

From The Desk Of  
Donald G. Jacobsen, Administrative  
Circuit Judge of the Civil Division  
P.O. Box 9000, Drawer JI07  
Bartow, Florida 33831-9000  
Telephone: (863) 534-4649  
Fax: (863) 534-7721

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In the Tenth Circuit's ongoing efforts to efficiently and accurately handle our Mortgage Foreclosure docket, the Court and the Clerk's Office have put into place several new policies. I invite you to review the new [Administrative Order 3-15.12](#), entitled, *Standard Procedures and Language in Foreclosure Proceedings; Electronic Foreclosure Sales in Lieu of On-Site Auctions; Writs of Possession*.

This can be found at the Tenth Circuit's website [www.jud10.org](http://www.jud10.org), and then click on *Administrative Orders*.

As a practical matter and in order to expedite mortgage foreclosure proceedings, please note the following requirements for scheduling and/or cancelling hearings regarding mortgage foreclosure cases:

1. **Confirm** Section number of case and which Judge hearing needs to be scheduled with. There are 6 sections in the Civil Division: 04 (Judge Raiden); 07 (Judge McCarthy); 08 (Judge Wright); 11 (Judge Jacobsen); 15 (Judge Roddenbery); and 16 (Senior Judges Randall McDonald and Cecelia Moore). Section 16 handles only mortgage foreclosure cases with filing dates of up to and through October 2009. There is a Judge rotation periodically so when you are notified of a Judge change, it is necessary for your office to make those changes.
2. Motion for Summary Judgment foreclosure packages **must** arrive @ the Judge's office 7 – 10 days before the scheduled hearing date. Package **must** be complete, including an Affidavit of Compliance. See [Administrative Order 3-29.1](#) Failure to have the package timely sent or not complete could result in the foreclosure hearing being rescheduled. Make sure the Notice of Hearing includes the **correct** name of Judge and hearing room number.
3. **Confirm** with each individual Judge's office requirements for attending Motion for Summary Judgment foreclosure hearings that have no opposing counsel. Typically, the attorney will be contacted by the Judge **ONLY** if someone shows up to contest OR if

*there is a problem with the paperwork. However, it is necessary for the attorney of record to be available at the appointed date and time should the Judge need to call.*

*4. If the Motion for Summary Judgment foreclosure hearings (including other various motions relating to the mortgage foreclosure cases) will have opposing counsel attending, then it is up to the scheduling attorney to set up a conference call with opposing counsel and then call in to the Judge's hearing line. BOTH attorneys must be on the conference call at the time of calling into the Judge's hearing line. It is necessary to confirm the Judge's hearing line number at the time of scheduling the hearing.*

*5. Case Management Conferences **require** an attorney to appear in person.*

*6. If a hearing needs to be cancelled, it is imperative to advise the Judge's office in a timely manner. The Notice of Cancellation of Hearing **must** contain the reason why the hearing is being cancelled.*

*7. Failure to adhere to any of the above can result in a delay of judicially moving these cases forward to conclusion.*

If you have any questions or comments, please feel free to contact me.

*Donald G. Jacobsen*

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