

Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 12:40 PM
To: Tami Smith
Subject: FW: Foreclosure Orders Today

From: Judge Martha Lott
Sent: Tuesday, August 10, 2010 1:47 PM
To: Judge Robert Roundtree, Jr.; Judge Victor Hulslander
Subject: Foreclosure Orders Today

Now that Paul Silverman is on board, Kathy Janous is cranking out orders referring to magistrate for Aug 25. I told them I am available to sign the batch that will go out this afternoon. Do either of you want to sign your own orders today or are you in agreement that I sign this first batch at 4:30 so they go out today? I am available this afternoon and it would not be a problem to sign them.

Martha Ann Lott,
Chief Judge
Eighth Judicial Circuit
201 E University Avenue
Gainesville, FL 32601
(352) 374-3646

Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 12:41 PM
To: Tami Smith
Subject: FW: Foreclosure Orders Today

From: Judge Martha Lott
Sent: Tuesday, August 10, 2010 1:55 PM
To: Judge Victor Hulslander
Subject: RE: Foreclosure Orders Today

You are welcome

Martha Ann Lott
Chief Judge

From: Judge Victor Hulslander
Sent: Tuesday, August 10, 2010 1:52 PM
To: Judge Martha Lott; Judge Robert Roundtree, Jr.
Subject: RE: Foreclosure Orders Today

Go ahead and sign mine. Thanks for doing it.
VH

From: Judge Martha Lott
Sent: Tuesday, August 10, 2010 1:47 PM
To: Judge Robert Roundtree, Jr.; Judge Victor Hulslander
Subject: Foreclosure Orders Today

Now that Paul Silverman is on board, Kathy Janous is cranking out orders referring to magistrate for Aug 25. I told them I am available to sign the batch that will go out this afternoon. Do either of you want to sign your own orders today or are you in agreement that I sign this first batch at 4:30 so they go out today? I am available this afternoon and it would not be a problem to sign them.

Martha Ann Lott,
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Eighth Judicial Circuit
201 E University Avenue
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Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 12:41 PM
To: Tami Smith
Subject: FW: Foreclosure Orders Today

From: Judge Robert Roundtree, Jr.
Sent: Tuesday, August 10, 2010 5:02 PM
To: Judge Martha Lott; Judge Victor Hulslander
Subject: Re: Foreclosure Orders Today

Thanks for taking care of this. I appreciate it. Glad Paul is on board.

On 8/10/10 1:47 PM, "Judge Martha Lott" <[REDACTED]> wrote:

Now that Paul Silverman is on board, Kathy Janous is cranking out orders referring to magistrate for Aug 25. I told them I am available to sign the batch that will go out this afternoon. Do either of you want to sign your own orders today or are you in agreement that I sign this first batch at 4:30 so they go out today? I am available this afternoon and it would not be a problem to sign them.

Martha Ann Lott,
Chief Judge
Eighth Judicial Circuit
201 E University Avenue
Gainesville, FL 32601
(352) 374-3646

Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 11:27 AM
To: Tami Smith
Subject: FW: Foreclosure Sales

From: Mary Grace Curtin [mailto:mgc@alachuaclerk.org]
Sent: Thursday, February 25, 2010 10:56 AM
To: Judge Robert Roundtree, Jr.; Judge Victor Hulslander
Cc: Ted McFetridge; Judge Martha Lott; Rachel Flynn; Tami Smith
Subject: RE: Foreclosure Sales

Yes Sir,
Our office will e-mail the JA's when the cap is meet. MG

From: Judge Robert Roundtree, Jr. [mailto:████████████████████]
Sent: Thursday, February 25, 2010 10:49 AM
To: Mary Grace Curtin; Judge Victor Hulslander
Cc: Ted McFetridge; Judge Lott; Rachel Flynn; Tami Smith
Subject: RE: Foreclosure Sales

I think we should continue the procedure. Do the clerks and JA's communicate to make sure we don't go over the 10 limit each day?

From: Mary Grace Curtin [mailto:mgc@alachuaclerk.org]
Sent: Thursday, February 25, 2010 10:29 AM
To: Judge Victor Hulslander; Judge Robert Roundtree, Jr.
Cc: Ted McFetridge; Judge Martha Lott
Subject: FW: Foreclosure Sales

Dear Judge Hulslander and Judge Roundtree,

Because of the large number of foreclosures being filed ,the Clerk's office worked with the past Judges on a procedure for setting Judicial foreclosure sales and would like to continue this process with you. The reason this procedure was established was to keep the number of sales set for a day manageable for everyone concerned. The original agreement of the number of sales would be capped at 10 per day. Judge Roundtree's cases would have foreclosure sales on Wednesday and Thursday. Judge Hulslander's cases would have foreclosure sales on Tuesday and Friday. Thank you for your consideration of this matter.

Mary Grace Curtin
Chief Deputy Clerk
Alachua County Clerk of Court

Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 11:26 AM
To: Tami Smith
Subject: FW: Foreclosure Sales

From: Judge Robert Roundtree, Jr.
Sent: Thursday, February 25, 2010 10:49 AM
To: 'Mary Grace Curtin'; Judge Victor Hulslander
Cc: Ted McFetridge; Judge Martha Lott; Rachel Flynn; Tami Smith
Subject: RE: Foreclosure Sales

I think we should continue the procedure. Do the clerks and JA's communicate to make sure we don't go over the 10 limit each day?

From: Mary Grace Curtin [mailto:mgc@alachuaclerk.org]
Sent: Thursday, February 25, 2010 10:29 AM
To: Judge Victor Hulslander; Judge Robert Roundtree, Jr.
Cc: Ted McFetridge; Judge Martha Lott
Subject: FW: Foreclosure Sales

Dear Judge Hulslander and Judge Roundtree,

Because of the large number of foreclosures being filed ,the Clerk's office worked with the past Judges on a procedure for setting Judicial foreclosure sales and would like to continue this process with you. The reason this procedure was established was to keep the number of sales set for a day manageable for everyone concerned. The original agreement of the number of sales would be capped at 10 per day. Judge Roundtree's cases would have foreclosure sales on Wednesday and Thursday. Judge Hulslander's cases would have foreclosure sales on Tuesday and Friday. Thank you for your consideration of this matter.

Mary Grace Curtin
Chief Deputy Clerk
Alachua County Clerk of Court

1/19/2011

8th Cir 0164

Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 11:28 AM
To: Tami Smith
Subject: FW: Foreclosures versus Non-Foreclosures, Divisions J & K

From: Fred Buhl
Sent: Wednesday, March 10, 2010 1:24 PM
To: Judge Robert Roundtree, Jr.; Rachel Flynn; Judge Victor Hulslander; Tami Smith
Subject: Foreclosures versus Non-Foreclosures, Divisions J & K

I was looking at Divisions J & K the other day, and noticed that some foreclosure cases in that division aren't in the "Foreclosures" sub-category on the case reports.

Some background: ICMS uses something called the "Action Code" to determine whether a case is a Foreclosure case. Right now, it only considers cases with an Action Code of "23ACA" as a Foreclosure case. It looks like the clerk is now using a "23A1CA" and "23A2CA" code as well.

I'd like to add those two codes to the list; that'll mean you'll have more cases listed in Foreclosure (but less in Non-Foreclosure).

Is that OK with you all? I wanted to fly it by you to avoid a sudden surprise on your case reports.

Please let me know.

f

Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 12:14 PM
To: Tami Smith
Subject: FW: Foreclosures versus Non-Foreclosures, Divisions J & K

From: Fred Buhl
Sent: Wednesday, March 10, 2010 2:03 PM
To: Judge Robert Roundtree, Jr.; Rachel Flynn; Judge Victor Hulslander; Tami Smith
Subject: RE: Foreclosures versus Non-Foreclosures, Divisions J & K

We will likely want to work with the clerk on giving those Homestead Foreclosures a separate Action Code (if possible) so we can split them out easily. Can the clerk tell at filing that they fall into this category? (If the clerk can't do it, we can always flag'em; but it's more work, and on our end at that.)

f

From: Judge Robert Roundtree, Jr.
Sent: Wednesday, March 10, 2010 2:00 PM
To: Fred Buhl; Rachel Flynn; Judge Victor Hulslander; Tami Smith
Subject: RE: Foreclosures versus Non-Foreclosures, Divisions J & K

Sounds good. Fred at some time soon, we will need another sub category for "homestead foreclosures" when we adopt the admin. Order re: mediation of homestead foreclosures.

From: Fred Buhl
Sent: Wednesday, March 10, 2010 1:24 PM
To: Judge Robert Roundtree, Jr.; Rachel Flynn; Judge Victor Hulslander; Tami Smith
Subject: Foreclosures versus Non-Foreclosures, Divisions J & K

I was looking at Divisions J & K the other day, and noticed that some foreclosure cases in that division aren't in the "Foreclosures" sub-category on the case reports.

Some background: ICMS uses something called the "Action Code" to determine whether a case is a Foreclosure case. Right now, it only considers cases with an Action Code of "23ACA" as a Foreclosure case. It looks like the clerk is now using a "23A1CA" and "23A2CA" code as well.

I'd like to add those two codes to the list; that'll mean you'll have more cases listed in Foreclosure (but less in Non-Foreclosure).

Is that OK with you all? I wanted to fly it by you to avoid a sudden surprise on your case reports.

Please let me know.

f

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8th Cir 0166

Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 12:15 PM
To: Tami Smith
Subject: FW: private process serviers

From: Judge Robert Roundtree, Jr.
Sent: Monday, April 05, 2010 2:56 PM
To: Judge Martha Lott; Ted McFetridge; Judge Victor Hulslander
Subject: private process serviers

Jeff Dollinger was telling me today that when he practiced in Broward County 20 years ago, the Chief Judge had entered an Administrative Order appointing private process servers. Apparently there was a qualification process and those who qualified were appointed in the order. If we had such an order, that would cut down tremendously on the foreclosure paperwork. We sign an individual order appointing process servers in almost every foreclosure. That would be one less motion and order we have to deal with and that our JA's would have to conform or handle.

Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 12:20 PM
To: Tami Smith
Subject: FW: Foreclosure

From: Judge Martha Lott
Sent: Tuesday, April 13, 2010 1:12 PM
To: Judge Victor Hulslander
Subject: Foreclosure

Vic, here is the phone number for Judge Sasser. If we are provided Funding for a Foreclosure Division, which could include a magistrate and some Senior Judge time, perhaps we should incorporate her case management model. We will know May 1 whether we will get assistance or we continue to be on our own.

Judge Meenu T. Sasser
Circuit Civil Division "AW": Foreclosure
Fifteenth Judicial Circuit of Florida
Palm Beach County Courthouse
205 North Dixie Highway
West Palm Beach, FL 33401
(561) 355-7817

Martha Ann Lott,
Chief Judge
Eighth Judicial Circuit
201 E University Avenue
Gainesville, FL 32601
(352) 374-3646

Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 12:30 PM
To: Tami Smith
Subject: FW: Foreclosure Mills

From: Judge Stan Griffis
Sent: Friday, July 09, 2010 9:45 AM
To: Judge Martha Lott; Judge Robert Roundtree, Jr.; Judge Victor Hulslander; Judge Toby Monaco; Judge Phyllis Rosier; Arlene Huszar
Subject: Foreclosure Mills

Hello everyone: Judge Roundtree has asked that I contact Stern, Watson and FDLG to discuss some changes occurring in our circuit. Before I call, I wanted to let you know that I have worked a "deal" with them in the past with great results. I require them to assign one attorney per county responsible to me for their files and that person must appear in person on a specially set docket for their firm one day a month in which we case manage all of their firms' pending foreclosures. Since we will have help with a magistrate or senior judge starting next month, I want to make sure we are all on board with this program for each of your counties. The catch is we have to set the cases on a block schedule (primarily because they have no idea which cases are open or not as their record keeping differs from ours). This may require your JA, at least initially until the circuit's case manager is up and running, to help schedule on a set day. Separating the firms' cases on ICMS can be time consuming. Please confirm that you want me to make this "deal" and bind your county. The docket will move along much faster by doing this.

Bob, I will keep working levy and gilchrist as I have done. If you want to turn it over to the magistrate/senior judge in Jan., we can integrate the two counties into the rotation at that time.

I will be contacting Arlene to put days on the calendar for each county starting in about 30 days or so.

I am also working on a case management protocol for the magistrate/senior judge that I will circulate to get your opinions on.

Bob, I sent you our two versions of CMC/Trial orders. Please review and include directives to the attorneys on what should be in the files in advance so we can limit the amount of hand holding with them. We will need to get Fred to expedite the availability of CMC order via ICMS for all counties so the case manager can start producing the orders as soon as she starts in a couple of weeks. I will discuss with Arlene the use of the conditional dismissal for workouts and agreements to make sure the cases are closed in all counties and we can use a uniform order.

Thanks. Stan.

Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 12:31 PM
To: Tami Smith
Subject: FW: Foreclosure Mills

From: Judge Toby Monaco
Sent: Sunday, July 11, 2010 3:30 PM
To: Judge Stan Griffis; Judge Martha Lott; Judge Robert Roundtree, Jr.; Judge Victor Hulslander; Judge Phyllis Rosier; Arlene Huszar
Subject: RE: Foreclosure Mills

Just got back from vacation and saw this email about how you are case-managing foreclosures in Levy. Although your methodology seems to be working well for you, it would not be something I would want to do in Bradford. Thanks.

From: Judge Stan Griffis
Sent: Fri 7/9/2010 9:45 AM
To: Judge Martha Lott; Judge Robert Roundtree, Jr.; Judge Victor Hulslander; Judge Toby Monaco; Judge Phyllis Rosier; Arlene Huszar
Subject: Foreclosure Mills

Hello everyone: Judge Roundtree has asked that I contact Stern, Watson and FDLG to discuss some changes occurring in our circuit. Before I call, I wanted to let you know that I have worked a "deal" with them in the past with great results. I require them to assign one attorney per county responsible to me for their files and that person must appear in person on a specially set docket for their firm one day a month in which we case manage all of their firms' pending foreclosures. Since we will have help with a magistrate or senior judge starting next month, I want to make sure we are all on board with this program for each of your counties. The catch is we have to set the cases on a block schedule (primarily because they have no idea which cases are open or not as their record keeping differs from ours). This may require your JA, at least initially until the circuit's case manager is up and running, to help schedule on a set day. Separating the firms' cases on ICMS can be time consuming. Please confirm that you want me to make this "deal" and bind your county. The docket will move along much faster by doing this.

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Thanks. Stan.

1/19/2011

8th Cir 0170

Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 12:30 PM
To: Tami Smith
Subject: FW: Foreclosure Mills

From: Judge Robert Roundtree, Jr.
Sent: Friday, July 09, 2010 4:12 PM
To: Judge Stan Griffis
Cc: Judge Martha Lott; Judge Victor Hulslander; Judge Toby Monaco; Judge Phyllis Rosier; Arlene Huszar
Subject: Re: Foreclosure Mills

Work the deal for Alachua County unless Vic objects.

Sent from my iPhone

On Jul 9, 2010, at 9:45 AM, "Judge Stan Griffis" <[REDACTED]> wrote:

Hello everyone: Judge Roundtree has asked that I contact Stern, Watson and FDLG to discuss some changes occurring in our circuit. Before I call, I wanted to let you know that I have worked a "deal" with them in the past with great results. I require them to assign one attorney per county responsible to me for their files and that person must appear in person on a specially set docket for their firm one day a month in which we case manage all of their firms' pending foreclosures. Since we will have help with a magistrate or senior judge starting next month, I want to make sure we are all on board with this program for each of your counties. The catch is we have to set the cases on a block schedule (primarily because they have no idea which cases are open or not as their record keeping differs from ours). This may require your JA, at least initially until the circuit's case manager is up and running, to help schedule on a set day. Separating the firms' cases on ICMS can be time consuming. Please confirm that you want me to make this "deal" and bind your county. The docket will move along much faster by doing this.

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Thanks. Stan.

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Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 12:31 PM
To: Tami Smith
Subject: FW: Foreclosure Mills

From: Judge Phyllis Rosier
Sent: Saturday, July 10, 2010 1:06 PM
To: Judge Stan Griffis; Judge Martha Lott; Judge Robert Roundtree, Jr.; Judge Victor Hulslander; Judge Toby Monaco; Arlene Huszar
Cc: Danielle Parker
Subject: RE: Foreclosure Mills

I agree there has to be method to the madness. I now have a Default attorney from Jacksonville that will be coming to Baker. Have not had as many cases lately with the others but have had tremendous problems with Default. I suspect the other firms will have local counsel anyway due to mediation. I will also be happy to wait a couple of months to turn the cases over to Cathy. We try to set cases in blocks but sometimes it is only 2-3 cases with one firm. I will schedule by blocks it just may take a couple of months unless we move things around which does not seem productive. I try to keep foreclosures on Wednesday so Danielle and I can block times on that day. Arlene, will Cathy be coming weekly, monthly? I have no problem with firms still appearing via phone in Baker as long as we have looked at file before setting hearings to make sure it is all there. Should we require them to file the original note and mortgage when they file the MSJ? It is often hard to tell from copies if it is the proper Plaintiff. Should assignments be recorded and filed with the Complaint? With the sub primes, I do not think the attorneys even know who the proper plaintiff is when they file and it may change 2-3 times.. I have a couple of cases on hold now because the attorney has no written proof of such. Had 2 foreclosures filed by 2 different Plaintiff's and law firms on the same Defendants and same property! Sorry so wordy but guess we could each write a bokk about this issue.

From: Judge Stan Griffis
Sent: Fri 7/9/2010 9:45 AM
To: Judge Martha Lott; Judge Robert Roundtree, Jr.; Judge Victor Hulslander; Judge Toby Monaco; Judge Phyllis Rosier; Arlene Huszar
Subject: Foreclosure Mills

Hello everyone: Judge Roundtree has asked that I contact Stern, Watson and FDLG to discuss some changes occurring in our circuit. Before I call, I wanted to let you know that I have worked a "deal" with them in the past with great results. I require them to assign one attorney per county responsible to me for their files and that person must appear in person on a specially set docket for their firm one day a month in which we case manage all of their firms' pending foreclosures. Since we will have help with a magistrate or senior judge starting next month, I want to make sure we are all on board with this program for each of your counties. The catch is we have to set the cases on a block schedule (primarily because they have no idea which cases are open or not as their record keeping differs from ours). This may require your JA, at least initially until the circuit's case manager is up and running, to help schedule on a set day. Separating the firms' cases on ICMS can be time consuming. Please confirm that you want me to make this "deal" and bind your county. The docket will move along much faster by doing this.

Bob, I will keep working levy and gilchrist as I have done. If you want to turn it over to the magistrate/senior judge in Jan., we can integrate the two counties into the rotation at that time.

I will be contacting Arlene to put days on the calendar for each county starting in about 30 days or so.

I am also working on a case management protocol for the magistrate/senior judge that I will circulate to

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get your opinions on.

Bob, I sent you our two versions of CMC/Trial orders. Please review and include directives to the attorneys on what should be in the files in advance so we can limit the amount of hand holding with them. We will need to get Fred to expedite the availability of CMC order via ICMS for all counties so the case manager can start producing the orders as soon as she starts in a couple of weeks. I will discuss with Arlene the use of the conditional dismissal for workouts and agreements to make sure the cases are closed in all counties and we can use a uniform order.

Thanks. Stan.

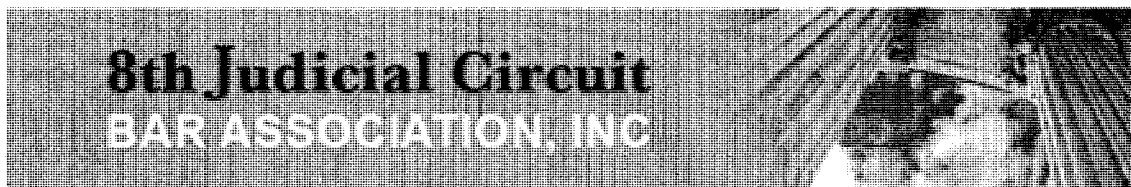
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Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 12:38 PM
To: Tami Smith
Subject: FW: Foreclosure Certification Class to be Held at UF on August 5th

From: execdir@8jcba.org [mailto:execdir@8jcba.org]
Sent: Wednesday, July 28, 2010 3:27 PM
To: Judge Victor Hulslander
Subject: Foreclosure Certification Class to be Held at UF on August 5th



Christopher M. Shulman, P.A.
Alternative Dispute Resolution Services
and
University of Florida
Levin College of Law - Institute for Dispute Resolution

are pleased to offer

Florida Residential Mortgage Foreclosure Mediator Training

Live Seminar: Thursday, August 5, 2010*
Registration Deadline: Registration closes July 29, 2010
Time: 9:00am - 5:00pm (check-in begins at 8:00am)
Location: UF Levin College of Law, Room 180 Holland Hall, Chesterfield Smith Classroom,
Gainesville, Florida

* Must also complete online pre-seminar web training and quiz PRIOR to live seminar.

For more information, please visit:
<http://circuit8.org/news/UF%20RMFM%20Training%20Flyer.pdf>

For registration, please visit:
<http://circuit8.org/news/RMFM%20Training%20Registration.pdf>

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Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 12:39 PM
To: Tami Smith
Subject: FW: General Magistrate Application

From: Judge Robert Roundtree, Jr.
Sent: Friday, July 30, 2010 11:11 AM
To: Jan Phillips; Arlene Huszar; Judge Victor Hulslander
Cc: Judge Stan Griffis; Judge Toby Monaco
Subject: Re: General Magistrate Application

Jan, before we set an interview, let's get the committee on a conf. call and make sure we want to go with a magistrate. There is some feeling a magistrate might slow us down.

On 7/30/10 9:57 AM, "Jan Phillips" <PhillipsJ@circuit8.org> wrote:

Judge Roundtree,
We received an application from Mr. Paul Silverman for the General Magistrate position. Please let me know the first available time you would have to set up an interview. I will contact the other committee members. Thanks.
Jan

Arlene Huszar

From: Judge Victor Huislander
Sent: Monday, January 10, 2011 1:00 PM
To: Tami Smith
Subject: FW: process servers

From: Judge Martha Lott
Sent: Friday, October 01, 2010 9:21 AM
To: Judge Robert Roundtree, Jr.; Paul Silverman; Judge Phyllis Rosier; Judge Stan Griffis; Judge Victor Huislander; Judge Toby Monaco
Cc: Ted McFetridge
Subject: RE: process servers

The burden is in the application, screening, bonding, education, review...etc. It has to be maintained and redone annually. The time is invisible to the judges and we may lose other court admin services if this becomes our priority but I am not opposed to looking at it. It could be done and is being done in other circuits. The added and continuing burdens on court administration are just like the added and continuing burdens that are placed on the judiciary...they come up without any increase in resources. Let's continue the discussion until we as judges are clear on what we need to make the system work. If we conclude that this is where the resources should be expended., then we will look at what would have to be cut out to get it done and weigh the priorities.

Martha Ann Lott
Chief Judge

From: Judge Robert Roundtree, Jr.
Sent: Wednesday, September 29, 2010 8:50 PM
To: Judge Martha Lott; Paul Silverman; Judge Phyllis Rosier; Judge Stan Griffis; Judge Victor Huislander; Judge Toby Monaco
Cc: Ted McFetridge
Subject: Re: process servers

In my opinion, the sheriff's office would never get the foreclosures served. It would greatly slow down our foreclosures. I don't care if plaintiff's use a process server to make the case go smoother, I don't always tax that cost though. How does it burdens court administration once the list is approved? The would never see the summonses.

On 9/29/10 4:02 PM, "[REDACTED]" wrote:

We have been looking into it. It shifts quite a burden to court administration so it is a transfer not an avoidance. The Sheriff's in our circuit prefer to keep process service in house except when needed. The deputies have specific training and supervision. Appointed process servers come with quite a range of training and professionalism. Is there a real need for special process servers? Upon setting them for hearing in Union Co, I have learned much about the pros and cons.

Sent on the Sprint® Now Network from my BlackBerry®

From: "Judge Robert Roundtree, Jr." [REDACTED]
Date: Wed, 29 Sep 2010 11:54:22 -0400
To: Paul Silverman<silvermanp@circuit8.org>
Cc: Judge Martha Lott [REDACTED]
Subject: RE: process servers

I am not aware we have them but it would make the civil judges' and JA's lives less hectic if we

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didn't have to constantly sign those along with the tons of other stuff we sign. Thank for looking into this.

From: Paul Silverman
Sent: Wednesday, September 29, 2010 11:53 AM
To: Judge Robert Roundtree, Jr.
Subject: process servers

Judge Roundtree:

Kathy mentioned that you asked if I'd look into whether I could sign to appoint process servers in foreclosure cases.

I don't believe that I can sign without you signing as well, but I think we can use Fla.Stat. 48.27 to avoid anyone having to sign. The statute allows the chief judge to keep a list of approved process servers, and as best as I can tell, if someone is on the list, then an Order wouldn't be required. If asked the staff attorneys if they knew if we had such a list for our circuit and they weren't aware of one.

Do you know if we have one? If not, I can speak with Judge Lott and see if we can get one started. Once we have it available, we can advise the Plaintiffs firms that their process servers need to be on our list in order to serve process in our circuit, and that should dispense with the need for Motions and Order...its a win, win.

Paul

Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 1:01 PM
To: Tami Smith
Subject: FW: process servers

From: Judge Robert Roundtree, Jr.
Sent: Friday, October 01, 2010 10:41 AM
To: Judge Martha Lott; Paul Silverman; Judge Phyllis Rosier; Judge Stan Griffis; Judge Victor Hulslander; Judge Toby Monaco
Cc: Ted McFetridge
Subject: Re: process servers

I don't see the big deal? Judges routinely sign orders appointing them without any of that. How would suddenly a list of approved process servers bring on all that work?

On 10/1/10 9:21 AM, "Judge Martha Lott" <[REDACTED]> wrote:

The burden is in the application, screening, bonding, education, review...etc. It has to be maintained and redone annually. The time is invisible to the judges and we may lose other court admin services if this becomes our priority but I am not opposed to looking at it. It could be done and is being done in other circuits. The added and continuing burdens on court administration are just like the added and continuing burdens that are placed on the judiciary...they come up without any increase in resources. Let's continue the discussion until we as judges are clear on what we need to make the system work. If we conclude that this is where the resources should be expended., then we will look at what would have to be cut out to get it done and weigh the priorities.

Martha Ann Lott
Chief Judge

From: Judge Robert Roundtree, Jr.
Sent: Wednesday, September 29, 2010 8:50 PM
To: Judge Martha Lott; Paul Silverman; Judge Phyllis Rosier; Judge Stan Griffis; Judge Victor Hulslander; Judge Toby Monaco
Cc: Ted McFetridge
Subject: Re: process servers

In my opinion, the sheriff's office would never get the foreclosures served. It would greatly slow down our foreclosures. I don't care if plaintiff's use a process server to make the case go smoother, I don't always tax that cost though. How does it burdens court administration once the list is approved? The would never see the summonses.

On 9/29/10 4:02 PM, "[REDACTED]" <[REDACTED]> wrote:

We have been looking into it. It shifts quite a burden to court administration so it is a transfer not an avoidance. The Sheriff's in our circuit prefer to keep process service in house except when needed. The deputies have specific training and supervision. Appointed process servers come with quite a range of training and professionalism. Is there a real need for special process servers? Upon setting them for hearing in Union Co, I have learned much about the pros and cons.

Sent on the Sprint® Now Network from my BlackBerry®

1/19/2011

8th Cir 0178

From: "Judge Robert Roundtree, Jr." [REDACTED]
Date: Wed, 29 Sep 2010 11:54:22 -0400
To: Paul Silverman<silvermanp@circuit8.org>
Cc: Judge Martha Lott [REDACTED]
Subject: RE: process servers

I am not aware we have them but it would make the civil judges' and JA's lives less hectic if we didn't have to constantly sign those along with the tons of other stuff we sign. Thank for looking into this.

From: Paul Silverman
Sent: Wednesday, September 29, 2010 11:53 AM
To: Judge Robert Roundtree, Jr.
Subject: process servers

Judge Roundtree:

Kathy mentioned that you asked if I'd look into whether I could sign to appoint process servers in foreclosure cases.

I don't believe that I can sign without you signing as well, but I think we can use Fla.Stat. 48.27 to avoid anyone having to sign. The statute allows the chief judge to keep a list of approved process servers, and as best as I can tell, if someone is on the list, then an Order wouldn't be required. If asked the staff attorneys if they knew if we had such a list for our circuit and they weren't aware of one.

Do you know if we have one? If not, I can speak with Judge Lott and see if we can get one started. Once we have it available, we can advise the Plaintiffs firms that their process servers need to be on our list in order to serve process in our circuit, and that should dispense with the need for Motions and Order....its a win, win.

Paul

Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 1:03 PM
To: Tami Smith
Subject: FW: Bank of America stops foreclosures

From: Judge Stan Griffis
Sent: Thursday, October 14, 2010 1:47 PM
To: Judge Robert Roundtree, Jr.; Paul Silverman; Judge Victor Hulslander; Judge Martha Lott; Judge Toby Monaco; Judge Phyllis Rosier
Subject: RE: Bank of America stops foreclosures

You still need to list the cases and notify the defendants or attorneys.

From: Judge Robert Roundtree, Jr.
Sent: Thursday, October 14, 2010 1:45 PM
To: Judge Stan Griffis; Paul Silverman; Judge Victor Hulslander; Judge Martha Lott; Judge Toby Monaco; Judge Phyllis Rosier
Subject: RE: Bank of America stops foreclosures

One order to show cause listing all the BOA cases will solve it all just like we do in the tobacco cases. I am thinking you can dismiss over 100 or more at once if we have as many BOA cases as I think we have.

From: Judge Stan Griffis
Sent: Thursday, October 14, 2010 1:43 PM
To: Judge Robert Roundtree, Jr.; Paul Silverman; Judge Victor Hulslander; Judge Martha Lott; Judge Toby Monaco; Judge Phyllis Rosier
Subject: RE: Bank of America stops foreclosures

I would just keep the CMC as scheduled since that is the integrated order (also appointing the GM) and dismiss it at the CMC if they elect not to prosecute. An OTSC would be another order to create for Cathy to send out.

From: Judge Robert Roundtree, Jr.
Sent: Thursday, October 14, 2010 1:40 PM
To: Judge Robert Roundtree, Jr.; Paul Silverman; Judge Victor Hulslander; Judge Martha Lott; Judge Toby Monaco; Judge Stan Griffis; Judge Phyllis Rosier
Subject: RE: Bank of America stops foreclosures

Since no one responded to this email, I am sending it out again. I just talked with Judge Hulslander and he agrees with the concept.

From: Judge Robert Roundtree, Jr.
Sent: Friday, October 08, 2010 4:21 PM
To: Paul Silverman; Judge Victor Hulslander; Judge Martha Lott; Judge Toby Monaco; Judge Stan Griffis; Judge Phyllis Rosier

1/19/2011

8th Cir 0180

Subject: Bank of America stops foreclosures

<http://finance.yahoo.com/news/BofA-halts-foreclosure-sales-apf-977158216.html?x=0&.v=5>

Paul, just a thought. In light of BOA stopping foreclosures and not going through with sales, I wonder if we should do orders to show cause as to why we should not dismiss the foreclosures since they have admitted their paper work is faulty? That might get rid of a bunch of them.

Arlene Huszar

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1/19/2011

8th Cir 0183

Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 1:03 PM
To: Tami Smith
Subject: FW: Bank of America stops foreclosures

From: Judge Stan Griffis
Sent: Thursday, October 14, 2010 1:48 PM
To: Judge Robert Roundtree, Jr.; Paul Silverman; Judge Victor Hulslander; Judge Martha Lott; Judge Toby Monaco; Judge Phyllis Rosier
Subject: RE: Bank of America stops foreclosures

..... and appoint the GM for each case.

From: Judge Robert Roundtree, Jr.
Sent: Thursday, October 14, 2010 1:45 PM
To: Judge Stan Griffis; Paul Silverman; Judge Victor Hulslander; Judge Martha Lott; Judge Toby Monaco; Judge Phyllis Rosier
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1/19/2011

8th Cir 0184

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Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 1:08 PM
To: Tami Smith
Subject: FW: Motions to Vacate Foreclosure sales

From: Judge Robert Roundtree, Jr.
Sent: Thursday, October 21, 2010 4:33 PM
To: Judge Toby Monaco; Judge Phyllis Rosier; Judge Victor Hulslander; Judge Stan Griffis
Subject: RE: Motions to Vacate Foreclosure sales

I haven't seen the motion to vacate sale, but I have seen motions to cancel sale on these grounds.

From: Judge Toby Monaco
Sent: Thursday, October 21, 2010 4:16 PM
To: Judge Phyllis Rosier; Judge Robert Roundtree, Jr.; Judge Victor Hulslander; Judge Stan Griffis
Subject: Motions to Vacate Foreclosure sales

Today I received a Motion to Vacate Sale (and proposed order) from an attorney representing JP Morgan Chase. The foreclosure sale has already occurred. JP was the successful bidder and a certificate of sale was issued by the Clerk. Now JP wants to vacate the sale (their motion was filed more than 10 days after the certificate of sale was filed) stating that "the plaintiff has issued a directive regarding review of the affidavit process."

Are any of you seeing similar motions?

I note that JP is not confessing any fraud or mistake here, and they are not really setting forth any particular legal basis for vacating the sale that I can discern. I think I'll have them set this for hearing and see what they are up to, but if any of you have already crossed this bridge I would appreciate the benefit of your thoughts.

TSM

Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 12:46 PM
To: Tami Smith
Subject: FW: Judge mtgs.....

From: Judge Robert Roundtree, Jr.
Sent: Thursday, September 02, 2010 2:00 PM
To: Judge David Glant; Judge Martha Lott; CAO-All Administrative Judges; Judge Victor Hulslander
Subject: RE: Judge mtgs.....

I will have to leave between 1:45-2:00. Civil in Alachua County is doing well. Paul Silverman is ramping as our general magistrate handling the foreclosure backlog and the residential mortgage foreclosure mediation program has started. We still have the bulk of the tobacco cases coming. Judge Hulslander and I have a joint case management conf. on Sept. 10 to try and schedule the remaining tobacco cases for trial in the next few years. Judge Hulslander will take over Administrative duties beginning Jan. 2011. Bridget Baker began handling guardianship cases as our staff attorney Sept. 1.

Bob

From: Judge David Glant
Sent: Thursday, September 02, 2010 10:22 AM
To: Judge Martha Lott; CAO-All Administrative Judges
Subject: Judge mtgs.....

Chief Judge Lott:

I will be there for both General and Admin. Judges' mtgs. I need to leave at 2:00 for a Gdnshp hearing in Baker County (J. Rosier recusal/re-assignment).

In a nutshell, here's my report I'll give tomorrow:

- **Crim. Div. is ok.**
- **Biggest issue: Juror privacy. Still in process of discussion and research of ideas. Most recent mgt on that topic was a couple days ago (Tuesday) w/ J. McDonald, me and J. Gates. More to be done before any recommendation can be formulated. Am seeking input from all Judges in 8th Circuit.**
- **Am also reviewing Felony plea form attachments that will soon be posted online so that ct. admin doesn't have to produce the triplicate paper forms anymore.**
- **Staff Atty. Jennifer Jones is leaving us at end of month. Boo.**

Dave g.

1/19/2011

From: Judge Martha Lott
Sent: Thursday, September 02, 2010 9:48 AM
To: CAO-All Administrative Judges
Subject: Meeting Tomorrow

Administrative Judges, I look forward to seeing most of you tomorrow in Starke. I will call on you tomorrow for any reports from your divisions. We will follow the general judges meeting with a short Administrative Meeting to provide additional detail and handouts.

Martha Ann Lott
Chief Judge

Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 1:08 PM
To: Tami Smith
Subject: FW: Motions to Vacate Foreclosure sales

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

From: Judge Stan Griffis
Sent: Thursday, October 21, 2010 4:30 PM
To: Judge Toby Monaco; Judge Phyllis Rosier; Judge Robert Roundtree, Jr.; Judge Victor Hulslander
Subject: RE: Motions to Vacate Foreclosure sales

I have been denying all those requests. Unless the plaintiffs confess, or defendants confess fraud, I'm not willing to set aside the entire process and start over. When is the reset date for the sale? Unknown. Do you reset a SJ hearing? Unknown. Unless there is fraud in that file, it is not proper in my view.

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

From: Judge Toby Monaco
Sent: Thu 10/21/2010 4:15 PM
To: Judge Phyllis Rosier; Judge Robert Roundtree, Jr.; Judge Victor Hulslander; Judge Stan Griffis
Subject: Motions to Vacate Foreclosure sales

Today I received a Motion to Vacate Sale (and proposed order) from an attorney representing JP Morgan Chase. The foreclosure sale has already occurred. JP was the successful bidder and a certificate of sale was issued by the Clerk. Now JP wants to vacate the sale (their motion was filed more than 10 days after the certificate of sale was filed) stating that "the plaintiff has issued a directive regarding review of the affidavit process."

Are any of you seeing similar motions?

I note that JP is not confessing any fraud or mistake here, and they are not really setting forth any particular legal basis for vacating the sale that I can discern. I think I'll have them set this for hearing and see what they are up to, but if any of you have already crossed this bridge I would appreciate the benefit of your thoughts.

TSM

Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 12:55 PM
To: Tami Smith
Subject: FW: Order denying motion to reopen case
Attachments: Template order deny reinstatement (2).doc

From: Judge Robert Roundtree, Jr.
Sent: Monday, September 13, 2010 2:29 PM
To: Paul Silverman; Judge Toby Monaco; Judge Victor Hulslander; Judge Stan Griffis; Judge Martha Lott; Ted McFetridge; Judge Phyllis Rosier
Subject: Order denying motion to reopen case

Order I entered today where plaintiff waited 6 mos to file motion to reopen after dismissing case.

Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 1:09 PM
To: Tami Smith
Subject: FW: Motions to Vacate Foreclosure sales

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

From: Judge Stan Griffis
Sent: Thursday, October 21, 2010 8:44 PM
To: Judge Robert Roundtree, Jr.; Judge Toby Monaco; Judge Phyllis Rosier; Judge Victor Hulslander
Subject: RE: Motions to Vacate Foreclosure sales

I also deny the motions to cancel sales to "review affidavits" for the same reason(s) (and there is never a reset date in the proposed order, a whole different issue)

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

From: Judge Robert Roundtree, Jr.
Sent: Thu 10/21/2010 4:34 PM
To: Judge Stan Griffis; Judge Toby Monaco; Judge Phyllis Rosier; Judge Victor Hulslander
Subject: RE: Motions to Vacate Foreclosure sales

I agree with Stan. Unless there is some legal basis to vacate it, i.e. fraud, just wanting to review your affidavit process is insufficient in my view.

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From: Judge Stan Griffis
Sent: Thursday, October 21, 2010 4:30 PM
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Subject: RE: Motions to Vacate Foreclosure sales

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Sent: Thu 10/21/2010 4:15 PM

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Arlene Huszar

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To: Tami Smith
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Sent: Thursday, October 21, 2010 4:16 PM
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TSM

Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 1:11 PM
To: Tami Smith
Subject: FW: Foreclosure Misconduct

From: Judge Stan Griffis
Sent: Monday, November 15, 2010 12:39 PM
To: Judge Martha Lott; Judge Phyllis Rosier; Judge Toby Monaco; Judge Robert Roundtree, Jr.; Judge Victor Hulslander
Cc: Ted McFetridge
Subject: RE: Foreclosure Misconduct

I'm sending my "rolling" dismissal orders entered each time the firms failed to appear after notice, even by phone after permission. Each order has a complete list of dismissals by the offending firm.

From: Judge Martha Lott
Sent: Monday, November 15, 2010 12:28 PM
To: Judge Phyllis Rosier; Judge Toby Monaco; Judge Robert Roundtree, Jr.; Judge Stan Griffis; Judge Victor Hulslander
Cc: Ted McFetridge
Subject: Foreclosure Misconduct

Judges, if you enter an order finding any misconduct by lawyers, please cc: the Florida Bar for further investigation. If you have any apparent fraud upon the court, gross neglect, or continued or repeated neglect, the Florida Bar will investigate.

Martha Ann Lott
Chief Judge

1/19/2011

8th Cir 0199

Arlene Huszar

From: Mary Grace Curtin [mgc@alachuaclerk.org]
Sent: Thursday, February 25, 2010 10:56 AM
To: Judge Robert Roundtree, Jr.; Judge Victor Hulslander
Cc: Ted McFetridge; Judge Martha Lott; Rachel Flynn; Tami Smith
Subject: RE: Foreclosure Sales

Yes Sir,
Our office will e-mail the JA's when the cap is meet. MG

From: Judge Robert Roundtree, Jr. [mailto: [REDACTED]]
Sent: Thursday, February 25, 2010 10:49 AM
To: Mary Grace Curtin; Judge Victor Hulslander
Cc: Ted McFetridge; Judge Lott; Rachel Flynn; Tami Smith
Subject: RE: Foreclosure Sales

I think we should continue the procedure. Do the clerks and JA's communicate to make sure we don't go over the 10 limit each day?

From: Mary Grace Curtin [mailto:mgc@alachuaclerk.org]
Sent: Thursday, February 25, 2010 10:29 AM
To: Judge Victor Hulslander; Judge Robert Roundtree, Jr.
Cc: Ted McFetridge; Judge Martha Lott
Subject: FW: Foreclosure Sales

Dear Judge Hulslander and Judge Roundtree,

Because of the large number of foreclosures being filed ,the Clerk's office worked with the past Judges on a procedure for setting Judicial foreclosure sales and would like to continue this process with you. The reason this procedure was established was to keep the number of sales set for a day manageable for everyone concerned. The original agreement of the number of sales would be capped at 10 per day. Judge Roundtree's cases would have foreclosure sales on Wednesday and Thursday. Judge Hulslander's cases would have foreclosure sales on Tuesday and Friday. Thank you for your consideration of this matter.

Mary Grace Curtin
Chief Deputy Clerk
Alachua County Clerk of Court

1/28/2011

8th Cir 0200

Arlene Huszar

From: K Janous [janous@juno.com]
Sent: Saturday, July 17, 2010 8:14 AM
To: Kathy Janous
Subject: Fwd: Foreclosure Mills

----- Forwarded Message -----
From: "Arlene Huszar" <HuszarA@circuit8.org>
To: "Janous Kathy" <janous@juno.com>
Subject: Fwd: Foreclosure Mills
Date: Sat, 10 Jul 2010 15:00:47 -0400

Fyi

Arlene C. Huszar
Sent from my iPhone

Begin forwarded message:

From: "Judge Phyllis Rosier" <[REDACTED]>
Date: July 10, 2010 1:05:51 PM EDT
To: "Judge Stan Griffis" <[REDACTED]>, "Judge Martha Lott" <[REDACTED]>, "Judge Robert Roundtree, Jr." <[REDACTED]>, "Judge Victor Hulslander" <[REDACTED]>, "Judge Toby Monaco" <[REDACTED]>, "Arlene Huszar" <HuszarA@circuit8.org>
Cc: "Danielle Parker" <parkerd@circuit8.org>
Subject: RE: Foreclosure Mills

I agree there has to be method to the madness. I now have a Default attorney from Jacksonville that will be coming to Baker. Have not had as many cases lately with the others but have had tremendous problems with Default. I suspect the other firms will have local counsel anyway due to mediation. I will also be happy to wait a couple of months to turn the cases over to Cathy. We try to set cases in blocks but sometimes it is only 2-3 cases with one firm. I will schedule by blocks it just may take a couple of months unless we move things around which does not seem productive. I try to keep foreclosures on Wednesday so Danielle and I can block times on that day. Arlene, will Cathy be coming weekly, monthly? I have no problem with firms still appearing via phone in Baker as long as we have looked at file before setting hearings to make sure it is all there. Should we require them to file the original note and mortgage when they file the MSJ? It is often hard to tell from copies if it is the proper Plaintiff. Should assignments be recorded and filed with the Complaint? With the sub primes, I do not think the attorneys even know who the proper plaintiff is when they file and it may change 2-3 times.. I have a couple of cases on hold now because the attorney has no written proof of such. Had 2 foreclosures filed by 2 different Plaintiff's and law firms on the same Defendants and same property! Sorry so wordy but guess we could each write a book about this issue.

From: Judge Stan Griffis
Sent: Fri 7/9/2010 9:45 AM
To: Judge Martha Lott; Judge Robert Roundtree, Jr.; Judge Victor Hulslander; Judge Toby Monaco; Judge Phyllis Rosier; Arlene Huszar

1/28/2011

8th Cir 0201

Subject: Foreclosure Mills

Hello everyone: Judge Roundtree has asked that I contact Stern, Watson and FDLG to discuss some changes occurring in our circuit. Before I call, I wanted to let you know that I have worked a "deal" with them in the past with great results. I require them to assign one attorney per county responsible to me for their files and that person must appear in person on a specially set docket for their firm one day a month in which we case manage all of their firms' pending foreclosures. Since we will have help with a magistrate or senior judge starting next month, I want to make sure we are all on board with this program for each of your counties. The catch is we have to set the cases on a block schedule (primarily because they have no idea which cases are open or not as their record keeping differs from ours). This may require your JA, at least initially until the circuit's case manager is up and running, to help schedule on a set day. Separating the firms' cases on ICMS can be time consuming. Please confirm that you want me to make this "deal" and bind your county. The docket will move along much faster by doing this.

Bob, I will keep working levy and gilchrist as I have done. If you want to turn it over to the magistrate/senior judge in Jan., we can integrate the two counties into the rotation at that time.

I will be contacting Arlene to put days on the calendar for each county starting in about 30 days or so.

I am also working on a case management protocol for the magistrate/senior judge that I will circulate to get your opinions on.

Bob, I sent you our two versions of CMC/Trial orders. Please review and include directives to the attorneys on what should be in the files in advance so we can limit the amount of hand holding with them. We will need to get Fred to expedite the availability of CMC order via ICMS for all counties so the case manager can start producing the orders as soon as she starts in a couple of weeks. I will discuss with Arlene the use of the conditional dismissal for workouts and agreements to make sure the cases are closed in all counties and we can use a uniform order.

Thanks. Stan.

Arlene Huszar

From: Jennifer Jones
Sent: Tuesday, March 02, 2010 10:17 AM
To: Judge Martha Lott; Judge Robert Roundtree, Jr.
Cc: Robert Folsom; Ted McFetridge
Subject: more on the numbers for foreclosures

Hello Judge Lott & Judge Roundtree:

I have one more note on the draft to save you some reading:

- the two appendices are pulled from the 19th Judicial Circuit's RFP and appear to be boilerplate for SCS contracts. (I found identical language in another unrelated SCS RFP.) We may not need to attach those, and they should not require as much of your attention. I did go through them line by line, and it all seems standard to me. (I highlighted the phone numbers I need to double-check to make sure they are not specific to another circuit.)

Also, here is a summary of the number of foreclosures filed each year from SRS:

COUNTY	2006	2007	2008	2009	projected 2010
Alachua	577	751	1112	1601	
Baker	56	75	152	192	
Bradford	101	82	142	175	
Gilchrist	52	54	98	134	
Levy	189	220	357	489	
Union	28	29	52	57	
Total 8th	1003	1211	1913	2648	3682
% increase		120.74%	157.97%	138.42%	
Avg % increase					139.04%
95% of Total 8th (qualify)	953	1150	1817	2516	3498
Money:					
program fees (\$400 cap)				\$1,006,240	\$1,399,102
arbitration fees (\$350 cap)				\$880,460	\$1,224,214
Total (\$750 cap for 2 sessions)				\$1,886,700	\$2,623,316

(I have this in an excel spreadsheet if anyone needs it for the calculations – but they should have copied.)

These numbers include ALL foreclosures, not just qualifying foreclosures – but the best estimate I have is 95% of these would qualify for the new managed mediation program. The estimate is based upon anecdotal evidence from Judge Roundtree, Judge Monaco, and Bev Graper – and was supported by analysis of 100 cases from Alachua Division K (which showed about 97% qualified on their face). There is no other way to track this new category of cases right now.

In addition, there are pending cases that could (potentially) be referred to the program. At the end of December, about 1140 total foreclosures (all types, not just qualifying) were pending. At the end of January, about 1290 total foreclosures were pending. In the draft, I used the number 1000 as a conservative estimate of the number of pending cases that could qualify and could be referred to the program.

1/28/2011

8th Cir 0203

While the number is larger than I expected, not all of the cases may bring in the maximum amount of fees. AOSC09-54 says "If the borrower cannot be located, chooses not to participate in the RMFM Program, or if the borrower does not make any contact with the foreclosure counselor, the plaintiff shall be entitled to a refund of the portion of the Program fees attributable to foreclosure counseling." AOSC09-54, App. A at A-13. It does not elaborate on how much money the refund shall be.

In addition, the "total fees include the mediator's fees and costs; the costs for the borrower to attend a foreclosure counseling session with an approved mortgage foreclosure counselor; and the cost to the Program Manager for administration of the managed mediation program which includes but is not limited to providing neutral meeting and caucus space, scheduling, telephone lines and instruments, infrastructure to support a web-enabled information platform, a secure dedicated email address or other secure system for information transmittal, and other related expenses incurred in managing the foreclosure mediation program." AOSC09-54, App. A at A-13. Again, no dollar amounts given (other than the caps).

So if the majority of our cases are ending with no communication with the borrower, as the anecdotal evidence indicates, the plaintiff will not pay out the maximum amount of fees – he shall be entitled to "a refund for the portion attributable to foreclosure counseling."

Thanks,
Jen

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