



*This site can only be accessed from your court workstation computer unless you also have access to your court computer from your home.*

If you have any questions about the bench book, contact Susan Leseman, OSCA Publications Attorney, at (850) 922-5085 or [REDACTED]

Also attached to this email is a memo from Judge John Laurent, Chair of the Trial Court Budget Commission, which was sent to all chief judges regarding the foreclosure case backlog tracking initiative.

Finally, if you were not able to attend the Circuit Judges' Conference in Marco Island in July 2010, the foreclosure course which was taught at that event was recorded. If you would like a DVD of that course, please contact Ann Luchini at [REDACTED] and she will send it to you.

*(This message has been sent to all Senior Judges with email addresses on file with OSCA.)*

12/20/2010

18TH CIR 00402

[REDACTED]

[REDACTED]

**Wendy Whitsett**

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**From:** Wendy Whitsett  
**Sent:** Monday, November 01, 2010 3:30 PM  
**To:** Mark VanBever; Susan Phillips; Wayne Fountain  
**Subject:** RE: Foreclosure and Economic Recovery Status Report - First Quarter of Fiscal Year 2010-11  
**It appears we are in line with all other circuits for the first quarter...Thanks...**

**Wendy W. Whitsett**  
**Court Operations Manager**  
**18th Judicial Circuit Seminole County**  
**101 Bush Boulevard**  
**Sanford, FL 32773**  
**407.665.4912 phone**  
**407.665.4932 fax**

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*"Early Understanding Makes for Everlasting Friendship" ~Lindsey Warner*

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**From:** Mark VanBever  
**Sent:** Monday, November 01, 2010 2:56 PM  
**To:** Susan Phillips; Wendy Whitsett; Wayne Fountain  
**Subject:** FW: Foreclosure and Economic Recovery Status Report - First Quarter of Fiscal Year 2010-11

Please review and let me know what you think?

**From:** Kristine Slayden [mailto:████████████████████]  
**Sent:** Monday, November 01, 2010 2:49 PM  
**To:** Trial Court Chief Judges; Trial Court Administrators  
**Cc:** Lisa Goodner; Blan Teagle; Laura Rush; Charlotte Jerrett; Dorothy Wilson; Arlene Johnson; P.J. Stockdale; Greg Youchok  
**Subject:** Foreclosure and Economic Recovery Status Report - First Quarter of Fiscal Year 2010-11

**Chief Judges/Trial Court Administrators:** Attached is the Foreclosure and Economic Recovery Status Report – First Quarter of Fiscal Year 2010-11. 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)

12/20/2010

[REDACTED]

**Wendy Whitsett**

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**From:** Wendy Whitsett  
**Sent:** Thursday, October 28, 2010 4:24 PM  
**To:** Mark VanBever  
**Subject:** RE: 2009 Foreclosures  
8309

Wendy W. Whitsett  
Court Operations Manager  
18th Judicial Circuit Seminole County  
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*"Early Understanding Makes for Everlasting Friendship" ~Lindsey Warner*

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**From:** Mark VanBever  
**Sent:** Thursday, October 28, 2010 3:28 PM  
**To:** Wendy Whitsett  
**Subject:** RE: 2009 Foreclosures

Yes, please.

**From:** Wendy Whitsett  
**Sent:** Thursday, October 28, 2010 3:17 PM  
**To:** Mark VanBever  
**Subject:** RE: 2009 Foreclosures

*Total number of filings?*

Wendy W. Whitsett  
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**From:** Mark VanBever  
**Sent:** Thursday, October 28, 2010 2:53 PM  
**To:** Wendy Whitsett; Susan Phillips  
**Subject:** 2009 Foreclosures

What were the total foreclosures for 2009?

12/20/2010

**Wendy Whitsett**

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**From:** Wendy Whitsett  
**Sent:** Thursday, October 21, 2010 2:10 PM  
**To:** 'Arlene Johnson'  
**Cc:** Wayne Fountain; Mark VanBever  
**Subject:** RE: economic recovery data - follow-up

Hello Arlene:

Thank you for bringing this matter to our attention. No, we are not opposed to you amending the dispositions to reflect "Summary Judgment" those 21 case entries. In addition, we are making the appropriate changes to the cases directly ourselves to be included in next month's submittal.

Thanks and have a good day!

**Wendy W. Whitsett**  
**Court Operations Manager**  
**18th Judicial Circuit Seminole County**  
**101 Bush Boulevard**  
**Sanford, FL 32773**  
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*"Early Understanding Makes for Everlasting Friendship" ~Lindsey Warner*

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**From:** Mark VanBever  
**Sent:** Thursday, October 21, 2010 8:22 AM  
**To:** Arlene Johnson  
**Cc:** Wendy Whitsett; Wayne Fountain  
**Subject:** RE: economic recovery data

Hi, Wendy. Please "Reply All." Thank you.

**From:** Arlene Johnson [mailto:████████████████████]  
**Sent:** Thursday, October 21, 2010 8:10 AM  
**To:** Mark VanBever  
**Subject:** RE: economic recovery data

One more thing...

There are 21 records in the Seminole workbook with a disposition type of "Other." Although the "Other" disposition is an accurate SRS dispositions, this project only accepts "Dismissed", "Summary/Final Judgment", and "Trial" dispositions (i.e. we are not counting the 21 records as disposed).

We are currently creating reports for distribution to you. For the reports only, are you opposed

12/20/2010





to my changing the dispositions for the 21 records to reflect the Summary/Final Judgment disposition?  
You will have to make the changes to the workbook prior to your next submission.

**From:** Arlene Johnson  
**Sent:** Wednesday, October 20, 2010 3:04 PM  
**To:** Mark Van Bever  
**Subject:** RE: economic recovery data

Thank you!!

**From:** Mark VanBever [mailto: [REDACTED]]  
**Sent:** Wednesday, October 20, 2010 3:02 PM  
**To:** Arlene Johnson  
**Cc:** Wendy Whitsett; Susan Phillips; Wayne Fountain  
**Subject:** FW: economic recovery data

Hi, Arlene. The data input is a huge strain on our resources. Many months we will be behind. Please see the comments below.

Brevard County:

*All of our September disposed cases were not imported into the system by the time the report was due. There are another 662 cases not reflected in the number below. As you know, we are still trying to work out the bugs when importing the Clerk's reports into the case tracking system. Additionally, since we do not have case managers devoted to this initiative, it can be problematic staying on top of all of the day to day activities in the foreclosure division.*

**Susan J. Phillips, Family Court Manager**  
**Court Administration - 18th Judicial Circuit**  
**ph 321.637.5673**

Seminole County:

**From:** Wendy Whitsett  
**Sent:** Wednesday, October 20, 2010 2:43 PM  
**To:** Mark VanBever  
**Cc:** Wayne Fountain; Jen Pizarro  
**Subject:** RE: economic recovery data

Our September data has not been submitted yet... We just recently sent the August report. Jen is working on the import for the September data as we speak.

**Wendy W. Whitsett**  
**18th Judicial Circuit Court Seminole County**  
**Court Operations Manager**  
**301 N. Park Avenue**

12/20/2010



Sanford, FL 32771  
407.665.4252 phone  
407.665.4241 fax

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**From:** Mark VanBever  
**Sent:** Wednesday, October 20, 2010 2:33 PM  
**To:** Susan Phillips; Wendy Whitsett  
**Subject:** FW: economic recovery data

Please reply to me. Thank you.

**From:** Arlene Johnson [mailto:████████████████████]  
**Sent:** Wednesday, October 20, 2010 2:03 PM  
**To:** Mark VanBever  
**Subject:** economic recovery data

Mark. We are reviewing the number of dispositions reported for July, August, and September (in the Excel spreadsheet). Would you please verify the September dispositions in Brevard and Seminole Counties? Below are the dispositions we have to date.

	Brevard	Seminole
July 2010	651	481
August 2010	784	376
September 2010	472	4

Thank you!

Arlene Johnson  
OSCA, Research and Data  
Telephone 850.922.5103  
Facsimile 850.414.1342

12/20/2010



**Wendy Whitsett**

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**From:** Wendy Whitsett  
**Sent:** Tuesday, September 14, 2010 1:35 PM  
**To:** Mark VanBever  
**Subject:** RE: foreclosure and economic recovery 2010/07  
Yes sir...Ours went to the OSCA on 09.03.10...

Wendy W. Whitsett  
18th Judicial Circuit Court Seminole County  
Court Operations Manager  
301 N. Park Avenue  
Sanford, FL 32771  
407.665.4252 phone  
407.665.4241 fax

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**From:** Mark VanBever  
**Sent:** Tuesday, September 14, 2010 11:22 AM  
**To:** Wendy Whitsett  
**Subject:** FW: foreclosure and economic recovery 2010/07

Hi, Wendy. Have you submitted the Seminole numbers?

**From:** Susan Phillips  
**Sent:** Tuesday, September 14, 2010 11:14 AM  
**To:** 'FERCTS@flcourts.org'  
**Cc:** Mark VanBever  
**Subject:** foreclosure and economic recovery 2010/07

Our Clerk has not provided us with a report of cases they are aware of that have been closed or dismissed cases, only new and re-open cases. The cases that are noted as "FALSE" on the report are where we had some activity on the case, but it is not disposed yet.

Susan Phillips  
18<sup>th</sup> Judicial Circuit – Brevard County  
321.637.5673

12/20/2010

**PROCEDURES FOR RESIDENTIAL MORTGAGE FORECLOSURE HEARINGS  
FOR SEMINOLE COUNTY**

The following procedure is in effect September 1, 2010 for all Motions in Residential Mortgage Foreclosure cases for all Judges in Seminole County. Please read Judge Mize's Administrative Policies and Procedures Guidelines before contacting the JA with questions pertaining to policies and procedures. The Guidelines can be found at [www.FLCourts18.org](http://www.FLCourts18.org) under the Local Practice Manual link or on the main menu of JACS.

1. Hearings on Motions for Summary Judgment will be scheduled on JACS before Judge C. Vernon Mize, Jr. on Monday and Wednesday mornings with a limit of 150 cases each morning. All cases where the residence is owner-occupied and a pleading has been filed by the owner seeking relief must be mediated first before a hearing on a Motion for Summary Judgment can be set, (see *Administrative Order 09-09-S*). **No other Motions are allowed to be set with a Motion for Summary Judgment.**

**NOTE: COUNSEL FOR PLAINTIFF MUST APPEAR IN PERSON AT THE MOTION FOR SUMMARY JUDGMENT HEARINGS. DO NOT CALL TO REQUEST PERMISSION TO APPEAR BY TELEPHONE.**

2. It will be the responsibility of the attorney for the Plaintiff to check out and bring the Court file(s) to the MSJ hearings with the following attached to each Court file:
  - a. Proposed Final Judgment of Foreclosure
  - b. Sufficient copies of the judgment for each named party - with sufficient pre-addressed stamped envelopes for each party.
  - c. Original and copies of the Notice of Sale.
  - d. Originals and copies of the Certificates of Sale, Disbursements and Title with appropriate pre-addressed stamped envelopes.
  - e. **The checklist attached hereto showing the date of each indicated activity in the Court file with the other information indicated thereon.**
3. When arriving at the Courtroom it will be the responsibility of the attorney to sign-in by signing the sign-in sheet. The attorney will retain the Court files and checklists until the Judge asks for them. Any cases where answers have been filed by the main defendant are to be tagged in the Court file.
4. The cases will not be called in order of the attorney's arrival but based on the defendants who are present. Attorneys should plan to be available for the hearings all morning.
5. **ALL OTHER MOTIONS** in Residential Mortgage Foreclosure cases are to be scheduled on JACS before Judge C. Vernon Mize, Jr. on Tuesday morning/afternoon, Monday and Wednesday afternoon, or noticed for hearing during his short matter times Monday – Wednesday every other week at 9 a.m. in Courtroom J. Please see Judge Mize's local rules on the homepage under the Local Practice Manual link or on the main menu of JACS for dates for short matters. More dates will be added for hearings on JACS when needed.
6. Timeslots are limited to 5 minutes; this does not mean you only have 5 minutes to argue your motion. If you feel that your Motion will take 20 minutes or more to argue, then please contact Janelle Hartzog (407-665-4115) to get

time certain hearing dates. Hearings are set on a cattle call docket at 9:30 a.m. and 10:30 a.m. Attorneys should plan on being available for an hour from when their hearing is scheduled.

7. Pro se parties representing themselves will need to contact Janelle Hartzog, 407-665-4115 to schedule their Motions before Judge Mize.

**FAILURE TO COMPLY WITH THESE PROCEDURES WILL RESULT IN YOUR HEARING BEING CANCELLED.**

**FORECLOSURE SUMMARY JUDGMENT CHECKLIST**

CASE NO.: \_\_\_\_\_ JUDGE: C. VERNON MIZE, JR. HEARING DATE: \_\_\_\_\_

SHORT CASE STYLE: \_\_\_\_\_ vs. \_\_\_\_\_

NAMED DEFENDANTS:	Date:	<u>Served</u>	<u>Defaulted</u>	<u>Answered</u>	<u>Dismissed</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
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_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

ORDER APPOINTING G.A.L. for:

**Date Filed**

(Defendant's Name)

AFFIDAVIT/ANSWER OF G.A.L.

Fee Requested: \$\_\_\_\_\_

**PLEADINGS FILED:**

Notice of Mediation

Report of Mediation

Motion for Summary Judgment

Original Note and Mortgage

Notice of Hearing

Affidavit of Reasonable Attorney's Fee (expert)

\$\_\_\_\_\_

Affidavit of Costs

\$\_\_\_\_\_

Affidavit of Indebtedness/Amt. Owed

\$\_\_\_\_\_

*(Amt due up to the hearing date)*

Affidavit of Attorney's Time/Fee:

Hours Spent: \_\_\_\_\_

Fee Per Hour: \$\_\_\_\_\_ \$\_\_\_\_\_

or

or

Flat Fee: \$\_\_\_\_\_ \$\_\_\_\_\_

**\*TOTAL AMOUNT: \$ \_\_\_\_\_**

Final Summary Judgment

**\*TOTAL AMOUNT: \$ \_\_\_\_\_**

\*Both total amounts are to match; checklist is not complete if the numbers do not match



IN THE CIRCUIT COURT OF THE  
EIGHTEENTH JUDICIAL CIRCUIT  
IN AND FOR SEMINOLE COUNTY,  
FLORIDA

ADMINISTRATIVE ORDER NO:  
09-09-S AMENDED  
SUPERSEDES 09-09-S

IN RE:       MEDIATION - MANDATORY MEDIATION CIRCUIT COURT SEMINOLE  
              COUNTY OWNER-OCCUPIED RESIDENTIAL MORTGAGE FORECLOSURES

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WHEREAS: Residential mortgage foreclosure case filings have increased over 200% in Seminole County in the first half of 2008; and,

WHEREAS: Due to State and County budget cuts, the 18<sup>th</sup> Judicial Circuit has lost the services of the foreclosure case manager who was responsible for coordinating the scheduling of foreclosure case hearings in Seminole County; and,

WHEREAS: High residential foreclosure rates are having a damaging impact on the economy of Seminole County, the State of Florida, and the financial community; and,

WHEREAS: Owner-occupied residential foreclosures place increased strain on family relationships, leading to higher divorce rates, increased incidents of domestic violence, and adverse impacts on children; and,

WHEREAS: The Judges in the Seminole County Circuit Civil Divisions are routinely advised by owner-occupant litigants that it is difficult, if not outright impossible, to negotiate settlements due to the inability to communicate with appropriate representatives of the lender or the lender's attorneys after the complaint for foreclosure has been filed. In many of these cases, the first opportunity the owner/occupant litigants have to discuss the issues and attempt to resolve their differences is at a hearing on the lender's motion for summary judgment, or later at the foreclosure sale. By that time in most cases, all judicial labor has been expended and the costs and

attorney's fees have increased significantly. The failure of the parties to communicate in a timely fashion results in unnecessary waste of resources by the court, the court staff, and the clerk's office and could be obviated by pre-judgment mediation; and,

WHEREAS: Florida Rule of Civil Procedure 1.700(a) provides that a presiding judge may enter an order referring all or any part of a contested civil matter to mediation or arbitration; and

WHEREAS: Foreclosure actions are equitable in nature, the law abhors a forfeiture, and the nature of a owner-occupied residential foreclosure mandates that the court give full, fair, and equitable consideration to all issues in these cases rather than deal with them in a summary fashion; and,

WHEREAS: The four presiding Seminole Circuit Civil Division judges have determined that greater economy of limited judicial and clerk resources would occur if contested homeowner-occupied residential foreclosure cases in Seminole County were required to be scheduled for mediation before being set for final hearing;

NOW, THEREFORE, IT IS ORDERED:

1. For all homeowner-occupied residential mortgage foreclosure actions filed in Seminole County, Florida, and in which responsive pleadings or other filings asserting viable defenses or seeking any form of affirmative relief are filed by a homeowner Defendant, this order shall constitute an order of referral to mediation. Counsel for plaintiff shall coordinate and schedule the case for mediation prior to the date the matter is set for final or summary judgment hearing. Counsel shall follow the procedure set out in Seminole County Local Rule of Civil Procedure 08-20-S-01 located on the 18<sup>th</sup> Judicial Circuit website (flcourts18.org). The plaintiff may schedule mediation with any Supreme Court Certified Civil Mediator or may schedule mediation through the Seminole County Court mediation department for discounted mediation services with a member of the courts' fixed-fee panel. The mediation department can be reached at 407-665-4244 to schedule a mediation hearing with a fixed-fee panel member.
2. The fee for mediations scheduled through the mediation department shall be \$250.00, paid in advance, for a 1½-hour session. All mediation fees shall be paid in advance by the plaintiff. If the matter does not resolve at mediation, the mediation fee may be taxed by the court as a cost of litigation in the final judgment of foreclosure.

3. The plaintiff shall make a reasonable effort to coordinate the mediation with all parties and shall give the defendant homeowner(s) and any un-defaulted inferior lien holders reasonable advance notice of the date, time, and place of the mediation. When plaintiff gives notice of the mediation, plaintiff shall also give written notice, using the form found in the local rules on the 18<sup>th</sup> Judicial Circuit website, identifying the lender's representative and attesting to the representative's authority to participate in mediation and settle on behalf of the lender. Mediation may only be waived on a verified motion filed by the plaintiff asserting that all defendants have been defaulted and no filing raising viable defenses or seeking affirmative relief has been made by a homeowner defendant. Plaintiff shall attach to its motion for waiver of mediation a copy of all documents filed by Defendant. Upon filing said motion, Counsel for the plaintiff shall also certify that there has been no communication with any of the defendant(s) or any representative for any of the defendant(s) and that the foreclosure is truly uncontested.
4. A copy of the mediation agenda found in the local forms set out on the 18<sup>th</sup> Judicial Circuit website shall be served upon the lender representative, the homeowner(s), and any un-defaulted inferior lien holders along with the notice of the mediation conference.
5. Nothing in this Order is intended to prevent the plaintiff from filing all pleadings necessary to proceed to final or summary judgment and scheduling a hearing on a motion for summary judgment, so long as the hearing is set to occur after the conclusion of the scheduled mediation session or mediation has been waived as permitted under paragraph 3 above.
6. A representative of plaintiff with full authority to settle must participate in the mediation. The representative may attend the mediation by telephone, provided notice of such attendance is included in the mediation notice and a toll-free number is provided by plaintiff's counsel. If the representative attends by telephone, his/her attendance must be continuous throughout the mediation session. Plaintiff's counsel, defendant(s), and defendant's counsel must appear at the mediation in person. Plaintiff's counsel must file with the court a certificate in the form set out in the local rules found on the 18<sup>th</sup> Judicial Circuit

website, identifying the lender's representative, describing that representative's position or relationship with the lender, and specifically certifying that the representative has full authority to resolve the foreclosure suit without the need to seek other authorization.

7. If defendant(s) fail to appear at a properly noticed mediation or if the matter impasses after mediation, the matter may be promptly noticed for final or summary judgment, provided all requirements of F.R.C.P. 1.510 have been met. If plaintiff fails to appear for mediation or no representative with full settlement authority appears, the action shall be dismissed without prejudice.
8. Lenders are encouraged to enter into pre-suit mediation to expedite the process and hopefully result in fewer foreclosures being filed.

DONE AND ORDERED this 30th day of September, 2009.

J. PRESTON SILVERNAIL  
J. PRESTON SILVERNAIL  
CHIEF JUDGE

Distribution:

All Circuit and County Judges (Seminole County)  
Court Administration (Seminole County)  
Clerk of Court (Seminole County)  
State Attorney (Seminole County)  
Public Defender (Seminole County)  
Sheriff (Seminole County)  
Bar Association (Seminole County)  
Law Library (Seminole County)  
County Attorney (Seminole County)

## MEDIATION INFORMATION

The Circuit Judges of Seminole County have issued an Administrative Order that requires the plaintiff lender and homeowner(s) defendant(s) to participate in mediation in all foreclosure cases where the homeowner defendant occupies the property as a principal residence and where the homeowner has filed a response in the court proceeding.

1. Mediation is a voluntary, informal, confidential meeting to create out of court settlement. The mediation session is moderated by a neutral person who assists the participants but does not decide or direct the outcome.
2. The court has the authority to order litigation parties to schedule and attend mediation. The court does not have any authority to control the mediation process. Once at the mediation session the parties proceed as they choose. The discussions conducted and the result of the mediation session is entirely up to the mediation participants. The mediator reports to the court only (1) the attendance or failure to appear of the parties and (2) the final result without any comment as to the discussions or negotiations.
3. **INFORMAL:** Mediation is not a trial or adversary proceeding. There is no formal presentation of evidence or legal argument. The mediation concept is intended to direct the discussion to identification of the issues and treat these issues as problems that can be solved by the parties resulting in mutual agreement.
4. **CONFIDENTIALITY:** By Florida Statute the mediation communications are confidential. The offers, ideas and suggestions of the mediation participants are private and not to be discussed with persons not involved in the mediation session. These mediation communications, offers, ideas and suggestions are not binding if an agreement is not reached. Such mediation communications cannot be used for or against any party in court. Any fact, as opposed to an offer or settlement suggestion, which is disclosed in mediation and which is otherwise admissible as evidence in court is not confidential.
5. **ROLE OF MEDIATOR:** A mediator is a neutral, independent person who has no personal stake in the outcome of the dispute. A mediator does not determine or direct the outcome of the mediation process. A mediator does not take sides or decide disputed facts or positions. A mediator does not give legal, financial or tax advice. A mediator does assist the mediation participants in reducing conflict, identifying issues, exploring alternatives, finding solutions and seeking a mutually acceptable agreement

## **SUGGESTED DOCUMENT EXCHANGES AND SETTLEMENT PREPARATION:**

Listed below are documents that lenders or servicers may require for any of the options. This is not a complete list and your lender, servicer or lender's attorney may require additional documents.

### **LOAN MODIFICATION/REINSTATEMENT/FORBEARANCE**

1. Financial statement that is a list of your current monthly income and expenses.
2. Proof of income, such as a current pay stubs for the most recent one hundred twenty (120) days.
3. If you are self-employed, proof of income needs to be a detailed profit and loss statement as verification of your income year to date.
4. All Federal Tax Returns for the past two years (sign and date to create original document)
5. Hardship Letter that is a one-page statement written by you explaining why you are not able to make your loan payment and when you will resume payments. This statement **MUST** be signed and **DATED** by all borrowers.
6. Copy of your most recent utility (light, water or gas) bill for the property subject to foreclosure to verify homestead.
7. Copy of your current personal bank statement and if you are self-employed your recent four (4) months personal and business bank statements.
8. Completed, Signed and dated IRS Form 4506-T (request for Transcript of Tax Return) as provided by your lender or servicer. The original signed form must be returned to the lender or servicer.
9. If part of your income is from alimony or child support, provide a copy of the divorce decree or separation agreement that states the amount you are receiving and the time periods of payment.
10. Copy of any Award Letter as proof of receiving Social Security, AFDC, Welfare, Pension or any other income benefit statement.
11. If you are renting a room for income within the property subject to foreclosure, provide a copy of the lease agreement with your tenant and proof that you are receiving rent, such as copies of bank deposits for at least three consecutive months or tax returns or tax returns that show a rental income form was filed with the IRS.

## SHORT SALE/DEED IN LIEU OF FORECLOSURE

1. Listing agreement with the real estate professionals;
1. MLS pricing history (for deed in lieu only);
2. Fully executed contract signed by all parties for the purchase and sale;
3. Pre-qualification from the buyer if the buyer is financing;
4. Preliminary HUD-1, also known as the closing statement;
5. Hardship letter explaining why you are selling the property and what caused you to stop making payments;
6. Financial worksheet (monthly expenses);
7. Appraisals or estimates of value, if available and
8. Information of other similar properties sales in your area, if available.

## GENERAL NOTICES

WHEN YOU SEND INFORMATION TO A LENDER/SERVICER ALWAYS INCLUDE REFERENCE TO YOUR NAME, PROPERTY ADDRESS AND LOAN NUMBER. ALWAYS KEEP COPIES OF ANYTHING SENT TO A LENDER/SERVICER AND ALWAYS KEEP PROOF OF THE TRANSMISSION OF THE MATERIALS. BE PREPARED TO SEND MATERIALS MORE THAN ONCE.

For any of the above options, please keep in mind that review of your loan may only be made after receipt of a COMPLETE package. Your file is not considered complete until ALL the documentation required by your lender or servicer is received. Final approval of your request is subject to lender guidelines.

If you have any questions contact your attorney, Residential Foreclosure Counselor or lender. Do not contact the court clerk, judicial assistant or judge.

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT IN AND  
FOR SEMINOLE COUNTY, FLORIDA.

CASE NO.

Plaintiff,

vs.

Defendant.

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**ORDER OF DISMISSAL**

This action is taken by the Court due to the parties failure to appear for the Case Management Conference conducted on October 18, 2010. Upon review of the court file, all interested parties were duly noticed for the scheduled hearing. Therefore it is

**ORDERED AND ADJUDGED** this above referenced action is hereby dismissed without prejudice.

**DONE AND ORDERED** in chambers this \_\_\_\_\_ day of October, 2010.

---

**EDWIN P. B. SANDERS**  
Senior Circuit Judge

Copies furnished to:



**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT IN AND FOR  
SEMINOLE COUNTY, FLORIDA**

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**Plaintiff,**

vs.

**CASE NO.**

---

**Defendant.**

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**ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE**

THIS ACTION is taken by the Court in an effort to improve the handling of all residential mortgage foreclosure cases in Seminole County. Pursuant to Florida Rules of Civil Procedure 1.200, a Case Management Conference will be held in Courtroom "A", 1<sup>st</sup> floor of the Seminole County Courthouse on

**Plaintiffs and/or their counsel** will be required to provide the status of the following:

1. Pleading and any pending motions.
2. Summary Judgment or other expected resolution and time frame for same.
3. Mediation, Loan Modification, Short Sale or other Loss mitigation. (Including whether the information has been provided to the Defendants of options available.)
4. Discovery.
5. Pre and Post Sale matters, if any.

**Defendants (home owners/borrowers)** will be required to provide the status of:

1. Compliance with any agreements including (where applicable):
  - a. Providing information-needed for financing
  - b. Provisions for payments
  - c. Steps for short sale
  - d. Tenant information
2. Anticipated pleadings or motions.

**Other Defendants** shall be prepared to discuss any remaining issues.

**All parties should have access to calendars for scheduling of pending matters. No additional matters, including any ex parte hearings will be heard unless all parties agree the hearing will take no more than ten (10) minutes.**

Plaintiffs are hereby noticed pursuant to Florida Rules of Civil Procedure 1.070, the cases which have not acquired the appropriate service of process within the allotted time frames may be dismissed or dismissed as to the un-served defendants.

Appearance in person is required. If the party is represented, appearance must be by an attorney with knowledge of the case. Failure to have adequate knowledge of the case to address case status will be deemed failure to appear. **Failure to appear will result in dismissal of the case.** Any party seeking affirmative relief must appear.

Borrowers must appear if they are not represented by an attorney, and **failure to appear may result in the striking of pleadings.** The purpose of this hearing is to determine the status of the case and the next appropriate step in case management in each case.

**Plaintiff must bring stamped addressed envelopes for all parties on the service list to the Case Management Conference**

**DONE and ORDERED** in Sanford, Florida this \_\_\_\_ day of September, 2010.

---

C. VERNON MIZE, JR.  
SENIOR CIRCUIT JUDGE

cc: Service List

**If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, 301 N. Park Ave., Sanford, FL 32771, (407) 665-4227 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.**

**GUIDELINES FOR CASE MANAGEMENT CONFERENCES IN  
MORTGAGE FORECLOSURE CASES**

**CRITERIA:** Cases chosen will be those which have been inactive for more than 120 days. No cases wherein all defendants are in default will be set for this type of conference.

**Cases which have not perfected service of process may be dismissed as to any non served parties**

The purpose of this Case Management Order is to identify and resolve outstanding issues and determine what action is necessary to move the case expeditiously to resolution, due to the length of time that this case has been pending. The parties are hereby notified that all pending motions may be set by the court at the Case Management Conference, including any pending summary judgment motion(s), and all opposition to any such motion must be filed and served in accordance with Rule 1.510(c), Florida Rules of Civil Procedure. The Court will also consider if agreed to by all parties, short motions (less than 20 minutes) and attorneys and parties should make an attempt to resolve those issues with opposing counsel/party.

For Plaintiff, appearance shall be by a person with specific knowledge of the file and the ability to answer questions by the Court, including but not limited to the status of loss mitigation efforts, knowledge and consent of investors as to settlement, vacancy/tenancy in the property, and diligent search for borrowers. Where attendance is required, failure to appear by either party or failure to appear with requisite knowledge shall be grounds for dismissal, striking of pleadings and entry of default and/or such other sanctions as the Court deems appropriate.

Homeowner/borrower **Defendant** must appear either in person or by their attorney. Either party may present a Case Management Report with the information identified below.

**APPEARANCE IS MANDATORY EXCEPT WHEN ONE OF THE  
FOLLOWING HAS BEEN FILED WITH THIS COURT**

1. A stipulation of Voluntary Dismissal and Proposed Order of Dismissal agreed to by parties.
2. A stipulation of settlement or forbearance with a Proposed Order of Dismissal reserving jurisdiction to enforce the settlement or forbearance.
3. In a situation in which the case has been finalized, but remains open on the court's docket, a Motion for Case Closure and Proposed Order to Close Case. A photocopy of the order which finalized the case shall be attached as an exhibit to the motion, for example, a final judgment, an order of dismissal, an order dismissing for lack of prosecution. This category is for cases that should have

been closed but due to error are still listed as open cases. The proposed order should provide that this case shall be closed due to: \_\_\_\_\_ (state grounds).

4. In cases which are stayed or abated due to bankruptcy, a Motion Advising of Bankruptcy Status, which attaches a current bankruptcy case docket and an indication of whether or when relief from stay will be sought, with a Proposed Order regarding Bankruptcy Status reflecting that the case is still in bankruptcy.

#### **Case Management Report:**

A Case Management Report may be filed by each party with the Clerk of Court and served on opposing parties. This report shall be filed and delivered no later than ten (10) days prior to the scheduled Case Management Hearing Date.

#### **The Case Management Report shall include:**

1. **Date of filing of complaint and status** of complaint, including any lost note count.
2. **Status of pleadings of each defendant.** An accurate statement as to the:
  - a. Service, method of service, non-military affidavit
  - b. Response filed:
    - i. Motion to dismiss, pending or resolved
    - ii. Motions/orders for extension of time, pending or resolved
    - iii. Answers from Defendants identified by name
    - iv. Motions to Strike Affirmative Defenses, pending or resolved
3. **Status of the Property:** Whether owner-occupied, tenant-occupied, or vacant. If vacant, Plaintiff must advise whether they will seek an expedited sale date if available.
4. **Status of Documents:** Is Plaintiff in possession of the original note? What is the chain of ownership of the note? Are there assignments of mortgage? The original documents should be brought to the Case Management Conference for examination by the Court if not yet filed.