



**IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA**

ADMINISTRATIVE ORDER # 2009-00-05

RE: MORTGAGE FORECLOSURE CASE MANAGEMENT

Whereas, the courts in this circuit have experienced an unprecedented increase in the number of foreclosure cases;

Whereas, hearings have been delayed due to inadequate preparation and complications presented as a result of telephone hearings;

Whereas, Rule 2.215(b)(2), Florida Rules of Judicial Administration, provides that the chief judge of a circuit "shall exercise administrative supervision over all courts within the judicial circuit;"

Whereas, Rule 2.215(b)(3), Florida Rules of Judicial Administration, directs the chief judge to develop an administrative plan for the efficient and proper administration of all courts within the circuit;

Now Therefore, it is ORDERED and ADJUDGED that pursuant to the aforementioned authorities vested in the Chief Judge of the Fourteenth Judicial Circuit, I do hereby enter this Administrative Order for Mortgage Foreclosure Case Management as follows:

1. All mortgage foreclosure cases existing and newly filed in the Fourteenth Judicial Circuit are subject to this order unless excused by the presiding judge.
2. To comply with this Mortgage Foreclosure Case Management Order, the plaintiff's counsel shall complete, file, and serve a copy of the Mortgage Foreclosure Hearing Memorandum of Status for all cases that are scheduled for summary judgment hearings on or after August 3, 2009.
3. Effective August 3, 2009, attorneys will no longer be allowed to appear by telephone for foreclosure final hearings, including summary final judgment hearings. Attorneys must appear in person, unless they have prior approval from the presiding judge.

4. Prior to requesting a date for hearing on a motion for summary judgment or final judgment by default, the motion must be on file in the clerk's office.
5. All hearing times must be scheduled by the office of the attorney who will attend the hearing in person. The judicial assistant will record the name and Florida Bar number of the attorney scheduling the hearing.
6. Once a hearing date and time has been obtained from the judge, it is incumbent upon the attorney scheduling the hearing to notify the Court in the event the hearing is cancelled for any reason.
7. The attached Mortgage Foreclosure Memorandum of Status must be completed by the plaintiff, served at least seven (7) calendar days prior to the scheduled foreclosure hearing, and a copy faxed, emailed, or hand-delivered to the presiding judge's office on the date of service.
8. Within 30 days of the date of service on the borrower, counsel for plaintiff, or a representative of plaintiff, must make a good faith effort to contact the borrower in an attempt to resolve this matter and must provide the borrower, in written form, with contact information for purposes of resolving this claim including the following: Name, address, telephone number, fax number, and email address of the contact person.
9. The Notice of Hearing for Summary Final Judgment or Judgment by Default must also include the current contact information as required in paragraph 8 of this order.
10. (a) Please note that **Bay, Calhoun, Holmes, Jackson, and Washington Counties are on Central Time**. Hearings in these counties are to be noticed in **Central Time**, and the notice of hearing time shall specifically state "**Central Time**".

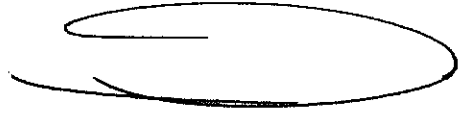
(b) **Gulf County is on Eastern Time**, and the notice of hearing time shall specifically state "**Eastern Time**".
11. Contact the Bay County Clerk's office by email for information on accessing the electronic file of all Bay County documents on file: cis@baycoclerk.com. The Fourteenth Circuit website is: www.jud14.flcourts.org.

- 12. Foreclosure matters must be resolved in a timely manner. In uncontested matters, the foreclosure final hearing should be held within 180 days of the date the complaint is filed. In contested matters, the foreclosure final hearing should be held within 270 days of the date the complaint is filed. The sale of the property should occur, and the certificate of title be issued, within 75 days of the date the final judgment is filed. Failure to abide by these time requirements, absent a showing of good cause, may subject the plaintiff to sanctions which may include, with regard to a condominium unit, the unpaid assessments due on the unit from the date of default on the note.

DONE AND ORDERED in Chambers, in Panama City, Bay County, Florida, this 30th day of July, 2009.



HENTZ McCLELLAN
CHIEF JUDGE



MICHAEL C. OVERSTREET
ADMINISTRATIVE CIVIL JUDGE

IN THE CIRCUIT COURT, FOURTEENTH JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

Plaintiff,

vs.

CASE NO.: _____

Defendant(s).

MORTGAGE FORECLOSURE HEARING MEMORANDUM OF STATUS

The plaintiff files this memorandum of status in compliance with the court's mortgage foreclosure case management order.

Hearing Date: _____ Time: _____

1. This memorandum is served, and a copy provided by email, fax, or hand delivery directly to the office of the presiding judge at least seven (7) calendar days prior to the scheduled foreclosure hearing.

2. As to each defendant:

Defendant	Service Date	Answer Date	Publication Date	Default Date	Date Dropped
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

3. Original Note Filed Yes _____ No _____ Date Filed _____
or Note to be Filed at Hearing _____

(In the event of a lost note, the court may require the posting of security.)

4. Affidavits:
- | | | | |
|-----------------------------------|---------|--------|------------------|
| Lost Note Affidavit | Yes ___ | No ___ | Date Field _____ |
| Affidavit of Indebtedness | Yes ___ | No ___ | Date Field _____ |
| Affidavit of Costs | Yes ___ | No ___ | Date Field _____ |
| Affidavit of Attorney's Time | Yes ___ | No ___ | Date Field _____ |
| Affidavit of Attorney's Fees | Yes ___ | No ___ | Date Field _____ |
| Affidavit of Non-Military Service | Yes ___ | No ___ | Date Field _____ |

5. Copy of each Assignment of Mortgage: Yes ___ No ___ Date Field _____

If you answered No, explain why not: _____

6. Attorney's fee requested: \$ _____

7. I have confirmed the legal description of the real property on the lis pendens and proposed final judgment is identical to the legal description contained in the mortgage. Yes ___ No ___

8. I have confirmed the legal description of any mobile home on the property.

N/A ___ Yes ___ No ___

A. Is mobile home included in foreclosure? Yes ___ No ___

B. If so, is the mobile home included in the legal description as required in paragraph 7? Yes ___ No ___

9. At the mortgage foreclosure hearing, counsel for the plaintiff will have in hand the original and copies of each:

- A. Proposed final judgment
- B. Notice of Sale
- C. Adequate copies of each document with stamped, addressed envelopes
- D. Original Note if not previously filed.

10. State the date the borrower was first contacted and current status of any communication with the borrower regarding settlement, restructure, refinance, etc.

11. State the name, telephone number, fax number, and email address of the person the borrower may contact to attempt a work out.

Name: _____
Address: _____

Telephone Number: _____
Fax Number: _____
Email Address: _____

DATED: _____

(Attorney Signature)

Attorney's Name: _____
Florida Bar No.: _____
Address: _____

Telephone: _____
Fax: _____
Email: _____

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was furnished to counsel by U.S. Mail _____, Fax _____, Email _____, and a copy was provided to the office of the Circuit Judge _____ by Fax _____, Email _____, Hand Delivery _____, this _____ day of _____, (YYYY). I further certify that service was a least seven (7) days prior to the schedule hearing time.

(Signature)



A CERTIFIED TRUE COPY
BILL KINSAL CLERK
OF THE CIRCUIT COURT
By Bill Kinsal
Deputy Clerk