(s) requests to be reinstated in the Mediation Program for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOTE: The case number and the correct Plaintiff's names and Defendant's names are on the legal papers that you have received. Please write those in the blanks at the top of this page.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
SIGN YOUR NAME

\_\_\_\_\_  
PRINT YOUR NAME

\_\_\_\_\_  
ADDRESS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to the Program Manager, Jacksonville Bar Association, 841 Prudential Drive, Suite 1320, Jacksonville, FL 32207, this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
SIGN YOUR NAME

### POINTS FOR REMINDER THAT WILL HELP US ALL

As you all know the Foreclosure Division starts up July 6, 2010. I want to go over some of what we have discussed.

1. We will be handling Residential and Commercial Foreclosures. If it is a residential foreclosure and also serves as someone's "homestead" according to last calendar year's tax roll, it will be referred by the Clerk to the Jacksonville Bar Association for possible mediation purposes. The Homeowner can opt in/out of mediation. If they opt in to mediation, the Jacksonville Bar has set up all procedures, including getting the mediation set up, picking the mediator, and Disbursements of fees.

If the Homeowner "opts in", a Mediator's Report will be filed with the Clerk of Court whether it has resolved or comes to an impasse.

Also, at the time of the filing of the complaint, the Plaintiff must file "Form A", which provides the Clerk with several points of information, such as whether the property is Residential or Commercial, whether it is Homestead or Non-Homestead, etc.

#### "CONFLICTS WITH DATE AND OR/TIME ON NOTICES' TO APPEAR"

2. One of the lawyers told me today that the way we are setting hearings unilaterally at the request of the Plaintiff/Lender, that the date and time given to the Plaintiff which will appear on the Notice to Appear to the other side may in fact be in conflict with the lawyer's schedule on the other side, who might have something scheduled. Our policy now and will continue to be that hearing dates and times will be given unilaterally to the Plaintiff without requiring them to co-ordinate that date and time with the lawyer on the other side. This is done when the lender e-mails the "Request for Hearing" form. The Request of Hearing times are requested by the large firms from down state, and not local counsel and co-ordinating with the big law firms down state, who change personal regularly is extremely difficult.

If the Defendant's attorney has a conflict and can not appear by telephone or in person at the noticed time, but feels like they must attend, then that defense attorney will contact Plaintiff's local counsel directly and agree on a further date and time upon which we will strike it from the calendar from which it was originally set. The lawyer that I spoke with often times say that the large law firms will send Notices' of hearings when there are undisposed of motions in the Court file or without the Plaintiff's lawyer knowing it, or when the Homeowner and Lender may be in negotiations voluntarily for a mortgage mediation. It may even be a Final Judgment with a "sale" date set. I told the lawyer the above mentioned policy would continue.

If this type of conflict arises', however the Homeowner's attorney will contact local counsel (not the big firm) directly, setting forth the problem or conflict and agreeing to a new date and or/time and calling our judicial assistant and rescheduling to another date/time between 9:00 a.m.-12:00p.m. This type of re-scheduling Would Not follow that Judge each subsequent hearing.

“RESIDENTIAL FORECLOSURES AND/OR MEDIATION PROCEDURE”

3. BEFORE ANY FINAL JUDGMENT CAN BE ENTERED BY US ON ANY “HOMESTEAD” RESIDENTIAL PROPERTY, TWO DOCUMENTS MUST BE FILED: “Form A” and either the “Mediator’s Report” OR “Notice of Bower’s non-participation” This is mandatory by the Administrative Orders of the Florida Supreme Court and the Chief Judge. The mandatory nature of the above applies without exception to all foreclosures filed March 1, 2010. It is up to each judge’s discretion as to whether to refer to mediation any other type of foreclosure regarding properties which are “Non-Homestead” and will be left to the discretion of the judge whether to refer to mediation, if it seems the parties are interested in good faith.

I have met with the Jacksonville Bar Association at their request and in the spirit of Judge Moran’s orders establishing the Jacksonville Bar Association as the exclusive mediator coordinator in our circuit. I told the representative that any time that any mediation is ordered, whether filed after or before March 1, 2010 and whether it be “homestead” or “non-homestead”, we would refer it to the Jacksonville Bar (The Jacksonville Bar has spent extensive time and money to set up a first rate system. The Mediator’s will be several members of the Jacksonville bar as required by Judge Moran’s Administrative Order.)

“FOR INFORMATION ONLY”

4. The Mediation law and Administrative Orders require that any “residential homestead” foreclosure that goes to Mediation, the Lender, within five days prior to the mediation date, must provide the mediator beforehand with two things: “Life of Loan Accounting” and “proof of ownership” of the loan. The Jacksonville Bar Association anticipates either some obstinance, neglect, or lack of punctuality with Lenders complying with this requirement. The Bar will attempt to resolve these issues without our help, but we may need to intervene, if requested.

“MOTIONS TO DISMISS”

5. In some cases, Motions to Dismiss may be filed by Defendant’s counsel and challenge as one of the grounds that the Plaintiff’s lacks standing, because they have not attached an Assignment of Mortgage or other documentation to the complaint to prove Plaintiff’s standing to bring the suit. Judge Tygart and others rely on the proposition that the allegations of the complaint on a Motion to Dismiss must be accepted as true and that the legal issue can be refuted and determined at the time of the hearing for the Motion for Summary Judgment, rather than a Motion to Dismiss. I kind of favor the opposite conclusion personally, but I think we should all discuss it so we may have a uniform approach. I will be on board personally with whatever the majority agrees to do.

## “COMMERCIAL FORECLOSURES”

6. The President of the Jacksonville Bar Association, like a number of lawyers, handles commercial foreclosures for banks and other lenders on commercial properties. As you know commercial foreclosures are not quite as simple as residential foreclosures because they can involve an Appointment of Receiver, Receipt of Income, and Distributions and Accounting. When these issues arise, it is possible that a hearing could last from 2-4 hours. These types of cases should not be handled by different Senior Judges every time a particular case is scheduled and noticed, depending on who is sitting that week, but should stay with that Senior Judge until the conclusion, if possible.

I told the President of the JBA that a solution would constitute something like this: Once the complaint is filed and a hearing is needed they would call our Judicial Assistant and she would give the attorneys an agreeable date and time without disclosing the name of the Senior Judge that will be sitting on any particular week. That will prevent “Judge Shopping.” These types of hearings, which will not be set too often, would be set for a “Status Hearing” between 9:00 a.m.-12:00 p.m. on the agreeable date and time. That Judge, whoever he may be, will then set the extended hearing either at a date in the future when that Senior Judge will be on duty or another date when he is not on duty, but would have to claim an extra Senior Judge day for compensation.

The commercial foreclosure attorneys need this consideration so they don't have to be concerned about having to tell their client about difficulties with getting those types of hearings or emergency hearings set, due to what might seem like inefficiency to the client. They do not want to lose a good client.

## “EMERGENCY HEARINGS”

7. Emergency hearings for one reason or another may arise and more than not will have to do with foreclosure sales and or the eviction of a homeowner. Sometimes, though rarely, usually the Final Judgment was entered prematurely. Some of these can be serious and give rise to grave concern. I told the lawyers that should the need arise, our Judicial Assistant should be called and the hearing would be scheduled as reasonably soon as possible between 9:00 a.m.-12:00 p.m. to prevent any great hardship or injustice.

These are all important issues and we all need to be on board at least in understanding the procedures. I apologize for the length, but this document will help us all.



CIRCUIT COURT  
FOURTH JUDICIAL CIRCUIT OF FLORIDA

FREDERICK B. TYGART  
Circuit Judge

Duval County Courthouse  
Jacksonville, Florida 32202

**MEMORANDUM**

**TO:** STEVE JOHNROE, BETTY BROWN AND JUSTIN PORTLOCK  
**FROM:** JUDGE FRED TYGART *FBT*  
**DATE:** MARCH 24, 2010  
**RE:** FORECLOSURE COMPLAINTS NOT IN COMPLIANCE WITH  
ADMINISTRATIVE ORDER 2010-1

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Attached is a form letter to be sent to the various law firms who have since March 1, 2010 submitted foreclosure cases for filing without complying with Administrative Order 2010-1.

If you have any questions, please call me.

FBT/lss

Date , 2010

Dear [name of law firm]:

You recently submitted for filing the residential foreclosure cases on the list attached hereto. These cases fail to comply with the Fourth Judicial Circuit's (Clay, Duval and Nassau Counties) local Administrative Order 2010-1 requiring mediation. A copy of the Order may be obtained at <http://www.jaxbar.org/rmfmp.php>.

Pursuant to the directive of the Chief Judge (copy attached) our office will **no longer accept for filing** any residential foreclosure case that is presented without a completed Form A and a copy of the check in the amount of \$400.00 made payable to the Jacksonville Bar Association, the designated Program Mediation Manager. The \$400.00 must be sent directly to the Jacksonville Barr Association at the time of filing. The name of the case must be written on the check.

Your complaints for filing will be maintained by our office for a period of thirty (30) days to provide you an opportunity to comply. After thirty (30) days, non-conforming complaints will be returned to you by mail collect on delivery.

Sincerely,

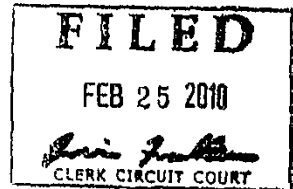
Clerk of the Circuit Court  
Fourth Judicial Circuit



IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT  
IN AND FOR DUVAL, CLAY AND NASSAU COUNTIES, FLORIDA

ADMINISTRATIVE ORDER NO. 2010-1

IN RE: RESIDENTIAL HOMESTEAD FORECLOSURE CASES  
MANDATORY REFERRAL TO MEDIATION



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

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

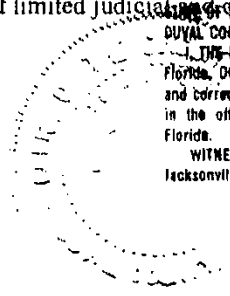
WHEREAS, Chapter 44, Florida Statutes, and Rules 1.700-1.750, Florida Rules of Civil Procedure, provide a framework for court-ordered mediation of civil actions, except those matters expressly excluded by Rule 1.710(b), which does not exclude residential mortgage foreclosure actions; and

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

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

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

Doc # 2010043833, OR BK 15185 Page 1096,  
Number Pages: 17  
Recorded 02/25/2010 at 12:34 PM,  
JIM FULLER CLERK CIRCUIT COURT DUVAL  
COUNTY



DUVAL COUNTY  
I, THE UNDERSIGNED Clerk of the Circuit Court, Duval County, Florida, DO HEREBY CERTIFY the within and foregoing is a true and correct copy of the original as it appears on record and file in the office of the Clerk of Circuit Court of Duval County, Florida.

WITNESS my hand and seal of Clerk of Circuit Court of Jacksonville, Florida, this the FEB 25 day of 2010

JIM FULLER  
Clerk, Circuit and County Courts  
Duval County, Florida

By *[Signature]*  
Deputy Clerk

**WHEREAS**, the Jacksonville Bar Association is an independent, nonpartisan, nonprofit organization that has demonstrated the ability to assist the courts with managing the large number of residential mortgage of foreclosure actions that recently have been filed in the Fourth Judicial Circuit.

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

**DEFINITIONS**

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

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

“Borrower’s Financial Disclosure for Mediation” means those documents described in Exhibit 5 attached as page A-29 to Order No. AOSC09-54.

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

“Foreclosure Counselor” means a counselor trained in advising persons of options available when facing a mortgage foreclosure, who does not have a criminal history of having committed a felony or a crime of dishonesty, and who is certified by the United States Department of Housing and Urban Development (HUD) or National Foreclosure Mitigation Counseling Program (NFMC), which are agencies experienced in mortgage delinquency and default resolution counseling.

“Form A” means the certifications required herein in the format of Exhibit 1, attached as page A-20 to Order No. AOSC09-54.

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

“Mediator” means only those mediators who are members of The Florida Bar, certified by the Florida Supreme Court as Circuit Civil Mediators, who reside or have a primary practice in the Fourth Judicial Circuit, and also who have received and completed the special mortgage foreclosure training required by Exhibit 12, attached as page A-59 *et seq* to Order No. AOSC09-54, and any additional training provided thereafter by the Fourth Judicial Circuit’s Program Manager.

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

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

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

“Program Manager” means The Jacksonville Bar Association (hereinafter, “Program Manager”), which is qualified in accordance with the Parameters stated in Exhibit 13, attached as page A-68 to the Supreme Court of Florida’s Administrative Order No. AOSC09-54 on Residential Mortgage Foreclosure Cases, entered on December 28, 2009 (hereinafter, Order No. AOSC09-54). This Order is available online on the Florida Supreme Court’s website at [www.floridasupremecourt.org](http://www.floridasupremecourt.org).

“RMFM Program” (Residential Mortgage Foreclosure Mediation Program) means the mediation program managed by The Jacksonville Bar Association to implement and carry out the intent of this Administrative Order.

## **SCOPE**

### **1. Residential Mortgage Foreclosures - Origination Subject to Truth in Lending Act (TILA)**

This Administrative Order shall apply to all residential mortgage foreclosure actions filed in the Fourth Judicial Circuit in which the origination of the note and mortgage sued upon was subject to the provisions of the Federal Truth in Lending Act, Regulation Z. However, requirement of compliance with this Administrative Order depends on whether the property secured by the mortgage is a homestead residence.

**The parties to the foreclosure action shall comply with the conditions and requirements imposed by this Administrative Order.**

Upon the effective date of this Administrative Order, all newly filed mortgage foreclosure actions filed against a homestead residence shall be referred to the RMFM Program unless:

- (a) the plaintiff and borrower agree in writing otherwise or
- (b) unless pre-suit mediation was conducted in accordance with paragraph 23.

In actions to foreclose a mortgage on a homestead residence, the plaintiff and borrower shall attend at least one mediation session unless:

- (a) the plaintiff and borrower agree in writing not to participate in the RMFM Program or
- (b) the Program Manager files a notice of borrower nonparticipation.

Upon the effective date of this Administrative Order, all newly filed residential mortgage foreclosure actions involving property that is not a homestead residence shall file with the Court Form A (attached as page A-20 to Order No. AOSC09-54, and hereinafter referred to as "Form A") as required by paragraph 5 below and paragraph 18 below (i.e., plaintiff's certification as to settlement authority).

At the discretion of the presiding judge, compliance with this Administrative Order may be required:

- (a) for homestead residential mortgage foreclosure actions filed prior to the effective date of this Administrative Order,
- (b) for residences which are not homestead residences, and
- (c) for any other residential foreclosure actions the presiding judge deems appropriate.

A party requesting that the case be sent to mediation with the RMFM Program at the discretion of the presiding judge shall make the request in format of Exhibit 3 attached as page A-25 to Order No. AOSC09-54.

## ***2. Referral to Mediation***

This Administrative Order constitutes a formal referral to mediation pursuant to the Florida Rules of Civil Procedure in actions involving a mortgage foreclosure of a homestead residence. The plaintiff and borrower are deemed to have stipulated to mediation by a mediator assigned by the Program Manager unless, pursuant to Rule 1.720(f), Florida Rules of Civil Procedure, the plaintiff and borrower file a written stipulation choosing not to participate in the RMFM Program. Referral to the RMFM Program is for administration and management of the mediation process and for assignment of a Florida Supreme Court certified circuit civil mediator who has been trained in mediating residential mortgage foreclosure actions and who has agreed to be on the panel of available certified circuit civil mediators.

Mediators used in the RMFM Program shall be trained in accordance with the standards stated in Exhibit 12, attached as page A-59 to Order No. AOSC09-54. Mediation through the RMFM Program shall be conducted in accordance with the Florida Rules of Civil Procedure and Florida Rules for Certified and Court-Appointed Mediators.

## ***3. Compliance Prior to Judgment***

The parties shall comply with this Administrative Order, and the mediation process shall be completed before the plaintiff applies for default judgment, a summary judgment hearing, or a final hearing in an action to foreclose a mortgage on a homestead residence unless a Notice of Nonparticipation is filed by the Program Manager.

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**4. Delivery of Notice of RMFM Program with Summons**

After the effective date of this Administrative Order, in all actions to foreclose a mortgage on residential property, the Clerk of Court shall attach to the summons to be served on each defendant, a notice regarding managed mediation for homestead residences in the format of Exhibit 2, attached as page A-23 to Order No. AOSC09-54.

**PROCEDURE**

**5. Responsibilities of Plaintiff's Counsel; Form A (page A-20 to Order No. AOSC09-54)**

When suit is filed, counsel for the plaintiff must file a completed Form A with the Clerk of Court. If the property is a homestead residence, all certifications in Form A must be filled out completely.

Within one (1) business day after Form A is filed with the Clerk of Court, counsel for plaintiff shall electronically transmit a copy of Form A to the Program Manager along with the case number of the action and contact information for all of the parties. The contact information must include, at a minimum, the last known mailing address and phone number for each party.

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

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

Form A may be amended to change the designated plaintiff's representative, and the amended Form A must be filed with the Court no later than five (5) days prior to the mediation session. All amended Forms A shall be electronically transmitted to the Program Manager via a secure dedicated e-mail address or on the web-enabled information platform described in paragraph 8 no later than one (1) business day after being filed with the Clerk of Court.

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## **6. Responsibilities of Borrower and Program Manager**

Upon the Program Manager receiving a copy of Form A, the Program Manager shall contact the borrower to explain the RMFM Program and the necessary compliance to obtain mediation. The Program Manager then shall determine whether the borrower elects to participate in the RMFM Program. If the borrower elects not to participate in the program, the Program Manager shall file the Notice of Nonparticipation, Exhibit 4 (page A-27), with the Court and serve copies on the plaintiff and the borrower.

After electing to participate, and prior to mediation being scheduled, the borrower shall meet and receive counseling with an approved mortgage foreclosure counselor, and provide to the Program Manager the information required by the Borrower's Financial Disclosure for Mediation. The Borrower's Financial Disclosure for Mediation will depend on the options the borrower wants to pursue in trying to settle the action. (See Exhibits 5A, 5B or 5C at pages A-29 through A-41.)

Unless a borrower elects not to participate, forty-five (45) days after a lawsuit is filed, the plaintiff shall provide to the Program Manager a summary of payment and loan terms, a statement of the plaintiff's position on the present net value of the mortgage loan, and the most current appraisal of the property available to the plaintiff. This information shall be provided to the mediator and to the borrower.

The Program Manager shall transmit to the mediator the Borrower's Financial Disclosure for Mediation and the present net value information and appraisal received from the plaintiff via a secure dedicated e-mail address or to upload same to the web-enabled information platform described in paragraph 8; however, the Program Manager is not responsible or liable for the accuracy of the information transmitted.

## **7. Plaintiff's Disclosure for Mediation Upon Borrower's Request**

Prior to attending mediation, the borrower may request any of the following information and documents from the plaintiff:

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

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

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

**8. *Information to be Provided on Web-Enabled Information Platform***

All information to be provided to the Program Manager to advance the mediation process, such as Form A, Borrower's Financial Disclosure for Mediation, Plaintiff's Disclosure for Mediation, as well as the case number of the action and contact information for the parties, shall be submitted via a secure dedicated e-mail address or in a web-enabled information platform with XML data elements.

**9. *Nonparticipation by Borrower***

The Program Manager shall file a Notice of Nonparticipation in the format of Exhibit 4 (attached as page A-27 to Order No. AOSC09-54) if:

- (a) the borrower elects not to participate in the RMFM Program,
- (b) the borrower fails or refuses to meet with a foreclosure counselor,
- (c) the borrower fails or refuses to comply with the Borrower's Financial Disclosure for Mediation,
- (d) the Program Manager has been unable to contact the borrower, or
- (e) the borrower fails or refuses to cooperate with the Program Manager.

The Notice of Nonparticipation shall be filed no later than 120 days after the initial copy of Form A is filed with the Court and shall be filed by the Program Manager with the Court with service of copies on the plaintiff and the borrower.

**10. *Referral to Foreclosure Counseling***

The Program Manager shall refer the borrower to a foreclosure counselor prior to scheduling mediation. Selection from a list of foreclosure counselors certified by the United States Department of Housing and Urban Development shall be by rotation to be determined by the Program Manager. Such counselor must be a full time resident or have a primary practice in the Fourth Judicial Circuit. The borrower's failure to participate in foreclosure counseling shall be cause for terminating the case from the RMFM Program.

## **11. Referrals for Legal Representation**

In actions referred to the RMFM Program, the Program Manager shall advise any borrower who is not represented by an attorney that the borrower has a right to consult with an attorney at any time and the right to bring an attorney to the mediation session. Also, the Program Manager shall advise the borrower that the borrower may apply for a volunteer *pro bono* attorney in programs run by lawyer referral, legal services, legal aid or any *pro bono* program as may exist within the Fourth Judicial Circuit.

If the borrower obtains *pro bono* representation, that attorney shall file a notice of appearance with the Clerk of the Court and provide a copy to the attorney for the plaintiff and to the Program Manager. The appearance may be limited to representation only to assist the borrower with mediation, but if a borrower secures the services of an attorney, counsel of record must attend the mediation.

## **12. Scheduling Mediation**

The plaintiff's representative, plaintiff's counsel, and the borrower are all required to comply with the time limitations imposed by this Administrative Order and attend any mediation scheduled by the Program Manager.

No sooner than 60 days and no later than 120 days after suit is filed, the Program Manager shall schedule the mediation session.

The mediation shall be scheduled for a date and time convenient to the plaintiff's representative, the borrower, and counsel for the plaintiff and the borrower. Only the following individuals shall be used as mediators: mediators who are certified as circuit civil mediators by the Florida Supreme Court, members in good standing with The Florida Bar, reside or have their primary practice in the Fourth Judicial Circuit, have received and completed the training required by Exhibit 12 (pages A-59, *et. seq.*) for residential foreclosures, and have additional training provided thereafter by the Fourth Judicial Circuit's Program Manager.

Mediation sessions will be held at suitable location(s) within the circuit as approved by the Program Manager for mediation. Mediation shall be completed within forty-five (45) days of the first mediation session, unless extended by order of the court or by stipulation of the parties.

Mediation shall not be scheduled until the borrower has completed counseling with the foreclosure counselor.

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



Once the date, time, and place of the mediation session have been scheduled, the Program Manager shall promptly serve and file the original notice of mediation with the Clerk of Court and serve copies upon the parties.

**13. Attendance at Mediation**

The following persons are required to be physically present at any mediation session:

- the plaintiff's counsel;
- the borrower;
- the borrower's counsel of record, if any; and
- the plaintiff's representative designated in the most recently filed Form A.

However, the plaintiff's representative may appear by use of communication equipment, if plaintiff files with the Clerk of Court and serves with the Program Manager at least five (5) days prior to the mediation a notice in the format of Exhibit 7 (attached as page A-45 to Order No. AOSC09-54), which advises that all such attendances will be by communication equipment. Such notice shall designate the person who has full authority to sign any settlement agreement. Plaintiff's counsel may be designated as the person with full authority to sign the settlement agreement.

Before the mediation commences, the mediator shall contact the Program Manager to permit the Program Manager to verify the presence of:

- the borrower;
- the borrower's attorney of record, if any;
- the plaintiff's attorney; and
- the plaintiff's representative,

and whether plaintiff's representative has full authority to settle

In the event that any person who is required to attend mediation, fails to attend or if the plaintiff's representative does not have full authority to settle, then the mediation shall terminate and the mediator shall file the mediation report (Exh. 9, page A-49). Sanctions may be imposed by the Court as provided in paragraph 14 below.

If the Program Manager determines that anyone is not present or that the plaintiff does not have a representative present with full authority to settle, that party shall be reported by the Program Manager as a "nonappearance" by that party on the written roll.

If the Program Manager determines that the plaintiff's representative present does not have full authority to settle, the Program Manager shall report that the plaintiff's representative did not appear on the written roll as a representative with full settlement authority as required by this Administrative Order. The written roll and communication of authority to the Program Manager are not a mediation communication.

This Administrative Order is authorization for the plaintiff's representative to appear through the use of communication equipment and is in recognition of the emergency situation created by the massive number of residential foreclosure cases being filed in this Circuit and the impracticality of requiring physical attendance of a plaintiff's representative at every mediation.

Additional reasons for authorizing appearance through the use of communication equipment for mortgage foreclosure mediation include a number of protective factors that do not exist in other civil cases, namely the administration of the program by a Program Manager, pre-mediation counseling for the borrower, and required disclosure of information prior to mediation. The implementation of this Administrative Order shall not create any expectation that appearance through the use of communication equipment will be authorized in other civil cases.

If the plaintiff's representative attends mediation through the use of communication equipment, the person authorized by the plaintiff to sign a settlement agreement must be physically present at mediation. If the plaintiff's representative attends mediation through the use of communication equipment, the plaintiff's representative must remain on the communication equipment at all times during the entire mediation session. If the plaintiff's representative attends through the use of communication equipment, and if the mediation results in an impasse, within five (5) days after the mediation session, the plaintiff's representative shall file, in the Court file, a certification in the format of Exhibit 8 (attached as page A-47 to Order No. AOSC09-54) as to whether the plaintiff's representative attended mediation.

If the mediation results in an impasse after the appearance of the plaintiff's representative through the use of communication equipment, the failure to timely file the certification regarding attendance through the use of communication equipment shall be grounds to impose sanctions against the plaintiff, including requiring the physical appearance of the plaintiff's representative at a second mediation, taxation of the costs of a second mediation to the plaintiff, or dismissal of the action.

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

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Those attending mediation may consult on the telephone during the mediation with other persons as long as such consultation does not violate the provisions of sections 44.401-06, Florida Statutes.

**14. *Impasse or Failure to Appear at Mediation***

If plaintiff's counsel or the plaintiff's representative fails to appear, the Court may impose borrower's attorney's fees and costs, reorder the case to mediation, dismiss the action without prejudice, order plaintiff's counsel or the plaintiff's representative to appear at mediation, or impose such other sanctions as the court deems appropriate.

If the borrower or borrower's counsel of record fails to appear, the Court may impose sanctions as the Court deems appropriate, including, but not limited to, attorney's fees and costs.

If the borrower fails to appear or if the mediation results in an impasse with all required parties present, and if the borrower has been lawfully served with a copy of the complaint, and if the time for filing a responsive pleading has passed, the matter may proceed to a final hearing, summary judgment, or default final judgment in accordance with the Rules of Civil Procedure without any further requirement to attend mediation.

**15. *Written Settlement Agreement; Mediation Report***

If an agreement is reached, it shall be reduced to writing and signed by the parties and their counsel, if any. The mediator shall file the mediator's report (in the format of Exhibit 9, page A-49, or any form subsequently approved by the Chief Judge or his designee) with the Court and Program Manager without comment within ten (10) days after completion of mediation with copies served on the plaintiff and the borrower.

If the parties do not reach any agreement as a result of mediation, the mediator shall report the lack of an agreement to the Court and Program Manager without comment within ten (10) days after completion of mediation with copies served on the plaintiff and the borrower. In the case of an impasse, the report shall advise the Court who attended the mediation, and a copy of (Form A) (attached to Order No. AOSC09-54) or any amended Form A shall be attached to the report for the Court to determine if at least one of the plaintiff's representatives named in Form A appeared for mediation.

All mediator's reports to the Court shall be in the format of Exhibit 9 (attached as page A-49 to Order No. AOSC09-54).

**16. *Mediation Communications***

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

**17. *Foreclosure Actions Stayed Pending Compliance***

All residential homestead foreclosure actions shall be stayed until the Notice of Borrower's Non-participation (Exh. 4, attached as page A-27 to Order No. AOSC09-54) has been filed by the Program Manager or the Mediation Report (Exh. 9, page A-49) has been filed.

In cases involving a homestead residence, the presiding judge shall require that copies of either:

- 1) the most recently filed Form A and the report of the mediator, or
- 2) the most recently filed Form A and the Notice of Borrower's Nonparticipation be sent to the presiding judge by the plaintiff or plaintiff's counsel prior to setting a final hearing or delivered with the packet requesting a summary or default final judgment.

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

**18. *Mediation Not Required If Residence Is Not a Homestead***

If the plaintiff certifies in Form A that the property is NOT a homestead residence when suit is filed, plaintiff's counsel must file and serve with the complaint a certification identifying the agent of plaintiff who has full authority to settle the case without further consultation. The certification shall be in the form of Exhibit 10 (attached as page A-51 to Order No. AOSC09-54). The purpose of this paragraph is to provide contact information to the borrower regarding residential rental or residential investment property.

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

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## **RMFM PROGRAM FEES**

### **19. *RMFM Program Fees***

The fee structure for the RMFM Program is based on the assumption that a successful mediation can be accomplished with one mediation session.

Unless a third mediation is required, program fees shall not exceed \$750.00, and will be payable as follows:

- (1) not more than \$400.00 paid by plaintiff to the Program Manager at the time suit is filed. This fee covers the Program Manager's responsibilities set forth in Exhibit 13B (attached as Page A-68 to Order No. AOSC09-54); and
- (2) not more than \$350.00 paid by plaintiff to the Program Manager for mediation fees. This fee shall be paid within ten (10) days after notice of the mediation conference is filed and shall include a second mediation, if needed.

If an additional mediation session is needed after the second session, the plaintiff shall be responsible for payment of the same, unless the parties agree otherwise. The program fees for the third and each subsequent mediation session shall be no more than \$350.00 per session.

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

### **REFUND**

(1) If the borrower cannot be located, elects not to participate in the RMFM Program, or does not make any contact with the foreclosure counselor, the plaintiff shall be entitled to a refund of the portion of the Program fees attributable to foreclosure counseling.

(2) If mediation is scheduled and the borrower announces an intention not to participate further in the RMFM Program prior to the mediation session, or the borrower does not participate, i.e. fails to show, or if the case settles and the Program Manager has notice of the settlement at least five (5) business days prior to the mediation session, the plaintiff shall be entitled to a refund of the Program fees allocated for the mediation session. If notice of settlement is not received by the Program Manager at least five (5) business days prior to the scheduled mediation session, the plaintiff shall not be entitled to any refund of mediation fees.

**TOTAL \$750 FEES**

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

***20. Program Manager Shall Enforce Compliance and Monitor Satisfaction***

The Program Manager shall monitor and enforce compliance with the Administrative Order and determine whether Form A has been filed in all actions to which this Administrative Order applies and the Program Manager shall send compliance reports to the Chief Judge or his designee every three (3) months in a format approved by the Chief Judge, unless otherwise instructed by the Chief Judge or his designee.

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

The Program Manager shall provide satisfaction surveys to plaintiffs and borrowers who have participated and provide the Chief Judge with copies of the responses every three (3) months.

The Program Manager shall provide the Chief Judge with a report every three (3) months with statistical information about the status of cases in the RMFM Program and RMFM Program finances in a format approved by the Chief Judge.

***21. Designation of Plaintiff Liaisons with RMFM Program***

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

The Liaisons shall be informed of the requirements of this Administrative Order and shall be capable of answering questions concerning the administrative status of pending cases and the party's internal procedures relating to the processing of foreclosure cases, and will be readily accessible to discuss administrative and logistical issues affecting the progress of the plaintiff's cases through the RMFM Program.

Plaintiff's counsel shall promptly inform the Chief Judge and Program Manager of any changes in designation of the Liaisons and the contact information of the Liaisons. The Liaisons shall act as the Court's point of contact in the event the plaintiff fails to comply with the Administrative Order on multiple occasions and there is a need to communicate with the plaintiff concerning administrative matters of mutual interest.

#### **LIST OF PARTICIPATING MEDIATORS & ROTATION OF MEDIATORS**

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

The Program Manager shall post on its website the list of Florida Supreme Court certified mediators it will use to implement the RMFM Program and will state, in writing, the criteria that the Program will use in selecting mediators, which must be based upon the Florida Supreme Court's standards as set forth in Exhibit 12 for certified circuit civil mediators specially trained to mediate residential mortgage foreclosure actions (i.e., Training Standards, attached as page A-59 to the Order No. AOSC09-54).

The Program Manager shall also state, in writing, the procedure, subject to the approval by the Chief Judge, that the Program will use to rotate the appointment of mediators. The RMFM Program shall encourage the use of mediators who have been trained to mediate mortgage foreclosure cases, reflecting the diversity of the community in which it operates.

Training and assignment of mediators will be limited to individuals who either reside in the Fourth Judicial Circuit or who have their primary practice in the Fourth Judicial Circuit. Assignment of mediators shall be on a rotation basis that fairly spreads work among the qualified mediators unless the case requires a particular skill on the part of the mediator.

#### **PRE-SUIT MEDIATION ENCOURAGED**

##### ***23. Pre-Suit Mediation***

Mortgage lenders, whether private individuals, commercial institutions, or mortgage servicing companies, are encouraged to use any form of alternative dispute resolution, including mediation, *before* filing a mortgage foreclosure lawsuit with the Clerk of the Court.

Lenders are encouraged to enter into the mediation process with their borrowers *prior* to filing foreclosure actions in the Fourth Judicial Circuit to reduce the costs to the parties for maintaining the litigation and to reduce to the greatest extent possible the stress on the limited resources of the courts caused by the large numbers of such actions being filed across the state and, in particular, in the Fourth Judicial Circuit.

If the parties participated in pre-suit mediation substantially complying with the RMFM Program or participated in any other pre-suit mediation program substantially complying with the RMFM Program, the plaintiff shall so certify in Form A, in which case the plaintiff and borrower shall not be required to participate in mediation again unless ordered to do so by the presiding judge.

A borrower may file a motion contesting whether pre-suit mediation occurred in substantial compliance with the RMFM Program.

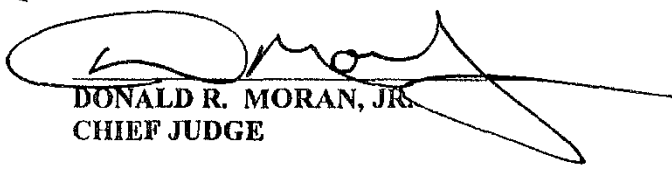
Nothing in this paragraph precludes the presiding judge from sending the case to mediation after suit is filed, even if pre-suit mediation resulted in an impasse or there was a breach of the pre-suit mediation agreement.

**EFFECTIVE DATE AND FILING**

24. This Administrative Order shall be effective Monday, March 1, 2010, and shall apply to all residential homestead foreclosure cases filed beginning 12:01 a.m. on March 1, 2010 until further notice from the Chief Judge.

25. This Administrative Order shall be recorded by the Clerk of the Court, in the Official Records of Duval County, in the State of Florida, and shall take effect as set forth above and remain in full force and effect unless and until otherwise ordered by the Court.

**DONE AND ORDERED** in Chambers at Jacksonville, Duval County, Florida,  
this 25 day of February, 2010.

  
**DONALD R. MORAN, JR.**  
**CHIEF JUDGE**



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cc: All Judges in the Fourth Judicial Circuit  
The Honorable Robert M. Foster, Administrative Judge, Nassau County  
The Honorable William A. Wilkes, Administrative Judge, Clay County  
The Honorable Jim Fuller, Clerk of the Circuit Court, Duval County  
The Honorable James B. Jett, Clerk of the Circuit Court, Clay County  
The Honorable John A. Crawford, Clerk of the Circuit Court, Nassau County  
The Honorable Rick Mullaney, General Counsel  
Michael Figgins, Director, JALA  
James Kowalski, Esq.  
Mark Kessler, Esq.  
Blane McCarthy, Esq.  
Dennis Schutt, Esq., JAX Mediation Center  
James Gardner, Fourth Judicial Circuit ADR Director  
The Jacksonville Bar Association  
Joseph Stelma, Fourth Judicial Circuit Trial Court Administrator  
Mia Heiney, Chief Deputy Court Administrator  
Caroline C. Emery, Court Counsel  
Fourth Circuit Court Law Library, Duval County  
Judicial Staff Attorneys, Fourth Judicial Circuit

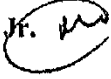


CIRCUIT COURT  
FOURTH JUDICIAL CIRCUIT OF FLORIDA  
CLAY, DUVAL AND NASSAU COUNTIES

DONALD R. MORAN, JR.  
CHIEF JUDGE

DUVAL COUNTY COURTHOUSE  
JACKSONVILLE, FLORIDA 32202

# MEMO

To: Clerk's Office - Duval, Clay and Nassau Counties  
From: Chief Judge Donald R. Moran, Jr.   
Date: March 18, 2010  
Re: Foreclosure Cases

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As required by the Florida Supreme Court's Administrative Order AOSC09-54 and paragraph 5, page 5 of the Fourth Judicial Circuit Court's Administrative Order No. 2010-1,

"when a suit is filed, counsel for the plaintiff must file a completed Form A with the Clerk of Court."

Plaintiffs must also pay \$400.00 to the Program Manager "at the time suit is filed." (Admin. Order 2010-1, page 13.) Nevertheless, since March 1, 2010, the effective date of the Administrative Order, some plaintiffs' attorneys have filed suit without Form A and without paying \$400.00 to the Program Manager, which is the Jacksonville Bar Association (the JBA).

A plaintiff's failure to file Form A or to pay \$400.00 to the Program Manager when filing suit not only violates the Administrative Order, but also causes significant problems, delaying the mediation process.

Therefore, beginning Friday morning, March 19, 2010, any new residential foreclosure case **shall be filed by the Clerk's Office only if** the complaint is **contemporaneously submitted** with a completed **Form A and a copy of the check** in the amount of **\$400.00** made out to the **JBA RMFM PROGRAM MANAGER with the case name on the check**, which has been delivered to the JBA.

Each case shall have a separate check. One check for multiple cases will not be accepted. The address for the JBA is: 841 Prudential Dr., Suite 1320, Jacksonville, FL 32207-8369.



CIRCUIT COURT  
FOURTH JUDICIAL CIRCUIT OF FLORIDA  
CLAY, DUVAL AND NASSAU COUNTIES

DONALD R. MORAN, JR.  
CHIEF JUDGE

DUVAL COUNTY COURTHOUSE  
JACKSONVILLE, FLORIDA 32202

**CHIEF JUDGE'S NOTICE TO HOMEOWNERS REGARDING  
MORTGAGE FORECLOSURES**

You have been served with a lawsuit by your mortgage company to foreclose the mortgage on your home. Although you may be behind in your payments, **you still may be able to save your home** by participating in a mediation program, which has been **approved by the Florida Supreme Court and is now available** in Duval, Clay and Nassau Counties.

A mediation is simply a meeting between you and a representative of the mortgage company which is conducted by a neutral mediator who has been certified by the Court. The mediator does not represent you or the company but talks with both sides to try to reach an agreement to stop the foreclosure. The mediation is confidential.

The mediation program is run by the Jacksonville Bar Association. If you wish to participate, **there is no charge to you**. You must call Linda Morris at (904) 399-4598 as soon as possible between 9:00 a.m and 5:00 p.m. Monday through Friday to talk with a program assistant who will advise you as to what steps you must take to complete mediation.

**AS STATED IN THE SUMMONS SERVED ON YOU, YOU OR YOUR LAWYER MUST FILE WITH THE COURT A WRITTEN RESPONSE TO THE COMPLAINT TO FORECLOSE THE MORTGAGE WITHIN TWENTY (20) DAYS AFTER YOU WERE SERVED AND SEND A COPY OF YOUR RESPONSE TO THE PLAINTIFF'S ATTORNEY.**

**NOTE: YOU MUST TIMELY FILE A WRITTEN RESPONSE TO THE COMPLAINT  
WITHIN TWENTY (20) DAYS  
EVEN IF YOU DECIDE TO PARTICIPATE IN MEDIATION**

A handwritten signature in black ink, appearing to read "Donald R. Moran, Jr.", written over a horizontal line.

DONALD R. MORAN, JR.  
CHIEF JUDGE, Fourth Judicial Circuit

**POLICY AND PROCEDURE FOR THE FORECLOSURE DIVISION**  
**IN DUVAL COUNTY**

Good Morning to everyone:

This e-mail is to inform everyone about the new policy for setting hearing in Duval County, Fourth Judicial Circuit. We are going to use a standard form order to have the attorneys and their assistants use to request hearing times and dates. The form will be broken down into three main parts including the top of the form where the requesting law firm will need to fill out all of their information including the requesting Law Firm's name, physical address, a contact name in which can be reached if there are any issues and the contact's e-mail address. **YOU MUST FILL IN WHO YOUR LOCAL COUNSEL IS IF APPLICABLE!!** This will help us to determine when to set the hearings you are requesting on the Court's calendar.

The second part of this form will consist of 12 lines numbered 1-12, which will be used to request the case(s) you wish to set. The case number and Plaintiff's name must appear for each case(s) you wish to set. There will be a maximum of twelve (12) cases per form. If requesting more, you must fill out another form.

The third part of this form will consist of a couple of different things. The first one is the time and date that your hearing(s) have been set for. The Court will type in the time and date of your hearings and where the hearing will be held. The second part will be where if for any reason, your case(s) could not be set, the Court will be able to write in the case number(s) and the exact reason as to why the case(s) could not be set at this time. The last part is for any miscellaneous things that either the requesting law firm needs to advise the Court of or if there is anything the Court needs to advise the requesting law firm of.

The Court is still addressing a lot of issues concerning this new Foreclosure Division. The Court is hoping that by getting an e-mail system down that the phones will not be clogged and that we can set hearings in a quicker time manner with this form procedure.

## **SENDING THE FORM TO THE COURT**

Attached is the form that the Court will be implementing starting today to request hearings to be placed on the Court's calendar. Once you have opened this e-mail, you will save the form as your own for future uses. When you have case(s) that need to be set, you will open the form and fill it out. You will then send this e-mail to the provided Foreclosure e-mail address listed on the form. The Court will review and set the cases on the Court's Calendar. If for any reason the case(s) could not be set, the Court will write in the provided space as to why the case(s) could not be set. The Court will then send back in an e-mail your date(s) and time(s). You will use this e-mail as your hard copy and then can send out your Notice of Hearing.

## **ATTORNEY CONFLICTS**

There will not be any co-ordination of hearings with other attorney's offices'. **If you do not have Local Counsel, Attorney's must appear in person.** The Requesting law firm will receive the date(s) and time(s) back on the form from the Court and if there is any conflict with opposing counsel they may attend by telephone if not in person and if there is a serious conflict it will be up to the attorney to contact the Court to notify them that they can not attend. The Court will then set this at a time and date certain time.

**If you have any other questions you can call us at 904-630-3792**  
**THANK YOU, FORECLOSURE DIVISION, 4<sup>TH</sup> JUDICIAL CIRCUIT**

**We ask that you please forward this e-mail and the attachments to anyone in your firm or department that will be scheduling hearings, so as to cut back on the number of phone calls to explain our new procedure in each office.**

# REQUEST FOR HEARING TIME AND DATE

Requesting Law Firm: \_\_\_\_\_

Address \_\_\_\_\_

Contact Person, phone number, and e-mail address \_\_\_\_\_

Local Counsel, phone number, and e-mail address \_\_\_\_\_

**\*\* ALL NOTICES OF HEARINGS MUST STATE THE NAME AND PHONE NUMBER OF LOCAL COUNSEL ON THE CASE(S) IN ADDITION TO FIRM COUNSEL. LOCAL COUNSEL, AS WELL AS FIRM COUNSEL IS AUTHORIZED TO RESCHEDULE ANY CONFLICTS IN HEARING DATES AND TIMES THAT ARISE.**

Listed Case(s) numbers and Plaintiff's and Defendant's name: Please provide how many minutes you need, the type of Motion and if there is opposing counsel, please list their name and phone number for the Court.

- |          |           |
|----------|-----------|
| 1. _____ | 7. _____  |
| 2. _____ | 8. _____  |
| 3. _____ | 9. _____  |
| 4. _____ | 10. _____ |
| 5. _____ | 11. _____ |
| 6. _____ | 12. _____ |

**To be filled out by the Court**  
HEARING(S) SET FOR:

\_\_\_\_\_ at \_\_\_\_\_ a.m.  
**In Courtroom 58, 5<sup>th</sup> floor Duval County Courthouse, 330 East Bay Street, Jacksonville, Florida 32202.**

PLEASE RETURN TO THE COURT BY E-MAIL AT [DUVALFC@coj.net](mailto:DUVALFC@coj.net)

Reason(s) why the below listed case(s) could not be set for hearing at this time:

\_\_\_\_\_

Miscellaneous: \_\_\_\_\_

Please make this document as your own Word Document for all future uses. After completely filling out this form, please e-mail back to the Court and we will reply with your hearing date(s) and time(s).

**\*\*It is the responsibility of the Plaintiff to schedule ALL pre-Summary Judgment Motions with the Court immediately upon receipt.**

## REQUEST FOR HEARING TIME AND DATE

Requesting Law Firm: Gibbons, Neuman, Bello, Segall, Allen & Halloran, P.A.

3321 Henderson Boulevard, Tampa, Florida 33609  
Address

Rod B. Neuman, Esquire (813) 877-9222 RNeuman@GibbLaw.com  
Contact Person, phone number, and e-mail address

Lawrence J. Bernard, Esquire (904) 751-6980 closings@Bernardlaw.com  
Local Counsel, phone number, and e-mail address

**\*\* ALL NOTICES OF HEARINGS MUST STATE THE NAME AND PHONE NUMBER OF LOCAL COUNSEL ON THE CASE(S) IN ADDITION TO FIRM COUNSEL. LOCAL COUNSEL, AS WELL AS FIRM COUNSEL IS AUTHORIZED TO RESCHEDULE ANY CONFLICTS IN HEARING DATES AND TIMES THAT ARISE.**

Listed Case(s) numbers and Plaintiff's and Defendant's name: Please provide how many minutes you need, the type of Motion and if there is opposing counsel, please list their name and phone number for the Court.

1\_2010 CA 007608 Division FC-H

Regions Bank d/b/a Regions Mortgage

v.

Case No.:16-10-CA-7608-XXXX-MA  
Division: FC-H

LAWRENCE JESSIE WALKER, A/K/A LAWRENCE J. WALKER, A/K/A LAWRENCE WALKER; JANET A. WALKER, A/K/A JANET WALKER, if living, and all unknown parties claiming by, through, under or against the above named Defendants who are not known to be dead or alive, whether said unknown parties may claim an interest as spouses, heirs, devisees, grantees, assignees, lienors, creditors, trustees or other claimants, claiming by, through, under or against the said LAWRENCE JESSIE WALKER, A/K/A LAWRENCE J. WALKER, A/K/A LAWRENCE WALKER or JANET A. WALKER, A/K/A JANET WALKER; REGIONS BANK; UNITED STATES OF AMERICA; UNKNOWN TENANT #1; UNKNOWN TENANT #2

30 minutes needed for a hearing on Defendant's Motion to Dismiss Plaintiff's Complaint

Opposing Counsel for Lawrence Walker and Janet Walker: Bruce R. Glassman, Esquire (904) 254-0504

Counsel for Regions Bank: Leslie S. White, Esquire (407) 425-5500

Counsel for USA/IRS: John F. Rudy, III, Esquire (813) 274-6072

**To be filled out by the Court**

HEARING(S) SET FOR:

**January 11, 2011 at 11:30 am**

**In Chambers 502, 5<sup>th</sup> floor Duval County Courthouse, 330 East Bay Street, Jacksonville, Florida 32202.**

PLEASE RETURN TO THE COURT BY E-MAIL AT [DUVALFC@coj.net](mailto:DUVALFC@coj.net)

Reason(s) why the below listed case(s) could not be set for hearing at this time:

Miscellaneous: \_\_\_\_\_

Please make this document as your own Word Document for all future uses. After completely filling out this form, please e-mail back to the Court and we will reply with your hearing date(s) and time(s).

**\*\*It is the responsibility of the Plaintiff to schedule ALL pre-Summary Judgment Motions with the Court immediately upon receipt.**

**Talley, Alana**

---

**From:** Talley, Alana on behalf of Duval Foreclosure  
**Sent:** Monday, November 01, 2010 9:17 AM  
**To:** 'Jennifer Komarek'  
**Subject:** RE: Duval County Hearing Request Form  
**Attachments:** komarek 10-7608.doc

Hi Jennifer,  
Enclosed is the hearing date and time in Chambers 502.  
Thank you, Robin

---

**From:** Jennifer Komarek [mailto:JKomarek@GibbLaw.com]  
**Sent:** Friday, October 29, 2010 4:45 PM  
**To:** Duval Foreclosure  
**Cc:** Loretta O'Keeffe  
**Subject:** RE: Duval County Hearing Request Form

Dear Duval Foreclosure:

Attached please find our completed hearing request form for case # 2010-CA-007608-XXXX-MA Regions Bank v. Lawrence Walker.

Thank you for forwarding us the form and procedures. Please contact our office if you have questions or if we may be of service.

Kindest regards,

Jennifer Komarek, Legal Assistant  
Gibbons, Neuman, Bello, Segall, Allen & Halloran, P.A.  
3321 Henderson Boulevard  
Tampa, FL 33609  
Tel: 813 877-9222  
Fax: 813 877-9290  
[jkomarek@gibblaw.com](mailto:jkomarek@gibblaw.com)

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Information contained in this message, and any attachments thereto, may be attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer. Thank you. - Gibbons, Neuman, Bello, Segall, Allen & Halloran, P.A.

Circular 230 Notice: In accordance with Treasury Regulations which became applicable to all tax practitioners as of June 20, 2005, please note that any tax advice given herein (and in any attachments) is not intended or written to be used, and cannot be used by any taxpayer, for the purpose of (i) avoiding tax penalties or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

---

**From:** Talley, Alana [mailto:ATalley@coj.net] **On Behalf Of** Duval Foreclosure  
**Sent:** Friday, October 29, 2010 12:58 PM

1/28/2011

**4th Cir 00040**



---

**To:** Jennifer Komarek  
**Subject:** Duval County Hearing Request Form

Hi Jennifer,

Pursuant to our conversation, enclosed are the Duval County Hearing Request Form and Policy and Procedure. Please complete the form and email back via a Word document. We will then set a hearing date and time. Please let me know if you have any questions.

Thank you,  
Robin

1/28/2011

**4th Cir 00041**

**REQUEST FOR HEARING TIME AND DATE**

Requesting Law Firm: Laura Boeckman

8787 Baypine Rd. Suite 255, Jacksonville, FL 32256

Address

Laura Boeckman

904-680-7654

Contact person

Phone number

none

lboeckman@fcsf.edu

Local Counsel

Contact person's e-mail

**Listed Case(s) numbers and Plaintiff's name: Please provide how many minutes you need, the type of Motion and if there is opposing counsel, please list their name and phone number for the Court.**

1. Deutsche Bank v. Haferkamp

2008-CA-16536

Plaintiff's Counsel: Andrea Shelowitz 561-338-4101

Motion to Compel – 15 mins.

- 2. \_\_\_\_\_ 8. \_\_\_\_\_
- 3. \_\_\_\_\_ 9. \_\_\_\_\_
- 4. \_\_\_\_\_ 10. \_\_\_\_\_
- 5. \_\_\_\_\_ 11. \_\_\_\_\_
- 6. \_\_\_\_\_ 12. \_\_\_\_\_

**To be filled out by the Court**

HEARING(S) SET FOR:

at \_\_\_\_\_ a.m.

**In Chambers 510, 5<sup>th</sup> floor Duval County Courthouse, 330 East Bay Street, Jacksonville, Florida 32202.**

**PLEASE RETURN TO THE COURT BY E-MAIL AT DUVALFC@coj.net**

Reason(s) why the below listed case(s) could not be set for hearing at this time:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Miscellaneous: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please make this document as your own word Perfect document for all future uses. After completely filling out this form, please e-mail back to the Court and we will reply with your hearing date(s) and time(s).

DO NOT ALTER THIS FORM! DOING SO WILL RESULT IN CASES NOT BEING SET.  
Thank You, Foreclosure Division, 4<sup>th</sup> Judicial Circuit

## REQUEST FOR HEARING TIME AND DATE

Requesting Law Firm: William E. Doyle, P.A.  
2121 Corporate Square Boulevard, Suite 124  
Jacksonville, Florida 32216

Contact Person, phone number, and e-mail address: William E. Doyle, Esquire  
(904) 720-0506; williamdoyleatty@aol.com

Local Counsel, phone number, and e-mail address: \_\_\_\_\_

**\*\* ALL NOTICES OF HEARINGS MUST STATE THE NAME AND PHONE NUMBER OF LOCAL COUNSEL ON THE CASE(S) IN ADDITION TO FIRM COUNSEL. LOCAL COUNSEL, AS WELL AS FIRM COUNSEL IS AUTHORIZED TO RESCHEDULE ANY CONFLICTS IN HEARING DATES AND TIMES THAT ARISE.**

**Listed Case(s) numbers and Plaintiff's name: Please provide how many minutes you need, the type of Motion and if there is opposing counsel, please list their name and phone number for the Court.**

1. Case No. 16-2009-CA-009257; Bank of America, Plaintiff/10 minutes/Motion to Vacate Default  
Opposing counsel: Meaghan Dunne, Esquire and Katherine Renninger, Esquire, Florida Default Law Group, P.L.  
(813) 251-4766

**To be filled out by the Court**

HEARING(S) SET FOR:

**NOVEMBER 9, 2010 at 11:50 a.m.**

In Chambers 510, 5<sup>th</sup> floor Duval County Courthouse,  
330 East Bay Street, Jacksonville, Florida 32202.

**PLEASE RETURN TO THE COURT BY E-MAIL AT [DUVALFC@coj.net](mailto:DUVALFC@coj.net)**

Reason(s) why the below listed case(s) could not be set for hearing at this time:

\_\_\_\_\_  
\_\_\_\_\_

Miscellaneous: \_\_\_\_\_

Please make this document as your own word Perfect document for all future uses. After completely filling out this form, please e-mail back to the Court and we will reply with your hearing date(s) and time(s).

**DO NOT ALTER THIS FORM! DOING SO WILL RESULT IN CASES NOT BEING SET.**

**REQUEST FOR HEARING TIME AND DATE**

Requesting Law Firm: Law Offices of David J. Stern, P.A.  
900 South Pine Island Blvd., Suite 400  
Plantation, Florida 33324  
(888) 233-8338

Kimberly Gray, Legal Assistant (954) 233-8000 (\*1734)  
Contact person Phone number

Mark Kessler, Esq. kgray@dstern.com  
Local Counsel Contact person's e-mail

Listed Case(s) numbers and Plaintiff's name:

- |   |  |
|---|--|
| 1. 2010 CA 001139 - GMAC MORTGAGE, LLC.         | 7. 2010 CA001574 - AURORA LOAN SERVICES, LLC.    |
| 2. 2009 CA 018369 - U.S. BANK HOME MORTGAGE     | 8. 2009 CA 017738 - BAC HOME LOAN SERVICING, LP  |
| 3. 2009 CA 003102 - BANK OF AMERICA, NA         | 9. 2009 CA 010038 - BAC HOME LOAN SERVICING, LP  |
| 4. 2009 CA 018409 - BANK OF AMERICA, NA         | 10. 2010 CA 000262 - BAC HOME LOAN SERVICING, LP |
| 5. 2009 CA 009685 - BAC HOME LOAN SERVICING, LP | 11. 2009 CA 011866 - AURORA LOAN SERVICES, LLC.  |
| 6. 2009 CA 015158 - BAC HOME LOAN SERVICING, LP | 12.  |

To be filled out by the Court

HEARING(S) SET FOR: **AUGUST 2, 2010 at 9:00a.m.**

In Chambers 510, 5th floor Duval County Courthouse, 330 East Bay Street, Jacksonville, Florida 32202.

PLEASE RETURN TO THE COURT BY E-MAIL AT DUVALFC@coj.net

Reason(s) why the below listed case(s) could not be set for hearing at this time:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Miscellaneous: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please make this document as your own word Perfect document for all future uses. After completely filling out this form, please e-mail back to the Court and we will reply with your hearing date(s) and time(s).

DO NOT ALTER THIS FORM! DOING SO WILL RESULT IN CASES NOT BEING SET.

**REQUEST FOR HEARING TIME AND DATE**

Requesting Law Firm: Combs Greene McLester

3217 Atlantic Blvd Jacksonville, FL 32207

Address

Youssef Khanachet

Contact person

Youssef Khanachet

Local Counsel

904-359-5505

Phone number

khanachet@flalawyers.pro

Contact person's e-mail

Listed Case(s) numbers and Plaintiff's name:

- 1. 2010-CA-5181 Wells Fargo Bank 7. \_\_\_\_\_
- 2. \_\_\_\_\_ 8. \_\_\_\_\_
- 3. \_\_\_\_\_ 9. \_\_\_\_\_
- 4. \_\_\_\_\_ 10. \_\_\_\_\_
- 5. \_\_\_\_\_ 11. \_\_\_\_\_
- 6. \_\_\_\_\_ 12. \_\_\_\_\_

**To be filled out by the Court**

HEARING(S) SET FOR: \_\_\_\_\_ at \_\_\_\_\_ a.m.

**In Chambers 510, 5<sup>th</sup> floor Duval County Courthouse, 330 East Bay Street, Jacksonville, Florida 32202.**

**PLEASE RETURN TO THE COURT BY E-MAIL AT DUVALFC@coj.net**

Reason(s) why the below listed case(s) could not be set for hearing at this time:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Miscellaneous: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please make this document as your own word Perfect document for all future uses. After completely filling out this form, please e-mail back to the Court and we will reply with your hearing date(s) and time(s).

**DO NOT ALTER THIS FORM! DOING SO WILL RESULT IN CASES NOT BEING SET.**  
Thank You, Foreclosure Division, 4<sup>th</sup> Judicial Circuit. If you have any questions, Please call us at 904-630-3792.

REQUEST FOR HEARING TIME AND DATE

Requesting Law Firm; COHEN & THURSTON, PA.  
1723 Blanding Blvd., Suite 102  
Jacksonville, FL 32210

Denise Kuhn  
Contact Person  
Lance Cohen  
Local Counsel

904/388-6500  
Phone No  
cohenthurston~@Jcs.com  
Contact Person's e-mail

**Listed Case(s) numbers and Plaintiff's name: Please provide how many minutes you need, the type of Motion and if there is opposing counsel, please list their name and phone number for the Court.**

16-201 0-CA-3487, Wells Fargo Systems Florida, Inc. Motion to Quash/Dismiss. Evidentiary hearing on defendants' motion to quash and dismiss. 15 minutes for hearing. Plaintiff's lawyer is: Enrico G. Gonzalez, 813/980-6302. Mark Kessler will probably cover for Mr. Gonzalez.

- 2.
- 3.
- 4.
- 5.
- 6.

To be filled out by the Court:

HEARING(S) SET FOR

**OCTOBER 6, 2010 at 10:45am.** In Chambers ~<sup>th</sup>  
Floor, Duval County Courthouse, 330 East Bay Street, Jacksonville,  
Florida 32202

**PLEASE RETURN TO THE COURT BY EMAIL AT DUVALFC~COJNET**

Reason(s) why the below listed case(s) could not be set for hearing at this time:

Miscellaneous:

THIS MOTION HAS BEEN PRESENTED  
AND CONSIDERED BY THE COURT.  
SAID MOTION IS HEREBY DENIED.

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

THE FILED MOTION TO \_\_\_\_\_  
\_\_\_\_\_

IS DENIED/GRANTED BECAUSE \_\_\_\_\_  
\_\_\_\_\_

ORDERED \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

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

**IN THE CIRCUIT COURT, FOURTH  
JUDICIAL CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA.**

**CASE NO.: 16-2010-CA-013030  
DIVISION: FC-E**

PHH MORTGAGE CORPORATION,  
Plaintiff,

vs.  
KAREN MURPHY,  
Defendants.

---

**ORDER FOR MANAGED MEDIATION**

The Court finds that this case is appropriate for the Residential Mortgage Foreclosure Mediation Program pursuant to Administrative Order 2010-1, Fourth Judicial Circuit, effective March 1, 2010. Attached is a copy of the Notice to Homeowner's Regarding Mortgage Foreclosures which each party should read carefully. Upon consideration, it is

**ORDERED:**

1. All proceedings in this case are stayed, including any judicial sale, if set, and issuance by the Clerk of any certificate of title.
2. Plaintiff forthwith shall remit a check in the amount of \$400.00 made payable to the Jacksonville Bar Association, at the following address:

c/o Linda Morris  
The Jacksonville Bar Association  
841 Prudential Drive, Suite 1320  
Jacksonville, Florida 32207-8329  
Telephone number 904-399-4598



Any inquiries as to the Managed Mediation Program shall be directed to the Jacksonville Bar Association at the above address and telephone number.

3. All parties shall comply with the requirements of the Residential Mortgage Foreclosure Mediation Program, Fourth Judicial Circuit Administrative Order 2010-1

**DONE AND ORDERED** in Chambers at Jacksonville, Duval County, Florida,  
this \_\_\_\_\_ day of November, 2010.

---

**SENIOR CIRCUIT JUDGE**

**Copies to:**

Karen Murphy  
13635 Dunn Creek Road  
Jacksonville, FL 32218

Ben-Ezra & Katz, P.A.  
2901 Stirling Road, Suite 300  
Fort Lauderdale, FL 33312

**IN THE CIRCUIT COURT, FOURTH  
JUDICIAL CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA.**

**CASE NO.:**  
**DIVISION: CV-B**

**Plaintiff,**

**vs.**

**Defendants.**

---

**ORDER REQUIRING MEDIATION**

The Court finds that the above case is appropriate for mediation. Upon consideration, it is **ORDERED AND ADJUDGED** that the parties shall mediate all issues in the above case pursuant to the applicable Florida Rules of Civil Procedure and the Court appoints \_\_\_\_\_ a s mediator. Plaintiff's attorney and or representative may appear by telephone for the mediation.

**DONE AND ORDERED** in Chambers at Jacksonville, Duval County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

---

**FREDERICK B. TYGART, Circuit Judge**

**Copies to:**

IN THE FOURTH JUDICIAL  
CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA

CASE NUMBER: 2009-CA-17245  
DIVISION: FC-B

U.S. BANK, N.A. .  
Plaintiff,

v

RICHARD PAYNE, et al.  
Defendant.

---

**ORDER DENYING MOTION TO REQUEST MEDIATION**

This cause came on for review upon Defendant, Velma Payne's Motion to Request Mediation on July 2, 2010. Therefore, it is

ORDERED that the Defendant, Velma Payne's Motion to Request Mediation is **DENIED.**

DONE AND ORDERED in Chambers, at Jacksonville, Duval County, Florida,  
this \_\_\_\_ day of July, 2010.

---

SENIOR CIRCUIT JUDGE

Copies to:  
Douglas Zahm, P.A.  
12425 25<sup>th</sup> Street, N., Ste. 200  
St. Petersburg, Florida 33716

Ricahrd and Velma Payne  
7833 Duckwood Lane  
Jacksonville, Florida 32210

**IN THE CIRCUIT COURT, FOURTH  
JUDICIAL CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA.**

**CASE NO.: 16-2008-CA-012045  
DIVISION: FC-D**

**DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR LONG BEACH  
MORTGAGE LOAN TRUST 2006-8,**

**Plaintiff,**

vs.

**PATRICE BROWN A/K/A PATRICE HARRIS  
BROWN, PATRICE HARRIS, WASHINGTON  
MUTUAL BANK; BENJAMIN PURDY (DECESASED);  
PEGGY PURDY A/K/A PEGGY A. PURDY,**

**Defendants.**

---

**ORDER SETTING HEARING**

THIS CAUSE came on for review on Defendant's, Patrice Brown, Motion for Dismissal of Foreclosure. Upon consideration of the foregoing, it is,

**ORDERED:**

A hearing shall be set for Tuesday, the 7<sup>th</sup> day of December at 9:30 am, Duval County Courthouse, in Courtroom 59 (5<sup>th</sup> floor), 330 East Bay Street, Jacksonville, Florida, 32207.

**DONE AND ORDERED** in Chambers at Jacksonville, Duval County, Florida, this \_\_\_\_ day of November, 2010.

---

**SENIOR CIRCUIT JUDGE**

**Copies to:**

Patrice Brown  
4533 W. Marlboro Circle  
Jacksonville, FL 32206

Dale Friedman, Esq.  
Conroy, Simberg, Ganon, Krevans, Abel, Lurvey, Morrow & Schefer, P.A.  
3440 Hollywood Boulevard 2<sup>nd</sup> Floor  
Hollywood, FL 33021

Penny Fraser, Esq.  
Law Offices of Marshall C. Watson, P.A.  
1800 N. W. 49<sup>th</sup> Street, Suite 120  
Fort Lauderdale, FL 33309

Peggy Purdy  
2445 Dunn Ave, Apt 304  
Jacksonville, FL 32218

JP Chase Home Finance LLC  
c/o Legal Department  
PO Box 24696  
Columbus, Ohio 43224-0696

IN THE FOURTH JUDICIAL  
CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA

CASE NUMBER: 2008-CA-14893  
DIVISION: FC-A

LASALLE BANK ECT,  
Plaintiff,

v

CHRISTINA WELLS; VATRONI REED, et al  
Defendant.

---

**ORDER DENYING MOTION FOR EXTENSION OF TIME**

This cause came on for review upon Defendant, Vatroni Reed's Motion for Extension of Time of July 6, 2010. Therefore, it is

ORDERED that the Tenant, Defendant, Vatroni Reed's Motion for Extension of Time is **DENIED.**

DONE AND ORDERED in Chambers, at Jacksonville, Duval County, Florida,  
this \_\_\_ day of July, 2010.

---

SENIOR CIRCUIT JUDGE

Copies to:  
Sahpiro & Fishman  
10004 N. Dale Mabry Highway, Ste. 112  
Tampa, Florida 33618

Vatroni Reed  
2280 Eisner Drive  
Jacksonville, Florida, 32218



IN THE CIRCUIT COURT, FOURTH  
JUDICIAL CIRCUIT, IN AND FOR  
NASSAU COUNTY, FLORIDA.  
CASE NO.: 16-\*--CA-\*--XX  
DIVISION: FC

\*

Plaintiff,

vs.

\*

Defendant(s).

---

**FINAL ORDER OF DISMISSAL  
OF FORECLOSURE WITHOUT PREJUDICE**

This action came on for review by the Court on its own initiative, in furtherance of its obligation to reasonably expedite the processing of foreclosure cases to conclusion in the interests of all parties, and in furtherance of the Court's obligation to properly case manage the large volume of foreclosure actions being filed in the court system.

The Court is aware that there are many cases open and pending in which there is no available or interested party that would seek to dismiss the action for lack of prosecution, and furthermore, the Court has determined that there has been no record activity within the immediate past 12 months prior to the date hereof, and no stay hereof has been issued or approved by the Court, it is, thereupon,

**ORDERED**, that this action be dismissed without prejudice for lack of prosecution. If this Order has been entered through mistake and/or error, upon application and motion by an interested party, the same may be re-opened upon a showing of good cause, in writing, and within 45 days.

**DONE AND ORDERED** at Yulee, Nassau County, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2010.

---

CIRCUIT JUDGE

IN THE CIRCUIT COURT, FOURTH JUDICIAL  
CIRCUIT, IN AND FOR DUVAL COUNTY,  
FLORIDA.

CASE NO.:  
DIVISION:

To: (Plaintiff or plaintiff's attorney's address  
appears here and through the envelope's window )

Plaintiff,

vs.

Defendants.

[Original]

**PROVISIONAL**  
**FINAL ORDER OF DISMISSAL WITHOUT**  
**PREJUDICE FOR FAILURE TO PROSECUTE**

Upon the Court's own Motion and pursuant to Rule 1.420(e) of the Florida Rules of Civil Procedure, 1.420, a review of the court file shows there has been no record activity herein for the past preceding ten (10) months, nor no stay hereof by the Court, and neither has there been any showing of good cause why this action should remain pending.

This Provisional Final Order serves as notice to the parties that at a hearing set is for \_\_\_\_\_, 2011, at \_\_\_\_\_ p.m., Room 506, Duval County Courthouse, which date is more than 60 days from date hereof, this Order will become final and of full force and effect, unless a party shows good cause in writing at least five (5) days before that hearing why this action should remain pending. PLEASE DIRECT YOUR CORRESPONDENCE TO THE CLERK, NOT THE JUDICIAL ASSISTANT.

Upon consideration thereof, it is thereupon

ORDERED:

1. This action is dismissed without prejudice for failure to prosecute.
2. This Final Order includes any counterclaim, crossclaim or third party claim.
3. Any party herein may file a motion to reinstate this action and serve same no later than thirty-one (31) days from date hereof.

**DONE AND ORDERED** in Chambers at Jacksonville, Duval County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

Notice of this Provisional Order  
Mailed on \_\_\_\_\_.

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

IN THE CIRCUIT COURT, FOURTH JUDICIAL  
CIRCUIT, IN AND FOR DUVAL COUNTY,  
FLORIDA.

CASE NO.:  
DIVISION:

Plaintiff,

vs.

[Revised]

Defendants.

PROVISIONAL  
FINAL ORDER OF DISMISSAL WITHOUT  
PREJUDICE FOR FAILURE TO PROSECUTE

Upon the Court's own Motion and pursuant to Rule 1.420(e) of the Florida Rules of Civil Procedure, 1.420, a review of the court file shows there has been no record activity herein for the past preceding ten (10) months, nor no stay hereof by the Court, and neither has there been any showing of good cause why this action should remain pending.

This Provisional Final Order serves as notice to the parties that at a hearing set for \_\_\_\_\_, 2011, at \_\_\_\_\_ p.m., Room 502, Duval County Courthouse, which date is more than 60 days from date hereof, this Order will become final and of full force and effect, unless a party shows good cause in writing at least five (5) days before that hearing why this action should remain pending.

Upon consideration thereof, it is thereupon

ORDERED:

1. This action is dismissed without prejudice for failure to prosecute.
2. This Final Order include \_\_\_\_\_, or does not include \_\_\_\_\_, any counterclaim, crossclaim or third party claim.
3. Any party herein may file a Motion to reinstate this action and serve same no later than thirty-one (31) days from date hereof.

DONE AND ORDERED in Chambers at Jacksonville, Duval County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

Notice of this Provisional Order  
Mailed on \_\_\_\_\_.

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

IN THE CIRCUIT COURT, IN AND FOR  
THE FOURTH JUDICIAL CIRCUIT,  
DUVAL COUNTY, FLORIDA

CASE NUMBER: 16 \*-CA-  
DIVISION: FC-\*

\*  
Plaintiff,

vs

\*  
Defendant.

**ORDER OF INTENT TO DISMISS FORECLOSURE ACTION**

This Cause came on for hearing pursuant to an Order to Show Cause why the Complaint should not be dismissed for the reason that Plaintiff has,

- \_\_\_\_\_ A. Failed to file Form "A"  
And/Or  
\_\_\_\_\_ B. Failed to remit a \$400.00 check for mediation payable to  
JBARMFM Program.

The property being foreclosed is a residential homestead at the time of filing the complaint.

At the hearing hereon, the Court finds that \_\_\_\_\_ A. and or \_\_\_\_\_ B. Has not been complied with as of the date of filing or the hearing.

UPON CONSIDERATION thereof it is,

**ORDERED:** that if the above failure is not complied with by close of business day on \_\_\_\_\_, this action will be dismissed.

**DONE AND ORDERED** in Chambers, at Jacksonville, Duval County, Florida,  
this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

Copies to:  
\* Plaintiff  
\* Defendant

IN THE CIRCUIT COURT, FOURTH  
JUDICIAL CIRCUIT, IN AND FOR  
CLAY COUNTY, FLORIDA

CASE NUMBER: 16 \*-CA-\*

DIVISION: FC-\*

\*

Plaintiff,

v

\*

Defendant.

\_\_\_\_\_ /

**ORDER VACATING FINAL ORDER OF DISMISSAL  
AND REINSTATING THE ACTION**

This cause came on for review and the Court finds that this action was dismissed without prejudice on \_\_\_\_\_, 2010.

The Court further finds that said Order should be vacated and set aside and this Action should be reinstated forthwith for good cause shown, but that the re-opening fee of \$50.00 \_\_\_\_\_ should be waived or \_\_\_\_\_ should not be waived, it is thereupon,

ORDERED, that the Clerk of Court shall forthwith reinstate and re-open the above styled case of action upon the \_\_\_\_\_ payment of the \$50.00 dollar fee or the \_\_\_\_\_ non-payment of any re-opening fee.

DONE AND ORDERED in Chambers, at Green Cove Springs, Clay County, Florida,  
this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Copies to:

\*

Plaintiff

\*

Defendant

**IN THE CIRCUIT COURT, FOURTH  
JUDICIAL CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA.**

**CASE NO.:  
DIVISION:**

**Plaintiff,**

**vs.**

**Defendants.**

---

**ORDER ON PLAINTIFF'S MOTION TO CANCEL FORECLOSURE SALE**

THIS CAUSE came on for consideration pursuant to the Motion to Cancel Foreclosure Sale, filed by Plaintiff in the above-styled cause, and the Court being otherwise fully advised in the premises,

it is

**ORDERED and ADJUDGED**

1. That the foreclosure sale set for \_\_\_\_\_ will be cancelled and rescheduled for \_\_\_\_\_ at **11:00 a.m.** on the website <http://www.duval.realforeclose.com> for Duval County, Jacksonville, Florida, after having first given notice as required by Sec 45.031 Fla. Stat. (1995)
2. This sale may not be cancelled or rescheduled by the Plaintiff, nor its agent without Court Order.

**The sale will take place even if counsel for Plaintiff does not participate in the online bidding.**

**DONE AND ORDERED** in Chambers at Jacksonville, Duval County, Florida this \_\_\_\_\_ day of \_\_\_\_\_ 2010.

---

**SENIOR CIRCUIT JUDGE**

IN THE CIRCUIT COURT, FOURTH  
JUDICIAL CIRCUIT, IN AND FOR DUVAL  
COUNTY, FLORIDA.

CASE NO.:  
DIVISION:

Plaintiff,

vs.

Defendants.

ORDER DIRECTING PLAINTIFF TO PAY  
CLERK'S FORECLOSURE SALE FEE

THIS MATTER is presented to the Court at the Clerk of Court's request.

Notwithstanding a request by Plaintiff to cancel the foreclosure sale and the denial of that request by the Court, the Clerk conducted the sale on \_\_\_\_\_.

The Clerk incurred costs for the sale(s) in the total amount of \$ \_\_\_\_\_, pursuant to F.S. chapter 45.035(1) and (3), for which the plaintiff is liable. (Plaintiff was the successful bidder)

The Plaintiff has willfully and intentionally refused to pay said sum after repeated requests for payment from the clerk's office.

Upon consideration thereof, it is thereupon

ORDERED:

1. Plaintiff shall forthwith pay and remit to the Clerk of Court of Duval County, Florida the total sum of \$ \_\_\_\_\_, representing the total due, within \_\_\_\_\_ days.
2. Failure to do so will result in the issuance of an Order to Show Cause why Plaintiff should not be held in contempt. Plaintiff's attendance at a hearing for an Order Show Cause will be mandatory.

**DONE AND ORDERED** in Chambers at Jacksonville, Duval County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

Copies to: Plaintiff's Counsel

**4th Cir 00063**

IN THE FOURTH JUDICIAL  
CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA

CASE NUMBER: 2005-CA-8619  
DIVISION: FC-F

HAPPY HOME LENDING CORPORATION,  
Plaintiff,

v

RANDY D. MARTIN,  
Defendant.

---

**ORDER GRANTING DEFENDANT'S 2<sup>ND</sup> MOTION TO REQUEST SURPLUS FUNDS**

This cause came on for review upon Defendant, Randy D. Martin's 2nd Motion to Request Surplus Funds on July 8, 2010 . Therefore, it is

**ORDERED** that the Defendant's Motion to Request Surplus Funds is **GRANTED** and the Clerk shall disburse any surplus funds in Case Number: 16-2005-CA-8619 to Randy D. Martin

DONE AND ORDERED in Chambers, at Jacksonville, Duval County, Florida,  
this \_\_\_\_ day of July, 2010.

---

SENIOR CIRCUIT JUDGE



Copies to:

Craig Calley  
2518 Park St.  
Jacksonville, Florida 32204

Randy D. Martin  
3558 Eunice Road  
Jacksonville, Florida 32250

IN THE FOURTH JUDICIAL  
CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA

CASE NUMBER: 2005-CA-77  
DIVISION: FC-G

MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC., AS NOMINEE FOR COUNTRYWIDE  
HOME LOANS, INC.  
Plaintiff,

v

MICHAEL A. ISAAC; JOCELYN A. ISAAC  
A/K/A JOCELYN ISAAC;;  
Defendant.

---

**ORDER GRANTING DEFENDANT'S MOTION TO RELEASE EXCESS FUNDS FROM  
FORECLOSURE**

This cause came on for review upon Defendant, Michael A. Isaac's Motion to Release Excess Funds From Foreclosure of July 2, 2010 . Therefore, it is

**ORDERED** that the Defendant's Motion to Release Excess Funds From Foreclosure is **GRANTED** and the Clerk shall disburse any Excess funds in Case Number: 16-2005-CA-77 to Michael A. Isaac.

DONE AND ORDERED in Chambers, at Jacksonville, Duval County, Florida,  
this \_\_\_ day of July, 2010.

---

SENIOR CIRCUIT JUDGE

Copies to:

Marshall C. Watson  
1800 N.W. 49<sup>th</sup> St., Ste 120  
Ft. Lauderdale, Florida 33309

Michael A. Isaac  
P.O. Box 40296  
Jacksonville, Florida 32203

IN THE FOURTH JUDICIAL  
CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA

CASE NUMBER: 2009-CA-13048  
DIVISION: FC-D

AURORA LOAN SERVICES,  
Plaintiff,

v

DIANA PARSONS,  
Defendant.

---

**ORDER DENYING EMERGENCY MOTION TO STAY**

This cause came on for review upon a Motion on behalf of Defendant, Diana Parsons by the current tenant of the property, Londa Johnson. Ms. Johnson's Emergency Motion to Stay was filed on July 14, 2010. The Court finds that there is currently not an Outstanding Writ of Possession. Therefore, it is

**ORDERED** that the Emergency Motion to Stay filed by Ms. Londa Johnson, is  
**DENIED.**

DONE AND ORDERED in Chambers, at Jacksonville, Duval County, Florida,  
this \_\_\_\_ day of July, 2010.

---

SENIOR CIRCUIT JUDGE

Copies to:

Law Office of David J. Stern  
900 South Pine Island Road, Ste. 400  
Plantation, Florida 33324

Londa Johnson  
5625 Bryner Drive  
Jacksonville, Florida 32244

IN THE FOURTH JUDICIAL  
CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA

CASE NUMBER: 2009-CA-11566  
DIVISION: FC-D

WELLS FARGO BANK, N.A.,  
Plaintiff,

v

MARIA V. CHESHIRE,  
Defendant.

---

**ORDER DENYING DEFENDANT'S VERIFIED MOTION FOR COSTS**

This cause came on for review upon Defendant, Maria V. Cheshire's Motion for Verified Costs. Therefore, it is,

**ORDERED** that the Defendant's Motion for Verified Costs in the amount of \$661.73 is **DENIED**.

**DONE AND ORDERED** in Chambers, at Jacksonville, Duval County, Florida,  
this \_\_\_\_ day of July, 2010.

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

Copies to:

Jose-Carlos A. Villanueva, Esq.  
Courthouse Tower-25th Floor  
44 West Flagler Street  
Miami, Florida 33130  
Attorney for the Plaintiff

Maria V. Chesire  
3353 Gilmore Street  
Jacksonville, Florida 32205  
Defendant

IN THE FOURTH JUDICIAL  
CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA

CASE NUMBER: 2005-CA-4134  
DIVISION: FC-F

MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC. AS NOMINEE FOR  
WASHINGTON MUTUAL BANK,  
Plaintiff,

v

ROSALIND P. YOUNG and ARLIE L. CONNER, et al  
Defendant.

---

**ORDER DENYING MOTION FOR RECONSIDERATION**

This cause came on for review upon Defense Attorney, Julianna Groot's Motion for Reconsideration on the Court's July 6, 2010 Order Granting Plaintiff's Motion for Leave to File of July 12, 2010.. Therefore, it is

**ORDERED** that the Motion for Reconsideration on the Court's July 6, 2010 Order Granting Plaintiff's Motion for Leave to File is **DENIED**.

DONE AND ORDERED in Chambers, at Jacksonville, Duval County, Florida,  
this \_\_\_ day of July, 2010.

---

SENIOR CIRCUIT JUDGE



Copies to:

David M. Borrego, Esq.  
Florida Default Law Group  
P.O. Box 25018  
Tampa, Florida 33622  
Attorney for Plaintiff

Julianna Groot, Esq.  
8777 San Jose Blvd.  
ChuchillPark, Ste. 301  
Jacksonville, Florida 32217  
Attorney for Defendant

IN THE CIRCUIT COURT, FOURTH  
JUDICIAL CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA

CASE NUMBER: 16-2009-CA-11566  
DIVISION: FC-D

WELLS FARGO BANK, N.A.,  
Plaintiff,

v.

MARIA V. CHESHIRE,  
Defendant.

---

**ORDER OF CLARIFICATION**

This cause came on for clarification pursuant to a request by Defendant, Maria V. Cheshire on June 28, 2010.

Upon consideration it is therefore,

**ORDERED AND ADJUDGED** that all further hearings of any nature on the above styled case will be heard by one of the Senior Judges of the Foreclosure Division of the Fourth Judicial Circuit, which becomes effective July 1, 2010 of Order by the Florida Supreme Court. The Foreclosure Division is located at The Duval County Courthouse, 330 E. Bay Street, Room 510, 5<sup>th</sup> Floor, Jacksonville, Florida 32202. The phone number is 904-630-3792.

**DONE AND ORDERED** in Chambers, at Jacksonville, Duval County, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2010.

---

A.C. SOUD, JR.  
SENIOR CIRCUIT JUDGE

Copies to:

Maria V. Cheshire

3353 Gilmore Street

Jacksonville, Florida 32205

Liebler, Gonzalez & Portuondo, P.A.

Courthouse Tower-25th Floor

44 West Flagler Street

Miami, Florida 33130

IN THE CIRCUIT COURT, FOURTH  
JUDICIAL CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA.

CASE NO.: 16-2009-CA-006239  
DIVISION: FC-H

DEUTSCHE BANK NATIONAL TRUST COMPANY,  
AS TRUSTEE IN TRUST FOR THE BENEFIT OF THE  
CERTIFICATE HOLDERS FOR ARGENT SECURITIES  
TRUST 2006-M2, ASSET-BACKED PASS-THROUGH  
CERTIFICATES, SERIES 2006-M2

Plaintiff,

vs.

JOHN D. WADDINGTON, ET AL.

Defendants.

---

**ORDER VACATING ORDER DENYING MOTION TO STRIKE COUNTERCLAIM**

THIS CAUSE came on for review by the Court.

The Order denying Plaintiff's Motion to Strike Counterclaim was signed in error.

Upon consideration of the foregoing, it is thereupon

**ORDERED** that this Court's Order on Plaintiff's Motion to Strike Counterclaim dates  
September 2, 2010 is VACATED and SET ASIDE.

**DONE AND ORDERED** in Chambers at Jacksonville, Duval County, Florida, this 28  
day of October, 2010.

---

SENIOR CIRCUIT JUDGE

4th Cir 00076

IN THE FOURTH JUDICIAL  
CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA

CASE NUMBER: 2009-CA-6605  
DIVISION: FC-B

WELLS FARGO BANK, N.A.  
Plaintiff,

v

ROBERT BLAESSER, JR., A/K/A  
ROBERT P. BLAESSER, et al,

Defendant.

---

**ORDER DENYING MOTION TO DISMISS DEFENDANT, GINA M. MOHRHAUSER,  
FORMALLY KNOWN AS GINA M. BLAESSER, AND VACATE FINAL JUDGMENT  
AGAINST GINA M. MOHRHAUSER, FORMALLY KNOWN AS GINA M. BLAESSER,  
ONLY**

This cause came on for review upon Defendant, Gina M. Mohrhauser's Motion to Dismiss Defendant, Gina M. Mohrhauser, Formally known as Gina M. Blaesser, and Vacate Final Judgment Against Gina M. Mohrhauser, Formally known as Gina M. Blaesser on March 29, 2010. Therefore, it is,

**ORDERED** that the Defendant, Gina M. Mohrhauser's Motion to Dismiss Defendant, Gina M. Mohrhauser, Formally known as Gina M. Blaesser, and Vacate Final Judgment Against Gina M. Mohrhauser, Formally known as Gina M. Blaesser is **DENIED**.

**DONE AND ORDERED** in Chambers, at Jacksonville, Duval County, Florida,  
this \_\_\_ day of July, 2010.

---

SENIOR CIRCUIT JUDGE

Copies to:  
Florida Default Law Group  
9119 Corporate Lake drive, 3<sup>rd</sup> Floor  
Tampa, Florida 33634  
Attorney for the Plaintiff

Gina Mohrhauser  
252 Bell Branch Lane  
Jacksonville, Florida 32259  
Defendant

IN THE CIRCUIT COURT, FOURTH  
JUDICIAL CIRCUIT IN AND FOR  
IN AND FOR DUVAL COUNTY, FLORIDA

CASE NO.: 2008-CA-00614  
DIVISION: FC-F

HSBC BANK USA, NATIONAL  
ASSOCIATION AS TRUSTEE FOR  
FRIEDMAN, BILLING RAMSEY GROUP,  
INC. (FBR) FIRST NLC TRUST 2005-4  
Plaintiff,

v

GLEND A R. ALLEN, et al,  
\_\_\_\_\_ /

**ORDER VACATING ALIAS WRIT OF POSSESSION**

This cause came on for review upon Defendant's Emergency Motion. The Defendant's names are Glenda R. Allen and John R. Allen, Jr.

The Defendant filed an Emergency Motion to Quash Alias Writ of Possession. The Summary Final Judgment of Foreclosure was entered on June 2, 2008. Foreclosure sale was scheduled several times and cancelled and finally concluded on May 26, 2010 . Certificate of Title was issued by the Clerk. Subsequent thereto which was vacated by the Court because it was alleged that one of the Defendants was deployed by the United States Navy. A new Writ of Possession was subsequently issued and was to be served on September 30, 2010.

The Court reviewed the file in detail and the mortgage and note listed that particular defendant who signed the document as Joseph A. Allen, Jr.

The foreclosure complaint was filed against a Joseph R. Allen and the Summary Final Judgment was entered against a Joseph R. Allen and not Joseph R. Allen, Jr., nor Joseph A. Allen.

Prior to the issuance of the Alias Writ of Possession, the Plaintiff submitted a statement form the Department of Defense that Joseph R. Allen was not in the military service. The Defendant submitted an official military document for "Temporary Additional Duty" for Joseph

A. Allen, Jr., deployed for naval duty.

The Court believes that Joseph A. Allen, Jr., Joseph R. Allen, Jr., and Joseph R. Allen are one in the same person.

Upon consideration of the foregoing , it is thereupon,

ORDERED:

1. That the Alias Writ of Possession issued by the Clerk for taking possession of the property located at:

2755 Indigo Hills Court  
Jacksonville, Florida 32221

Is vacated and set aside and should not be executed on the property.

2. A hearing is set before this Court on Tuesday October 26, 2010 at 10:00 a.m. in Room 506, located at the Duval County Courthouse, 330 E. Bay Street, Jacksonville, Florida 32202. The contact person is Robin Talley and the phone number is 904-630-3792.
3. Both Glenda R. Allen and John A. Allen, Jr. are required to make their personal appearance at this Court on the above stated time and date. If John A. Allen, Jr. is still deployed, his presence will be excused.
4. Counsel for the Plaintiff may appear by telephone by calling the following number: 904-630-3792. Plaintiffs counsel must make an appearance by said call.



DONE AND ORDERED in Chambers, at Jacksonville, Duval, County, Florida, this  
\_\_\_\_\_ day of \_\_\_\_\_, 2010.

---

A.C. SOUD, JR.  
SENIOR CIRCUIT JUDGE

Copies to:

Law Office of Marshall C. Watson  
1800 NW 49<sup>th</sup> Street, Ste. 120  
Fort Lauderdale, Florida 33309

Maria Campbell, Esquire  
Florida Default Law Group  
P.O. Box 25018  
Tampa, Florida 33622

Glenda R. Allen & Joseph A. Allen Jr.  
2755 Indigo Hills Court  
Jacksonville, Florida 32221

IN THE CIRCUIT COURT  
OF THE FOURTH JUDICIAL  
CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA

CASE NUMBER: 2009-CA-1903  
DIVISION: FC-H

COUNTRYWIDE HOME LOANS  
SERVICING, L.P.,  
Plaintiff,

Vs

IDA M. LAUNIUS, et al,  
Defendant,

---

**ORDER VACATING WRIT OF POSSESSION**

This cause came on for review upon Defendant, Ida M. Launius' Motion to Vacate Writ of Possession filed on October 4, 2010. The Court finds the Current Tenant of the property signed a lease with Fannie Mae, the party whom the Clerk issued title to on December 3, 2009. After review of the file, pleading and otherwise being fully advised of the premises, it is,

ORDERED:

1. The Writ of Possession ordered by this Court and issued by the Clerk dated September 27, 2010 be and is hereby Vacated and Set Aside.
2. The Jacksonville Sheriff's Office shall not execute the Writ of Possession until further order of the Court.

DONE AND ORDERED in Chambers, at Jacksonville, Duval County, Florida, this \_\_\_\_  
day of \_\_\_\_\_, 2010.

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

Copies to:

Law offices of Marshall C. Watson  
1800NW 49<sup>th</sup> Street, Ste. 120  
Fort Lauderdale, Florida 3309

Ida Launius  
4611 Cedarwood Road  
Jacksonville, Florida 32210

Jacksonville Sheriff's Office  
Via Facsimile

IN THE FOURTH JUDICIAL  
CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA

CASE NUMBER: 2009-CA-2876  
DIVISION: FC-E

HSBC BANK USA, NATIONAL  
ASSOCIATION, ETC. Et al.,  
Plaintiff,

v

WILLIAM G. BOONE, et al  
Defendant.

---

**ORDER DENYING MOTION TO STOP REPOSSESSION OF CONDOMINIUM**

This cause came on for review upon Tenant, Lisa Skolund's Motion to Stop Repossession of Condominium of July 12, 2010 Therefore, it is

ORDERED that the Tenant, Lisa Skolund's Motion to Stop Repossession of Condominium is **DENIED**.

DONE AND ORDERED in Chambers, at Jacksonville, Duval County, Florida,  
this \_\_\_ day of July, 2010.

---

SENIOR CIRCUIT JUDGE

Copies to:  
Florida Default Law Group

**4th Cir 00084**

P.O. Box 25018  
Tampa, Florida 33633

Lisa Skolund  
12171 Beach Blvd. # 1105  
Jacksonville, Florida 32246

IN THE FOURTH JUDICIAL  
CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA

CASE NUMBER: 2009-CA-2291  
DIVISION: FC-H

U.S. BANK,  
Plaintiff,

v

ADRIAN AND ALTONYA THOMAS, et al.,  
Defendant.

---

**ORDER DENYING MOTION TO RESCHEDULE FORECLOSURE SALE**

This cause came on for review upon Defendant, Altonya Thomas' Motion to Reschedule Foreclosure Sale. Therefore, it is,

**ORDERED** that the Defendant's Motion to Reschedule Foreclosure Sale is **DENIED**.

**DONE AND ORDERED** in Chambers, at Jacksonville, Duval County, Florida,  
this \_\_\_\_ day of July, 2010.

---

SENIOR CIRCUIT JUDGE

Copies to:  
Florida Default Law Group  
P.O. Box 25018  
Tampa, Florida 33622  
Attorney for the Plaintiff

Altonya Thomas  
733 Summerwood way  
Jacksonville, Florida 32218  
Defendant

IN THE CIRCUIT COURT, FOURTH  
JUDICIAL CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA.

CASE NO.: 16-2010-CA-4455  
DIVISION: FC-B

US BANK NATIONAL ASSOCIATION,  
AS TRUSTEE FOR MASTER ASSET BACKED  
SECURITIES TRUST 2006HE2,  
Plaintiff,

vs.

JOHN D. SPEIGHTS, ET AL.  
Defendants.

---

**ORDER VACATING SALE, SALE ORDER AND SUMMARY  
FINAL JUDGMENT OF FORECLOSURE**

THIS CAUSE came on for review and the Court finding that a Summary Final Judgment of Foreclosure was entered on October 7, 2010 and a sale was attempted on November 22, 2010 but there was no successful bidder and the title reverted back to Plaintiff, and further finding that this case should have been processed through the Managed Mediation Program with the Jacksonville Bar Association.

Upon consideration of the foregoing, it is thereupon

**ORDERED**

1. That the foreclosure sale conducted on November 22, 2010 is VACATED and SET ASIDE, as is the Certificate of Title, if issued. No further sale shall be conducted by the Clerk.
2. The Summary Final Judgment of Foreclosure entered on October 7, 2010 is VACATED and SET ASIDE.



3. This case is referred to the Managed Mediation Program with the Jacksonville Bar Association who shall forthwith process through mediation.

**DONE AND ORDERED** in Chambers at Jacksonville, Duval County, Florida, this \_\_\_\_  
day of November, 2010.

---

**SENIOR CIRCUIT JUDGE**

**Copies to:**

John D. Speights  
2669 West 45<sup>th</sup> Street  
Jacksonville, FL 32209

Law Offices of David Stern  
900 South Pine Island Road, Suite 400  
Plantation, FL

Linda Morris  
The Jacksonville Bar Association  
841 Prudential Drive, Suite 1320  
Jacksonville, Florida 32207-8329

IN THE FOURTH JUDICIAL  
CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA

CASE NUMBER: 2009-CA-3907  
DIVISION: FC-G

THE BANK OF NEW YORK TRUST COMPANY N.A.  
AS SUCCESSOR TO JP MORGAN CHASE BANK N.A.,  
Plaintiff,

v

DANNY C. MCMILLAN A/K/A  
DANY MCMILLAN A/K/A DANNY MCMILLAN et al,  
Defendant.

---

**ORDER DENYING MOTION TO CANCEL FORECLOSURE SALE**

This cause came on for review upon Defendant, Danny McMillan's Motion to Cancel Foreclosure Sale set for July 29, 2010, that was filed on July 7, 2010. Therefore, it is

ORDERED that the Defendant, Danny McMillan's Motion to Cancel Foreclosure Sale set for July 29, 2010 is **DENIED**.

DONE AND ORDERED in Chambers, at Jacksonville, Duval County, Florida,  
this \_\_\_ day of July, 2010.

---

SENIOR CIRCUIT JUDGE

Copies to:

Law Office of Marshall C. Watson  
1800 N.W. 49<sup>th</sup> Street, Ste. 120  
Ft. Lauderdale, Florida 33309

Danny McMillan  
751 Chestnut Oak Drive N.  
Jacksonville, Florida 32218  
Defendant

IN THE FOURTH JUDICIAL  
CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA

CASE NUMBER: 2009-CA-15134  
DIVISION: FC-C

VYSTAR CREDIT UNION,  
Plaintiff,

v

UNKNOWN HEIRS, DEVISEES,  
GRANTEES, ASSIGNEES, LIENORS, CREDITORS,  
TRUSTEES AND ALL OTHER PARTIES  
CLAIMING AN INTEREST BY, THROUGH, UNDER  
OR AGAINST THE ESTATE OF BARBARA THOMAS  
A/K/A BARBARA ANN THOMAS; et al,  
Defendant.

---

**ORDER DENYING MOTION TO VACATE FINAL JUDGMENT AND CANCEL  
FORECLOSURE SALE**

This cause came on for review upon Defendant's Motion to Vacate Final Judgment and Cancel Foreclosure Sale. Therefore, it is,

**ORDERED** that the Defendant's Motion to Vacate Final Judgment and Cancel Foreclosure Sale is **DENIED**.

**DONE AND ORDERED** in Chambers, at Jacksonville, Duval County, Florida,  
this \_\_\_\_ day of July, 2010.

---

A.C. SOUD, JR.  
SENIOR CIRCUIT JUDGE

Copies to:

James R. Le Mieux, Esquire  
1725 Oakhurst Ave., Ste. C  
Jacksonville, Florida 32208  
Attorney for Defendant

Michelle E. Glass, Esquire  
4309 Salisbury Rd.  
Jacksonville, Florida 32216  
Attorney for the Plaintiff

IN THE FOURTH JUDICIAL  
CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA

CASE NUMBER: 2009-CA-12157  
DIVISION: FC-F

BAC HOME LOANS SERVICING, L.P.  
COUNTRYWIDE HOME LOANS SERVICING,  
Plaintiff,

v

TUAN A. NGUYEN,,  
Defendant.

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**ORDER CONFIRMING CANCELLATION OF FORECLOSURE SALE**

This cause came on for review upon Defendant, Tuan Nguyen's Motion to Request Extension on Foreclosure Sale Date of July 20, 2010. Therefore, it is

**ORDERED** that the Defendant, Tuan Nguyen's Motion to Request Extension on Foreclosure Sale Date is **GRANTED** and the Clerk is to cancel the foreclosure sale date of July 21, 2010.

DONE AND ORDERED in Chambers, at Jacksonville, Duval County, Florida,  
this \_\_\_\_ day of July, 2010.

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SENIOR CIRCUIT JUDGE

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Copies to:

Law Office of Marshall C. Watson  
1800 N.W. 49<sup>th</sup> Street, Ste. 120  
Ft. Lauderdale, Florida 33309

Zenith Realty  
1857 Wells Road  
Orange Park, Florida 32073

Tuan Nguyen  
44 Water Lily  
Irvine, CA 92606

IN THE FOURTH JUDICIAL  
CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA

CASE NUMBER: 2009-CA-19766  
DIVISION: FC-B

HSBC MORTGAGE CORPORATION  
Plaintiff,

v

MARYANN HOVEY A/K/A MARY ANN HOVEY;  
SUTTON GROVE HOMEOWNERS ASSOCIATION;  
CHARLES HOVEY A/K/A CHARLES W. HOVEY;  
UNKNOWN TENANT (S); IN POSSESSION OF THE  
SUBJECT PROPERTY,  
Defendant.

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**ORDER DENYING MOTION TO VACATE FORECLOSURE SALE**

This cause came on for review upon Defendant, Mary Ann Hovey's Motion to Vacate Foreclosure sale on May 27, 2010. The Court finds that the Final Judgment was properly entered on April 22, 2010. Therefore, it is

ORDERED that the Defendant, Mary Ann Hovey's Motion to Vacate Foreclosure Sale is **DENIED.**

DONE AND ORDERED in Chambers, at Jacksonville, Duval County, Florida,  
this \_\_\_ day of July, 2010.

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A.C. SOUD, JR.  
SENIOR CIRCUIT JUDGE



Copies to:  
Marshall C. Watson  
1800 N.W. 49<sup>th</sup> Street, Ste. 120  
Ft. Lauderdale, Florida 33309

Mary Ann Hovey  
11680 Mandarin Road  
Jacksonville, Florida 32223

IN THE FOURTH JUDICIAL  
CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA

CASE NUMBER: 2009-CA-14745  
DIVISION: FC-F

WELLS FARGO, N.A.,  
Plaintiff,

v

JOSHUA M. PATTERSON,  
Defendant.

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**ORDER DENYING MOTION OBJECTING SALE AND REQUESTING HEARING**

This cause came on for review upon Defendant, Joshua M. Patterson's Motion Objecting Sale and Requesting Hearing on July 21,, 2010. Therefore, it is

**ORDERED** that the Defendant, Defendant, Joshua M. Patterson's Motion Objecting Sale and Requesting Hearing is **DENIED**.

DONE AND ORDERED in Chambers, at Jacksonville, Duval County, Florida,  
this \_\_\_ day of July, 2010.

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SENIOR CIRCUIT JUDGE

Copies to:  
Florida Default Law Group  
P.O. Box 25018  
Tampa, Florida 33622

Joshua M. Patterson  
10075 Gate Parkway, N. # 303  
Jacksonville, Florida 32246

IN THE FOURTH JUDICIAL  
CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA

CASE NUMBER: 2009-CA-10673  
DIVISION: FC-C

BAC HOME LOANS SERVICING, LP FKA  
COUNTRYWIDE HOME LOANS SERVICING LP,  
Plaintiff,

v

DENIS M. WEBER; HKENE WEBER; GOLFVIEW  
HOMEOWNER'S ASSOCIATION, INC.,  
Defendant.

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**ORDER DENYING MOTION FOR EXTENSION FOR SHORT SALE**

This cause came on for review upon Defendant, Denis M. Weber's Motion for Extension for Short Sale on July 9, 2010. Therefore, it is

ORDERED that the Defendant, Denis M. Weber's Motion for Extension for Short Sale is **DENIED.**

DONE AND ORDERED in Chambers, at Jacksonville, Duval County, Florida,  
this \_\_\_ day of July, 2010.

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SENIOR CIRCUIT JUDGE