

Office of the State Courts Administrator
Office of Budget Services

Trial Court - Budget Amendment Request Form					
page of	Org Code	Cost Center Title	Category Code	Category Title	Amount
From	22-20-08-00-375	Foreclosure & Economic Recovery Prog.	100630	Senior Judge Days	-8,750.00
To	22-20-08-00-375	Foreclosure & Economic Recovery Prog.	100777	Contracted Services	8,750.00
From					
To					
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To					

The Eighth Judicial Circuit Foreclosure and Economic Recovery Program has contracted with a General Magistrate to oversee the case management and hear foreclosure cases. We have found that we can make better use of the time and money allocated for foreclosure cases by having a magistrate hear them rather than a senior judge. As a small circuit, we do not have the large number of foreclosure cases that are filed in the larger circuits. It is not possible to schedule a full day of hearings for a senior judge. When we use a Senior Judge, he must be paid for a full day at the rate of \$350 per day, regardless of the number of hours worked. If this budget amendment is granted, the Program would retain 25 of the 50 Senior Judge Days in the original allotment. The approval of this budget amendment would give the Program the flexibility of paying for only hours worked. The additional hours spent by the General Magistrate working with the Administrative Support OPS position on case management, will result in a higher number of cases heard and resolved.

Requestor Signature:  Date: October 7/2010

BUDGET OFFICE USE ONLY:

Date Request Received: _____ Date Approved by Legislature: _____

Analyst Assigned To: _____ Date Posted to FLAIR: _____

Final Review Completed by (Initial): _____ Date Notification of Posting Sent: _____

Attachment I

**Trial Court Budget Allocations
FY 2010-2011**

**Foreclosure and Economic Recovery Funding
State Courts Revenue Trust Fund
Cost Center - 375**

Circuit	OPS 030000	Expenses 040000	Contracted Services 100777	Senior Judge Days 100630	Total All Categories
1	63,179	6,086	0	37,100	106,365
2	74,359	10,826	0	21,180	106,365
3	64,261	0	0	0	64,261
4	40,000	0	0	172,729	212,729
5	140,430	199	0	72,100	212,729
6	221,738	13,064	0	82,950	317,752
7	117,378	4,351	0	91,000	212,729
8	39,126	7,704	42,035	17,500	106,365
9	178,707	0	0	246,750	425,457
10	65,494	22,671	0	18,200	106,365
11	660,831	24,862	4,860	171,500	862,053
12	116,229	2,000	0	94,500	212,729
13	224,649	7,855	0	195,000	427,504
14	63,935	10,000	0	32,430	106,365
15	355,936	40,000	0	250,604	646,540
16	27,989	14,276	14,400	49,700	106,365
17	505,378	53,662	0	87,500	646,540
18	58,451	0	0	260,643	319,094
19	112,324	16,405	0	84,000	212,729
20	272,158	0	0	153,300	425,458
Total	3,402,552	233,961	61,295	2,138,686	5,836,494

S:\BUDGET\BUDGET & PAY POLICIES\2010-11 Budget & Pay Policies\Trial Courts\Attachment I

Arlene Huszar

From: Ted McFetridge
Sent: Wednesday, October 06, 2010 8:36 AM
To: Mary Lou Gardner
Cc: Judge Martha Lott
Subject: FW: Foreclosure dollars

No one has any contract \$ so please move forward with budget amendment request. Let me know the timetable. Thank you. Ted

From: Ted McFetridge
Sent: Tuesday, October 05, 2010 5:00 PM
To: 'Barbara Dawicke'
Cc: Judge Martha Lott; Mary Lou Gardner
Subject: RE: Foreclosure dollars

Barbara

Thank you for the offer.

I believe that I can convert the 25 Senior Judge days to contractual dollars through a budget amendment so let me try that first. (no circuit seems to have a surplus of contractual dollars in this category) . It may be that as the year progresses or if the budget amendment request fails I will be back.

Thanks again,

Ted

From: Barbara Dawicke [mailto:BDawicke@pbcgov.org]
Sent: Tuesday, October 05, 2010 1:53 PM
To: Ted McFetridge; Judge Martha Lott
Cc: Janet Leach-Ruth; Peter Blanc
Subject: Foreclosure dollars

Dear Chief Judge and Ted:

Good afternoon to those up North.

If the Eighth Circuit is still in need of \$8,750 in contractual OPS funds from the Foreclosure dollars the Fifteenth Circuit can lend a hand. Chief Judge Blanc has stated that he would be happy to help. However, we do not need the senior judge days from the Foreclosure Program.

Barbara

Please be advised that Florida has a broad public records law, and all correspondence to me via email may be subject to disclosure. Under Florida records law (SB80 effective 7-01-06), email addresses are public records. If you do not want your email address released in response to a public records request, do not send public records request to this entity. Instead, contact this office by phone or in writing.

Arlene Huszar

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Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 12:44 PM
To: Tami Smith
Subject: FW: Foreclosure Program Report
Attachments: gm.report.sept1.doc; Foreclosure Court Report 09 01 2010.doc

From: Paul Silverman
Sent: Thursday, September 02, 2010 10:26 AM
To: Judge Martha Lott
Cc: Judge Phyllis Rosier; Judge Robert Roundtree, Jr.; Judge Stan Griffis; Judge Toby Monaco; Judge Victor Hulslander; Arlene Huszar; 'mcfetdriget@circuit8.org'
Subject: Foreclosure Program Report

Good Morning Judge:

Attached please find my initial Foreclosure Program Report and a Case Report from Arlene Huszar.

Please advise if you have any questions.

Paul Silverman

FORECLOSURE PROGRAM REPORT

TO: Chief Judge Martha A. Lott
FROM: Paul R. Silverman, General Magistrate
DATE: September 1, 2010

Thank you for selecting me as the Foreclosure General Magistrate. Currently I'll be hearing cases in Alachua County (four times per month), Bradford County (two half days per month), and Baker County (two half days per month). This assignment may change in January, when Judges Roundtree and Griffis switch positions.

As of June 30, 2010, there were approximately 2,274 open foreclosure cases in the circuit. On August 31, the number was almost the same at 2,257. Roughly 317 cases were closed during the months of July and August and a similar number of new foreclosure cases were opened during that period. My intention is (1) to meet or exceed the target given to us by OSCA of closing 1,591 foreclosure cases by June 30, 2011, and (2) to reduce each month the total number of open foreclosure cases in the circuit.

In order to meet this goal, we will substantially follow the process that has been established by Judge Griffis in foreclosure cases. With the assistance of Kathy Janous, our Foreclosure Case Manager, we'll be setting Case Management Conferences early and often. If the Plaintiff has filed all of the necessary documents and the Defendant has either been defaulted, fails to appear at the CMC, or fails to raise a lawful defense, the entry of a Final Judgment of Foreclosure will be recommended at the CMC. The Order Setting Case Management Conference will require all attorneys and unrepresented parties to appear in person. This is intended to encourage Plaintiff's counsel to be familiar with the file and to produce at or before the CMC the documents necessary to proceed to a final hearing. We are in the process of speaking with the responsible parties at each of the major foreclosure law firms, and have advised them that failure to appear in person at a CMC will result in dismissal of their case. We are however, allowing the firms to block schedule their cases. We've assigned one day per month to each of the firms, and they may set as many cases on that day as they wish. We'll also set all of our CMC with each firm, only on their particular day. While the month of September will be a transition period, we hope to have this scheduling plan up and running by October.

The biggest challenge to successfully meeting our goals for this program is the ability to keep up on the clerical end. Kathy Janous and I are working to establish priorities and to streamline the process as much as possible. We'll continue to update and improve these procedures as we move forward. We have just hired a part time OPS worker to assist Ms. Janous with some of the clerical duties.

Once again, thank you for the opportunity to take on this position. I appreciate the support that I've received from everyone in the system, from Court Administration to the Clerk of the Court, to the Judges and their staff. I'm excited about the challenge this position brings and I'm looking forward to the upcoming year.

Foreclosure Court Report
September 1, 2010

The Foreclosure Court Program received funding for one year from the legislature to reduce the backlog of foreclosure cases in Florida's courts. The year began July 1, 2010 and we have since hired a full time case manager and have contracted with a part time magistrate.

OSCA is collecting the data for this project statewide. Each circuit has been tasked with reducing the number of cases that were open or reopened as of June 30, 2010 by 62%. The target we have been given by OSCA is to close at least 1597 foreclosure cases by June 30, 2011.

Following is a breakdown by county of the cases pending in our circuit and the number closed so far.

	Alachua	Baker	Bradford	Gilchrist	Levy	Union	Eighth Circuit
Open and reopened as of 6/30/2010	1886	246	183	38	184	55	2542
Closed in July 2010	111	18	14	10	28	3	184
Closed in Aug 2010	94	2	2	7	23	5	133
Total Closed	205	20	16	17	51	8	317

The target number of cases to close was based on an estimate of how many we would have open. While the estimate was off by a bit, the number of cases to close remains fixed.

Target Backlog Reduction
Estimated Real Property/ Mortgage Foreclosure Backlog Cases
FY 2006/07 through Estimated FY 2010/11

Circuit	County	Estimated Real Property/ Mortgage Foreclosure Backlog Cases	62% of Estimated Real Property/ Mortgage Foreclosure Backlog Cases
8	Alachua	1,533	950
	Baker	203	126
	Bradford	179	111
	Gilchrist	123	76
	Levy	479	297
	Union	60	37
	Total	2,757	1,597

Prepared by OSCA, Research and Data
7/8/2010

Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 12:49 PM
To: Tami Smith
Subject: FW: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

From: Judge Robert Roundtree, Jr.
Sent: Tuesday, September 07, 2010 11:00 AM
To: Judge Robert Roundtree, Jr.; Judge Martha Lott; Ted McFetridge; Paul Silverman; Judge Stan Griffis; Judge Victor Hulslander; Arlene Huszar; Judge Toby Monaco; Judge Phyllis Rosier
Subject: RE: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

After a quick reading of the article, I think we should immediately stop entering ex parte motions to cancel foreclosure sales. It appears the foreclosure mills and banks are routinely filing these motions so that the sale will not occur and the bank will not incur liability for any homeowners' association dues which attach with the sale. I think the motion should be very explicit about the reason for the cancellation and the debtor notified before any hearing or granting of the motion.

From: Judge Robert Roundtree, Jr.
Sent: Saturday, September 04, 2010 3:56 PM
To: Judge Martha Lott; Ted McFetridge; Paul Silverman; Judge Stan Griffis; Judge Victor Hulslander; Arlene Huszar
Subject: FW: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

----- Forwarded Message

From: Robert Roundtree <[REDACTED]>
Date: Sat, 4 Sep 2010 15:55:13 -0400
To: "Judge Robert Roundtree, Jr." <RoundtreeR@circuit8.org>
Subject: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

http://www.nytimes.com/2010/09/05/business/05house.html?_r=1&hp

----- End of Forwarded Message

Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 12:50 PM
To: Tami Smith
Subject: FW: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

From: Judge Robert Roundtree, Jr.
Sent: Tuesday, September 07, 2010 11:54 AM
To: Judge Toby Monaco; Judge Stan Griffis; Judge Martha Lott; Ted McFetridge; Paul Silverman; Judge Victor Hulslander; Arlene Huszar; Judge Phyllis Rosier
Subject: RE: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

That is why I want a hearing and the owner noticed so that we might know if the home is still occupied or vacant. From my understanding, the file is considered closed for our purposes once the final judgment is entered. We have disposed of the case. I would not be surprised that some of these homes are vacant.

From: Judge Toby Monaco
Sent: Tuesday, September 07, 2010 11:50 AM
To: Judge Stan Griffis; Judge Robert Roundtree, Jr.; Judge Martha Lott; Ted McFetridge; Paul Silverman; Judge Victor Hulslander; Arlene Huszar; Judge Phyllis Rosier
Subject: RE: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

The ultimate "chess piece" for the foreclosure firms is to not pay the clerk's fee for the sale, in which event the clerk will not proceed with the sale. If the homeowner is still in the residence, who are we to interfere with what is a benefit to them if the sale does not proceed? I think we should be very careful not to do anything that takes away or gives a benefit to either side just because we are anxious about controlling or closing the file.

With respect to what clerks require to cancel a sale, I know that Alachua and Bradford await a court order, unless the bank doesn't show at the sale and the fee is not paid. What do the other clerks in our circuit do?

From: Judge Stan Griffis
Sent: Tuesday, September 07, 2010 11:28 AM
To: Judge Robert Roundtree, Jr.; Judge Martha Lott; Ted McFetridge; Paul Silverman; Judge Victor Hulslander; Arlene Huszar; Judge Toby Monaco; Judge Phyllis Rosier
Subject: RE: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

I have stopped signing them unless there is a reschedule date. The clerks are handling these differently; many clerks are cancelling sales based on the fax motion only, notwithstanding the lack of an order. This needs to be uniformly handled by the Courts and the Clerks. Maybe our administrative judge can come up with a policy for judges and the clerks. SHG

From: Judge Robert Roundtree, Jr.
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Subject: RE: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

1/19/2011

8th Cir 0350

After a quick reading of the article, I think we should immediately stop entering ex parte motions to cancel foreclosure sales. It appears the foreclosure mills and banks are routinely filing these motions so that the sale will not occur and the bank will not incur liability for any homeowners' association dues which attach with the sale. I think the motion should be very explicit about the reason for the cancellation and the debtor notified before any hearing or granting of the motion.

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http://www.nytimes.com/2010/09/05/business/05house.html?_r=1&hp

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Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 12:50 PM
To: Tami Smith
Subject: FW: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

From: Paul Silverman
Sent: Tuesday, September 07, 2010 12:24 PM
To: Judge Robert Roundtree, Jr.; Judge Toby Monaco; Judge Stan Griffis; Judge Martha Lott; Ted McFetridge; Judge Victor Hulslander; Arlene Huszar; Judge Phyllis Rosier
Subject: RE: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

In my short time here, my observation is that the banks are routinely faxing in motions to cancel/reschedule the sale at the very last minute (often literally). Kathy Janous stops what she's doing, finds a judge to sign the order before the 11:00 am sale, and prepares the envelopes to mail out the order. If she doesn't get the order signed in time, the banks simply don't pay the sale fee to the clerk, and the hearing is cancelled anyway. This results in a whole lot of running around, for no reason.

I agree that we should require a hearing (with notice) before entering an order cancelling or rescheduling a sale. If the cancellation is actually a charade to keep the property off of the bank's books, they can still accomplish it by simply not paying the sale fee, but at least we're not sanctioning it with an Order. If there is a legitimate reason to delay the sale (i.e., the parties are working toward a resolution), I would think that we would all routinely grant that request. We may want to waive the hearing requirement if there is; a stipulation signed by all parties, a proposed Order with a new sale date, and envelopes, submitted by 5:00 pm the day prior to the sale.

Paul

From: Judge Robert Roundtree, Jr.
Sent: Tue 9/7/2010 11:54 AM
To: Judge Toby Monaco; Judge Stan Griffis; Judge Martha Lott; Ted McFetridge; Paul Silverman; Judge Victor Hulslander; Arlene Huszar; Judge Phyllis Rosier
Subject: RE: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

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1/19/2011

8th Cir 0352

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<http://www.nytimes.com/2010/09/05/business/05house.html? r=1&hp>

----- End of Forwarded Message

Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 12:53 PM
To: Tami Smith
Subject: FW: Foreclosure Sales

From: Paul Silverman
Sent: Friday, September 10, 2010 12:02 PM
To: Judge Robert Roundtree, Jr.; Judge Victor Hulslander; Judge Toby Monaco; Judge Stan Griffis; Judge Phyllis Rosier; Judge Martha Lott; Ted McFetridge; Arlene Huszar
Subject: Foreclosure Sales

Judge Roundtree, Judge Hulslander, and I met on Wednesday regarding the issue of cancellation of foreclosure sales. After a great deal of discussion (much of which had actually nothing to do with the cancellation of foreclosure sales...), a new policy was proposed. The Judges requested that I circulate the proposal for comments, in the hope that we can agree on uniform procedures for the circuit.

The proposal is as follows:

- 1. All motions to cancel or postpone foreclosure sales must; (1) be filed no later than seven (7) days prior to the sale, (2) be verified, (3) state whether the property is owner occupied, tenant occupied, or vacant, (4) state the number of times the sale has been canceled or postponed, (5) set forth adequate grounds for the requested relief, and (6) be scheduled for hearing before the General Magistrate or Circuit Judge. This requirement may be waived upon the receipt, by no later than 4:30 pm on the day prior to the sale, of a Stipulation containing the verified signature of the property owner, along with a proposed Order resetting the sale date.**
- 2. If an Order Canceling or Postponing the Sale is not entered, and the sale is canceled by the Clerk as a result of the failure of the Plaintiff to pay the clerk's sale fee, the Final Judgment of Foreclosure will be vacated and the case dismissed without leave to amend.**

Our recommendation is that the policy, once established, be entered in an Administrative Order, posted on the website, and sent to the Plaintiffs firms who handle the majority of foreclosure cases. I've advised most of the firms already that change was coming on this issue, and they're just waiting on our directive.

Paul

1/19/2011

8th Cir 0354

Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 12:54 PM
To: Tami Smith
Subject: FW: Foreclosure Sales

From: Judge Martha Lott
Sent: Friday, September 10, 2010 2:11 PM
To: Paul Silverman; Judge Robert Roundtree, Jr.; Judge Victor Hulslander; Judge Toby Monaco; Judge Stan Griffis; Judge Phyllis Rosier; Ted McFetridge; Arlene Huszar
Subject: RE: Foreclosure Sales

If the case is dismissed what is the "without leave to amend part?" The could file a new case, correct? But we would not set aside the order vacating the final judgment of foreclosure or allow the case to be reopened, is that correct?

Martha Ann Lott
Chief Judge

From: Paul Silverman
Sent: Friday, September 10, 2010 12:02 PM
To: Judge Robert Roundtree, Jr.; Judge Victor Hulslander; Judge Toby Monaco; Judge Stan Griffis; Judge Phyllis Rosier; Judge Martha Lott; Ted McFetridge; Arlene Huszar
Subject: Foreclosure Sales

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Our recommendation is that the policy, once established, be entered in an Administrative Order, posted on the website, and sent to the Plaintiffs firms who handle the majority of foreclosure cases. I've advised most of the firms already that change was coming on this issue, and they're just waiting on our directive.

Paul

1/19/2011

8th Cir 0355

Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 12:55 PM
To: Tami Smith
Subject: FW: Foreclosure Sales

From: Judge Martha Lott
Sent: Friday, September 10, 2010 2:42 PM
To: Paul Silverman; Judge Robert Roundtree, Jr.; Judge Victor Hulslander; Judge Toby Monaco; Judge Stan Griffis; Judge Phyllis Rosier; Ted McFetridge; Arlene Huszar
Subject: RE: Foreclosure Sales

Good

Martha Ann Lott
Chief Judge

From: Paul Silverman
Sent: Friday, September 10, 2010 2:18 PM
To: Judge Martha Lott; Judge Robert Roundtree, Jr.; Judge Victor Hulslander; Judge Toby Monaco; Judge Stan Griffis; Judge Phyllis Rosier; Ted McFetridge; Arlene Huszar
Subject: RE: Foreclosure Sales

The dismissal would be without prejudice, so they can re-file. But it would have to be a new case, with a new filing fee, service, etc. The existing case wouldn't be reopened.

From: Judge Martha Lott
Sent: Friday, September 10, 2010 2:11 PM
To: Paul Silverman; Judge Robert Roundtree, Jr.; Judge Victor Hulslander; Judge Toby Monaco; Judge Stan Griffis; Judge Phyllis Rosier; Ted McFetridge; Arlene Huszar
Subject: RE: Foreclosure Sales

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Chief Judge

From: Paul Silverman
Sent: Friday, September 10, 2010 12:02 PM
To: Judge Robert Roundtree, Jr.; Judge Victor Hulslander; Judge Toby Monaco; Judge Stan Griffis; Judge Phyllis Rosier; Judge Martha Lott; Ted McFetridge; Arlene Huszar
Subject: Foreclosure Sales

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The proposal is as follows:

1. All motions to cancel or postpone foreclosure sales must; (1) be filed no later

1/19/2011

8th Cir 0356

than seven (7) days prior to the sale, (2) be verified, (3) state whether the property is owner occupied, tenant occupied, or vacant, (4) state the number of times the sale has been canceled or postponed, (5) set forth adequate grounds for the requested relief, and (6) be scheduled for hearing before the General Magistrate or Circuit Judge. This requirement may be waived upon the receipt, by no later than 4:30 pm on the day prior to the sale, of a Stipulation containing the verified signature of the property owner, along with a proposed Order resetting the sale date.

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Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 12:55 PM
To: Tami Smith
Subject: FW: Foreclosure Sales

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

From: Judge Toby Monaco
Sent: Friday, September 10, 2010 2:45 PM
To: Paul Silverman
Cc: Judge Robert Roundtree, Jr.; Judge Victor Hulslander; Judge Stan Griffis; Judge Phyllis Rosier; Judge Martha Lott; Ted McFetridge; Arlene Huszar
Subject: Re: Foreclosure Sales

You guys are tough! But I like it.

TMonaco

On Sep 10, 2010, at 12:01 PM, "Paul Silverman" <silvermanp@circuit8.org> wrote:

> entered

Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 12:53 PM
To: Tami Smith
Subject: FW: Foreclosure Sales

From: Judge Phyllis Rosier
Sent: Friday, September 10, 2010 12:43 PM
To: Paul Silverman; Judge Robert Roundtree, Jr.; Judge Victor Hulslander; Judge Toby Monaco; Judge Stan Griffis; Judge Martha Lott; Ted McFetridge; Arlene Huszar
Cc: Danielle Parker
Subject: RE: Foreclosure Sales

It looks workable to me. Of course, lots of other draconian remedies look workable to me. Danielle has spent all morning trying to require the P to justify the need for the cancellation-I think this might work at least we have a weapon and this should go out to the firms individually. It is ridiculous to be caught in the middle of the P's game playing at the expense of other more serious matters such as the murder sentencing I have this pm.

From: Paul Silverman
Sent: Friday, September 10, 2010 12:02 PM
To: Judge Robert Roundtree, Jr.; Judge Victor Hulslander; Judge Toby Monaco; Judge Stan Griffis; Judge Phyllis Rosier; Judge Martha Lott; Ted McFetridge; Arlene Huszar
Subject: Foreclosure Sales

Judge Roundtree, Judge Hulslander, and I met on Wednesday regarding the issue of cancellation of foreclosure sales. After a great deal of discussion (much of which had actually nothing to do with the cancellation of foreclosure sales...), a new policy was proposed. The Judges requested that I circulate the proposal for comments, in the hope that we can agree on uniform procedures for the circuit.

The proposal is as follows:

1. **All motions to cancel or postpone foreclosure sales must; (1) be filed no later than seven (7) days prior to the sale, (2) be verified, (3) state whether the property is owner occupied, tenant occupied, or vacant, (4) state the number of times the sale has been canceled or postponed, (5) set forth adequate grounds for the requested relief, and (6) be scheduled for hearing before the General Magistrate or Circuit Judge. This requirement may be waived upon the receipt, by no later than 4:30 pm on the day prior to the sale, of a Stipulation containing the verified signature of the property owner, along with a proposed Order resetting the sale date.**

2. **If an Order Canceling or Postponing the Sale is not entered, and the sale is canceled by the Clerk as a result of the failure of the Plaintiff to pay the clerk's sale fee, the Final Judgment of Foreclosure will be vacated and the case dismissed without leave to amend.**

Our recommendation is that the policy, once established, be entered in an Administrative Order, posted on the website, and sent to the Plaintiffs firms who handle the majority of foreclosure cases. I've advised most of the firms already that change was coming on this issue, and they're just waiting on our directive.

Paul

1/19/2011

8th Cir 0359

Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 12:54 PM
To: Tami Smith
Subject: FW: Foreclosure Sales

From: Paul Silverman
Sent: Friday, September 10, 2010 2:18 PM
To: Judge Martha Lott; Judge Robert Roundtree, Jr.; Judge Victor Hulslander; Judge Toby Monaco; Judge Stan Griffis; Judge Phyllis Rosier; Ted McFetridge; Arlene Huszar
Subject: RE: Foreclosure Sales

The dismissal would be without prejudice, so they can re-file. But it would have to be a new case, with a new filing fee, service, etc. The existing case wouldn't be reopened.

From: Judge Martha Lott
Sent: Friday, September 10, 2010 2:11 PM
To: Paul Silverman; Judge Robert Roundtree, Jr.; Judge Victor Hulslander; Judge Toby Monaco; Judge Stan Griffis; Judge Phyllis Rosier; Ted McFetridge; Arlene Huszar
Subject: RE: Foreclosure Sales

If the case is dismissed what is the "without leave to amend part?" The could file a new case, correct? But we would not set aside the order vacating the final judgment of foreclosure or allow the case to be reopened, is that correct?

Martha Ann Lott
Chief Judge

From: Paul Silverman
Sent: Friday, September 10, 2010 12:02 PM
To: Judge Robert Roundtree, Jr.; Judge Victor Hulslander; Judge Toby Monaco; Judge Stan Griffis; Judge Phyllis Rosier; Judge Martha Lott; Ted McFetridge; Arlene Huszar
Subject: Foreclosure Sales

Judge Roundtree, Judge Hulslander, and I met on Wednesday regarding the issue of cancellation of foreclosure sales. After a great deal of discussion (much of which had actually nothing to do with the cancellation of foreclosure sales...), a new policy was proposed. The Judges requested that I circulate the proposal for comments, in the hope that we can agree on uniform procedures for the circuit.

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2. If an Order Canceling or Postponing the Sale is not entered, and the sale is

1/19/2011

8th Cir 0360

canceled by the Clerk as a result of the failure of the Plaintiff to pay the clerk's sale fee, the Final Judgment of Foreclosure will be vacated and the case dismissed without leave to amend.

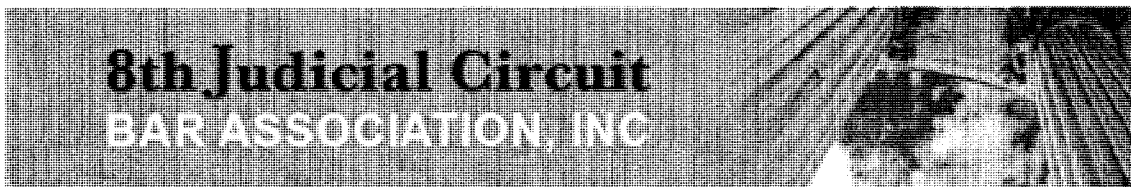
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Paul

Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 12:38 PM
To: Tami Smith
Subject: FW: Free Foreclosure Defense and Consumer Rights Training

From: execdir@8jcba.org [mailto:execdir@8jcba.org]
Sent: Wednesday, July 28, 2010 12:27 PM
To: Judge Victor Hulslander
Subject: Free Foreclosure Defense and Consumer Rights Training



**Free Foreclosure Defense and Consumer Rights Training
Sponsored by Three River Legal Services**

Foreclosure Defense and Consumer Rights training is a multi-layered approach to learning how to advocate for your clients. This training by Jacksonville Area Legal Aid will include all aspects of homeownership preservation, debt collection and sound alternative strategies to better serve low-income and vulnerable clients.

REGISTRATION DEADLINE IS AUGUST 6, 2010.

Date: August 13, 2010
Time: 9:00am to 4:30pm - Lunch will be provided
Location: Santa Fe College - 3000 Northwest 83rd Street, Gainesville in room S326.

To register if you have any question please contact Atheia Inman, Training Coordinator, Atheia.Inman@jaxlegalaid.org or by phone at (904) 356-8371 x377.

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Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 12:54 PM
To: Tami Smith
Subject: FW: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

From: Judge Martha Lott
Sent: Friday, September 10, 2010 1:55 PM
To: Paul Silverman; Judge Robert Roundtree, Jr.; Judge Toby Monaco; Judge Stan Griffis; Ted McFetridge; Judge Victor Hulslander; Arlene Huszar; Judge Phyllis Rosier
Subject: RE: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

I agree we should agree... In Union County the sale is not cancelled without an Order. I had not heard of the "non Pay" alternative. I just checked two weeks ago and all sales of foreclosures in Union County are up to date for the past year.

Martha Ann Lott
Chief Judge

From: Paul Silverman
Sent: Tuesday, September 07, 2010 12:24 PM
To: Judge Robert Roundtree, Jr.; Judge Toby Monaco; Judge Stan Griffis; Judge Martha Lott; Ted McFetridge; Judge Victor Hulslander; Arlene Huszar; Judge Phyllis Rosier
Subject: RE: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

In my short time here, my observation is that the banks are routinely faxing in motions to cancel/reschedule the sale at the very last minute (often literally). Kathy Janous stops what she's doing, finds a judge to sign the order before the 11:00 am sale, and prepares the envelopes to mail out the order. If she doesn't get the order signed in time, the banks simply don't pay the sale fee to the clerk, and the hearing is cancelled anyway. This results in a whole lot of running around, for no reason.

I agree that we should require a hearing (with notice) before entering an order cancelling or rescheduling a sale. If the cancellation is actually a charade to keep the property off of the bank's books, they can still accomplish it by simply not paying the sale fee, but at least we're not sanctioning it with an Order. If there is a legitimate reason to delay the sale (i.e., the parties are working toward a resolution), I would think that we would all routinely grant that request. We may want to waive the hearing requirement if there is; a stipulation signed by all parties, a proposed Order with a new sale date, and envelopes, submitted by 5:00 pm the day prior to the sale.

Paul

From: Judge Robert Roundtree, Jr.
Sent: Tue 9/7/2010 11:54 AM
To: Judge Toby Monaco; Judge Stan Griffis; Judge Martha Lott; Ted McFetridge; Paul Silverman; Judge Victor Hulslander; Arlene Huszar; Judge Phyllis Rosier
Subject: RE: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

That is why I want a hearing and the owner noticed so that we might know if the home is still occupied or vacant. From my understanding, the file is considered closed for our purposes once the final judgment is entered. We have disposed of the case. I would not be surprised that some of these homes are vacant.

1/19/2011

8th Cir 0363

From: Judge Toby Monaco
Sent: Tuesday, September 07, 2010 11:50 AM
To: Judge Stan Griffis; Judge Robert Roundtree, Jr.; Judge Martha Lott; Ted McFetridge; Paul Silverman; Judge Victor Hulslander; Arlene Huszar; Judge Phyllis Rosier
Subject: RE: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

The ultimate "chess piece" for the foreclosure firms is to not pay the clerk's fee for the sale, in which event the clerk will not proceed with the sale. If the homeowner is still in the residence, who are we to interfere with what is a benefit to them if the sale does not proceed? I think we should be very careful not to do anything that takes away or gives a benefit to either side just because we are anxious about controlling or closing the file.

With respect to what clerks require to cancel a sale, I know that Alachua and Bradford await a court order, unless the bank doesn't show at the sale and the fee is not paid. What do the other clerks in our circuit do?

From: Judge Stan Griffis
Sent: Tuesday, September 07, 2010 11:28 AM
To: Judge Robert Roundtree, Jr.; Judge Martha Lott; Ted McFetridge; Paul Silverman; Judge Victor Hulslander; Arlene Huszar; Judge Toby Monaco; Judge Phyllis Rosier
Subject: RE: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

I have stopped signing them unless there is a reschedule date. The clerks are handling these differently; many clerks are cancelling sales based on the fax motion only, notwithstanding the lack of an order. This needs to be uniformly handled by the Courts and the Clerks. Maybe our administrative judge can come up with a policy for judges and the clerks. SHG

From: Judge Robert Roundtree, Jr.
Sent: Tuesday, September 07, 2010 11:00 AM
To: Judge Robert Roundtree, Jr.; Judge Martha Lott; Ted McFetridge; Paul Silverman; Judge Stan Griffis; Judge Victor Hulslander; Arlene Huszar; Judge Toby Monaco; Judge Phyllis Rosier
Subject: RE: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

After a quick reading of the article, I think we should immediately stop entering ex parte motions to cancel foreclosure sales. It appears the foreclosure mills and banks are routinely filing these motions so that the sale will not occur and the bank will not incur liability for any homeowners' association dues which attach with the sale. I think the motion should be very explicit about the reason for the cancellation and the debtor notified before any hearing or granting of the motion.

From: Judge Robert Roundtree, Jr.
Sent: Saturday, September 04, 2010 3:56 PM
To: Judge Martha Lott; Ted McFetridge; Paul Silverman; Judge Stan Griffis; Judge Victor Hulslander; Arlene Huszar
Subject: FW: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

----- Forwarded Message

From: Robert Roundtree <[redacted]>
Date: Sat, 4 Sep 2010 15:55:13 -0400
To: "Judge Robert Roundtree, Jr." <[redacted]>
Subject: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

<http://www.nytimes.com/2010/09/05/business/05house.html? r=1&hp>

----- End of Forwarded Message

Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 12:51 PM
To: Tami Smith
Subject: FW: forceclosure sales

From: Judge Robert Roundtree, Jr.
Sent: Wednesday, September 08, 2010 3:34 PM
To: Paul Silverman; Judge Victor Hulslander
Subject: RE: forceclosure sales

Please add the paragraph stating if home is owner occupied, tenant occupied or vacant.

From: Paul Silverman
Sent: Wednesday, September 08, 2010 3:10 PM
To: Judge Victor Hulslander; Judge Robert Roundtree, Jr.
Subject: RE: forceclosure sales

Judges:

Please take a look at the attached memo to be sent to the bank attorneys and offer your comments.

From: Judge Victor Hulslander
Sent: Tuesday, September 07, 2010 12:40 PM
To: Paul Silverman; Judge Robert Roundtree, Jr.; Judge Toby Monaco; Judge Stan Griffis; Judge Martha Lott; Ted McFetridge; Arlene Huszar; Judge Phyllis Rosier
Subject: RE: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

A meeting of all Eighth Circuit judges who are handling foreclosures might help us formulate a unified position on these various issues. We should be consistent in our responses to this problem. The clerks of the circuit should also be included or their practices and positions made known at the meeting.

From: Paul Silverman
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1/19/2011

8th Cir 0366

stipulation signed by all parties, a proposed Order with a new sale date, and envelopes, submitted by 5:00 pm the day prior to the sale.

Paul

From: Judge Robert Roundtree, Jr.

Sent: Tue 9/7/2010 11:54 AM

To: Judge Toby Monaco; Judge Stan Griffis; Judge Martha Lott; Ted McFetridge; Paul Silverman; Judge Victor Hulslander; Arlene Huszar; Judge Phyllis Rosier

Subject: RE: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

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To: Judge Stan Griffis; Judge Robert Roundtree, Jr.; Judge Martha Lott; Ted McFetridge; Paul Silverman; Judge Victor Hulslander; Arlene Huszar; Judge Phyllis Rosier

Subject: RE: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

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To: Judge Robert Roundtree, Jr.; Judge Martha Lott; Ted McFetridge; Paul Silverman; Judge Victor Hulslander; Arlene Huszar; Judge Toby Monaco; Judge Phyllis Rosier

Subject: RE: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

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Sent: Saturday, September 04, 2010 3:56 PM

To: Judge Martha Lott; Ted McFetridge; Paul Silverman; Judge Stan Griffis; Judge Victor Hulslander; Arlene Huszar

Subject: FW: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

----- Forwarded Message

From: Robert Roundtree [REDACTED]

Date: Sat, 4 Sep 2010 15:55:13 -0400

To: "Judge Robert Roundtree, Jr." [REDACTED]

Subject: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

http://www.nytimes.com/2010/09/05/business/05house.html?_r=1&hp

----- End of Forwarded Message

Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 12:49 PM
To: Tami Smith
Subject: FW: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

From: Judge Stan Griffis
Sent: Tuesday, September 07, 2010 11:28 AM
To: Judge Robert Roundtree, Jr.; Judge Martha Lott; Ted McFetridge; Paul Silverman; Judge Victor Hulslander; Arlene Huszar; Judge Toby Monaco; Judge Phyllis Rosier
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----- End of Forwarded Message

1/19/2011

8th Cir 0369

Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 12:49 PM
To: Tami Smith
Subject: FW: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

From: Judge Toby Monaco
Sent: Tuesday, September 07, 2010 11:50 AM
To: Judge Stan Griffis; Judge Robert Roundtree, Jr.; Judge Martha Lott; Ted McFetridge; Paul Silverman; Judge Victor Hulslander; Arlene Huszar; Judge Phyllis Rosier
Subject: RE: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

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To: Judge Robert Roundtree, Jr.; Judge Martha Lott; Ted McFetridge; Paul Silverman; Judge Stan Griffis; Judge Victor Hulslander; Arlene Huszar; Judge Toby Monaco; Judge Phyllis Rosier
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Sent: Saturday, September 04, 2010 3:56 PM
To: Judge Martha Lott; Ted McFetridge; Paul Silverman; Judge Stan Griffis; Judge Victor Hulslander; Arlene Huszar

1/19/2011

8th Cir 0370

Subject: FW: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

----- Forwarded Message

From: Robert Roundtree [REDACTED]

Date: Sat, 4 Sep 2010 15:55:13 -0400

To: "Judge Robert Roundtree, Jr." [REDACTED]

Subject: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

<http://www.nytimes.com/2010/09/05/business/05house.html? r=1&hp>

----- End of Forwarded Message

Arlene Huszar

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Sent: Monday, January 10, 2011 12:46 PM
To: Tami Smith
Subject: FW: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

From: Judge Robert Roundtree, Jr.
Sent: Saturday, September 04, 2010 3:56 PM
To: Judge Martha Lott; Ted McFetridge; Paul Silverman; Judge Stan Griffis; Judge Victor Hulslander; Arlene Huszar
Subject: FW: Florida's High-Speed Answer to a Foreclosure Mess - NYTimes.com

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Arlene Huszar

From: Judge Victor Hulslander
Sent: Monday, January 10, 2011 12:52 PM
To: Tami Smith
Subject: FW: forceclosure sales

From: Judge Robert Roundtree, Jr.
Sent: Wednesday, September 08, 2010 9:19 PM
To: Paul Silverman; Judge Victor Hulslander
Subject: Re: forceclosure sales

Looks good.

On 9/8/10 3:41 PM, "Paul Silverman" <silvermanp@circuit8.org> wrote:

Got it in there now. Thanks.

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1/19/2011

8th Cir 0373