

(e) Certificate of title – a “genuine” scrivener’s error in the certificate of title can be amended. However, there is no statutory basis for the court to direct the clerk to amend the certificate of title based on post judgment transfers of title, faulty assignments of bid or errors in vesting title instructions.

(1) An error in the certificate of title which originates in the mortgage and is repeated in the deed and notice of sale requires the cancellation of the certificate of title and setting aside of the final judgment. *Lucas v. Barnett Bank of Lee County*, 705 So. 2d 115 (Fla. 2d DCA 1998). (For example, plaintiff’s omission of a mobile home and its vehicle identification number (VIN) included in the mortgage legal description, but overlooked throughout the pleadings, judgment and notice of sale, cannot be amended in the certificate of title.) Due process issues concerning the mobile home require the vacating of the sale and judgment.

Mortgage Workout Options

1. Reinstatement: Repayment of the total amount in default or payments behind and restoration to current status on the note and mortgage.
2. Forbearance: The temporary reduction or suspension of mortgage payments.
3. Repayment Plan: Agreement between the parties whereby the homeowner repays the regularly scheduled monthly payments, plus an additional amount over time to reduce arrears.
4. Loan Modification: Agreement between the parties whereby one or more of the mortgage terms are permanently changed.
5. Short Sale: Sale of real property for less than the total amount owed on the note and mortgage.

(a) If the lender agrees to the short sale, the remaining portion of the mortgage debt, (the difference between the sale price of the property and mortgage balance, the deficiency), may be forgiven by the lender.

(1) Formerly, the amount of debt forgiven was considered income imputed to the seller and taxable as a capital gain by the IRS.

Parker Delaney, 186 F. 2d 455, 459 (1st Cir. 1950). However,

federal legislation has temporarily suspended imputation of income upon the cancellation of debt.

6. Deed-in-lieu of Foreclosure: The homeowner's voluntary transfer of the home's title in exchange for the lender's agreement not to file a foreclosure action.

Revised 7/14/10

Melendi, Rick

From: Melendi, Rick
Sent: Wednesday, July 07, 2010 9:57 AM
To: Jungers, Kirby
Cc: Greno, Linda
Subject: Service Carts - Available for Use

Section I & II of the mortgage foreclosure project need service carts with sides to organize and transport files to and from the hearing room and courtroom. Do you know if we have any carts sitting around and available for each Section to use?

Please advise.

Melendi, Rick

From: Bridenback, Mike
Sent: Monday, August 30, 2010 9:16 AM
To: Melendi, Rick
Subject: FW: July 2010 status report
Attachments: Status Report as of July 31, 2010.pdf

Based on this chart, we are not where we need to be. Let's discuss.

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From: Kristine Slayden [<mailto:slaydenk@flcourts.org>]
Sent: Monday, August 30, 2010 9:09 AM
To: Bridenback, Mike
Subject: FW: July 2010 status report

Mike - Would you take a quick look at this table and see if it makes sense to you? What I will say in the transmittal email is:

Attached is the first monthly "progress report" that shows how each circuit is doing in reaching their 62% goal for reducing backlog in foreclosure cases. At the end of the initiative in June 2011, all circuits should have 100% in the "Percent of Target Reduced" column. Please note that this first month report includes any activity by the trial courts in preparation for initiative, i.e. cleaning up data, disposing outstanding cases, etc.

The statewide progress of 27.5% for the first month may seem high, but this is due to two factors. The first factor, mentioned above, counts in the "Number of Backlog Foreclosure Cases Reduced to Date" column any cases that were closed out as part of the clean up/preparation in the months leading up to the beginning of the initiative start data of July 1, 2010. In addition, foreclosure cases came in lower than expected in the last few months of FY 2009-10, which means that the actual backlog accumulated for that year was lower than the original estimated amount.

Please call me if you have any questions. Thanks. Kris

Kris Slayden
Research and Data
Office of the State Courts Administrator
Florida Supreme Court
500 S. Duval Street
Tallahassee, Florida 32399
850-922-5106 (wk)
850-556-2335 (cell)
850-414-1342 (fax)

From: Arlene Johnson
Sent: Monday, August 30, 2010 8:43 AM
To: Kristine Slayden
Subject: July 2010 status report

Arlene Johnson
OSCA, Research and Data
Telephone 850.922.5103
Facsimile 850.414.1342

Albury, Janice

From: Melendi, Rick
Sent: Monday, October 25, 2010 2:53 PM
To: Cash, Kim
Cc: Greno, Linda; Wells, Tracy; Albury, Janice; Schemenauer, Jayson
Subject: FW: Courtroom No. 1

This email serves to confirm the mortgage foreclosure projects use of CR #1, the week of December 13 – 17, 2010. It also confirms my request for use of CR #1 (clerk's dismissal docket), the short week of January 18 – 21, 2011. And, my request to reserve CR #1, which pending Judge Barton's conversation with the chief, who has an asbestos trial scheduled the week of January 24 – 28, 2011.

From: Melendi, Rick
Sent: Thursday, September 30, 2010 5:58 PM
To: Cash, Kim
Cc: Greno, Linda; Wells, Tracy; Albury, Janice
Subject: Courtroom No. 1

Kim,

Please reserve Courtroom 1 during the weeks of December 13, 2010, January 17, 2011 and January 24, 2011, for the Mortgage Foreclosure Project.

Thank you.

Albury, Janice

From: Albury, Janice
Sent: Monday, June 21, 2010 12:17 PM
To: [REDACTED]
Subject: Senior Judge Foreclosure Meeting

Judge Taylor,

Judge Arnold and Judge Barton would like to meet with the senior judges who will be covering the foreclosure divisions on Monday, June 28 at 12 noon in Judge Barton's Hearing Room 512. If you are not able to attend, could you possibly call in to the hearing room at (813) 272-6781 to participate via telephone conference?

Sequeira, Maria

From: Sequeira, Maria
Sent: Tuesday, July 06, 2010 2:03 PM
To: Hickmon, Angelina
Subject: RE: Hi

The only docket we can pull up is starting in August. We can't pull up the docket for July.

From: Hickmon, Angelina
Sent: Tuesday, July 06, 2010 1:15 PM
To: Sequeira, Maria
Subject: RE: Hi

Maria,

Do you remember how to pull up the docket for the following day. The one I am looking at on JAWS is blank. Oh, I can do it now. I can't visit and you were away from your desk.

From: Sequeira, Maria
Sent: Friday, July 02, 2010 10:23 AM
To: Hickmon, Angelina
Subject: Hi

Tell me if you get this.

Moreno,Elisa

From: Melendi, Rick
Sent: Tuesday, July 06, 2010 4:37 PM
To: Schatzberg,Beth; Gammage,Trillany; Moreno,Elisa
Subject: FW: Keeping Track of Data!!

fyi

From: Melendi, Rick
Sent: Tuesday, July 06, 2010 2:09 PM
To: Hickmon,Angelina
Subject: Re: Keeping Track of Data!!

Angelina,

For now, just record the disposition of the case on the docket. At some point, the case managers will have to go back and enter the disposition data on an excel data tracking form. The uniform data tracking form is being developed at OSCA. I am told the circuits should have the form by July 16, 2010.

From: Hickmon,Angelina
To: Melendi, Rick
Sent: Tue Jul 06 13:53:30 2010
Subject: Keeping Track of Data!!

Good afternoon,

How did you want the case managers to keep track of the final judgments? Should we make an excel spreadsheet or just keep it on the printout of the docket?

Wells, Tracy

From: Wells, Tracy
Sent: Thursday, July 29, 2010 3:01 PM
To: Melendi, Rick
Subject: RE: Mortgage Foreclosure Project - Staff Assistance

Thank you.

T.

From: Melendi, Rick
Sent: Thursday, July 29, 2010 2:50 PM
To: Wells, Tracy
Subject: FW: Mortgage Foreclosure Project - Staff Assistance

Here you go!

From: Wells, Tracy
Sent: Thursday, July 29, 2010 10:21 AM
To: Melendi, Rick
Subject: EMPLOYEES TO ASSIST IN THE FORECLOSURE PROJECT

ASSISTANCE NEEDED:

As a follow-up to our Executive Team Meeting on Monday, please send me the names of staff that you have identified that can assist with the tasks as outlined below for the **Foreclosure Project**.

The areas of need are as follows:

ADMINISTRATIVE: Opening, sorting and stamping of incoming mail; Stamping/conforming copies of Court Order's ,along with sorting conformed orders and stuffing envelopes. Some administrative aspects of the tasks above may be handled by staff at their own desk.

DATA ENTRY: Excel Spreadsheet Data Entry. The entry of mortgage foreclosure data can be handled by staff at their own desk.

RESEARCH: Case research will require utilization of the clerk's Banner System. Case research can be performed by staff at their own desk.

Please provide me the name(s) of staff along with the areas in which you feel staff can provide assistance by close of business – Friday, July 30, 2010.

Thank you.

Wells, Tracy

From: Barton, James
Sent: Wednesday, August 18, 2010 9:59 AM
To: CIRCCIVJUD; Wolfe, Mark
Cc: CIRCCIVJA; Julian, Donna M.; Snavely Caria
Subject: foreclosure procedures

By way of clarification, the senior judges sitting in the foreclosure sections have been advised to refer back to the assigned circuit civil division any foreclosure case which needs to be set for trial or requires an extended hearing (15 minutes or longer) on a motion. The senior judges also have been told to review and rule on all emergency motions unless the emergency motion requires an extended hearing.

Wells, Tracy

From: Wells, Tracy
Sent: Friday, August 20, 2010 4:26 PM
To: Valdes, Ryan; Sequeira, Maria
Cc: Davis, Sandra; Potts, Blanca; Argualles, Yasmin; Romero, Yvonne; Melendi, Rick; Hickmon, Angelina; Schatzberg, Beth; Gammage, Trillany; Moreno, Elisa
Subject: FINAL JUDGEMENT PACKETS & EXTRA COPIES

ATTENTION:

We just came out of a meeting with the Clerk's Office and they have requested a few changes from the Administrative Side.

Please make sure all Final Judgment Packets are **stapled** before sending them to the Clerk's Office. If you have to unstaple them to conform that is fine, be sure to put a staple back in them before they are shipped off to the Clerk's Office.

in addition, the cover letter (stating what is enclosed) can be recycled along with all copies of other motions and/or documents which are included that are not originals. If you have any doubt as to what is a copy or an original, please send it on to the Clerk's Office to let them determine.

The clerks have informed us that they are swarmed with paperwork and do not wish to have additional paper to deal with. On Monday, I will be at both stations to assist you in determining the difference.

As always, the original documents go back to the Clerk's Office.


Thank you for all of your help on this project. You got a good report card ☺.

Tracy Wells

Bridenback, Mike

From: Bridenback, Mike
Sent: Tuesday, May 11, 2010 1:22 PM
To: Menendez, Manuel; Barton, James
Subject: RE: Foreclosure and Economic Recovery Program
Attachments: FORECLOSURE AND ECONOMIC RECOVERY PROGRAM.docx

I subtracted the additional position cost from expenses. We will just have to supplement this project with our regular expense allocation we get every year.

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From: Bridenback, Mike
Sent: Tuesday, May 11, 2010 1:14 PM
To: Menendez, Manuel; Barton, James
Subject: FW: Foreclosure and Economic Recovery Program

I did not know about this additional cost so I need to recalculate the two alternatives.

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From: Heather Thuotte-Pierson 
Sent: Tuesday, May 11, 2010 1:01 PM
To: Trial Court Administrators
Subject: Foreclosure and Economic Recovery Program

Just as a reminder, when you are calculating how much of your funds you plan to allocate to the OPS category, you will need to factor in the 7.65% for FICA.

Thanks,
Heather

Heather Thuotte-Pierson
Office of the State Courts Administrator

Court Statistics Consultant
(850) 410-3376



[Faint, illegible text]

FORECLOSURE AND ECONOMIC RECOVERY PROGRAM

<u>Original Plan</u>	<u>Alternative 1</u>	<u>Alternative 2</u>
780 Senior Judge Days	420 Senior Judge Days	520 Senior Judge Days
7 Case Managers	5 Case Managers	4 Case Managers
3 Admin Secretaries	2 Admin Secretaries	2 Admin Secretaries
\$40,612 – Expenses	\$3,237– Expenses	\$7,856 - Expenses
Total Budget - \$687,264	Total Budget - \$427,504	Total Budget - \$427,504



Administrative Office of the Courts

JOB OPPORTUNITY BULLETIN

STATE-FUNDED – FOUR (4) OPS POSITIONS AVAILABLE

Posting Date: June 8, 2010

POSITION TITLE: Court Program Specialist II (OPS)
MINIMUM SALARY: \$17.36 Per Hour.

DEPARTMENT: Foreclosure & Economic Recovery
PAY GRADE: 20

SPECIAL NOTE: These positions are time limited and authorized by the Foreclosure and Economic Recovery Plan. This initiative is focused on clearing the backlog of real property and foreclosure cases in the Thirteenth Judicial Circuit Court. This type of expenditure is limited to the direct support of the backlog reduction and does not include funding for any type of employee benefits.

SUMMARY: Performs responsible administrative and case management functions processing the backlog of mortgage foreclosure cases in a specialized civil division established to comply with the Foreclosure and Economic Recovery program.

ESSENTIAL DUTIES: Must have general knowledge of court processes and procedures. Receives and reviews case files prior to scheduled hearings; validates the appropriate documentation, i.e., affidavits, petitions, motions for default, certificates, amendments, etc. Must be able to multitask, work independently, and handle a high volume of cases.

Prepares a certification checklist for use by the judges to ensure all pleadings have been filed by the parties in accordance with Florida Statutes and Administrative Orders governing civil division.

Communicates with all parties and advises litigants of the appropriate documentation to be filed prior to scheduled hearings.

Attends court hearings and provides interpretation of the case file, if applicable; communicates rulings and decisions from the judges to the parties. Follows up on directives to the judges' rulings.

Prepares statistical reports, court data and records as required by Florida law or by request of the court; researches and prepares statistical data for the judges; as directed.

Directs informational data to the respective attorney, financial institutions and appropriate offices and agencies, etc.

MINIMUM QUALIFICATIONS: Bachelor's degree in public or business administration, criminal justice, psychology, sociology or a closely social science related field and three years of related experience. Substitution: Juris doctorate degree may substitute for required experience. Substitution: Progressively responsible experience as described above may substitute for the education on a year for year basis. Specialized Knowledge of Mortgage Foreclosure practices; Paralegal experience or work experience involving assignments related to the Mortgage Foreclosure process is preferred.

KNOWLEDGE, SKILLS AND ABILITIES: Knowledge of the principles and methods of and ability to conduct research and compose technical reports. Ability to communicate clearly, concisely, and logically. Ability to deal tactfully with the public. Ability to use a personal computer and word processing applications such as WordPerfect and Excel spreadsheets. Ability to use discretion when handling confidential information.

REQUIRED DOCUMENTATION AT THE TIME OF APPLICATION: If education is the basis for meeting the qualifications, a copy of official documentation may be required.

NOTICE: All offers of employment with the Thirteenth Judicial Circuit of Florida are conditioned on job applicants clearing a background investigation.

TO APPLY: Fax resume or State of Florida Application to 276-2285, Attn: Court Personnel Resources, or mail to 800 E. Twiggs Street, Rm. 605, Tampa, FL 33602, or email to cprs@fjud13.org.

We are an Equal Opportunity Employer. If you need an accommodation to participate in the application/selection process, please call 272-5247.

13TH CIR 00817

Hickmon,Angelina

From: Drake, Patricia
Sent: Thursday, July 01, 2010 12:02 PM
To: Hickmon,Angelina; Sequeria,Maria; Wells, Tracy
Subject: Spoolview Access
Attachments: Confidentiality Form for Spoolview.PDF

In order to request your user login IDs for Spoolview, I need you to printe/read/sign and return to me the attached Confidentiality Form required by the Clerk's Office. (Spoolview is a Clerk application that is used to read reports pulled from the Banner system.)

Once they are signed, just inter-office them to me. I'm in 605 Edgecomb. Thanks!!

Moreno,Elisa

From: Wells, Tracy
Sent: Friday, September 24, 2010 12:47 PM
To: Schatzberg,Beth; Sequeira, Maria; Valdes,Ryan; Gammage,Trillany; Hickmon,Angelina; Moreno,Elisa
Cc: Melendi, Rick; Bridenback, Mike
Subject: Meeting today

MEETING NOTICE:

We have a meeting scheduled for **today at 3:30 p.m.** Please report to the **6th floor, Room 604**, to the Court Administrator's Conference Room . Check in with the receptionist and she will buzz you back.

Thank you.

Tracy.

Wells, Tracy

From: Wells, Tracy
Sent: Tuesday, August 24, 2010 9:54 AM
To: Schatzberg, Beth
Subject: RE: Instant messaging

Do you want to see the docket?

From: Schatzberg, Beth
Sent: Tuesday, August 24, 2010 9:39 AM
To: Wells, Tracy
Subject: RE: Instant messaging

Thank you! Somehow Judge Steinberg signed it a week later issuing it a sale date and Mr. Huffman sent a letter to Judge Gomez & Judge Menendez. The law firm was able to stop the sale and that hopefully rectified the problem. We will need to look back on the dockets when receiving orders after the fact to make sure they reflect what was granted.

Beth

From: Wells, Tracy
Sent: Tuesday, August 24, 2010 9:34 AM
To: Schatzberg, Beth
Subject: RE: Instant messaging

Beth,

I finally found the case number on July 7th docket.

Ordered Conciliation is what is written in red at the bottom of the case.

T.

From: Schatzberg, Beth
Sent: Tuesday, August 24, 2010 9:06 AM
To: Melendi, Rick
Cc: Wells, Tracy; Gammage, Trillany; Sequeira, Maria
Subject: Instant messaging

Rick-

I had asked if we could get the instant messaging program uploaded on our computers so that we can IM Maria back & forth for our Friday dockets. I was told that they were going to check with you for clearance. Is that something that we can look into to help our distance communication factor?

Thanks!
Beth

Beth M. Schatzberg
Case Manager
Sect. II Mortgage Foreclosures
Hillsborough County Courthouse
800 E. Twiggs St., Ste. 425
(813) 272-8578

Bridenback, Mike

From: Bridenback, Mike
Sent: Wednesday, September 01, 2010 4:14 PM
To: Melendi, Rick
Subject: Fwd: Order Setting CMC - RF
Attachments: ORDER SETTING CMC - RF.docx; ATT98861.htm

Sent from my iPhone

Begin forwarded message:

From: "Greno, Linda" <[REDACTED]>
Date: September 1, 2010 4:13:46 PM EDT
To: "Barton, James " <[REDACTED]>
Cc: "Menendez, Manuel" <MENENDM@flcourts.gov>, "Rowland, Dave" <[REDACTED]>, "Bridenback, Mike" <[REDACTED]>
Subject: Order Setting CMC - RF



Attached is the draft Order Setting Trial and other matters which you prepared after our noon meeting today. The people copied with this e-mail can make suggested changes.

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

_____/

**ORDER SETTING TRIAL, SCHEDULING CASE MANAGEMENT
CONFERENCE, AND ALL PENDING MOTIONS**

BE ADVISED that, pursuant to Rule 1.200, Fla. R. Civ. Proc., this cause will be called up for Case Management Conference on _____, at _____, 800 E. Twiggs Street, Room _____, Tampa, Florida, before the Honorable _____ . Matters to be heard (including but not limited to):

1. All pending motions
2. Pretrial conference matters
3. The possibilities of settlement

All counsel shall be present before the Court at this hearing. ON FAILURE OF THE PARTIES OR COUNSEL TO ATTEND THE CONFERENCE, THE COURT MAY DISMISS THE ACTION, STRIKE THE PLEADINGS, LIMIT PROOF OF WITNESSES OR TAKE ANY OTHER APPROPRIATE ACTION. FAILURE OF PLAINTIFF TO APPEAR, PRO SE OR THROUGH COUNSEL, SHALL RESULT IN DISMISSAL OF THIS ACTION.

ORDER SETTING TRIAL

THIS CAUSE is hereby set for non-jury trial on December, _____, 2010 at _____.

DONE AND ORDERED this _____ day of _____, 2010.

HON.

copies to:

13TH CIR 00822

Bridenback, Mike

From: Barton, James
Sent: Thursday, September 23, 2010 2:33 PM
To: Bridenback, Mike
Subject: RE: Assistance - Mortgage Foreclosure Notices of Case Management Conference

I believe the division JA's would help, with the approval and encouragement of the division judges. We will work on the dates, with the first hearings set by the end of this year. We should set a maximum number of cases with input and agreement from the clerk. I also envision courtroom 1 as the place for the hearings. I would like J. Taylor to handle these hearings. I plan on discussing this with her next week. An AO setting the stage for these hearings has been drafted and is awaiting Manny's signature.

From: Bridenback, Mike
Sent: Thursday, September 23, 2010 9:37 AM
To: Barton, James
Subject: Assistance - Mortgage Foreclosure Notices of Case Management Conference

I met with Carla and we are on the same page as it relates to the dismissal dockets notices and the case management notices. Her staff will handle the dismissals and our staff will handle the case management notices. She did agree to pay postage for our notices.

She has also agreed to give our staff access to banner to enter the addresses of the parties. This is the big workload issue. The first step in the process is to enter the addresses of the litigants that we will be sending the notices to. The only source for these addresses is the file. So, do you think some or all of the JA's could assist in this task? If not, ok.

The other decisions we need are:

- 1) The dates of the case management conferences through June 30, 2011
- 2) The maximum number of cases scheduled per conference
- 3) Where should we hold the conferences? I am assuming that we would use CR 1
- 4) Which Senior Judges do we want to handle the conferences?

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Bridenback, Mike

From: Bridenback, Mike
Sent: Friday, September 24, 2010 10:56 AM
To: Menendez, Manuel; Barton, James ; Melendi, Rick
Subject: FW: Questionable documents found in GMAC foreclosures

Michael L. Bridenback
Court Administrator
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www.fljud13.org



From: Weinberg, Mark
Sent: Friday, September 24, 2010 9:46 AM
To: Benefiel, Matthew; Bridenback, Mike; Callanan, Richard; Dawicke, Barbara; Elomina, Holly; Genung, Tom; Inskeep, Gay; Sondra Lanier ; Sandra Lonergan ; McFetridge, Ted; Ortman, Carol; Shadburn, Jan; Grant Slayden; Smith, Walt; Stelma, Joe; Sudzina, Nick; Trammell, David; Van Bever, Mark; Wright, Robin
Cc: Lisa Goodner; Kristine Slayden
Subject: FW: Questionable documents found in GMAC foreclosures

FYI, in case you haven't begun to experience this yet. Depending upon the extent of this practice, our ability to reduce the foreclosure backlog may be impacted.

From: Perkins, Judge Terence R.
Sent: Thursday, September 23, 2010 3:05 PM
Subject: RE: Questionable documents found in GMAC foreclosures

It's worse than you think. Last week I had 10 motions to reset foreclosure sale based on the plaintiffs' "inability to verify the amount of the debt". That smelled bad to me, so I set all of the motions for hearing at 8:45 last Monday morning. What I heard shocked me.

The bank told me that GMAC is servicing many of the foreclosure loans and the GMAC person responsible to review the bank documents and calculate the amounts due, wasn't doing his job. He wasn't reviewing the documents, had no personal knowledge of anything and was not verifying the amounts due accordingly to the bank's payment records. Whatever the attorney sent, they signed. Period. This revelation came in cases in which GMAC was not the named plaintiff and appeared nowhere in the file. Nothing in this file indicated the slightest problem. These troubling facts came to light in a deposition in Connecticut last week, in another case.

Naturally, I cancelled the sale. The law firm is going to file a motion to vacate any Judgments that they believe to be based on "tainted" affidavits. I don't know how we will know which cases are involved but I expect motions of that type in at least these 10 cases, perhaps many more. These cases will go back to SFJ stage and a corresponding delay. I have no idea how we insure the integrity of the process, from this point forward.

From: Walsh, Judge David
Sent: Thursday, September 23, 2010 11:23 AM
Subject: Questionable documents found in GMAC foreclosures

If other banks begin to slow down the prosecution of their foreclosures, this could throw a real monkey wrench into our effort to reduce the backlog.

<http://www.sun-sentinel.com/business/fl-gmac-foreclosures-20100921,0,2734248.story>

Bridenback, Mike

From: Melendi, Rick
Sent: Wednesday, November 17, 2010 3:42 PM
To: Menendez, Manuel; Bridenback, Mike; Rowland, Dave; Nauman, Chris
Subject: FW: Please get a copy of attached to Judge Taylor.
Attachments: Forecl - bloomberg story (online).pdf

fyi

From: Bridenback, Mike
Sent: Thursday, October 14, 2010 3:15 PM
To: Melendi, Rick
Subject: FW: Please get a copy of attached to Judge Taylor.

fyi

Michael L. Bridenback
Court Administrator
800 E. Twiggs Street, Suite 604
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f: 813.301.3800


www.fljud13.org



From: Menendez, Manuel
Sent: Thursday, October 14, 2010 12:40 PM
To: Barton, James
Cc: Bridenback, Mike
Subject: Please get a copy of attached to Judge Taylor.

FYI

Manuel Menendez, Jr.
Chief Judge, 13th Judicial Circuit of Florida
800 E. Twiggs St., Suite 602, Tampa, FL 33602
813-272-5022

 Please consider the environment before printing this e-mail.

Bloomberg

Florida's 30-Second Foreclosure Dash Hits Wall of Fraud Claims

By David McLaughlin - Oct 13, 2010

Home to more foreclosures than 47 U.S. states, Florida sought to clear out its backlog with a system of special court hearings that dispensed with cases quickly, sometimes in less than a minute.

Homeowners like Nicole West now threaten to slow that system, Florida's so-called rocket docket, to a crawl. West, who has been fighting to save her Jensen Beach house from foreclosure, has leveled a new allegation in her three-year battle: the entire process is based on fraud.

West said her case is rife with the kind of flawed mortgage documents that have caused lenders including Bank of America Corp. and JPMorgan Chase & Co. to stop the process of foreclosures and evictions across the country. The banks said they are investigating homeowner charges like West's that signatures were forged and documents were backdated.

"It's not right," said West, 40, who lives about an hour's drive north of West Palm Beach. "It's like lying to the judge. It's like lying about what's really going on."

The bank moratoriums are already thwarting the initiative by Florida officials to clear jammed court dockets. Now, efforts by homeowners such as West to bring claims of fraud to the attention of judges are further prolonging evictions, and in turn slowing purchases of foreclosed properties.

Third-Highest Rate

Florida has the third-highest foreclosure rate in the U.S. behind Nevada and Arizona. One in every 34 housing units -- double the U.S. average -- was in the foreclosure process or bank-owned as of Sept. 1, data vendor RealtyTrac Inc. said.

Florida's legislature appropriated \$9.6 million this year to pay semi-retired judges and case managers to clear the backlog of foreclosures. Some judges have been churning through cases at a rapid clip, such as those last week in Tampa who considered dozens of foreclosures per day, sometimes in as little as 30 seconds.

The goal is to clear 62 percent of the backlog by next July, according to Craig Waters, a spokesman for the Florida Supreme Court. J. Thomas McGrady, chief judge of Florida's Sixth Judicial Circuit, said he once thought that was achievable. Now that Charlotte, North Carolina-based Bank of America, New York-based JPMorgan and Detroit-based Ally Financial Inc. have put the brakes on foreclosures or evictions to look for irregularities, he said he's "very doubtful" his courts can resolve that many cases. The circuit, which covers the area around Clearwater and St. Petersburg, has a backlog of 33,000 foreclosure cases, he said.

More Backlog

"All of a sudden all of these issues pop up with the lenders," McGrady said in an interview at his Clearwater office. "It's going to slow down the whole process because there will be more backlog. We're still getting 1,000 cases a month."

At the Clearwater court, lenders as of yesterday had canceled more than half of the 84 hearings to approve foreclosures that were scheduled for today, according to Ron Stuart, a court spokesman. Half of the 110 hearings originally set to take place tomorrow were canceled as well.

Among the alleged defects the banks are examining are lender affidavits signed by people, often described as "robo signers," who repeatedly failed to verify the accuracy of the information in the documents.

In December, an employee at Ally's GMAC Mortgage unit said his team of 13 people signed about 10,000 documents a month without verifying their accuracy, according to a deposition taken in a foreclosure case filed in West Palm Beach.

False Affidavits

Ally has been accused of committing fraud by submitting hundreds of false affidavits in foreclosure cases, according to a lawsuit filed last week by Ohio Attorney General Richard Cordray. Ally said in a statement that it "believes there was nothing fraudulent or deceitful about its foreclosure practices."

"Every homeowner that's in foreclosure now should be questioning," said Matthew Weidner, an attorney in St. Petersburg who defends homeowners in foreclosure cases. "Every homeowner that's already been foreclosed and lost their home should be questioning. Anybody who's behind in their mortgage should be questioning. This entire system is now a great big question mark."

Florida Attorney General Bill McCollum, meanwhile, is investigating four law firms in the state that specialize in foreclosure cases on behalf of lenders, according to Ryan Wiggins, his

spokeswoman. Yesterday, McCollum said he requested meetings with firms including Bank of America, JPMorgan and Goldman Sachs Group Inc. unit Litton Loan Servicing to “discuss ways to promptly and effectively redeem the integrity of the foreclosure process.”

‘Unfair and Deceptive’

McCollum accused law firms of “unfair and deceptive actions” and said thousands of foreclosures that had been approved by judges may have been the result of improper actions by law firms. He said the firms appear to be “fabricating and/or presenting false and misleading documents.”

Florida state Judge Janette Dunnigan in Bradenton fined a Fort Lauderdale law firm, Smith, Hiatt & Diaz PA, \$49,000 and ruled it was in contempt of court after finding it was repeatedly unprepared or failed to show up for foreclosure hearings in her court.

The law firm operates “in utter disregard for the consequences to other litigants,” the judge said in a Sept. 2 order. “Their disobedience of court orders is constant and flagrant.”

Roy Diaz, a partner at the law firm, didn’t return a call seeking comment.

Under Investigation

Also under investigation by McCollum is Lender Processing Services Inc. The Jacksonville-based company has produced documents known as mortgage assignments with signatures of the same person that vary “wildly” from document to document, according to the attorney general. The documents are necessary for banks and mortgage servicers to show they have the legal right, or “standing,” to pursue foreclosure lawsuits. McCollum is investigating whether the documents have been forged.

Michelle Kersch, a spokeswoman for Lender Processing, said the company hadn’t been contacted by the attorney general and would cooperate with any inquiries.

McGrady, the chief judge in Florida’s sixth circuit, said his courts have seen “some very sloppy practice” by lawyers for mortgage lenders.

“I’m disappointed that perhaps they’ve taken advantage of a system that was set up to allow them to obtain their foreclosures in a reasonably fair and expeditious process, and they may have abused that,” he said.

Nine Million Mortgages

As many as 9 million U.S. mortgages that have been or are being foreclosed may face challenges over the validity of legal documents, according to a report yesterday by Morgan Stanley.

About 2.5 million homes have been repossessed since 2005 and another 6.5 million mortgages are in foreclosure or may be soon, the New York-based firm wrote in a note.

At the George E. Edgecomb courthouse in Tampa, about a half-hour drive from McGrady's court, two senior judges hold hearings four days a week on approving foreclosures. Last week, one judge, Sandra Taylor, had 51 cases on her docket in one day.

Taylor considered the requests for foreclosure judgments in a fifth-floor conference room. Sitting at a desk at the end of a conference table, she used a speakerphone to talk to attorneys for the banks and mortgage servicers who called in instead of traveling to Tampa. At her side sat a court assistant, next to a cart stacked with manila envelopes.

Don't Show Up

Most homeowners whose property was at issue didn't show up to fight. It took Taylor about 30 seconds to approve some of the foreclosures and set a sale date after lender attorneys summarized the case and the amount owed.

"I wish there was more we can do," Taylor told one homeowner after approving a foreclosure. She said there was "no legal reason" why she shouldn't approve it.

Another homeowner who lost her home last week, Ingrid Young, 44, defaulted in 2008. She told the judge she couldn't afford the \$1,900 monthly payment for her Tampa house because she only earns \$1,800 a month.

"I am in default, and I do realize that," Young said.

Her employer had cut her hours, and unless she finds another job, she can't afford the mortgage, she told Taylor.

The judge approved the foreclosure after persuading attorneys for Citigroup Inc. unit Citimortgage to set the sale date in January.

'Very Sad Business'

"It's a very sad business," the judge said afterwards.

Such fast-track hearings are still happening elsewhere in Florida, according to lawyers and court personnel. Weidner, the homeowner lawyer, criticized judges for continuing to hold “rocket docket” sessions amid the current controversy.

“Inside these courtrooms, judges -- the bad ones -- are just granting summary judgments like nothing’s happening, like it’s business as usual,” he said. “They’re abdicating their responsibilities to be real judges.”

Several Florida judges said their job is not to advocate for homeowners or investigate the accuracy of documents. Courts depend on homeowners or their attorneys to raise objections, they said.

“We’re processing thousands of cases where no one is really contesting them, and in those instances, something like that just would not be brought to our attention,” said W. Douglas Baird, a judge in Clearwater. “It’s not a situation where the courts have the ability to go through every document that’s filed and challenge and question those documents.”

Save Her Home

West, the Jensen Beach homeowner fighting to save her home, has a Nov. 4 hearing in Stuart, Florida, where lender Deutsche Bank AG may seek approval of a foreclosure, she said. Deutsche Bank is the trustee representing holders of mortgage-backed securities, according to court filings.

She and her husband, Tim, said they plan to seek a postponement of the hearing to give them time to question two individuals who signed relevant affidavits.

Four employees of Lender Processing Services signed assignments transferring West’s mortgage, according to an affidavit submitted on her behalf by Lynn Szymoniak, a West Palm Beach attorney. They signed the documents as officers of American Home Mortgage Servicing Inc. and Option One Mortgage Corp. even though they were actually employed by Lender Processing Services, according to Szymoniak’s affidavit.

Signed and Notarized

These assignments were signed and notarized more than a year after Deutsche Bank filed the foreclosure suit. For that reason, the Wests question whether the bank has the legal right to file a lawsuit seeking foreclosure. Scott Helfman, a spokesman for Deutsche Bank, declined to comment.

They signed “thousands of documents each week as needed in foreclosure cases, without any personal knowledge of the documents, often without any authority from the entities they claimed

to be their employers and, in most cases, without ever reading such documents,” Szymoniak claimed in court papers.

Kersch, Jacksonville-based Lender Processing’s spokeswoman, said in a statement that its subsidiary, Docx, executed the documents and that “it had proper authority and review processes in place.”

West and her husband said they received a foreclosure notice in March 2007 after Option One Mortgage Corp. allegedly refused their payments. Deutsche Bank claims the Wests owe a total of \$541,925.02 in principal, fees and interest, according to court papers. The home is worth about \$200,000, she said.

Fixed-Rate Mortgage

In 2005, the couple tried to refinance by getting a fixed- rate mortgage to replace an adjustable- rate one. According to West, Option One said it was willing to provide a fixed-rate loan. When the couple went to sign the paperwork, West alleged that Option One, which is now part of American Home Mortgage, changed the terms of the loan to an interest-only mortgage for five years. West claimed she was subsequently threatened with a lawsuit by an unidentified title insurance company employee if she didn’t accept that deal.

West said she was “scared to death” and agreed to take the new loan. Their monthly payment went from \$1,900 to \$3,100, she said. They kept up with it for about two years until Tim West lost his job in January 2007, she said. Option One promised a loan modification the next month and wouldn’t accept their mortgage payments, West said. In March of that year, West said she received a foreclosure notice from Deutsche Bank.

Philippa Brown, a spokeswoman for American Home, declined to comment.

West said she hopes to persuade state Judge Elizabeth Metzger at her hearing next month to block the foreclosure because it’s based on fraud. She said she’s willing to negotiate a modified mortgage that she can afford as a compromise. Frankfurt-based Deutsche Bank and Option have never tried to negotiate, she said.

“I think a judge who’s truly interested in justice will not tolerate anybody trying to pull the wool over their eyes,” West said. “She’s my last hope that something can be done to save my home.”

This case is Deutsche Bank National Trust Co. v. West, 07- 00311, Florida Circuit Court of the 13th Judicial District in and for Martin County (Stuart).

To contact the reporter on this story: David McLaughlin in Tampa, Florida, at dmclaughlin9@bloomberg.net.

To contact the editor responsible for this story: David E. Rovella at drovella@bloomberg.net.

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Bridenback, Mike

From: Melendi, Rick
Sent: Thursday, July 01, 2010 11:53 AM
To: Bridenback, Mike
Subject: Re: Mortgage Foreclosure Project

The phone was npt the issue. It was the lawyers.

From: Bridenback, Mike
To: Melendi, Rick
Sent: Thu Jul 01 11:50:52 2010
Subject: Re: Mortgage Foreclosure Project
Congrats is the phone working now?

Sent from my iPhone

On Jul 1, 2010, at 11:12 AM, "Melendi, Rick" [REDACTED] wrote:

I am pleased to announce to each of you that we just disposed of our 1st residential mortgage foreclosure.

Bridenback, Mike

From: Melendi, Rick
Sent: Thursday, July 08, 2010 3:04 PM
To: Bridenback, Mike
Subject: RE: ECONRECOV: Prototype of Foreclosure Case Tracking System

Mike,

As we discussed, for our purposes based on the definition below cases are considered closed in the 13th circuit. I only question the heading: Date Reopen Event Closed may cause some confusion, but then again, it may just be me.

From: Bridenback, Mike
Sent: Thursday, July 08, 2010 11:30 AM
To: Melendi, Rick
Subject: Fwd: ECONRECOV: Prototype of Foreclosure Case Tracking System

FYI

Sent from my iPhone

Begin forwarded message:

From: "Callanan, Richard" [REDACTED] <[REDACTED]>
Date: July 8, 2010 10:36:23 AM EDT
To: "P.J. Stockdale" [REDACTED]; "Bridenback, Mike" <[REDACTED]>
Cc: "Fishbeck, Eric" [REDACTED]; "Kristine Slayden" [REDACTED];
[REDACTED]; "Arlene Johnson" [REDACTED]
Subject: RE: ECONRECOV: Prototype of Foreclosure Case Tracking System

PJ

We think your definition of "reopened" cases is right on the money. It should only include cases reopened and pending final "judicial" action.

We pulled a sample of case marked "reopened" in Clerk systems in Lee and Charlotte and manually went through a sample—as you know, it is complicated by the fact that the clerks:

(1) Mark foreclosure cases as "reopened" for many reasons, i.e. postponement of sale (online sales are often cancelled) after default judgment by the court, etc. For our purposes, and under your definition, these cases are in fact "closed". A very small percentage of cases marked "reopened" by the clerk (less than 5% from our sample) are actually reopened pending further judicial action, e.g. motion to vacate dismissal and reopen, motion to vacate mediation settlement due to failure to carry out terms of settlement etc.

We intend to obtain separate pending case extract report list for "reopened" cases, with a listing of last event/date and work through those to note as "closed" where we can determine the case is simply pending clerk action. This will be time consuming, but I think necessary.

(2) We are told by Lee and Charlotte clerks, that once a case is marked as reopened, they have no way to capture the second "closed" date. As such, the clerk system will not report date closed on reopened cases. That means this will often require manual search of the case file. In Charlotte county alone, they have about 10% of the entire pending caseload in "reopened" status, so this will be very labor intensive on the circuits. We are trying to get funding to hire 2 additional interns (on county payroll) to go through all of the reopened cases as of 6/30/10. That way we will at least start with a clean count. Keeping this up to date is going to be very labor intensive for the circuits.

Rick

From: P.J. Stockdale [mailto:pstockdale@courts.org]
Sent: Thursday, July 08, 2010 10:04 AM
To: Callanan, Richard; Mike Bridenback
Cc: Fishbeck, Eric; Kristine Slayden; Arlene Johnson
Subject: RE: ECONRECOV: Prototype of Foreclosure Case Tracking System

Rick,

Thanks for the feedback. We have had some great feedback on this and we presenting all of the recommendations to the Court Statistics and Workload Committee. Hopefully, we can get these details nailed down at last.

There was one other issue that we wanted your feedback on. Actually, Mike, we would like your feedback as well. That is the definition of when a reopened case is closed. There is no formal definition in SRS for this event and we want case managers and initiative staff to have a clear picture of when the case is closed. We used the SRS definition for dispositions as a basis tailored it to specifically to the initiative. Please edit the below definition if you think it needs more discrete direction for the case manager.

Date Reopen Event Closed – report reopen cases as closed after the final judicial decision which terminates court proceedings, including a summary/final judgment or

order entered by the court, and that transfers the case to the clerk of court for action to complete sale.

Thanks again

PJ

PJ Stockdale

Senior Court Statistics Consultant

OSCA - Court Services

Supreme Court Building Annex

500 S Duval St

Tallahassee FL 32301-1900

(ph) 850.410.1523

(fax) 850.414.1342

From: Callanan, Richard [REDACTED] [REDACTED]@FLCA.CJIS20.ORG
Sent: Wednesday, July 07, 2010 6:05 PM
To: P.J. Stockdale
Cc: Fishbeck, Eric; Kristine Slayden; Arlene Johnson; Mike Bridenback
Subject: RE: ECONRECOV: Prototype of Foreclosure Case Tracking System

PJ,

I definitely agree with Mike's idea to limit the case type categories.

We have spent a lot of time with local staff, reviewing these codes and reporting elements, and our biggest problem is the large number of status codes and difficulty in capturing the status code changes. We have some ideas on simplifying the "status codes", since this is the real key to the tracking report. It

is also the most difficult to capture since the clerk in the courtroom is the only real-time way to get the status changes and the clerks systems do not capture them in any detailed way.

Anyway, here is our suggestion, and Eric Fishbeck will be calling you to discuss in more detail:

1. Reduce the status codes from nine to four categories: (1) Active, (2) Stayed -Bankruptcy/Other, (3) Inactivity by Attorney/Abatement or (4) Closed. . Most clerks systems can report on at least 3 of these 4 status codes, and with a possible extract report from the clerks system that notes "last event" and "date of last event" staff may be able to research and determine if there was an order staying/inactivating the case. With fewer codes, staff may be able to work with clerks to get these type of extract reports. Frankly, clerks in small counties will a lot of difficulty capturing any data beyond active/inactive/closed.
2. Limit the "Event" reporting to ONLY the "Last Event" , "Date of Last Event" and Status Code otherwise this gets way to cumbersome. Don't try to capture all events and dates of status change through this report. If we want interim time and event analysis , we can do that with sampling.

Eric will be calling with some other thoughts and to discuss in detail..

Thanks again for the chance to comment.

Rick

From: P.J. Stockdale [mailto:pstockdale@recovs.org]
Sent: Wednesday, July 07, 2010 5:06 PM
To: P.J. Stockdale; Callanan, Richard
Cc: Kristine Slayden; Arlene Johnson
Subject: RE: ECONRECOV: Prototype of Foreclosure Case Tracking System

Rick,

Just wanted to follow up on your thoughts for the foreclosure case tracking application. Mike has suggested reducing the SRS case types to one single type "Real Property/Mortgage Foreclosure" as there isn't any real need to break it out further. It seems clear from the ongoing discussion up here that the primary purpose of this reporting application is to capture some solid activity data about foreclosure cases rather than disposition data on specific case types so I am very interested in your take on the status values. The challenge is to define case status changes that are broad enough that it is practical to capture the data while making them specific enough to describe the evolution of the case. We've had some good input from Mike and Judge Bailey in this area.

I apologize for rushing a little but we are trying to lock down the details so that we can present to the Court Statistics and Workload Committee on Monday. I look forward to hearing from you.

PJ

PJ Stockdale

Senior Court Statistics Consultant

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(fax) 850.414.1342

From: P.J. Stockdale
Sent: Thursday, July 01, 2010 3:56 PM
To: Richard Callanan; Mike Bridenback
Cc: Kristine Slayden; Arlene Johnson
Subject: RE: ECONRECOV: Prototype of Foreclosure Case Tracking System

Rick,

Thanks for the quick response. The clerks in each county will be providing OSCA with a base list of pending foreclosure cases outstanding as of June 30, 2010. The OSCA will preload a set of workbooks for each circuit. Assuming the Court Statistics and Workload Committee signs off on the data plan, we expect to have the working data out to the circuits by 7/16.

I understand what you are saying, Rick. It is something we struggled with as we put this together. Coming up with something that will help those circuits that need it without hobbling the operations of other circuits has been quite a challenge. Of course, that is why we sent the workbooks out to you. Now is a good time for some feedback and discussion.

I look forward to hearing from you.

Thanks again

PJ

PJ Stockdale

Senior Court Statistics Consultant

OSCA - Court Services

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(fax) 850.414.1342

From: Callanan, Richard [REDACTED]
Sent: Thursday, July 01, 2010 3:10 PM
To: P.J. Stockdale; Mike Bridenback
Cc: Kristine Slayden; Arlene Johnson
Subject: Re: ECONRECOV: Prototype of Foreclosure Case Tracking System

PJ

Thank you for the chance to review and comment. Will the clerks or osca be providing the base list/excel file of pending cases? I am reviewing this with my IT, statistical reporting and civil folks and will get you comments next week.

As I mentioned to you, I understand the need for case status tracking to identify delayed cases and we have local MIS pending case reports from most clerks already to help track and move cases. I don't think having a case manager data enter this manually for 59000 cases is the best way to do this on case by case basis.

That said we are looking at ways to pull the majority of these status codes from clerk database and will

20th Circuit - integrity. Fairness. Service

On Jul 1, 2010 2:24 PM, P.J. Stockdale [REDACTED] wrote:

Mike, Rick,

Please find attached a copy of the Foreclosure and Economic Recovery Case Tracking System (fercts_level_v10-8-1a.xls). We know it isn't a complete solution but I guess the first question we have is whether this application is workable to capture this data. The idea was to find some balance between the needs of small and large circuits. I would be most appreciative to hear your suggestions on how we might make this application more usable for the initiative staff. There are still a few minor bugs that we are working out but all the major components work. In order to meet our deadline to get the workbooks out to the circuits by 7/16, I will need to finalize the application by next Friday (7/9)

I've also attached a draft summary which contains a brief overview of the application and a list of the data captured along with their definitions. Mostly we used the standard SRS definitions. However, there are two fields, case status and reopen closed date that do not have SRS definitions. We have proposed a definition for these fields that we believe to be consistent with SRS that should help initiative staff complete the workbooks. Please take a look at these, particularly the one for reopen closed date. Does this seem to be a workable definition for this project?

Since this tracking application is based upon VBA macros, there are a few steps that need to be taken to get it installed and running. I've attached a set of installations instructions but you may want to have one of your IT people set it up. Please have your IT folks give me a call, if needed, and I'll go through it with them.

I look forward to hearing from you. Thanks

PJ

PJ Stockdale

Senior Court Statistics Consultant

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Bridenback, Mike

From: Barbara Dawicke [redacted]
Sent: Friday, August 27, 2010 9:50 AM
To: Bridenback, Mike
Subject: RE: Foreclosure questions

Thank you.

From: Bridenback, Mike [mailto:BRIDENML@fjud13.org]
Sent: Friday, August 27, 2010 9:36 AM
To: Barbara Dawicke
Subject: RE: Foreclosure questions

Michael L. Bridenback
Court Administrator
800 E. Twiggs Street, Suite 604
Tampa, FL 33602
p: 813.272.5894
f: 813.301.3800
[redacted]
www.fjud13.org



From: Barbara Dawicke [mailto:barbaradawicke@pcgdy.org]
Sent: Monday, August 23, 2010 10:52 AM
To: Trial Court Administrators
Subject: Foreclosure questions

Dear All:

If possible, please help me out with the following questions by responding by this Wednesday or Thursday (August 25th or 26th):

1. When a summary judgment is entered by the Court, it takes approximately how long before the information is docketed by the clerk? Varies but usually within a few days
2. In your circuit, is there a delay with the clerk holding the sales of the foreclosed properties? If so, what is that lag time? Sales are scheduled 4 to 6 weeks out from the final judgment date.
3. In your circuit, what is the time of sale to issuance of certificate of title? Do not know
4. In your circuit, is there a lag time with the docketing of other foreclosure documents (other than summary judgments) and if so, approximately how long does it take the docket to reflect the filing? Yes, but again it varies but usually within a few days. The greater problem is get the paperwork in the file before a hearing is scheduled.
5. What is the standard docket time for a newly filed foreclosure filing? We have an automated calendaring system which the attorney go online and schedule their hearings. We allow time for up to 150 cases per daily docket

and we have 2 dockets each day. Our experience so far is the attorneys are not filling up the allotted time so our average number cases per docket is around 100.

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.

Melendi, Rick

From: Bridenback, Mike
Sent: Monday, November 15, 2010 9:56 AM
To: Nauman, Chris; Melendi, Rick; Snavely, Carla
Subject: FW: Letter to Chief Justice Canady
Attachments: Ltr to Chief Justice Canady.FINAL.pdf

See reference in letter regarding Hillsborough county.

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From: Lisa Goodner [<mailto:goodnerl@flcourts.org>]
Sent: Monday, November 15, 2010 9:51 AM
To: Trial Court Chief Judges; Trial Court Administrators
Cc: OSCA-MANAGERS
Subject: FW: Letter to Chief Justice Canady

FYI.

Lisa

From: Larry Schwartztol [<mailto:lschwartztol@aclu.org>]
Sent: Friday, November 12, 2010 7:07 PM
To: Craig Waters
Subject: Letter to Chief Justice Canady

Craig,

I hope this email finds you well. As I mentioned earlier today, the ACLU is working with a coalition of organizations representing members of the Florida news media to protest barriers to access to foreclosure proceedings around the state of Florida. The attached letter will be delivered by UPS to the Chief Justice on Monday morning, and we expect to issue a press release that afternoon. In order to give the Chief Justice advance notice, we wanted to send this to you now. If you wouldn't mind forwarding this to the Chief Justice, I would greatly appreciate it.

Best,

Larry

Larry Schwartztol | Staff Attorney
Racial Justice Program
The American Civil Liberties Union
125 Broad Street, 18th Floor | New York, NY 10004
Phone: 212-519-7849

This e-mail message is intended only for the named recipient(s) above, and may contain information that is confidential or privileged. If you are not the intended recipient, please advise the sender immediately by reply e-mail and delete this message and any attachments without retaining a copy.



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Chief Justice Charles T. Canady
Florida Supreme Court
500 South Duval Street
Tallahassee, FL 32399-1925

November 12, 2010

Dear Chief Justice Canady,

We write to express our concern that the right to open access to judicial proceedings is being unduly impeded in foreclosure proceedings around the state. Our organizations have received numerous reports that extraordinary barriers to access are preventing members of the general public, as well as representatives of the news media, from observing foreclosure proceedings in judicial circuits around the state. We believe these barriers undercut the transparency of the judicial process; they also violate the strong presumption of open access to judicial proceedings under Florida law. We urge you to take action to secure the public's right to observe the workings of the judicial system.

As you know, Florida law recognizes a strong presumption in favor of open access to judicial proceedings. We have no objection, of course, to ordinary security screening measures. We are concerned, however, that the barriers to access here go far beyond such measures, leaving members of the public and press subject to the discretion of individual foreclosure judges to admit or exclude them.

The reports we have received come from all around the state, and although the precise nature of the barriers to access varies, a troubling pattern emerges: foreclosure divisions recently established by the judicial circuits have been operating under a presumption of closure to members of the general public, rather than the presumption of openness mandated by Florida law. An illustrative, but not exhaustive, list of encounters that have been reported to our organizations since August 2010 follows:

- A court observer in Hillsborough County called the court to ask about the rules governing attendance at foreclosure proceedings and was told that the proceedings were not open to the public.
- A pro se defendant in Duval County was told by a member of court security that she could not access foreclosure proceedings because only attorneys were permitted.
- A court observer called the Orange County courthouse to ask about attending foreclosure proceedings. She was informed that foreclosure hearings were held "in private chambers" and therefore not open to the public.

- In Citrus County, an individual preparing to mount a pro se defense in his own foreclosure case attempted to attend foreclosure hearings in advance of his own so that he could know what to expect when his case was heard. He was told that foreclosure hearings are “private” and take place in judges’ chambers, and that he would not be permitted to observe them.
- Most recently, a legal aid attorney in Jacksonville attended a foreclosure proceeding accompanied by a reporter from Rolling Stone Magazine. Neither the attorney nor the reporter did anything disruptive to the proceedings. At one point the reporter left the proceedings in order to interview a pro se litigant whose case had just been heard. Later that day, the judge sent an email to the attorney castigating her for bringing the reporter into the proceedings. He stated that, while “attorneys are welcome in Chambers at their leisure,” members of the media are “permitted” entry only upon “proper request to the security officer.” He further informed the attorney that she “did not have authority to take anyone back to chambers without proper screening” and stated that her “apparent authorization that the reporter could pursue a property owner immediately out of Chambers into the hallway for an interview” may be “sited [sic] for possible contempt charges in the future.”¹

In raising our concerns about this pattern of exclusion, we rely on the extensive body of case law that has made Florida a model for open government. Systematically excluding members of the press and public from judicial foreclosure proceedings violates the robust guarantee of open access to courts provided by Florida law. This Court has held that “both civil and criminal court proceedings in Florida are public events and adhere to the well established common law right of access to court proceedings and records.” *Barron v. Fla. Freedom Newspapers, Inc.*, 531 So. 2d 113, 116 (Fla. 1988); see also Fla. R. Jud. Admin. 2.420 (codifying public right of access to records of the judiciary). *Barron* articulated this right of access in forceful terms. It emphasized that “a strong presumption of openness exists for all court proceedings” and outlined the carefully circumscribed exceptions to this broad rule:

[C]losure of court proceedings or records should occur only when necessary (a) to comply with established public policy set forth in the constitution, statutes, rules, or case law; (b) to protect trade secrets; (c) to protect a compelling governmental interest [e.g., national security; confidential informants]; (d) to obtain evidence to properly determine legal issues in a case; (e) to avoid substantial injury to innocent third parties [e.g., to protect young witnesses from offensive testimony; to protect children in a divorce]; or (f) to avoid substantial injury to a party by disclosure of matters protected by a common law or privacy right not generally inherent in the specific type of civil proceeding sought to be closed.

¹ Since the incident in Duval County was particularly egregious, we have also asked that Chief Judge Moran consider appropriate action.

Id., at 118. Even in these exceptional circumstances, “before entering a closure order, the trial court shall determine that no reasonable alternative is available to accomplish the desired result, and, if none exists, the trial court must use the least restrictive closure necessary to accomplish its purpose.” *Id.*

The protection of public access to judicial proceedings serves fundamental constitutional values. In particular, the “value of openness lies in the fact that people not actually attending trials can have confidence that standards of fairness are being observed; the sure knowledge that *anyone* is free to attend gives assurance that established procedures are being followed and that deviations will become known.” *Sarasota Herald-Tribune v. State*, 924 So. 2d 8, 12 (Fla. 2d DCA 2005) (quoting *Press-Enter. Co. v. Super. Ct.*, 464 U.S. 501, 508 (1984)). “A trial courtroom is a public place where people have a general right to be present, and what transpires in the courtroom is public property.” *Plaintiff B v. Francis*, No. 5:08-cv-79, 2010 WL 503067, *2 (N.D. Fla. Feb. 5, 2010). Foreclosure proceedings are currently a matter of intense public interest. Indeed, the media has, in recent months, scrutinized them for possible procedural deficiencies. *See, e.g.*, Gretchen Morgenson and Geraldine Fabrikant, *Florida's High-Speed Answer to a Foreclosure Mess*, N.Y. TIMES, Sept. 14, 2010; Polyana da Costa, *Before Foreclosing, Judges Must Hear Out Homeowners*, MIAMI DAILY BUS. REV., Oct. 14, 2010.

As the examples outlined above show, Florida’s presumption of openness is being inverted in the context of foreclosure proceedings: courts across the state are effectively imposing a presumption of closure, which may be overcome only by special permission to observe proceedings. In effect, only those who actively assert their right of access in the face of initial barriers, and then ultimately receive permission, may exercise their right to observe foreclosure hearings.

Under Florida law, there are few justifications that can counterbalance the right to access. Even when those exceptional circumstances exist, the court must still determine that no more narrowly tailored alternative is available. *Barron*, 531 So. 2d at 118; *see also Globe Newspaper Co. v. Super. Ct. for the County of Norfolk*, 457 U.S. 596 (1982) (invalidating statute closing trials for certain sex offenses involving minors where state had a “compelling” interest in protecting minors’ privacy but where the court “offered no empirical support” that closure would effectively further that interest). There is no indication that closure of foreclosure courts occurs only when such rigorous analysis has taken place. Indeed, the opposite appears to be true: by choosing to conduct foreclosure hearings in “private” conference rooms or judicial chambers and treat those as closed proceedings, the burden shifts to members of the press or public to convince the court to allow access.

We recognize that the heavy volume of foreclosure cases has led to difficulties finding judges and courtrooms to hear the cases. As a result, some cases are being held in chambers for lack of an available traditional courtroom. Nevertheless, the proceedings must be open, even if they are held temporarily in a smaller and less formal physical

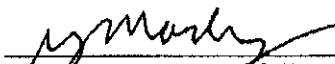
setting than usual. While we understand the necessity for ordinary and uniform security screening procedures, the unavailability of a traditional courtroom cannot justify a deprivation of the rights established under Florida law and the U.S. Constitution.


This Court has noted that the press plays an indispensable role in maintaining "the judicial system's credibility in a free society." *Barron*, 531 So. 2d at 116. That credibility cannot be maintained when members of the public and media are dependent on the indulgence of the presiding judge to allow them to observe important judicial proceedings.

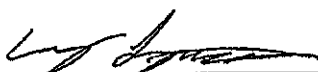
It is our sincere hope that we, and other representatives of the media, will be able to avoid instituting litigation over the issue of access to foreclosure proceedings. We do face certain time constraints, however, because Florida Rule of Appellate Procedure 9.100(d) provides for expedited review of orders excluding the public and media from judicial proceedings, and it requires such petitions to be filed within 30 days of an exclusion order.²


Accordingly, we respectfully urge you to take corrective action to ensure citizen and press access as guaranteed by Florida's right-of-access jurisprudence. In particular, we ask that you promulgate an Administrative Order or take other expeditious and appropriate action to ensure that both the public and media may observe proceedings consistent with Florida law and subject only to ordinary security measures

We thank you for your attention to this important matter.

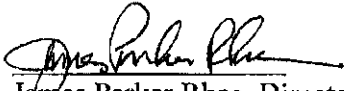

Sam Morley, General Counsel
The Florida Press Association


Talbot D'Alemberte, Bar No. 0017529
The Florida Press Association


Larry Schwartz, Staff Attorney
The American Civil Liberties Union


Randall Marshall, Legal Director
The American Civil Liberties Union of Florida

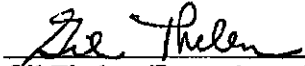
² The incident in Duval County occurred on October 26th. Accordingly, the last day to file a petition for review pursuant to Rule 9.100(d) is November 29th.



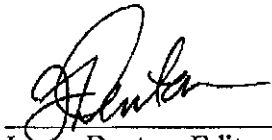
James Parker Rhea, Director & General Counsel
The First Amendment Foundation



C. Patrick Roberts, President & CEO
Florida Association of Broadcasters



Gil Thelen, Executive Director
The Florida Society of Newspaper Editors



James Denton, Editor
The Florida Times-Union

Melendi, Rick

From: Bridenback, Mike
Sent: Tuesday, November 23, 2010 7:17 PM
To: Rowland, Dave; Nauman, Chris; Melendi, Rick
Subject: Fwd: ACLU Request - Clarification of Item #4

Sent from my iPhone

Begin forwarded message:

From: "Laura Rush" <RushL@flcourts.org>
Date: November 23, 2010 5:55:35 PM EST
To: "Trial Court Administrators" <TrialCourtAdministrators@flcourts.org>
Cc: <LKearson@jud11.flcourts.org>, "Berghorn, Robin" <ctlcrb1@ocnjcc.org>, "Lisa DeBrauwere" <debrauwerel@jud14.flcourts.org>
Subject: **ACLU Request - Clarification of Item #4**

All,

ACLU agreed to the following revision to request item #4:

All records of the judicial branch that concern planning, proposing, creating, reviewing, approving, revising or distributing training for general magistrates or senior judges to preside over foreclosure cases. This request includes, but is not limited to, any manuals or other training materials provided to general magistrates or senior judges assigned to preside over foreclosure cases.

This request is not intended to encompass logistical e-mail, e.g., committee meeting notices, but is intended to encompass records preceding final work products.

Sincerely,

Laura Rush

General Counsel

Office of the State Courts Administrator

500 South Duval Street

Tallahassee, FL 32399-1900

(850) 488-1824

Hickmon,Angelina

From: Melendi, Rick
Sent: Thursday, July 01, 2010 12:04 PM
To: Wells, Tracy; Sequeria, Maria; Hickmon, Angelina
Cc: Schemenauer, Jayson; Roberts, Julie
Subject: JAWS Training

A group JAWS Training has been scheduled with Jayson of Presidio for 9:00 a.m. tomorrow in the Network Operations Center (NOC). Jayson will meet you in the 6th floor lobby area and will take you back.

Thank you.

Valdes,Ryan

From: Melendi, Rick
Sent: Thursday, September 16, 2010 7:11 PM
To: Valdes,Ryan; Hickmon,Angelina; Moreno,Elisa; Sequeira, Maria; Gammage,Trillany; Schatzberg,Beth
Cc: Wells, Tracy
Subject: FW: Foreclosure motions

Please read the email below from Judge Barton to all Circuit Civil Judges and Judicial Assistants reminding them of the procedures for all motion scheduling in Sections I & II and the referrals of motions by the sr. judges to the original circuit civil division. Please note in red below, Judge Barton's directive regarding the referrals of motions made by the sr. judges back to the original division and the tagging of the files at the time of the hearing. As it relates to workflow processes, the case manager shall be responsible for tagging the file (noting the original division circuit civil by letter division via post-it note on the court file) in the courtroom at the time the referral is made by the sr. judge. The case managers shall also be responsible for delivering the tagged files to the originally assigned circuit civil divisions – judicial assistant immediately following the conclusion of the a.m. or p.m. docket.

If you should have any questions, please get with me.

Thank you.

From: Barton, James
Sent: Wednesday, September 15, 2010 4:59 PM
To: CIRCCIVJUD
Cc: CIRCCIVJA; Melendi, Rick
Subject: Foreclosure motions

Please make sure that, when an attorney's office calls to schedule a motion hearing in a residential foreclosure case (i.e., motions to dismiss, motions to strike, etc.), the attorney is told to schedule the hearing on JAWS with the appropriate foreclosure Section. If the motion has been referred by a Section senior judge back to the original circuit civil division judge because the motion is complex or for some other reason, the attorney should be told to set the matter on the original circuit civil division judge's calendar.

Mr. Melendi should inform the Section teams to tag the files where a senior judge refers a motion back to a regular division judge and to send those files to the division judge's JA.

Schatzberg, Beth

From: Schatzberg, Beth
Sent: Friday, October 29, 2010 9:15 AM
To: Melendi, Rick; Wells, Tracy
Cc: Gammage, Trillany
Subject: policy on translator

Happy Friday! I know that we are not required to provide a translator, but we had a need yesterday & we were trying to find someone because Judge Evans was insistent on having someone for the last hearing of the day. How would you both like for us to proceed in the future so that we are all on the same page?

Thanks!
Beth

Beth M. Schatzberg
Case Manager
Sect. II Mortgage Foreclosures
Hillsborough County Courthouse
800 E. Twiggs St., Ste. 425
(813) 272-8578

Schatzberg, Beth

From: Schatzberg, Beth
Sent: Wednesday, December 15, 2010 12:06 PM
To: Melendi, Rick
Subject: RE: CMC Docket Annotations

I had the managing partner ask me today if the Uniform Summary Judgment going to change to conform to the Supreme Court Ruling recently handed down. Marshall Watson is trying to get a grasp on each county's decision with the matter. Have you heard anything about this?

Beth

From: Melendi, Rick
Sent: Friday, December 10, 2010 5:09 PM
To: Hickmon, Angelina; Moreno, Elisa; Gammage, Trillany; Schatzberg, Beth
Cc: Wells, Tracy; Greno, Linda; Cash, Kim
Subject: CMC Docket Annotations

Below is a copy of the Order on Case Management Conference that will be signed by the Judge. Depending on what section of the Order the Judge checks off below, in "red" is the corresponding annotation entry that needs to be noted on the docket in each case for purposes of data entry. At the end of each a.m./p.m. docket session, please deliver the annotated docket to Tracy Wells.

ORDER ON CASE MANAGEMENT CONFERENCE

___ Plaintiff's counsel and/or plaintiff having failed to appear, this action is DISMISSED without prejudice. Dism'd = Dismissed

___ Defendant having failed to appear, the pleadings filed therein are hereby STRICKEN and a default is hereby entered and Plaintiff shall schedule a Motion for Summary Judgment hearing within sixty (60) days of this Order. A = Active

___ The Defendant has filed BANKRUPTCY. Therefore the Clerk of the Circuit Court shall REMOVE THIS CAUSE FROM ACTIVE PENDING. B = Bankruptcy

___ The Parties have agreed to a SETTLEMENT. Therefore the Clerk of the Circuit Court shall REMOVE THIS CASE FROM ACTIVE PENDING. If this cause goes into Default, the Plaintiff may reinstate the matter and move forward with their case. S = Settlement

___ Plaintiff and Defendant having appeared, this case remains on the trial schedule beginning the week of January 24, 2011. T = Trial

___ Other: If the Judge checks this section and Orders something other than the above, please note on the docket in narrative form what the judge ordered.

Moreno,Elisa

From: Melendi, Rick
Sent: Friday, November 19, 2010 12:22 PM
To: Hickmon,Angelina; Moreno,Elisa; Valdes,Ryan; caranant@hillsclerk.com; healy@hillsclerk.com; Causey,Michael
Cc: Wells, Tracy; Bridenback, Mike; Snavelly Carla; Greno, Linda; Barton, James ; Albury, Janice; Schatzberg,Beth; Gammage,Trillany; Sequeira, Maria; Roberts, Julie; Drake, Patricia; Stafford, Becki; Gant, Kimberly; Taylor, Kenneth
Subject: Section I - Mortgage Foreclosure Hearings - week of November 29, 2010

Dear All,

Please be advised that starting the week of November 29, 2010 to June 30, 2011, Section I – Mortgage Foreclosure hearings will be conducted in CR 500. The only exception to the above are the weeks of January 31, 2011 and March 7, 2011 and March 14, 2011. During those three (3) weeks only, Section I will conduct its hearings in CR 501 (Arnold).

If any of you should have any questions, please do not hesitate to contact me.

Moreno,Elisa

From: Melendi, Rick
Sent: Tuesday, October 12, 2010 8:18 AM
To: Moreno,Elisa; Hickmon,Angelina; Schatzberg,Beth; Gammage,Trillany
Cc: Wells, Tracy; Greno, Linda
Subject: Docket Annotations

Good Morning,

As a result of the increase in hearing cancellations, annotations to the docket will need to start reflecting the reason for cancellation or resetting of the hearing. This information will assist in accurately reporting the monthly data for all hearings.

Therefore, if a hearing is cancelled or reset, the annotation on the docket needs to state a reason and should read as follows:

Cancellation (why?): Annotation: affidavit review/review of documents - by whom (client review = bank, law firm review or other reason?)

Reset (why?): Annotation – client hold, document review or affidavit review - by whom (client review = bank, law firm review or other reason?)

FTA – by whom? Reason:?

Note: Please refrain from using Cancellation/Reset - Internal Review (I/R), as an annotation: unless, you provide more specificity as to the reason (e.g., affidavit review/review of documents - by whom (client review = bank, law firm review or other reason?) for the cancellation or resetting of the hearing. The reason for the cancellation/resetting will need to be entered into the comment section for purposes of the data entry.

Annotations – to be used:

No Final Judgment Packet (No FJP): Annotation = I/P (Insufficient Pleading or Documentation)

No Packet: Annotation: I/P (Insufficient Pleading or Documentation)

No Mortgage and Note: Annotation = I/P (Insufficient Pleading or Documentation)

No Note: Annotation = I/P (Insufficient Pleading or Documentation)

No Mortgage: Annotation = I/P (Insufficient Pleading or Documentation)

This annotation document/cheat sheet is a work in progress and subject to further modification as we come across other annotations that are not clear for purposes of data entry.

Moreno,Elisa

From: Wells, Tracy
Sent: Thursday, July 22, 2010 4:52 PM
To: Moreno,Elisa
Subject: RE: TRAINING ON MONDAY

No problem. At this point Elisa I can't see any more so I missed it 😊.

T.

From: Moreno,Elisa
Sent: Thursday, July 22, 2010 4:50 PM
To: Wells, Tracy
Subject: RE: TRAINING ON MONDAY

Sorry Tracy, I misspelled your name 😊

From: Wells, Tracy
Sent: Thursday, July 22, 2010 4:47 PM
To: Hickmon,Angelina; Moreno,Elisa; Valdes,Ryan
Cc: Melendi, Rick; Flores,Roberto
Subject: TRAINING ON MONDAY

ATTENTION:

Training is scheduled for **Monday at 9:00 a.m.** for **Section I** to be introduced to the new Foreclosure & Economic Recovery Case Tracking System.

We will meet on the 6th floor of the Edgecomb in Conference Room B.

T.

Nauman, Chris

From: Nauman, Chris
Sent: Thursday, October 28, 2010 2:34 PM
To: Nauman, Chris
Subject: FW: Meeting

ACLU PRR

From: Melendi, Rick
Sent: Monday, July 26, 2010 1:53 PM
To: Nauman, Chris
Subject: FW: Meeting

Chris,

Did you receive this email? Did not know if Dave was going to have you cover. Better to be safe, than sorry!!

From: Bridenback, Mike
Sent: Monday, July 26, 2010 11:37 AM
To: ExecutiveTeam
Subject: Meeting

Today's meeting will be at 2 pm. It is very important that you attend. I do not wish to have to explain the issues discussed individually. The topics are:

- 1) Budget Cuts
- 2) Salary Management
- 3) Foreclosure Backlog Project Staffing

Michael L. Bridenback
Court Administrator
800 E. Twiggs Street, Suite 604
Tampa, FL 33602
p: 813.272.5894
f: 813.301.3800
bridenml@fljud13.org
www.fljud13.org



Wells, Tracy

From: Wells, Tracy
Sent: Wednesday, August 04, 2010 10:30 AM
To: Melendi, Rick
Subject: RE: Meeting w/Ryan & Maria

Ok, thanks.

T.

From: Melendi, Rick
Sent: Wednesday, August 04, 2010 10:30 AM
To: Wells, Tracy
Subject: RE: Meeting w/Ryan & Maria

Ok, let's meet with them in the case manager area on the 5th floor (the judges' library).

From: Wells, Tracy
Sent: Wednesday, August 04, 2010 10:23 AM
To: Melendi, Rick
Subject: Meeting w/Ryan & Maria

Rick,

I spoke to both Ryan and Maria this morning. It appears that this afternoon around 4:00 p.m. would be better for them today. They have a full docket and need to be close to the phones.

I will bring them over once they arrive.

Thank you.

T.

PS: Maybe we could use Mike's conference room.

Wells, Tracy

From: Wells, Tracy
Sent: Thursday, August 12, 2010 12:23 PM
To: Hickmon, Angelina
Subject: RE: Meeting!!!

I am available whenever you need me. Just let me know what time you come up with.

T.

From: Hickmon, Angelina
Sent: Thursday, August 12, 2010 12:14 PM
To: Schatzberg, Beth; Gammage, Trillany; Sequeira, Maria; Moreno, Elisa; Wells, Tracy; Valdes, Ryan
Subject: Meeting!!!

Hello Ladies,

What time will you be free on Wednesday August 18th? We would like to get together for a meeting about some of the things that have come up in the hearings.

Wells, Tracy

From: Melendi, Rick
Sent: Thursday, September 16, 2010 7:11 PM
To: Valdes, Ryan; Hickmon, Angelina; Moreno, Elisa; Sequeira, Maria; Gammage, Trillany; Schatzberg, Beth
Cc: Wells, Tracy
Subject: FW: Foreclosure motions

Please read the email below from Judge Barton to all Circuit Civil Judges and Judicial Assistants reminding them of the procedures for all motion scheduling in Sections I & II and the referrals of motions by the sr. judges to the original circuit civil division. Please note in red below, Judge Barton's directive regarding the referrals of motions made by the sr. judges back to the original division and the tagging of the files at the time of the hearing. As it relates to workflow processes, the case manager shall be responsible for tagging the file (noting the original division circuit civil by letter division via post-it note on the court file) in the courtroom at the time the referral is made by the sr. judge. The case managers shall also be responsible for delivering the tagged files to the originally assigned circuit civil divisions – judicial assistant immediately following the conclusion of the a.m. or p.m. docket.

If you should have any questions, please get with me.

Thank you.

From: Barton, James
Sent: Wednesday, September 15, 2010 4:59 PM
To: CIRCCIVJUD
Cc: CIRCCIVJA; Melendi, Rick
Subject: Foreclosure motions

Please make sure that, when an attorney's office calls to schedule a motion hearing in a residential foreclosure case (i.e., motions to dismiss, motions to strike, etc.), the attorney is told to schedule the hearing on JAWS with the appropriate foreclosure Section. If the motion has been referred by a Section senior judge back to the original circuit civil division judge because the motion is complex or for some other reason, the attorney should be told to set the matter on the original circuit civil division judge's calendar.

Mr. Melendi should inform the Section teams to tag the files where a senior judge refers a motion back to a regular division judge and to send those files to the division judge's JA.

Questions?

Wells, Tracy

From: Schatzberg, Beth
Sent: Friday, September 24, 2010 1:22 PM
To: Wells, Tracy
Subject: RE: Meeting today

This atty was in our courtroom yesterday afternoon & blogged about it right afterwards -

Matt Weidner Blog

- [front page](#)
- [Attorney](#)
- [Foreclosures and Weidner In the News](#)
- [Contact](#)
- [RSS](#)

The Law Offices of
Matthew Weidner, P.A.
Attorneys at Law

For a free, no-obligation consultation, call

727.894.3159

What Will It Take To Stop This Madness? Local Television on Foreclosure Fraud.

September 24th, 2010 • [Foreclosure](#)

[Watch this at Tampa Bay Online](#)

National, regional and local press are reporting the serious issues relating to Foreclosure Fraud nearly every day now. A handful of honest judge with integrity are taking notice of the fraud in the foreclosure process and holding the lawyers and their clients to task. A ranking member of the United States Congress has written a letter to the Chief Justice asking for a moratorium on foreclosures. And yet in spite of all of this, across this state, oftentimes in secret courtrooms that are hidden from the public using evidence and information that is hidden from the scrutiny of press or public view, judges will be signing thousands of foreclosure judgments.

I was in one of those secret Kafka-esque courtrooms in Tampa yesterday. I made the speech I just made to the judge as he was in the middle of robo signing hundreds of judgments. He seemed annoyed at my presence in the courtroom and my suggestion that there was anything at all wrong with the process. We all know this is horribly wrong and like a sick patient that ignores his symptoms before it's too late, the longer we allow this to play out, the worse the day of reckoning will be. One of my motivations early on was to bring attention to this crisis in the hopes that officials would step up and stop this madness. Our Attorney General is to be commended for taking the lead in this crisis... we can only hope that the Office of Attorney General maintains the integrity necessary to give these investigations their full force and impact.

Share

[Tweet this!](#)

Share and Enjoy:

Bridenback, Mike

From: Heather Thuotte-Pierson [REDACTED]
Sent: Friday, May 07, 2010 11:27 AM
To: Trial Court Chief Judges; Trial Court Administrators
Cc: Lisa Goodner; Kristine Slayden; Sharon Buckingham; Charlotte Jerrett; Dorothy Wilson; Arlene Johnson; Patty Harris; Theresa Westerfield; Elizabeth Garber; Greg Youchock; Gary Phillips
Subject: Foreclosure and Economic Recovery Program Allocations
Attachments: Foreclosure and Economic Recovery Program.pdf; ForeclosureandEconomicRecovery_Distribution.xls

Follow Up Flag: Follow up
Flag Status: Completed

Good morning,

The Legislature appropriated funding for the Foreclosure and Economic Recovery Program in the amount of \$5,955,606 for FY 2010/11 to the trial courts. These non-recurring funds will be used to provide temporary resources in the trial courts to eliminate backlog in the civil areas. We will be sending information on target backlog reduction goals as well as parameters for implementation and clerk involvement in this program after the May 20, 2010 Trial Court Budget Commission meeting.

The amount of funding authority appropriated for this program is less than the amount originally requested, thus the estimated allotment for each circuit also has been adjusted. You will find the estimated allocation by circuit along with estimated backlog cases in the attached PDF file – Foreclosure and Economic Recovery Program. **Considering your adjusted allocation, please indicate, using the attached ForeclosureandEconomicRecovery _ Distribution spreadsheet, how you would like the funds for your circuit distributed – by category and element.** For every element (General Magistrates and/or Senior Judges, Case Managers, General Magistrate/Senior Judge Admin Support and Mediation Admin Support) specify the dollar amount and category in which the funds should be allocated - OPS, contracted services and/or expenses dollars. To allow for maximum flexibility, funds may be expended in one or all of the elements.

As a reminder, the funding methodology developed for this proposal is based on the number of backlogged cases (in the civil areas) in each circuit. A ratio of one General Magistrate, one Case Manager and two Administrative Support positions for every 15,000 backlogged cases was applied to estimate need. One Administrative Support position is dedicated to mediation for the coordination of civil cases covered under this program with the exclusion of residential homestead mortgage foreclosure cases handled through the managed mediation program. The annual salaries used to calculate the allocation amounts were approximately: \$79,688 for General Magistrates, \$39,126 for Case Managers, and \$26,090 for Admin Support.

Additional information is also needed again from the circuits as to how economic recovery resources will be deployed circuit-wide. Court leadership would like to be able to share this information with the clerks so they can plan accordingly, since they were appropriated \$3.6 million to support our initiative. Please provide:


-The amount of **magistrate/senior judge FTE's** that will be assigned in **each county** based on the expected workload from the backlogged cases. *Note: Single county circuits can ignore this question.*

-If you have multiple **magistrate/senior judge FTE's** in the proposal, what is the maximum number of courtrooms that will be scheduled at any one time **in each county**?

As usual we are under a tight timeframe. Please respond by **Wednesday, May 12th C.O.B.**

Please let me know if you have any questions or concerns.

Thanks,
Heather

Heather Thuotte-Pierson
Office of the State Courts Administrator
Court Statistics Consultant
(850) 410-3376


**Foreclosure and Economic Recovery
Fiscal Year 2010/11 Proposed Allocation**

Circuit	Estimated Number of Backlog Cases (FY 2006-07 to FY 2010-11) ¹	FY 2010/11 Proposed Allocation
1	17,739	\$106,365
2	7,134	\$106,365
3	2,356	\$64,261
4	30,144	\$212,729
5	28,511	\$212,729
6	51,993	\$317,752
7	27,851	\$212,729
8	3,404	\$106,365
9	65,989	\$425,457
10	15,992	\$106,365
11	126,197	\$862,053
12	37,077	\$212,729
13	55,143	\$427,504
14	6,118	\$106,365
15	86,380	\$646,540
16	3,650	\$106,365
17	86,912	\$646,540
18	45,850	\$319,094
19	27,532	\$212,729
20	59,091	\$425,458
Total	785,063	\$5,836,494
2% Expense Contingency		\$119,112
Economic Recovery Funding Authority		\$5,955,606

¹ Estimated Number of Backlog Cases calculated for contract and indebtedness, real property/mortgage foreclosure, and county civil (\$5,001 to \$15,000) cases. Backlog cases were determined by subtracting the number of dispositions from the number of filings. The official trial court statistics were used for fiscal year 2006-07 to 2008-09, annualized data (July to October) were used for fiscal year 2009-10, and certification

² Estimates that 42% of backlog cases can be processed with resources funded through the Foreclosure and Economic Recovery Proposal

Foreclosure and Economic Recovery Program (05/2010)

Circuit _____

General Magistrates				
OPS	Contracted Services	GM/Senior Judge Expense	Senior Judge Days @ \$350 a day	Total
				\$0.00

Case Managers			
OPS	Contracted Services	Expense	Total
			\$0.00

General Magistrate/Senior Judge Admin Support			
OPS	Contracted Services	Expense	Total
			\$0.00

Mediation Admin Support			
OPS	Contractual Services	Expense	Total
			\$0.00


Bridenback, Mike

From: Barton, James
Sent: Monday, May 24, 2010 9:11 AM
To: Bridenback, Mike
Subject: RE: Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11

Shouldn't we start lining up the senior judges now? I'm ready to start using them July 1.

From: Bridenback, Mike
Sent: Friday, May 21, 2010 3:31 PM
To: Barton, James ; Melendi, Rick
Cc: Thullbery, Heather
Subject: FW: Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11

Our plan was approved. We can proceed with recruitment of the 4 court Program Specialist II's and 2 senior secretaries. Rick, you should not try to get commitments from senior judges. When we hear from the clerk about their resources, we will need to escalate our plans to get this program in place by July 1.

Michael L. Bridenback
Court Administrator
800 E. Twiggs Street, Suite 604
Tampa, FL 33602
p: 813.272.5894
f: 813.301.3800

www.fjud13.org



From: Kristine Slayden [Redacted]
Sent: Friday, May 21, 2010 2:42 PM
To: Trial Court Chief Judges; Trial Court Administrators
Cc: Trial Court Budget Commission; Lisa Goodner; Charlotte Jerrett; Dorothy Wilson; Gary Phillips; Theresa Westerfield; Heather Thuotte-Pierson; Kristine Slayden; Sharon Bosley; Sharon Buckingham
Subject: Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11

Chief Judges/Trial Court Administrators – The Trial Court Budget Commission met yesterday and approved the following 5 issues for the implementation of the Foreclosure and Economic Recovery Funding for FY 2010/11. Any adjustments to your circuit's plan based on these decisions need to be emailed to Dorothy Wilson at [Redacted] by COB Tuesday, May 25th. Please refer to the bottom of this email for further submission instructions.

Please note that the allocations will be provided to the Chief Justice and the Legislature for final approval.

Issue 1: FY 2010/11 Funding Allocations Approved

- 1) Approved the FY 2010/11 circuit allocations for the Foreclosure and Economic Recovery Funding, with an adjustment to the contracted services category for case management and administrative support for the 10th, 12th, and 15th circuits (due to restrictions with using contractual dollars). The revised allocation chart is attached.
- 2) Approved effective date for the implementation of the circuits' plans so resources can be deployed on July 1, 2010, using existing FY 2009/10 funds for advertising if necessary.

Issue 2: Types of Cases and Disposition Goals Approved

- 1) Approved real property/mortgage foreclosure cases as the focus of this initiative. If a circuit has cleared all real property/mortgage foreclosure cases from backlog, the circuit may request in writing to the TCBC Chair, with a copy to the TCBC Budget Management Committee Chair, and to the State Courts Administrator, asking to use the funds to handle contracts and indebtedness cases, and county civil cases valued from \$5,001 to \$15,000.
- 2) Approved a targeted goal for the disposition of backlog cases of 62%, which corresponds to the reduction in funding (\$9.6 million proposal reduced down to \$6.0 million appropriation is a 38% reduction).

The attached chart indicates the targeted backlog reduction for the **estimated** Real Property/Mortgage Foreclosure backlog cases for each circuit. The actual number of backlog cases will need to be produced at the beginning of the initiative for tracking purposes.

Issue 3: Budget Policy Considerations Approved

- a) In order to comply with legislative intent, any expenditure of any type utilizing this funding is strictly limited to direct support of the backlog reduction of the approved case types listed in Issue 2.
- b) In order to ensure that senior judges who are assigned to the Foreclosure and Economic Recovery initiative are paid with the appropriate funds, the current senior judge application will be modified to allow circuits to specify from which funding source the senior judge should be paid. The Trial Court Administrators are responsible for ensuring that the information is reported properly.
- c) Expenditures from the Expense category are limited to intra-circuit travel for staff, intra- and inter-circuit travel for Senior Judges, consumable office supplies, postage, copying, printing and reproduction. To maximize the Expense allotment, circuits are encouraged to use existing resources or surplus furnishings for any office furniture needs for OPS staff and/or Senior Judges. Subscriptions and the like are not allowable expenditures for this funding, neither are computers or other communication devices as those items are a county funding responsibility.
- d) A contingency for the Expense category was approved in the original proposal and factored into the appropriated amount. In order to access these contingency funds, a circuit must have exhausted its Foreclosure and Economic Recovery Expense allotment. Requests for additional Expense are to be made in writing to the TCBC Chair, with a copy to the TCBC Budget Management Committee Chair, and to the State Courts Administrator. The request must provide a complete, detailed explanation of how Expense funding came to be exhausted, what steps were taken to alleviate the impending shortfall, the amount requested and how that amount was calculated.

Issue 4: Funding/Plan Monitoring Approved

- a. The Budget Management Committee (BMC) will monitor expenditures on a monthly basis to ensure that resources are only being used for the purpose of backlog reduction for the approved case types. In addition, the BMC will monitor case event data to ensure that expenditures correlate with the TCBC approved activities.
- b. The Supreme Court Inspector General will also be reviewing the Foreclosure and Economic Recovery initiative for potential inclusion in the branch's FY 2010/11 audit plan.

Issue 5: Clerk Assistance Approved

Information on in-courtroom resources (general magistrates and senior judges) that will be assigned in each county and the maximum number of courtrooms that will be scheduled at any one time in each county will be shared with clerks once it has been finalized (see attached chart – please update this information, if needed). The chief judge in each circuit should work with their clerks to ensure the clerks appropriately support their

plan. These plans need to be shared with the Office of the State Courts Administrator so that the legislature can be informed of the collaborative work on this issue. In addition, the TCBC approved the requirement that the clerks of court provide data support for this initiative.

Two other issues on performance measurement and FY 2011/12 Legislative Budget Request were postponed until the June 4th TCBC meeting.

Directions:

If the decisions above require you to modify your plan allocations, please make the adjustments and notify Dorothy Wilson of the specific changes to the allocation categories by email at [REDACTED] by COB, Tuesday, May 25, 2010. If no changes are needed, please indicate that in an email to Dorothy. In addition, if any changes in your allocations require a revision to the in courtroom resources, please provide that information also.

Listed below are the job classes and hourly rates for OPS positions that were used in the original proposal for the Foreclosure and Economic Recovery Funding. The TCBC approved the circuit allocations with direction to the circuits that they hire within these guidelines.

<u>Element</u>	<u>Position</u>	<u>Maximum rate</u>
Magistrates:	Magistrate	\$35.48 hourly
Case Management:	Court Program Specialist II	\$17.36 hourly
	Court Program Specialist I	\$14.58 hourly
	Court Program Specialist I	\$15.40 hourly w/ CAD – Hillsborough and Pinellas
	Court Program Specialist I	\$15.40 hourly w/ CAD – Broward, Dade, Monroe, Palm Beach
Admin. Support:	Senior Secretary	\$11.89 hourly
	Senior Secretary	\$12.10 hourly w/ CAD – Hillsborough and Pinellas
	Senior Secretary	\$12.48 hourly w/ CAD – Broward, Dade, Monroe, Palm Beach

This amount does not include the 7.65% FICA that needs to be added to the hourly rate.

Lastly, some circuits have already developed plans and position descriptions for the implementation of this initiative. You may want to check with our colleagues if you need some assistance in developing your own plan.

Please let me know if you have any questions. Kris

Kris Slayden
 Research and Data
 Office of the State Courts Administrator
 Florida Supreme Court
 500 S. Duval Street
 Tallahassee, Florida 32399
 850-922-5106 (wk)
 850-556-2335 (cell)
 850-414-1342 (fax)

Bridenback, Mike

From: Bridenback, Mike
Sent: Monday, May 24, 2010 9:37 AM
To: Melendi, Rick
Subject: FW: Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11
Attachments: ForeclosureandEconomicRecovery_FundingPlans_Updated05212010.pdf; Foreclosure and Economic Recovery Responses from Circuits_May 2010_v2.pdf; 62% Estimated RPMF Backlog.pdf

Rick,

I meant to say to begin lining up senior judges. I had a senior moment.

Michael L. Bridenback
Court Administrator
800 E. Twiggs Street, Suite 604
Tampa, FL 33602
p: 813.272.5894
f: 813.301.3800
[REDACTED]
www.fljud13.org



From: Bridenback, Mike
Sent: Friday, May 21, 2010 3:31 PM
To: Barton, James ; Melendi, Rick
Cc: Thullbery, Heather
Subject: FW: Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11

Our plan was approved. We can proceed with recruitment of the 4 court Program Specialist II's and 2 senior secretaries. Rick, you should not try to get commitments from senior judges. When we hear from the clerk about their resources, we will need to escalate our plans to get this program in place by July 1.

Michael L. Bridenback
Court Administrator
800 E. Twiggs Street, Suite 604
Tampa, FL 33602
p: 813.272.5894
f: 813.301.3800
[REDACTED]
www.fljud13.org



From: Kristine Slayden [mailto:krs@fljud13.org]
Sent: Friday, May 21, 2010 2:42 PM
To: Trial Court Chief Judges; Trial Court Administrators
Cc: Trial Court Budget Commission; Lisa Goodner; Charlotte Jerrett; Dorothy Wilson; Gary Phillips; Theresa Westerfield; Heather Thuotte-Pierson; Kristine Slayden; Sharon Bosley; Sharon Buckingham
Subject: Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11

Chief Judges/Trial Court Administrators – The Trial Court Budget Commission met yesterday and approved the following 5 issues for the implementation of the Foreclosure and Economic Recovery Funding for FY 2010/11. Any adjustments to your circuit's plan based on these decisions need to be emailed to Dorothy Wilson at [REDACTED] by COB Tuesday, May 25th. Please refer to the bottom of this email for further submission instructions.

Please note that the allocations will be provided to the Chief Justice and the Legislature for final approval.

Issue 1: FY 2010/11 Funding Allocations Approved

- 1) Approved the FY 2010/11 circuit allocations for the Foreclosure and Economic Recovery Funding, with an adjustment to the contracted services category for case management and administrative support for the 10th, 12th, and 15th circuits (due to restrictions with using contractual dollars). The revised allocation chart is attached.
- 2) Approved effective date for the implementation of the circuits' plans so resources can be deployed on July 1, 2010, using existing FY 2009/10 funds for advertising if necessary.

Issue 2: Types of Cases and Disposition Goals Approved

- 1) Approved real property/mortgage foreclosure cases as the focus of this initiative. If a circuit has cleared all real property/mortgage foreclosure cases from backlog, the circuit may request in writing to the TCBC Chair, with a copy to the TCBC Budget Management Committee Chair, and to the State Courts Administrator, asking to use the funds to handle contracts and indebtedness cases, and county civil cases valued from \$5,001 to \$15,000.
- 2) Approved a targeted goal for the disposition of backlog cases of 62%, which corresponds to the reduction in funding (\$9.6 million proposal reduced down to \$6.0 million appropriation is a 38% reduction).

The attached chart indicates the targeted backlog reduction for the **estimated** Real Property/Mortgage Foreclosure backlog cases for each circuit. The actual number of backlog cases will need to be produced at the beginning of the initiative for tracking purposes.

Issue 3: Budget Policy Considerations Approved

- a) In order to comply with legislative intent, any expenditure of any type utilizing this funding is strictly limited to direct support of the backlog reduction of the approved case types listed in Issue 2.
- b) In order to ensure that senior judges who are assigned to the Foreclosure and Economic Recovery initiative are paid with the appropriate funds, the current senior judge application will be modified to allow circuits to specify from which funding source the senior judge should be paid. The Trial Court Administrators are responsible for ensuring that the information is reported properly.
- c) Expenditures from the Expense category are limited to intra-circuit travel for staff, intra- and inter-circuit travel for Senior Judges, consumable office supplies, postage, copying, printing and reproduction. To maximize the Expense allotment, circuits are encouraged to use existing resources or surplus furnishings for any office furniture needs for OPS staff and/or Senior Judges. Subscriptions and the like are not allowable expenditures for this funding, neither are computers or other communication devices as those items are a county funding responsibility.
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exhausted, what steps were taken to alleviate the impending shortfall, the amount requested and how that amount was calculated.

Issue 4: Funding/Plan Monitoring Approved

- a. The Budget Management Committee (BMC) will monitor expenditures on a monthly basis to ensure that resources are only being used for the purpose of backlog reduction for the approved case types. In addition, the BMC will monitor case event data to ensure that expenditures correlate with the TCBC approved activities.
- b. The Supreme Court Inspector General will also be reviewing the Foreclosure and Economic Recovery initiative for potential inclusion in the branch’s FY 2010/11 audit plan.

Issue 5: Clerk Assistance Approved

Information on in-courtroom resources (general magistrates and senior judges) that will be assigned in each county and the maximum number of courtrooms that will be scheduled at any one time in each county will be shared with clerks once it has been finalized (see attached chart – please update this information, if needed). The chief judge in each circuit should work with their clerks to ensure the clerks appropriately support their plan. These plans need to be shared with the Office of the State Courts Administrator so that the legislature can be informed of the collaborative work on this issue. In addition, the TCBC approved the requirement that the clerks of court provide data support for this initiative.

Two other issues on performance measurement and FY 2011/12 Legislative Budget Request were postponed until the June 4th TCBC meeting.

Directions:

If the decisions above require you to modify your plan allocations, please make the adjustments and notify Dorothy Wilson of the specific changes to the allocation categories by email at [redacted] by COB, Tuesday, May 25, 2010. If no changes are needed, please indicate that in an email to Dorothy. In addition, if any changes in your allocations require a revision to the in courtroom resources, please provide that information also.

Listed below are the job classes and hourly rates for OPS positions that were used in the original proposal for the Foreclosure and Economic Recovery Funding. The TCBC approved the circuit allocations with direction to the circuits that they hire within these guidelines.

<u>Element</u>	<u>Position</u>	<u>Maximum rate</u>
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This amount does not include the 7.65% FICA that needs to be added to the hourly rate.

Lastly, some circuits have already developed plans and position descriptions for the implementation of this initiative. You may want to check with our colleagues if you need some assistance in developing your own plan.

Please let me know if you have any questions. Kris

Kris Slayden
Research and Data
Office of the State Courts Administrator
Florida Supreme Court
500 S. Duval Street
Tallahassee, Florida 32399
850-922-5106 (wk)
850-556-2335 (cell)
850-414-1342 (fax)



**IN THE THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER S-2009-098
(Supersedes Administrative Order S-2009-025)**

FORECLOSURE PROCEDURES

The state of the economy has resulted in a more than 100% increase in the number of mortgage foreclosure cases filed over each of the last two years. In light of the court's finite resources, it is necessary to establish procedures for more efficient handling of mortgage foreclosure cases.

By the power vested in the chief judge under Florida Rule of Judicial Administration 2.215(b)(2), it is therefore **ORDERED**:

1. Affidavit Filed Prior to Requesting Summary Judgment Hearing Dates

Prior to requesting a mortgage foreclosure summary judgment hearing from the court or selecting a hearing date on JCalendar, attorneys of record for plaintiffs must file with the clerk a uniform affidavit titled "Affidavit of Compliance with Foreclosure Procedures." The uniform affidavit form may be found at <http://www.fljud13.org/formspage.asp>. The affidavit swears or affirms that certain requisite actions have been completed and the dates on which they have occurred.

2. Notice of Summary Judgment Hearing

Within 3 days of obtaining a summary judgment hearing date, attorneys of record for plaintiffs must serve a notice of hearing for the summary judgment hearing on defendant(s).

3. Foreclosure Judgment Packet

Unless the presiding judge provides otherwise, a foreclosure judgment packet must be received by the presiding judge's office at least 5 business days prior to a scheduled telephonic hearing date for motions for summary judgment. For all other hearings, the foreclosure judgment packet may be submitted at the hearing unless the presiding judge provides otherwise. The foreclosure judgment packet consists of the following documents:

- Proposed Final Judgment (sale date will be inserted by the court at the time of the hearing) with sufficient copies for conforming and stamped, addressed envelopes;
- Original Promissory Note and Mortgage (unless previously filed);
- Notice of Sale;
- Certificate of Sale, Certificate of Disbursements and Certificate of Title; and
- Copy of Affidavit of Compliance with Foreclosure Procedures.

4. Uniform Final Judgment

A uniform final judgment form must be used in mortgage foreclosure cases. The most up-to-date uniform final judgment form may be found at <http://www.fljud13.org/formspage.asp>.

5. Non-Enforceable Final Judgment Provisions & Sanctions

If either one of the following two provisions appear in a final judgment of foreclosure, the mortgage foreclosure department of the Clerk of the Circuit Court will not enforce the provision(s):

- (a) That a duly scheduled foreclosure sale will be automatically cancelled if the plaintiff or plaintiff's representative fails to appear at the sale; or
- (b) If the successful bidder at the sale is someone other than the plaintiff, the full bid amount must be paid immediately rather than paid according to the clerk's routine procedure.

If either one or both of these provisions appear in any final judgment of foreclosure, the clerk is directed not to enforce them because the judges assigned to the General Civil Division have expressed that such provisions would only appear in a final judgment of foreclosure through inadvertence.

If either one or both of these provisions appear in any final judgment of foreclosure, the attorney who prepared the non-uniform final judgment will be subject to sanctions by the court.

6. Cancellation of Foreclosure Sale

A. Upon Plaintiff's Notice of Cancellation

The clerk will cancel any scheduled foreclosure sale upon receipt, no later than 2:00 p.m. on the date of the scheduled foreclosure sale, of a Notice of Cancellation of Foreclosure Sale submitted by plaintiff's counsel. The clerk will accept a facsimile of the Notice of Cancellation of Foreclosure Sale at the number designated on the clerk's website at www.hillsclerk.com (Foreclosure Sales) and the Thirteenth Judicial Circuit website at www.fljud13.org (General Civil Division). The original Notice of Cancellation of Foreclosure Sale must be filed with the clerk. The uniform Notice of Cancellation of Foreclosure Sale form may be found at <http://www.fljud13.org/formspage.asp>.

B. Upon Suggestion of Bankruptcy

Unless otherwise directed by the presiding judge or a United States Bankruptcy Judge, the clerk will cancel any scheduled foreclosure sale if any deputy clerk assigned to the foreclosure department of the General Civil Division receives, no later than 2:00 p.m. on the date of the scheduled foreclosure sale, a suggestion of bankruptcy on behalf of a named defendant in a pending foreclosure action.

C. Upon Plaintiff's Failure to Pay Additional Filing Fee

If any difference between the estimated amount in controversy of the claim and the actual value of the claim causes there to be an additional filing fee owed by the plaintiff pursuant to section 28.241(1)(a), Florida Statutes (2009), the plaintiff must pay the additional fee prior to the judicial sale. If any additional filing fee owed is not paid prior to the judicial sale, the clerk will cancel the judicial sale.

7. Verified Motion for Writ of Possession

The federal Protecting Tenants at Foreclosure Act (Pub. L. No. 111-22, §§ 701 – 704 (2009))("Act") provides that in the case of a foreclosure on any dwelling or residential real property, the party taking title to the property assumes the property subject to the rights of a bona fide tenant. When a plaintiff seeks an order directing the clerk to issue a writ of possession, a verified motion must be filed swearing or affirming that the residence sold at the judicial sale is either: (1) unoccupied; or (2) occupied by the debtor; or (3) occupied by a bona fide tenant (as defined in the Act) who has been given at least a 90-day notice to vacate AND the motion does not seek an order that violates any tenant's or tenants' right to continued occupancy under the Act. A uniform verified motion for writ of possession may be found at <http://www.fljud13.org/formspage.asp>. If the plaintiff cannot file a verified motion swearing or affirming to the requirements above, then the plaintiff may file an unverified motion, set the motion for hearing and serve any tenant with the motion and notice of hearing.

8. Additional Procedures

Individualized procedures for each judge's mortgage foreclosure cases may be found on the respective judge's web page located at http://www.fljud13.org/directory_judges.htm.

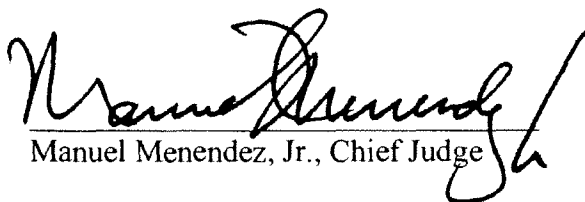
9. Previous Administrative Order Superseded

This administrative order supersedes Administrative Order S-2009-025 (*Foreclosure Procedures*).

10. Effective Date

This administrative order is effective November 1, 2009.

It is ORDERED in Tampa, Hillsborough County, Florida, on this 15th day of October, 2009.


Manuel Menendez, Jr., Chief Judge

Original to: Pat Frank, Clerk of the Court
Copies to: All General Civil Division Judges
Hillsborough County Bar Association

Bridenback, Mike

From: P.J. Stockdale [redacted]@org]
Sent: Thursday, July 01, 2010 2:24 PM
To: Bridenback, Mike; Callanan, Richard
Cc: Kristine Slayden; Arlene Johnson
Subject: ECONRECOV: Prototype of Foreclosure Case Tracking System
Attachments: FERCTS_Installation.doc; FERCTS_TCA_Summary_20100701.doc; fercts_devel_v10-8-1a.xls

Mike, Rick,

Please find attached a copy of the Foreclosure and Economic Recovery Case Tracking System (fercts_devel_v10-8-1a.xls). We know it isn't a complete solution but I guess the first question we have is whether this application is workable to capture this data. The idea was to find some balance between the needs of small and large circuits. I would be most appreciative to hear your suggestions on how we might make this application more usable for the initiative staff. There are still a few minor bugs that we are working out but all the major components work. In order to meet our deadline to get the workbooks out to the circuits by 7/16, I will need to finalize the application by next Friday (7/9)

I've also attached a draft summary which contains a brief overview of the application and a list of the data captured along with their definitions. Mostly we used the standard SRS definitions. However, there are two fields, case status and reopen closed date that do not have SRS definitions. We have proposed a definition for these fields that we believe to be consistent with SRS that should help initiative staff complete the workbooks. Please take a look at these, particularly the one for reopen closed date. Does this seem to be a workable definition for this project?

Since this tracking application is based upon VBA macros, there are a few steps that need to be taken to get it installed and running. I've attached a set of installations instructions but you may want to have one of your IT people set it up. Please have your IT folks give me a call, if needed, and I'll go through it with them.

I look forward to hearing from you. Thanks
PJ

PJ Stockdale
Senior Court Statistics Consultant
OSCA - Court Services
Supreme Court Building Annex
500 S Duval St
Tallahassee FL 32301-1900
(ph) 850.410.1523
(fax) 850.414.1342

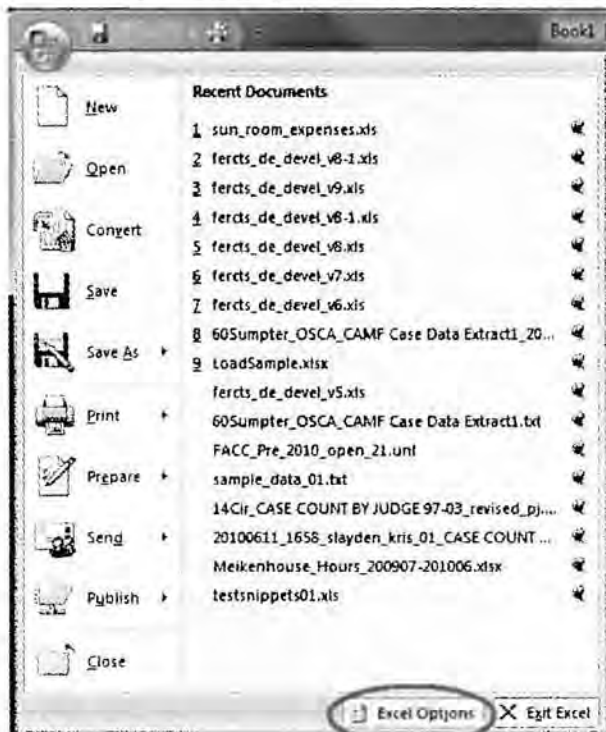
Foreclosure and Economic Recover Initiative Installation Instructions

This workbook is almost entirely macro driven. Most Microsoft Office installations are installed with a high level of security set by default. To ensure that macros can run for this workbook, there a few steps you must take before you open the workbook. If you are using Excel 2007,

1. Save the FERCTS workbook to a directory to the directory where it will be used and note the location (for example C:\Foreclosure\FERCTS)
2. Open a blank Excel workbook

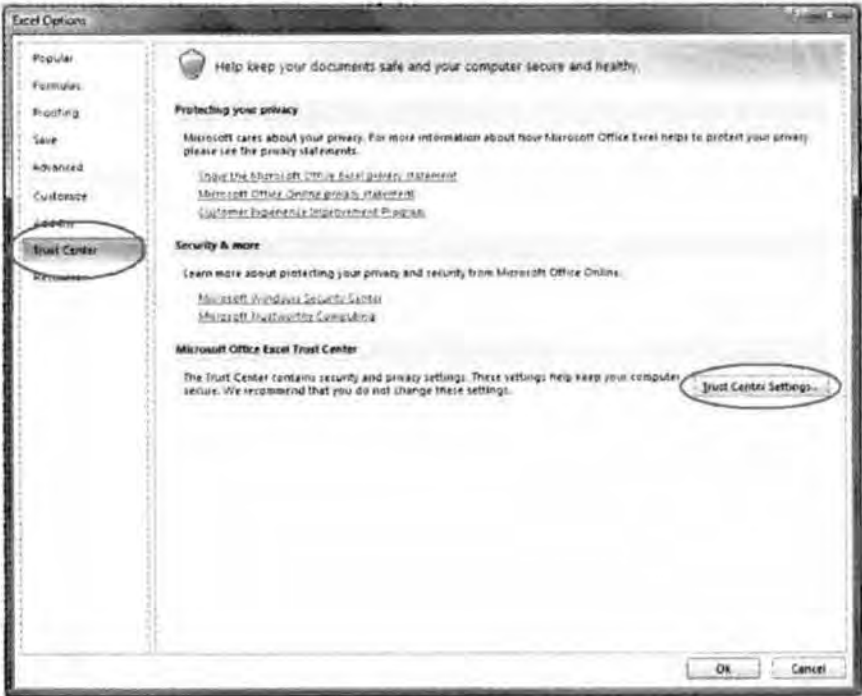


3. Click on the Windows "Office Button" in the upper left corner of the workbook
4. Click on the "Excel Options" button on the bottom right corner of the menu

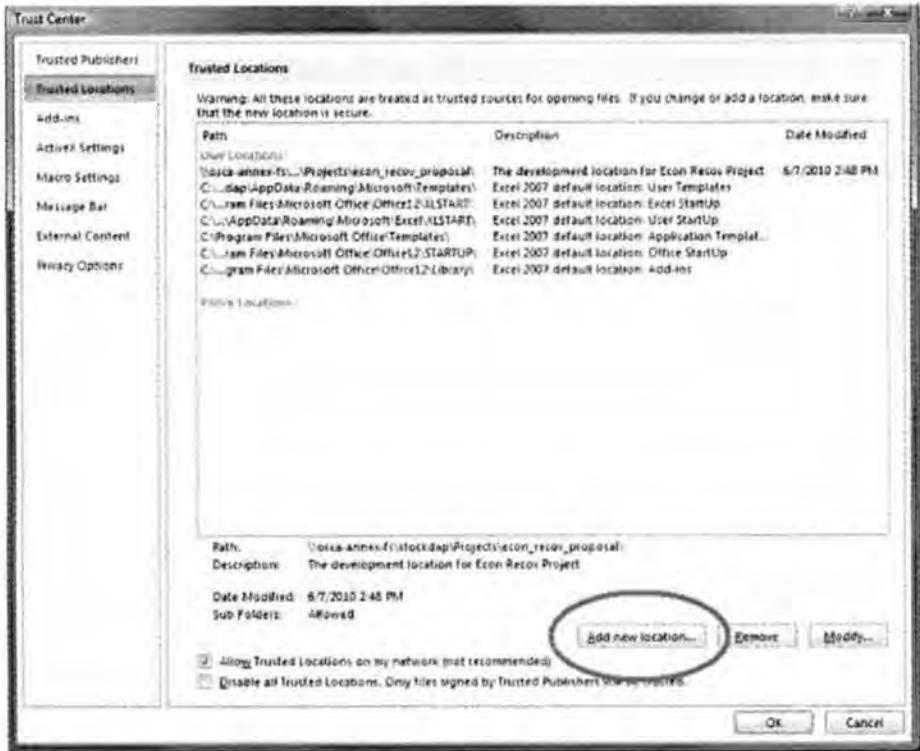


Foreclosure and Economic Recover Initiative Installation Instructions

5. From this menu, select "Trust Center" and then click on the "Trust Center Settings" button



6. From the Trust Center Settings, Select "Trusted Locations" from the menu along the left side, you should see something similar to the image below:



Foreclosure and Economic Recover Initiative Installation Instructions

7. Click on the "Add new location" button which will bring up a dialog box to enter a location. You are going to enter the location of the FERCTS workbook that you noted in step 1 above. You can type it directly into the text box or you can use the "Browse" button to navigate to the location. Once you have found the location, click OK. This will add the location to your trust center which will allow you to enable macros without compromising security on your machine.

Please note, if the location that you saved your file to is not local to your workstation such as a network drive, then you must also check the box "Allow Trusted Locations on my network (not recommended). While checking this box is not always the best practice, it is acceptable in this instance. If your local security policy prohibits you from checking this box, then you will have to save the workbook in a location local to your workstation.

Now you should be able to open the workbook with macros enabled. When you double click on the workbook, you should see something like the following:

**Foreclosure and Economic Recovery Initiative
Case Tracking Form**

Case Data | Search

Case Identification
UCN: 602004CA000509XXXXX Filing Date: 5/10/2004
SRS Case Category: Real Prop/Mort Foreclosure (Pre2010)

Disposition/Status
Date Disposed: 7/25/2005
Disposition Type: Summary/Final Judgement
Date Status Change:
Case Status:
Case Closed for Court Action: Date Case Closed: 6/25/2010

Post-Judgement
Open Date: 10/25/2009 Closed Date: 6/25/2010

Case Comments

Case Age: NA
New
Update
Previous
Next
Exclude

Record 1 of 65 Save Close App

Foreclosure and Economic Recover Initiative Installation Instructions

The user form may be run directly from the spreadsheet by selecting the Developer -> Macros -> ShowDataForm from the macro menu. Then select Run

The screenshot shows the Microsoft Excel interface with the Developer tab selected. A Macro dialog box is open, displaying the following information:

- Macro name: **NewDataForm**
- Location: **ShowingForm**
- Macros in: **All Open Workbooks**
- Description: (empty)

The spreadsheet data is as follows:

Uniform Case Number	Date Case Initiated	SRS Case Type	Date of Initial Reopen Event	Date Disposed	Disposition	Case Comments	Date Reopen Event Closed	Date of Last Event 01
602004CA000509XXXXXX	5/10/2004	Real Prop/Mort Foreclosure (Pre2010)	10/25/2009	7/25/2005	Summary Final Judgement		6/25/2010	
602004CA000784XXXXXX	7/16/2004	Real Prop/Mort Foreclosure (Pre2010)	4/28/2005	9/29/2004	Summary Final Judgement			3/9/2009
602004CA001063XXXXXX	9/21/2004	Real Prop/Mort Foreclosure (Pre2010)			Summary Final Judgement			
602005CA001586XXXXXX	11/14/2005	Real Prop/Mort Foreclosure (Pre2010)			Summary Final Judgement			
602006CA001479XXXXXX	9/27/2006	Real Prop/Mort Foreclosure (Pre2010)			Summary Final Judgement			
602006CA001770XXXXXX	11/13/2006	Real Prop/Mort Foreclosure (Pre2010)			Summary Final Judgement			
602006CA001807XXXXXX	11/17/2006	Real Prop/Mort Foreclosure (Pre2010)			Summary Final Judgement			12/22/2009 Ac
602007CA000706XXXXXX	6/21/2007	Real Prop/Mort Foreclosure (Pre2010)			Summary Final Judgement			
602007CA000767XXXXXX	7/5/2007	Real Prop/Mort Foreclosure (Pre2010)			Summary Final Judgement			
602007CA000913XXXXXX	8/7/2007	Real Prop/Mort Foreclosure (Pre2010)			Summary Final Judgement			
602007CA001339XXXXXX	11/7/2007	Real Prop/Mort Foreclosure (Pre2010)			Summary Final Judgement			
602007CA001347XXXXXX	11/8/2007	Real Prop/Mort Foreclosure (Pre2010)			Summary Final Judgement			7/8/2008 Ac
602010CA000990XXXXXX	1/27/2010	Real Prop/Mort Foreclosure-Non-Homestead, Residential \$50-249K			Summary Final Judgement			
602010CA000988XXXXXX	1/27/2010	Real Prop/Mort Foreclosure-Non-Homestead, Residential \$50-249K			Summary Final Judgement			
602010CA00100XXXXXX	1/27/2010	Real Prop/Mort Foreclosure-Non-Homestead, Residential \$50-249K			Summary Final Judgement			
602010CA00109XXXXXX	1/28/2010	Real Prop/Mort Foreclosure-Non-Homestead, Residential \$50-249K			Summary Final Judgement			
602010CA00115XXXXXX	2/1/2010	Real Prop/Mort Foreclosure-Non-Homestead, Residential \$50-249K			Summary Final Judgement			
602010CA00116XXXXXX	2/1/2010	Real Prop/Mort Foreclosure-Non-Homestead, Residential \$50-249K			Summary Final Judgement			
602010CA00117XXXXXX	2/1/2010	Real Prop/Mort Foreclosure-Non-Homestead, Residential \$50-249K			Summary Final Judgement			
602010CA00122XXXXXX	2/2/2010	Real Prop/Mort Foreclosure-Non-Homestead, Residential \$50-249K			Summary Final Judgement			
602010CA00123XXXXXX	2/2/2010	Real Prop/Mort Foreclosure-Non-Homestead, Residential \$50-249K			Summary Final Judgement			
602010CA00126XXXXXX	2/3/2010	Real Prop/Mort Foreclosure-Non-Homestead, Residential \$50-249K			Summary Final Judgement			

Foreclosure and Economic Recovery Case Tracking System (FERCTS)

Overview

Application:

Workbooks will be set up for each county. For the larger circuits we can also split the workbooks up into county and year or maybe even by case-type (residential or commercial) or blocks of case numbers if that would help. Definitions for the fields displayed are provided in the Definitions section below.

The application provides a one page data entry and display user form with a second search tab. Each workbook will be populated with the case list provided by the counties for undisposed, reopened and pending cases as of June 30, 2010. New cases, filed or reopened after June 30, 2010, that are transferred to the initiative will need to be entered into the tracking application by court admin staff either manually or in bulk. New cases can be added through the main user form or directly into the spreadsheet. The underlying Excel spreadsheet does allow for basic bulk loading of data to make this task easier for larger circuits. We are currently working on a Users' Manual.

The tracking application provides basic search capabilities on uniform case number, case status and case age. For this initiative, we calculated case age to be the number of days from filing to the current date or from the reopen date to current date. The application search function will then allow the user to move through all of items meeting the search criteria. The search function allows wildcards so that more than one case can be identified such as all cases with a UCN in 2006 or with a case age greater than 180 days.

Although cases classified as Other Real Property may not be handled with resources from this initiative, some counties have indicated that they cannot make the distinction between Other Real Property and Residential or Commercial foreclosures for cases initiated before January 2010. Consequently, the initial population of cases may contain more cases than strictly necessary. Provisions will be made to allow initiative staff to mark these cases as excluded as they are identified.

Unfortunately, Excel does not have multi-user capabilities. This means that a single workbook cannot be updated by two different persons at the same time. However, you can make copies of the workbooks for different individuals. If multiple persons will be performing data entry, it may be advantageous to divide the cases into blocks assigned to an individual so that each case appears in only one workbook. This will simplify updating. The OSCA has requested that the circuits send these workbooks to us bi-weekly. Each workbook will be applied to a master file that will consolidate multiple workbooks into a single master record for each case.

Foreclosure and Economic Recovery Case Tracking System (FERCTS)

Overview

There are two data fields in this application that are not specifically defined by SRS instructions, date reopen closed and case status. However, both are important in identifying the reasons why cases are not moving to final sale. It seems that case status should be something that case managers will be able determine fairly easily since it involves long term changes to case status. On the other hand, reopen closed dates may be more difficult. There isn't a specific definition or criteria in SRS that directs when a reopened case is closed and Judge Bailey has suggested that case managers may not know when a reopened case is closed.

We have put together a definition that is consistent with SRS as follows:

Report reopen cases as closed after the final judicial decision which terminates court proceedings, including a summary/final judgment or order entered by the court, and that transfers the case to the clerk of court for action to complete sale.

Do you think this definition will enable the staff working these cases to determine these dates? Please keep in mind that we aren't trying to capture every reopen event; only those that take time to complete and, thus, block the case from moving to sale. For example, it would not be necessary to capture motions filed to cancel sale that are filed and disposed in the same hearing. Ideally, it would be great if we could capture these events but for workload reasons, it may not be practical to do so.

Definitions:

Case data required to achieve project goals include the following:

- Circuit
- County
- Uniform Case Number
- Filing Date– initial document stamp date as per SRS Manual (January 2002)
- SRS Case Category - as defined by SRS Manual
 - Real Prop/Mort Foreclosure (Pre2010)
 - Real Prop/Mort Foreclosure-Commercial \$0-50K
 - Real Prop/Mort Foreclosure-Commercial \$50-249K
 - Real Prop/Mort Foreclosure-Commercial \$250K+
 - Real Prop/Mort Foreclosure-Homestead, Residential \$0-50K
 - Real Prop/Mort Foreclosure-Homestead, Residential \$50-249K
 - Real Prop/Mort Foreclosure-Homestead, Residential \$250K+
 - Real Prop/Mort Foreclosure-Non-Homestead, Residential \$0-50K
 - Real Prop/Mort Foreclosure-Non-Homestead, Residential \$50-249K
 - Real Prop/Mort Foreclosure-Non-Homestead, Residential \$250K+
- Date of Reopen Event – report the date a case was reopened as per the SRS Manual

Foreclosure and Economic Recovery Case Tracking System (FERCTS)

Overview

- Date Reopen Event Closed – report reopen cases as closed after the final judicial decision which terminates court proceedings, including a summary/final judgment or order entered by the court, and that transfers the case to the clerk of court for action to complete sale.
- Date of Case Status Change – captures the date case status changed from one category to another (status' listed below)`
- Current Case Status – captures data on the status of a case in three broad categories (Active, Stayed, Inactive or Pending) broken out into several reasons for each status.
 - Active
 - Stayed – Bankruptcy
 - Stayed - Pending resolution of another case
 - Stayed - by Agreement of the parties
 - Stayed - Appeal pending
 - Inactivity or Pending - Attorney inactivity
 - Inactivity or Pending - Insufficient pleadings or documentation
 - Inactivity or Pending - Other (see comments)
- Date of Disposition – report cases as disposed after the final judicial decision which terminates a civil proceeding by a summary/final judgment or ordered entered by the court.
- Disposition Type –To reduce reporting requirements, the eleven SRS disposition types have been condensed into three major disposition events, Summary/Final Judgment, Trial, and Dismissed.

Melendi, Rick

From: Bridenback, Mike
Sent: Tuesday, September 28, 2010 1:00 PM
To: Melendi, Rick; Barton, James
Subject: FW: Media Requests - Foreclosure Initiative Status Report

Michael L. Bridenback
Court Administrator
800 E. Twiggs Street, Suite 604
Tampa, FL 33602
p: 813.272.5894
f: 813.301.3800
bridenml@fjud13.org
www.fjud13.org



From: Kristine Slayden [<mailto:slaydenk@flcourts.org>]
Sent: Tuesday, September 28, 2010 12:26 PM
To: Kristine Slayden; Trial Court Chief Judges; Trial Court Administrators
Cc: Lisa Goodner; P.J. Stockdale; Arlene Johnson
Subject: RE: Media Requests - Foreclosure Initiative Status Report

Chief Judges and Trial Court Administrators – After receiving feedback from a number of you, we have decided to postpone the release of the Foreclosure Initiative Status Report to the public until we have 3 months of data collected and verified. There was concern that the first month or two of data was not representative of the work because the circuits were just getting started, and a quarterly status report would be more appropriate. The plan is to release the July-September report in late October after everyone has had a chance to review the information more carefully and provide updated information to the OSCA, if needed. Thank you for your continued support of this initiative. Kris

Kris Slayden
Research and Data
Office of the State Courts Administrator
Florida Supreme Court
500 S. Duval Street
Tallahassee, Florida 32399
850-922-5106 (wk)
850-556-2335 (cell)
850-414-1342 (fax)

From: Kristine Slayden
Sent: Thursday, September 23, 2010 2:44 PM
To: Trial Court Chief Judges; Trial Court Administrators
Cc: Lisa Goodner; P.J. Stockdale; Arlene Johnson
Subject: Media Requests - Foreclosure Initiative Status Report
Importance: High

Chief Judges/Trial Court Administrators – As follow-up to the JAC conference call on Monday, September 20th, we are sending the updated status reports out and ask for your critical review of the results. We have received numerous

requests for this data from reporters and do not feel comfortable releasing the information until you have had an opportunity to let us know if there are any problems with the data. Since these tables were produced from your first submission of data, we understand that there may need to be some kinks worked out in the system. Also, if you would like us to prepare any detailed reports for your circuit/county, we are available to easily produce custom reports for you.

Please contact me by COB, Monday, September 27th if you have any concerns. Thank you for your help. Kris

Kris Slayden
Research and Data
Office of the State Courts Administrator
Florida Supreme Court
500 S. Duval Street
Tallahassee, Florida 32399
850-922-5106 (wk)
850-556-2335 (cell)
850-414-1342 (fax)

From: Arlene Johnson
Sent: Thursday, September 23, 2010 12:18 PM
To: Kristine Slayden
Subject: status report

Arlene Johnson
OSCA, Research and Data
Telephone 850.922.5103
Facsimile 850.414.1342

Melendi, Rick

From: Bridenback, Mike
Sent: Wednesday, May 12, 2010 10:25 AM
To: Heather Thuotte-Pierson
Cc: Menendez, Manuel; Barton, James ; Melendi, Rick
Subject: RE: Foreclosure and Economic Recovery Program Allocations
Attachments: ForeclosureandEconomicRecovery_Distribution.xls; FORECLOSURE AND ECONOMIC RECOVERY PROGRAM.docx

Attached is the 13th circuit's revised plan.

Michael L. Bridenback
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From: Heather Thuotte-Pierson [<mailto:piersonh@flcourts.org>]
Sent: Friday, May 07, 2010 11:27 AM
To: Trial Court Chief Judges; Trial Court Administrators
Cc: Lisa Goodner; Kristine Slayden; Sharon Buckingham; Charlotte Jerrett; Dorothy Wilson; Arlene Johnson; Patty Harris; Theresa Westerfield; Elizabeth Garber; Greg Youchock; Gary Phillips
Subject: Foreclosure and Economic Recovery Program Allocations

Good morning,

The Legislature appropriated funding for the Foreclosure and Economic Recovery Program in the amount of \$5,955,606 for FY 2010/11 to the trial courts. These non-recurring funds will be used to provide temporary resources in the trial courts to eliminate backlog in the civil areas. We will be sending information on target backlog reduction goals as well as parameters for implementation and clerk involvement in this program after the May 20, 2010 Trial Court Budget Commission meeting.

The amount of funding authority appropriated for this program is less than the amount originally requested, thus the estimated allotment for each circuit also has been adjusted. You will find the estimated allocation by circuit along with estimated backlog cases in the attached PDF file – Foreclosure and Economic Recovery Program. **Considering your adjusted allocation, please indicate, using the attached ForeclosureandEconomicRecovery _ Distribution spreadsheet, how you would like the funds for your circuit distributed – by category and element.** For every element (General Magistrates and/or Senior Judges, Case Managers, General Magistrate/Senior Judge Admin Support and Mediation Admin Support) specify the dollar amount and category in which the funds should be allocated - OPS, contracted services and/or expenses dollars. To allow for maximum flexibility, funds may be expended in one or all of the elements.

As a reminder, the funding methodology developed for this proposal is based on the number of backlogged cases (in the civil areas) in each circuit. A ratio of one General Magistrate, one Case Manager and two Administrative Support positions for every 15,000 backlogged cases was applied to estimate need. One Administrative Support position is dedicated to mediation for the coordination of civil cases covered under this program with the exclusion of residential homestead mortgage foreclosure cases handled through the managed mediation program. The annual salaries used to

calculate the allocation amounts were approximately: \$79,688 for General Magistrates, \$39,126 for Case Managers, and \$26,090 for Admin Support.

Additional information is also needed again from the circuits as to how economic recovery resources will be deployed circuit-wide. Court leadership would like to be able to share this information with the clerks so they can plan accordingly, since they were appropriated \$3.6 million to support our initiative. Please provide:

-The amount of **magistrate/senior judge FTE's** that will be assigned **in each county** based on the expected workload from the backlogged cases. *Note: Single county circuits can ignore this question.*

-If you have multiple **magistrate/senior judge FTE's** in the proposal, what is the maximum number of courtrooms that will be scheduled at any one time **in each county**?

As usual we are under a tight timeframe. Please respond by **Wednesday, May 12th C.O.B.**

Please let me know if you have any questions or concerns.

Thanks,
Heather

Heather Thuotte-Pierson
Office of the State Courts Administrator
Court Statistics Consultant
(850) 410-3376
piersonh@flcourts.org

Foreclosure and Economic Recovery Program (05/2010)

Circuit 13th

General Magistrates				
OPS	Contracted Services	GM/Senior Judge Expense	Senior Judge Days @ \$350 a day	Total
		2,500	195,000	\$197,500.00

Case Managers			
OPS	Contracted Services	Expense	Total
168,477		5,355	\$173,832.00

This total includes the additic

General Magistrate/Senior Judge Admin Support			
OPS	Contracted Services	Expense	Total
56,172			\$56,172.00

This total includes the additic

Mediation Admin Support			
OPS	Contractual Services	Expense	Total
			\$0.00

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nal 7.65% for FICA

FORECLOSURE AND ECONOMIC RECOVERY PROGRAM

13th Judicial Circuit

Original Plan

780 Senior Judge Days

7 Case Managers

3 Admin Secretaries

\$40,612 – Expenses

Total Budget - \$687,264

Revised Plan

520 Senior Judge Days

4 Case Managers

2 Admin Secretaries

\$7,855 - Expenses

Total Budget - \$427,504

Albury, Janice

From: Melendi, Rick
Sent: Tuesday, June 22, 2010 6:24 PM
To: Albury, Janice
Subject: FW: Learning Opportunity for Senior Judges Assigned to Hear Foreclosure Cases

fyi

From: Bridenback, Mike
Sent: Tuesday, June 22, 2010 4:28 PM
To: Barton, James ; Melendi, Rick
Subject: FW: Learning Opportunity for Senior Judges Assigned to Hear Foreclosure Cases

fyi

From: Melissa Henderson [<mailto:HendersM@flcourts.org>]
Sent: Tuesday, June 22, 2010 1:15 PM
To: Trial Court Administrators
Subject: Learning Opportunity for Senior Judges Assigned to Hear Foreclosure Cases

The following email was sent to Senior Judges today via email and will be mailed tomorrow to the Senior Judges that we do not have email addresses for.

Please let me know if you have any questions.

Melissa Henderson
Court Education Division
Office of the State Courts Administrator
500 South Duval Street
Tallahassee, FL 32399-1900
phone: 850/922-5086
fax: 850/922-9185
email: hendersm@flcourts.org

From: Melissa Henderson
Sent: Tuesday, June 22, 2010 1:14 PM
Subject: Learning Opportunity for Senior Judges Assigned to Hear Foreclosure Cases

Learning Opportunity for Senior Judges Assigned to Hear Foreclosure Cases

(This email is being sent to all Senior Judges approved for Circuit & County bench work, with a courtesy copy to JA's, and TCA's.)

Greetings:

As you know the Florida Legislature has recently allocated funds for the use of senior judges to help alleviate the backlog of foreclosure cases that are clogging court dockets throughout the state.

As a result, some senior judges may soon find themselves sitting on potentially large numbers of foreclosure cases with varying levels of complexity. In an effort to assist these judges in this important endeavor, we are pleased to announce that a comprehensive foreclosure course will be part of the agenda at the upcoming education program of the Florida Conference of Circuit Judges, to be held in late July at the Marco Island Marriott in Marco Island, Florida.

“The Nuts and Bolts of Foreclosure” is scheduled for Tuesday, July 27, 2010, from 3:00 – 4:30 p.m. The course will be taught by Judge Jennifer Bailey of the 11th Judicial Circuit and carries a maximum of 1.5 hours of CJE credit. After completing the course, participants should be able to:

- List the basic requirements for the entry of a summary judgment in a mortgage foreclosure case.
- Identify affirmative defenses which would preclude the entry of summary judgment in a mortgage foreclosure case.
- Recognize the challenges and ethical issues that arise when dealing with attorneys and pro se litigants in mortgage foreclosure cases.

If you are a senior judge **who is scheduled to begin hearing foreclosure cases**, don’t miss this important opportunity to brush up on current foreclosure law and procedures. In order to take advantage of this learning opportunity, you must register for the conference, at:

www.flcircuitconference.com
(Password is FCCJ2010 and is case sensitive)

Please carefully read the information previously sent to you either by email or by regular mail for instructions and more information on registering for the conference. ***Please note that you should plan to attend the entire conference in order to be reimbursed; this notice is merely to advise you of one of the course offerings which may be particularly important to you.***

The conference registration deadline is July 15, 2010. The discounted on-line registration fee is \$140.00, of which \$112.00 is reimbursable. Anyone who misses this deadline can still attend and register at the conference registration desk. The non-discounted registration fee is \$165.00, of which \$112.00 is reimbursable.

We are aware that currently there are no more rooms available at the conference hotel. However, a state government rate is available at the Hilton on Marco Island for \$108/night plus tax for a total of \$118.80 per night, which is actually less expensive than the Marco Marriott. Following is the link to make a reservation for that hotel:

https://secure.hilton.com/en/hi/res/choose_dates.jhtml;jsessionid=P2A3LSL0XN0F0CSGBIVMVCQ?requestid=217287

We hope you are able to attend this important educational offering and look forward to seeing you there.

Martha Martin
Chief of Court Education

Hickmon, Angelina

From: Melendi, Rick
Sent: Tuesday, October 12, 2010 11:34 AM
To: Moreno, Elisa; Hickmon, Angelina; Schatzberg, Beth; Gammage, Trillany
Cc: Wells, Tracy; Greno, Linda; Pisacane, Elvira; Tracy, Deb
Subject: FW: Revised Docket Annotations

Please note additional annotation codes below.

From: Melendi, Rick
Sent: Tuesday, October 12, 2010 8:18 AM
To: Moreno, Elisa; Hickmon, Angelina; Schatzberg, Beth; Gammage, Trillany
Cc: Wells, Tracy; Greno, Linda
Subject: Docket Annotations

Good Morning,

As a result of the increase in hearing cancellations, annotations to the docket will need to start reflecting the reason for cancellation or resetting of the hearing. This information will assist in accurately reporting the monthly data for all hearings.

Therefore, if a hearing is cancelled or reset, the annotation on the docket needs to state a reason and should read as follows:

Cancellation (why?): Annotation: affidavit review/review of documents - by whom (client review = bank, law firm review or other reason?)

Reset (why?): Annotation – client hold, document review or affidavit review - by whom (client review = bank, law firm review or other reason?)

FTA – by whom? Reason:?

Note: Please refrain from using Cancellation/Reset - Internal Review (I/R), as an annotation: unless, you provide more specificity as to the reason (e.g., affidavit review/review of documents - by whom (client review = bank, law firm review or other reason?)) for the cancellation or resetting of the hearing. The reason for the cancellation/resetting will need to be entered into the comment section for purposes of the data entry.

Annotations – to be used:

No Final Judgment Packet (No FJP): Annotation = I/P (Insufficient Pleading or Documentation)

No Packet: Annotation: I/P (Insufficient Pleading or Documentation)

No Mortgage and Note: Annotation = I/P (Insufficient Pleading or Documentation)

No Note: Annotation = I/P (Insufficient Pleading or Documentation)

No Mortgage: Annotation = I/P (Insufficient Pleading or Documentation)

Conciliation: Annotation = MSN (Mediation/Settlement Negotiations)

Loss Mitigation: Annotation = MSN (Mediation/Settlement Negotiations)

Forbearance: Annotation = MSN (Mediation/Settlement Negotiations)

This annotation document/cheat sheet is a work in progress and subject to further modification as we come across other annotations that are not clear for purposes of data entry.

Hickmon,Angelina

From: Wells, Tracy
Sent: Thursday, July 29, 2010 4:53 PM
To: Sequeira, Maria; Schatzberg,Beth; Gammage,Trillany; Valdes,Ryan; Hickmon,Angelina; Moreno,Elisa
Cc: Melendi, Rick
Subject: ANIMATED DOCKET MEETING

We have a 30 minute meeting tomorrow morning at 9:00 a.m. in Conference Room B on the 6th Floor.

Please make every effort to attend.

Thank you.

T.