

**RESIDENTIAL
FORECLOSURE
PROCEDURES**

Updated
07/07/2017

**NINETEENTH JUDICIAL CIRCUIT
COURT OF FLORIDA**

INDIAN RIVER COUNTY

CIRCUIT JUDGE PAUL B. KANAREK'S RESIDENTIAL FORECLOSURE PROCEDURES

1. UNIFORM MOTION CALENDAR (UMC) (INDIAN RIVER COUNTY)

A UMC for Residential Mortgage Foreclosures is provided for short (10 minutes or less) non-evidentiary motions and uncontested motions. Types of motions suitable for hearing on the Uniform Motion Calendar include a simple motion to strike affirmative defenses, to amend pleadings, brief discovery motions, protective orders, etc. **The court will not hear motions for summary judgement or any motion which requires the presentation of evidence at UMC.**

All UMC hearings must be set using our online scheduling. **YOU MUST FILE YOUR MOTION BEFORE SCHEDULING A HEARING.** Please refer to Judge Kanarek's calendar posted at https://slccjis.stlucieco.gov/attorney_calendar/ to confirm and schedule available dates. You must register to obtain your User ID and Password on the site. When registering on this site please include your email address. Hearings are scheduled as follows:

1. Login
2. Hover over Calendar Assignments and Click on Case Assign.
3. Using Dropdown Menus SELECT Indian River for County and Judge Kanarek,
Click on submit.
4. Click on date
5. Click on ASSIGN and chose your time under FORECLOSURE UMC.

Normally UMC will be heard on a "first come, first served" basis. You may appear at UMC hearings either in person or by using *Court Call at 888-882-6878 * 870*. Arrangements with *Court Call* must be made at least 5 business days prior to the scheduled hearing. After proper notice, failure of any party to appear at the hearing shall not prevent a party from proceeding with the matter when the case is called. If the party noticing the matter for hearing chooses to wait for the absent party, the matter may be passed over until the end of the calendar. If the judge runs out of time on UMC, any remaining hearings will need to be rescheduled.

Copies of all hearing notices, relevant motions, and a proposed generic order, granting/denying in Word format must be sent by e-mail to the court's Judicial Assistant at ShepkeG@circuit19.org immediately after scheduling the hearing online or no later than five (5) business days prior to the hearing. Any case law or statutes to be relied upon shall be submitted to the Court with the motion with relevant portions highlighted and may be submitted by e-mail with the motion. All Notices of Hearing shall contain a **certificate of good faith** signed by the lawyer who set the hearing in substantially the following form:

I HEREBY CERTIFY that I have personally contacted opposing counsel or *pro se* litigant in an effort to resolve the issue(s), however, the matter cannot be resolved and a hearing is necessary.

Please note that certifications containing language to the effect that an effort will be made to resolve the issue in the future is NOT sufficient. If personal communication is attempted but unsuccessful, written communication to opposing counsel will suffice. Failure to comply with this requirement may result in cancellation of the hearing by the Court. If it is determined that the certification is not true, other sanctions may be imposed, including a referral to the Florida Bar.

All proposed orders must be in **Word** format and shall be submitted to Judge Kanarek's Judicial Assistant (ShepkeG@circuit19.org) at least five (5) working days before any hearing. The proposed order must describe in the caption the subject and ruling of the court, *i.e.* "Order Granting Motion for Partial Summary Judgment on Liability" *See* Fla.R.Civ.P. 1.100(c)(a). The proposed order shall contain the name and e-mail service address for all parties. If any party does not have an email service address, that parties' physical service address shall be contained in the proposed order and the moving party must provide the court with a proposed conformed copies and self-addressed stamped envelopes for service.

All envelopes submitted for Indian River Residential Foreclosure cases should have the following return address:

*The Honorable Paul B. Kanarek
2000 16th Avenue, Suite 375
Vero Beach, FL 32960*

2. SPECIAL SET MOTION HEARINGS (INCLUDING MOTIONS FOR SUMMARY JUDGMENT) (INDIAN RIVER COUNTY)

Hearings in residential mortgage foreclosure cases shall not be heard on civil hearing dates and can only be set on residential foreclosure dates.

YOU MUST APPEAR IN PERSON FOR ALL SPECIAL SET MOTION HEARINGS AND FOR ANY EVIDENTIARY HEARING.

All Special set hearings must be set using our online scheduling. **YOU MUST FILE YOUR MOTION BEFORE SCHEDULING A HEARING.** Please refer to Judge Kanarek's calendar posted at https://slccjis.stlucieco.gov/attorney_calendar/ to confirm and schedule available dates. You must register to obtain your User ID and Password on the site. When registering on this site please include your email address. Hearings are scheduled as follows:

1. Login
2. Hover over Calendar Assignments and Click on Case Assign.
3. Using Dropdown Menus SELECT Indian River for County and Judge Kanarek, Click on submit.
4. Click on date
5. Click on ASSIGN and chose your time under FORECLOSURE UMC.

Copies of all hearing notices, relevant motions, and a proposed generic order, granting/denying in Word format must be sent by e-mail to the court's Judicial Assistant at ShepkeG@circuit19.org immediately after scheduling the hearing online or no later than five (5) business days prior to the hearing. Any case law or statutes to be relied upon shall be submitted to the Court with the motion with relevant portions highlighted and may be submitted by e-mail with the motion. All Notices of Hearing shall contain a **certificate of good faith** signed by the lawyer who set the hearing in substantially the following form:

I HEREBY CERTIFY that I have personally contacted opposing counsel or *pro se* litigant in an effort to resolve the issue(s), however, the matter cannot be resolved and a hearing is necessary.

Please note that certifications containing language to the effect that an effort will be made to resolve the issue in the future is NOT sufficient. If personal communication is attempted but unsuccessful, written communication to opposing counsel will suffice. Failure to comply with this requirement may result in cancellation of the hearing by the Court. If it is

determined that the certification is not true, other sanctions may be imposed, including a referral to the Florida Bar.

All proposed orders must be in **Word** format and shall be submitted to Judge Kanarek's Judicial Assistant (ShepkeG@circuit19.org) at least five (5) working days before any hearing. The proposed order must describe in the caption the subject and ruling of the court, *i.e.* "Order Granting Motion for Partial Summary Judgment on Liability" *See* Fla.R.Civ.P. 1.100(c)(a). The proposed order shall contain the name and e-mail service address for all parties. If any party does not have an email service address, that parties' physical service address shall be contained in the proposed order and the moving party must provide the court with a proposed conformed copies and self-addressed stamped envelopes for service.

All envelopes submitted for Indian River Residential Foreclosure cases should have the following return address:

*The Honorable Paul B. Kanarek
2000 16th Avenue, Suite 375
Vero Beach, FL 32960*

3. PROCEDURES FOR SUMMARY JUDGMENTS IN RESIDENTIAL FORECLOSURE CASES (INDIAN RIVER COUNTY)

At the time you file your Motion for Summary Judgment, please file the ORIGINAL PROMISSORY AND MORTGAGE with the Clerk of Court; otherwise, you must bring them to the hearing/trial. **DO NOT** send the originals to the Judges office.

Your Summary Judgment Package (Please see attached) must be received by Judge Kanarek at least 10 business days prior to the scheduled hearing. **Please mail all packages to Judge Paul B. Kanarek, 2000 16th Avenue, Suite 375, Vero Beach, FL 32960.**

YOU MUST ALSO EMAIL the proposed Final Judgment in Word format to IRCJudge2@circuit19.org at least 10 business days prior to the hearing/trial.

PLEASE SEE Administrative Order 2015-07 for the latest form of Final Judgment required in the 19th Circuit. This form is available online at www.circuit19.org.

**19TH JUDICIAL CIRCUIT
REQUIRED SUMMARY JUDGMENT PACKET CONTENTS FOR
INDIAN RIVER RESIDENTIAL FORECLOSURE CASES**

Summary judgment packets submitted to the court **must** contain the following as a minimum for the case to proceed to a hearing:

COPIES ONLY (Originals should be sent to Clerk of Court for filing)

- Motion for Summary Judgment and Notice of Hearing/Re-Notice of Hearing
- First page of complaint showing style of the case and Clerk's date of filing stamp and Last page of complaint showing verification (if filed after 2/10)
- All returns of service indicating service of summons on defendants (returns showing no service should not be submitted)
- Notice of dismissal/dropping party for any defendant served
- Any documents filed in the court file regarding status of any bankruptcy proceeding for any defendant
- Promissory note sued upon (showing any endorsements)
- Allonge or recorded assignments
- Affidavit stating plaintiff was the owner and holder of the note at the time of filing and that the servicer has full authority to foreclose (with POA or pooling/servicing agreement)
- Affidavit of indebtedness
- Affidavit regarding attorney's fees by plaintiff's counsel
- Affidavit regarding attorney's fees by supporting expert
- Affidavit of costs
- Notice of filing regarding original note, mortgage, assignments or allonges

ORIGINALS:

- Proposed Final Judgment – This must also be emailed in Word format to IRCJudge2@circuit19.org.
- Proposed Certificate of Disbursements
- Proposed Certificate of Title along with sufficient addressed stamped envelopes for the Clerk to send out the Certificate of Disbursements and Certificate of Title
- Final Disposition Form (properly filled out)

All orders must be accompanied by a sufficient number of copies for conforming and stamped addressed envelopes with sufficient postage for distribution to all parties who have not filed Notice of E-Mail Address. All Envelopes submitted for Indian River County for foreclosure cases must have the following return address: *The Honorable Paul B. Kanarek, 2000 16th Avenue, Suite 375, Vero Beach, FL 32960*

Please submit the packets to:

*The Honorable Paul B. Kanarek
2000 16th Avenue, Suite 375
Vero Beach, FL 32960*

IF WE DO NOT HAVE YOUR COMPLETE FINAL JUDGMENT PACKAGE AT LEAST 10 BUSINESS DAYS PRIOR TO THE HEARING, YOUR SUMMARY JUDGMENT HEARING MAY NOT BE HELD AND YOU MAY BE REQUIRED TO RESCHEDULE.

4. CANCELLING HEARINGS **(INDIAN RIVER COUNTY)**

Hearings which have been scheduled online (UMC) must be cancelled on the online calendar no later than 3:00 pm the day before the scheduled hearing. If the hearing is cancelled after 3:00 pm, the Notice of Cancellation must be emailed to IRCJudge2@circuit19.org AND ShepkeG@circuit19.org before the scheduled hearing time. If the hearing is not cancelled on the online calendar and/or we do not receive a Notice of Cancellation, the attorney who set the hearing will be considered a “no show” and online schedule privileges may be revoked as a result.

Special set hearings may not be cancelled less than ten (10) days prior to the scheduled hearing date, without permission or order of the Court, unless the scheduled matter has been completely resolved (i.e. requiring no further hearing time).

5. MOTIONS TO CANCEL/RESCHEDULE SALES OR **POSTPONE WRIT OF POSSESSION** **(INDIAN RIVER COUNTY)**

All motions to cancel sale (which must include the reason for cancellation, any supporting documentation, and the number of times the sale has been cancelled) and a proposed order in Word format must be emailed to ShepkeG@circuit19.org at least 5 business days before the sale date. A sale may be cancelled *ex parte* with evidence of permanent modification (or payments made under temporary modification), short sale or bankruptcy. Sales that have been cancelled on more than one occasion will not be scheduled without a hearing unless good cause is shown. Failure to publish, pay sale fees or loss mitigation after Final Judgment are not good cause and will require a hearing accompanied with the consent or acknowledgement of the Plaintiff to reset the sale, along with the appropriate Clerk’s fees.

If the judge requires the matter to be set for hearing, it should be set as directed by the Court. If a hearing is scheduled, attorneys may appear by *Court Call* if arrangements can be made.

6. FORECLOSURE TRIALS **(INDIAN RIVER COUNTY)**

Foreclosure trials will be scheduled by the Court either on its own motion or upon the filing of a Notice for Trial pursuant to Rule 1.440, Florida Rules of Civil Procedure.

7. MOTIONS FOR SUBSTITUTION OF COUNSEL (INDIAN RIVER COUNTY)

The court may grant motions for substitution of counsel without a hearing if a valid stipulation is signed by the lawyers, and a valid written consent of the parties are filed. *See Rule 2.505*, Florida Rules of Judicial Administration. Copies of the motion, stipulation, client consent and a proposed order in Word format should be emailed to Judge Kanarek's Judicial Assistant at ShepkeG@circuit19.org. The moving party's attorney shall be responsible to serve all parties not served via the E-Portal and e-file a certificate of service.

OKEECHOBEE COUNTY

CIRCUIT JUDGE LAURIE E. BUCHANAN'S RESIDENTIAL FORECLOSURE PROCEDURES

RESIDENTIAL FORECLOSURE MOTIONS REQUIRING 10 MINUTES OR LESS MAY BE SET ON REGULAR CIVIL UMC. THIS INCLUDES MOTIONS FOR SUMMARY JUDGMENT. ALL HEARINGS, INCLUDING UMC HEARINGS, MUST BE SCHEDULED USING THE ONLINE SCHEDULING CALENDAR.

If you have an appropriate motion that should be considered on an ex parte basis, you can mail the motion and proposed order, along with appropriate copies to be conformed and self-addressed stamped envelopes for mailing, to Judge Buchanan. *If you have an emergency in a residential foreclosure case, please e-mail a copy of the motion to wykowskia@circuit19.org for review.*

ALL HEARINGS THAT REQUIRE 15 MINUTES OR MORE MUST ALSO BE SCHEDULED using the online calendaring at https://slccjis.stlucieco.gov/attorney_calendar. You must register to obtain your user id and password on the site. When registering on this site please include your e-mail address.

At the time you file your Motion for Summary Judgment, please file the ORIGINAL PROMISSORY NOTE AND MORTGAGE with the Clerk (*however, if it is less than 20 days, you must bring them to the hearing*). **DO NOT SEND THE ORIGINALS TO THE JUDGE'S OFFICE. YOU MUST** use the Nineteenth Circuit's approved form for Final Judgment of Mortgage Foreclosure. You may find a copy of this form posted at www.circuit19.org.

The final judgment package, including your proposed final judgment, must be received by Judge Buchanan at least **15 business days** prior to the scheduled hearing. **Please mail all packages to Judge Buchanan at the Okeechobee County Courthouse, 312 N.W. 3rd Street, Courtroom "B", Okeechobee, Florida 34972.** Send four (4) sets of addressed, stamped envelopes with your package so that the Court can send out the final judgment and the Clerk will have the certificate of title and disbursements. **DO NOT** send the original note and mortgage with the package. The proposed final judgment shall contain the location and address where the sale is to take place. When sending out this package you must include a cover memo stating the date of the hearing.

IF WE DO NOT HAVE YOUR COMPLETE FINAL JUDGMENT PACKAGE AT LEAST 10 BUSINESS DAYS PRIOR TO THE HEARING, YOUR SUMMARY JUDGMENT HEARING WILL NOT BE HELD AND YOU WILL BE REQUIRED TO RESCHEDULE.

Judge Buchanan's hearings will be held at: Okeechobee County Courthouse, 312 N.W. 3rd Street, Courtroom "B", Okeechobee, Florida 34972.

All judicial sales in Okeechobee County will be held in the Jury Assembly Room of the Okeechobee County Courthouse located at 312 N.W. 3rd Street, 2nd Floor, Okeechobee, FL 34972. Sales are generally scheduled on Wednesdays at **11:00 A.M.**

MOTIONS TO CANCEL/RESCHEDULE SALES
(OKEECHOBEE COUNTY)

All motions to cancel must provide the reason for cancellation as well as a proposed order, with appropriate copies for conforming and self-addressed stamped envelopes for the parties. A sale may be cancelled ex parte by providing evidence of modification or short sale, bankruptcy or with the consent of all parties. Sales that have been cancelled on more than one occasion will not be rescheduled without a hearing unless good cause is shown. Failure to publish, pay sale fees or mitigation after Final Judgment are not good cause and will require a hearing accompanied with the consent or acknowledgement of the Plaintiff to reset the sale and that all loss mitigation efforts have been exhausted, along with the sale fee, new sale package and acknowledgment by the supervising attorney that proper procedures will be followed.

MOTIONS FOR SUBSTITUTION OF COUNSEL
(OKEECHOBEE COUNTY)

The court may grant Motions for substitution of counsel without a hearing if a valid stipulation signed by the attorneys, *and a valid written consent of the party are filed*. Copies of the motion, stipulation, consent, proposed order and self-addressed/stamped envelopes for mailing should be sent to Judge Buchanan.

APPEARANCE BY TELEPHONE
(OKEECHOBEE COUNTY)

Telephone hearings are permitted as long as there is not testimony or evidence. No motion or order is necessary. All telephone appearances must be made through Court Call, a company which provides connection between the parties and the courtroom for a flat fee. When you know the date and time of your hearing you must call Court Call directly at 1-888-882-6878 to arrange for your appearance by phone. ***You must schedule your Court Call appearance at least five (5) working days prior to the hearing.***

**19TH JUDICIAL CIRCUIT
REQUIRED SUMMARY JUDGMENT PACKET CONTENTS FOR
OKEECHOBEE RESIDENTIAL FORECLOSURE CASES**

Summary judgment packets submitted to the court **must** contain the following as a minimum for the case to proceed to a hearing:

COPIES ONLY (Originals should be sent to Clerk of Court for filing):

- Motion for Summary Judgment and Notice of Hearing/Re-Notice of Hearing
- First page of complaint showing the style of the case and Clerk's date of filing stamp and Last page of complaint showing verification (if filed after 2/10)
- All returns of service indicating service of summons on defendants (returns showing no service should not be submitted)
- Notice of dismissal/dropping party for any defendant not served
- Any documents filed in the court file regarding status of any bankruptcy proceeding for any defendant
- Promissory note sued upon (showing any endorsements)
- Allonge or recorded assignments
- Affidavit stating plaintiff was the owner and holder of the note at the time of filing and that the servicer has full authority to foreclose (with POA or pooling/servicing agreement)
- Affidavit of indebtedness
- Affidavit regarding attorney's fees by plaintiff's counsel
- Affidavit regarding attorney's fees by supporting expert
- Affidavit of costs
- Notice of Filing regarding original note, mortgage, assignments or allonges

ORIGINALS:

- Proposed Final Judgment
- Proposed Certificate of Disbursements
- Proposed Certificate of Title Final Disposition Form (properly filled out)

All Envelopes submitted for Okeechobee for foreclosure cases should have the following return address:

*The Honorable Laurie E. Buchanan
312 NW 3rd Street, Courtroom B
Okeechobee, FL 34972*

Please submit the packets to:

*The Honorable Laurie E. Buchanan
312 NW 3rd Street, Courtroom B
Okeechobee, FL 34972*

MARTIN COUNTY

CIRCUIT JUDGE WILLIAM L. ROBY'S RESIDENTIAL FORECLOSURE PROCEDURES

FORECLOSURE SUMMARY JUDGMENTS (MARTIN COUNTY)

Hearings on motions for Summary Judgments in person or by Court Call will be conducted:

January 26, 2017; February 24, 2017; March 23, 2017; April 7 2017; May 24, 2017; June 9, 2017, July 7, 2017; August 31, 2017; October 5, 2017.

- 9:00 am – 11:30 am MSJ Hearings

All MSJ hearings will be scheduled on-line. These hearings are scheduled on-line at https://slccjis.stlucieco.gov/attorney_calendar/

1. Login
2. Hover over Calendar Assignments and Click on Case Assign.
3. Using the Dropdown Menus SELECT Martin County, and Judge Roby Residential Foreclosure, Click on submit.
4. Click on date.
5. Click on ASSIGN (for 09:00 am, 09:30 am, 10:00, 10:30 am, **MC FORECLOSURE MSJ Assignment**) to enter case details.

All residential mortgage foreclosure summary judgment packets for Martin County cases must be received at the address below no later than 10 business days in advance of the hearing.

*The Honorable William L. Roby
C/O Foreclosure Case Manager
250 NW Country Club Dr., Ste. 217
Port St. Lucie, FL 34986*

If complete packets are not received at least 10 business days in advance of the hearing, then you may be required to reschedule the hearing. These hearings are for Motions for Summary Judgment that require 5 minutes, if more time is needed please schedule your matter for a special set.

*You must contact Court Call at 888-882-6878 once your matter is scheduled to coordinate for telephonic appearances. Arrangements with Court Call must be made **at least 5 business days prior to the scheduled hearing.***

**19TH JUDICIAL CIRCUIT
REQUIRED SUMMARY JUDGMENT PACKET CONTENTS FOR
MARTIN RESIDENTIAL FORECLOSURE CASES**

EFFECTIVE SEPTEMBER 1, 2015:

Summary judgment packets submitted to the court must contain the following as a minimum for the case to proceed to a hearing:

ORIGINALS:

- For **Martin County**: Proposed Final Judgment (with adding tape showing verification of the amounts) with copies of Final Judgment, 3 sets of addressed and stamped envelopes for all parties.

All residential mortgage foreclosure summary judgment packets for Martin County cases must be received at the address below no later than 10 business days in advance of the hearing.

If complete packets are not received at least 10 business days in advance of the hearing, then you may be required to reschedule the hearing.

All envelopes submitted for Martin County must have this address as a return address:

*The Honorable William L. Roby
100 East Ocean Boulevard
Stuart, FL 34994*

Please submit the packets to:

*The Honorable William L. Roby
C/O Foreclosure Case Manager
250 NW Country Club Dr., Ste. 217
Port St. Lucie, FL 34986*

UNIFORM MOTION CALENDARS (UMC)
HEARINGS REQUIRING NO MORE THAN 5 MINUTES
(MARTIN COUNTY)

EFFECTIVE JANUARY 2, 2014:

Every pleading and other paper of a party represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name – or by a party personally if the party is unrepresented. (Rule 2.515 RJA)

Short Hearing/Uniform Motion Calendars will be conducted

January 24, 25, 2017; February 21, 22, 23, 2017; March 21, 22, 2017; April 6, 2017; May 23, 2017; June 8, 2017; July 5, 6, 2017; August 29, 30, 2017; October 3, 4, 2017.

- 9:00 am – 09:30 am UMC Hearings

These hearings are scheduled on-line at https://slccjis.stlucieco.gov/attorney_calendar/

1. Login
2. Hover over Calendar Assignments and Click on Case Assign.
3. Using the Dropdown Menus SELECT Martin County, and Judge Roby Residential Foreclosure, Click on submit.
4. Click on date.
5. Click on ASSIGN (for 9:00 am **UMC Assignment**) to enter case details.

*You must contact Court Call at 888-882-6878 once your matter is scheduled to coordinate for telephonic appearances. Arrangements with Court Call must be made **at least 5 business days prior to the scheduled hearing.***

A copy of the motion must be sent to the address below, no later than 5 business days prior to the scheduled hearing and the notice of hearing must be served on opposing counsel 5 business days prior to the scheduled hearing.

*The Honorable William L. Roby
100 East Ocean Boulevard
Stuart, FL 34994*

Original motions and attachments shall be filed at the clerk's office before setting motions for hearings or mailing those to the Judge's office.

Parties may attend by Court Call if arrangements are made through Court Call at least 5 business days prior to the scheduled hearing.

IMPORTANT: No evidentiary hearings or summary judgment hearings shall be set on Short Hearing/Uniform Motion Calendars.

Counsel who filed the motion must bring a proposed order to the hearing (generic orders granting/denying with at least five lines for additional provisions may be used) along with sufficient copies and self addressed stamped envelopes for all parties. If you want the court file at the hearing you must call the Clerk at least five business days prior to the hearing and request that the file be brought to the hearing.

Copies of all hearing notices and relevant motions must be sent by mail, not fax, to the Judge's office five (5) working days prior to the hearing. Any case law or statutes to be relied upon shall be submitted to the Court with the motion with relevant portions highlighted. You must give the opposing party notice of the hearing at least five working days prior to the hearing unless otherwise agreed to by the parties.

SPECIAL SETS
HEARINGS REQUIRING MORE THAN 5 MINUTES
(MARTIN COUNTY)

Motions requiring a hearing of more than 5 minutes will be heard from 1:30 pm to 4:00 pm the following dates:

January 26, 2017; March 20, 23, 2017; April 6, 2017; May 22, 2017, June 8, 2017; July 5, 2017; August 31, 2017; October 2, 2017.

(October 5, 2017 from 10:00 am to 11:45 am).

- 1:30 pm – 3:30 pm Special Sets Hearings

Special set hearing time over 1 hour may be obtained by contacting the Judge's office.

Original motions and attachments shall be filed at the clerk's office before setting motions for hearings or mailing those to the Judge's office.

Do not set hearings and then not show up for them.

Too often, the court will set aside valuable court time for a special set evidentiary hearing, only to have no one show up for the hearing. No one even has the courtesy to call, or file a notice of cancellation. This hearing time is then unavailable to other litigants.

Hearings in excess of 30 minutes will *not* be canceled unless:

- (1) a hearing is held to continue the hearing for extraordinary and unforeseen grounds; or
- (2) the movant waives the relief requested in writing; or
- (3) a stipulation and order is submitted to the court for signature in advance of the hearing that fully resolves the issue(s), or
- (4) the case is fully resolved by settlement or otherwise, prior to the hearing date.

Failure to follow this procedure may result in sanctions, including loss of the privilege to appear by telephone; restrictions on the ability to set and notice hearings without specific court approval; the entry of an order deeming the matter raised in the motion as waived; and for repeat offenders, referral to the Florida Bar. Setting hearings and not showing up for them might implicate Rules Regulating the Florida Bar, Rule 4-1.1, or Rule 4-1.3.

APPEARANCE MUST BE IN PERSON FOR ANY EVIDENTIARY HEARING.

An order authorizing appearance by phone is necessary for telephonic appearance in hearings scheduled for more than 15 minutes.

Every pleading and other paper of a party represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name – or by a party personally if the party is unrepresented. (Rule 2.515 RJA)

These hearings are scheduled on-line at:

https://slccjis.stlucieco.gov/attorney_calendar/

1. Login
2. Hover over Calendar Assignments and Click on Case Assign.
3. Using the Dropdown Menus SELECT Martin County, and Judge Roby Residential Foreclosure, Click on submit.
4. Click on date.

5. Click on ASSIGN (for 1:30 pm **Special Set Assignment**) to enter case details.

You must contact Court Call at 888-882-6878 once your matter is scheduled to coordinate for telephonic appearances. Arrangements with Court Call must be made at least 5 business days prior to the scheduled hearing.

**EMERGENCY MOTIONS TO CANCEL FORECLOSURE SALE OR POSTPONE
WRIT OF POSSESSION
(MARTIN COUNTY)**

Emergency Motions to Cancel Foreclosure Sales or Postpone Writs of Possession **may not** require a hearing. Any such motion must be accompanied by a sufficient number of orders and envelopes with postage sufficient for mailing. The “Done and Ordered in chambers: section must indicate Stuart, Martin County, FL.

If hearing is scheduled, attorneys may attend by Court Call if arrangements are made through Court Call 5 business days prior to the scheduled hearing.

If the judge requires the matter to be set for hearing, it should be set during UMC or as otherwise directed by the Foreclosure Judge.

IMPORTANT: The timing of the Motion to Cancel Foreclosure Sale must comply with Administrative Order 2015-07 and the notice of hearing must be served on opposing counsel no later than 5 business days prior to the scheduled hearing.

**TRIALS
(MARTIN COUNTY)**

NOTICES FOR TRIAL: All notices that the case is at issue and ready to be set for trial along with addressed and stamped envelopes shall be sent to:

*The Honorable William L. Roby
100 East Ocean Boulevard
Stuart, FL 34994*

APPEAR IN PERSON ONLY: Trials and Case Management Conferences require in person appearance.

MISCELLANEOUS
(MARTIN COUNTY)

MOTIONS WITHOUT HEARINGS: Some matters may be addressed by the court through a motion not requiring a hearing. Any such motion must be accompanied by a sufficient number of orders and envelopes with postage sufficient for mailing. The “Done and Ordered in chambers” section must indicate Stuart, Martin County, FL.

MOTIONS FOR SUBSTITUTION OF COUNSEL: The court may grant Motions for substitution of counsel without a hearing if a valid stipulation signed by the attorneys, and a valid written consent of the parties is filed. Copies of the motion, stipulation, consent, proposed order and envelopes with postage sufficient for mailing should be sent to the Foreclosure Judge for St. Lucie County cases.

ENVELOPES FOR SENDING ORDERS: You must provide a sufficient number of stamped envelopes for sending orders to all parties. The return address on the envelopes must be:

*The Honorable William L. Roby
100 East Ocean Boulevard
Stuart, FL 34994*

SAINT LUCIE COUNTY

CIRCUIT JUDGE ROBERT E. BELANGER'S RESIDENTIAL FORECLOSURE PROCEDURES

FORECLOSURE SUMMARY JUDGMENTS (ST. LUCIE COUNTY)

Hearings on motions for Summary Judgments in person or by Court Call will be conducted:

January 6, 20, 2017; February 2, 23, 2017; March 16, 30, 2017; April 13, 27, 2017, May 11, 2017; June 8, 22, 2017; July 13, 2017; August 3, 17, 31, 2017; September 14, 28, 2017.

- 9:00 am – 11:30 am MSJ Hearings

All MSJ hearings will be scheduled on-line. These hearings are scheduled on-line at https://slccjis.stlucieco.gov/attorney_calendar/

1. Login
2. Hover over Calendar Assignments and Click on Case Assign.
3. Using the Dropdown Menus SELECT St. Lucie County, and Judge Belanger, Click on submit.
4. Click on date.
5. Click on ASSIGN (for 09:00 am, 09:30 am, 10:00, 10:30 am, **SLC FORECLOSURE MSJ Assignment**) to enter case details.

All residential mortgage foreclosure summary judgment packets for St. Lucie County cases must be received at the address below no later than 10 business days in advance of the hearing.

The Honorable Robert E. Belanger
250 NW Country Club Dr., Ste. 217
Port St. Lucie, FL 34986

If complete packets are not received at least 10 business days in advance of the hearing, then you may be required to reschedule the hearing. These hearings are for Motions for Summary Judgment that require 5 minutes, if more time is needed please schedule your matter for a special set.

*You must contact Court Call at 888-882-6878 once your matter is scheduled to coordinate for telephonic appearances. Arrangements with Court Call must be made **at least 5 business days prior to the scheduled hearing.***

**19TH JUDICIAL CIRCUIT
REQUIRED SUMMARY JUDGMENT PACKET CONTENTS FOR ST.
LUCIE RESIDENTIAL FORECLOSURECASES**

EFFECTIVE SEPTEMBER 1, 2015:

Summary judgment packets submitted to the court must contain the following as a minimum for the case to proceed to a hearing:

ORIGINALS:

- For **Saint Lucie County**: Proposed Final Judgment (with adding tape showing verification of the amounts) with copies of Final Judgment as well as addressed and stamped envelopes for all parties.

All residential mortgage foreclosure summary judgment packets for St. Lucie County cases must be received at the address below no later than 10 business days in advance of the hearing.

If complete packets are not received at least 10 business days in advance of the hearing, then you may be required to reschedule the hearing.

All envelopes submitted for Saint Lucie County must have this address as a return address:

*The Honorable Robert E. Belanger
250 NW Country Club Dr., Ste. 217
Port St. Lucie, FL 34986*

Please submit the packets to:

*The Honorable Robert E. Belanger
250 NW Country Club Dr., Ste. 217
Port St. Lucie, FL 34986*

UNIFORM MOTION CALENDARS (UMC)
HEARINGS REQUIRING NO MORE THAN 5 MINUTES
(ST. LUCIE COUNTY)

EFFECTIVE JANUARY 2, 2014:

Every pleading and other paper of a party represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name – or by a party personally if the party is unrepresented. (Rule 2.515 RJA)

Short Hearing/Uniform Motion Calendars will be conducted

January 3, 4, 5, 17, 18, 19, 30, 31, 2017; February 1, 20, 22, 2017; March 13, 14, 15, 27, 28, 29, 2017; April 10, 11, 12, 24, 25, 26, 2017; May 8, 9, 10, 2017; June 5, 6, 7, 13, 19, 20, 21, 2017; July 10, 11, 12, 2017; August 1, 2, 4, 14, 15, 16, 28, 29, 30, 2017; September 11, 12, 13, 25, 26, 27, 2017; October 30, 31, 2017.

- 9:00 am – 10:00 am UMC Hearings

These hearings are scheduled on-line at https://slccjis.stlucieco.gov/attorney_calendar/

1. Login
2. Hover over Calendar Assignments and Click on Case Assign.
3. Using the Dropdown Menus SELECT St. Lucie County, and Judge Belanger, Click on submit.
4. Click on date.
5. Click on ASSIGN (for 9:00 am **UMC Assignment**) to enter case details.

*You must contact Court Call at 888-882-6878 once your matter is scheduled to coordinate for telephonic appearances. Arrangements with Court Call must be made **at least 5 business days prior to the scheduled hearing.***

A copy of the motion must be sent to the address below, no later than 5 business days prior to the scheduled hearing and the notice of hearing must be served on opposing counsel 5 business days prior to the scheduled hearing.

*The Honorable Robert E. Belanger
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Original motions and attachments shall be filed at the clerk's office before setting motions for hearings or mailing those to the Judge's office.

Parties may attend by Court Call if arrangements are made through Court Call at least 5 business days prior to the scheduled hearing.

IMPORTANT: No evidentiary hearings or summary judgment hearings shall be set on Short Hearing/Uniform Motion Calendars.

Counsel who filed the motion must bring a proposed order to the hearing (generic orders granting/denying with at least five lines for additional provisions may be used) along with sufficient copies and self addressed stamped envelopes for all parties. If you want the court file at the hearing you must call the Clerk at least five business days prior to the hearing and request that the file be brought to the hearing.

Copies of all hearing notices and relevant motions must be sent by mail, not fax, to the Judge's office five (5) working days prior to the hearing.

Any case law or statutes to be relied upon shall be submitted to the Court with the motion with relevant portions highlighted. You must give the opposing party notice of the hearing at least five working days prior to the hearing unless otherwise agreed to by the parties.

SPECIAL SETS
HEARINGS REQUIRING MORE THAN 5 MINUTES
(ST. LUCIE COUNTY)

Motions requiring a hearing of more than 5 minutes will be heard from 1:30 pm to 3:30 pm the following dates:

January 3, 6, 17, 20, 30, 2017; February 2, 20, 23, 2017; March 1, 13, 16, 27, 30, 2017; April 10, 13, 24, 27, 2017; May 11, 2017; June 7, 13, 19, 22, 2017; July 10, 13, 2017; August 1, 3, 15, 17, 28, 31 2017; September 11, 14, 25, 28, 2017; October 30, 2017 .

- 1:30 pm – 3:30 pm Special Sets Hearings

For special set hearings in excess of 45 minutes, please mail a hard copy of the motion, proposed order and service envelopes to the Foreclosure Department at the St. Lucie West Courthouse Annex for the court's review and consideration, and if necessary, a hearing will be provided.

Original motions and attachments shall be filed at the clerk's office before setting motions for hearings or mailing those to the Judge's office.

Do not set hearings and then not show up for them.

Too often, the court will set aside valuable court time for a special set evidentiary hearing, only to have no one show up for the hearing. No one even has the courtesy to call, or file a notice of cancellation. This hearing time is then unavailable to other litigants.

Hearings in excess of 30 minutes will ***not*** be canceled unless:

- (1) a notice of cancellation is filed at least five (5) business days before the hearing (**if** you intend to reset the motion for hearing), or,
- (2) a motion to continue is filed and set for a hearing based upon extraordinary and unforeseen grounds; or
- (3) the movant waives the relief requested in writing; or
- (4) a stipulation and order is submitted to the court for signature in which fully resolves the issue(s) (so that the hearing does not need to be reset), or
- (5) the case is fully resolved by settlement or otherwise, prior to the hearing date.

Failure to follow this procedure may result in sanctions, including loss of the privilege to appear by telephone; restrictions on the ability to set and notice hearings without specific court approval; the entry of an order deeming the matter raised in the motion as waived; and for repeat offenders, referral to the Florida Bar. Setting hearings and not showing up for them might implicate Rules Regulating the Florida Bar, Rule 4-1.1, or Rule 4-1.3.

APPEARANCE MUST BE IN PERSON FOR ANY EVIDENTIARY HEARING.

An order authorizing appearance by phone is necessary for telephonic appearance in hearings scheduled for more than 15 minutes.

Every pleading and other paper of a party represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name – or by a party personally if the party is unrepresented. (Rule 2.515 RJA)

These hearings are scheduled on-line at:

https://slccjis.stlucieco.gov/attorney_calendar/

1. Login
2. Hover over Calendar Assignments and Click on Case Assign.
3. Using the Dropdown Menus SELECT St. Lucie County, and Judge Belanger, Click on submit.
4. Click on date.
5. Click on ASSIGN (for 1:30 pm **Special Set Assignment**) to enter case details.

You must contact Court Call at 888-882-6878 once your matter is scheduled to coordinate for telephonic appearances. Arrangements with Court Call must be made at least 5 business days prior to the scheduled hearing.

EMERGENCY MOTIONS TO CANCEL FORECLOSURE SALE OR POSTPONE WRIT OF POSSESSION (ST. LUCIE COUNTY)

Emergency Motions to Cancel Foreclosure Sales or Postpone Writs of Possession **may not** require a hearing. Any such motion must be accompanied by a sufficient number of orders and envelopes with postage sufficient for mailing. The “Done and Ordered in chambers: section must indicate Port St. Lucie, St. Lucie County, FL.

If hearing is scheduled, attorneys may attend by Court Call if arrangements are made through Court Call 5 business days prior to the scheduled hearing.

If the judge requires the matter to be set for hearing, it should be set during UMC or as otherwise directed by the Foreclosure Judge.

IMPORTANT: The timing of the Motion to Cancel Foreclosure Sale must comply with Administrative Order 2015-07 and the notice of hearing must be served on opposing counsel no later than 5 business days prior to the scheduled hearing.

TRIALS **(ST. LUCIE COUNTY)**

NOTICES FOR TRIAL: All notices that the case is at issue and ready to be set for trial along with addressed and stamped envelopes shall be sent to:

*The Honorable Robert E. Belanger
250 NW Country Club Dr., Ste. 217
Port St. Lucie, FL 34986*

APPEAR IN PERSON ONLY: Trials and Case Management Conferences require in person appearance.

MISCELLANEOUS **(ST. LUCIE COUNTY)**

MOTIONS WITHOUT HEARINGS: Some matters may be addressed by the court through a motion not requiring a hearing. Any such motion must be accompanied by a sufficient number of orders and envelopes with postage sufficient for mailing. The “Done and Ordered in chambers” section must indicate Port St Lucie, St. Lucie County, FL.

MOTIONS FOR SUBSTITUTION OF COUNSEL: The court may grant Motions for substitution of counsel without a hearing if a valid stipulation signed by the attorneys, and a valid written consent of the parties is filed. Copies of the motion, stipulation, consent, proposed order and envelopes with postage sufficient for mailing should be sent to the Foreclosure Judge for St. Lucie County cases.

ENVELOPES FOR SENDING ORDERS: You must provide a sufficient number of stamped envelopes for sending orders to all parties. The return address on the envelopes must be:

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