

July 2, 2010

LETTER TO ATTORNEYS SUMMARIZING NEW FORECLOSURE PROCEDURES AND CASE  
MANAGEMENT CONFERENCES

FROM: Nick Sudzina, Court Administrator

The following letter was sent to all members of the Bar who are active in foreclosure litigation.

RE: Changes in Circuit Foreclosure Procedures Requiring Immediate Attention

Dear Sir or Madam:

Our records indicate that your firm is frequently engaged as counsel for the purpose of filing foreclosures in Polk, Highlands and Hardee Counties. The filings and workload for managing these cases have increased over the last several years and has occurred at the same time the judicial branch is experiencing drastic budget reductions. To respond to this increase, and to minimize the impact of these cases on the court system, the Tenth Circuit is modifying the way foreclosure business is being conducted in our circuit. This letter is being sent to those law firms known to us as being active in foreclosure practice. If you have colleagues or organizations that might benefit from knowing of these developments, please feel free to provide them with a copy.

The first major change requires mediation in all residential foreclosure cases filed on or after July 1<sup>st</sup>, 2010. This change was mandated by the Florida Supreme Court in Opinion No. SC09-1460. The Tenth Circuit has promulgated A.O. 3-30.0 that addresses the procedures to be undertaken in these cases and designates the Collins Center for Public Policy as the Program Manager for managed mediation in the Tenth Circuit. You may refer to this A.O. at <http://www.jud10.org/AdministrativeOrders/orders/Section3/3-30.0.pdf>

All real property foreclosure cases that were filed prior to October 1<sup>st</sup>, 2009 and all reopened cases originally filed prior to October 1<sup>st</sup>, 2009 (except for those cases already scheduled for a hearing) will need to be scheduled before the court on the Section 16 calendar (new court division), starting on Thursday, July 15<sup>th</sup> and every Thursday thereafter, except when the court is closed for a holiday. All cases filed on or after October 1st, 2009 will remain in their assigned division and there will be no departure from the way those cases are handled in their respective divisions.

The court has hired Janet Pitts as its case manager for the cases that will be heard in Section 16. She begins work for the court on July 1<sup>st</sup>, 2010 and can be reached at P.O. Box 9000, Drawer J-154, Bartow, FL 33831 or [MTGFProjectS16@jud10.flcourts.org](mailto:MTGFProjectS16@jud10.flcourts.org) or (863) 534-7720 or fax (863) 534-4665. These hearings will be held in hearing room 5A-2 (red elevator).

In order to schedule hearings on Motions for Summary Judgment, you should contact the Judicial Assistant for the Division to which the case is assigned or Janet Pitts for Section 16 cases. Please remember to comply with this Circuit's Administrative Order No. 3-29.1, *Foreclosure Procedures*, when scheduling hearings on Motions for Summary Judgment.

The court will continue its policy of allowing attorneys to attend Motion for Summary Judgment hearings by telephone. The judge's office will call you if other parties appear at the hearing. However, if an attorney is not immediately available and/or does not respond to the Judge's call within 30 minutes, the case will be subject to **DISMISSAL** and then will have to be re-filed in order to proceed.

The Court will be reviewing all pending Mortgage Foreclosure cases for record activity. If no record activity has occurred within the last ten (10) months, a Case Management Conference (CMC) will be scheduled that must be attended by attorneys **in person** and **not by telephone**, unless the case is otherwise dismissed or moved toward conclusion. Failure to appear at the Case Management Conference will result in a **DISMISSAL** of the case.