

Residential Foreclosure Procedures for Indian River County, Martin County, Saint Lucie County

Effective Immediately, please see the changes below. All summary judgment packets for Martin and Indian River Counties for final hearings on motions for summary judgment to be heard after June 24, 2011 must be sent to and received by the circuit judge hearing those matters in the respective counties at least 10 days in advance of the final hearing.

Indian River County: Refer to Judge Cox's webpage at www.circuit19.org for information on scheduling hearings.

Martin County: Refer to Judge Metzger's webpage at www.circuit19.org for information on scheduling all hearings.

Residential Mortgage Foreclosure Process through June 30, 2011:

Saint Lucie County (Saint Lucie West Courthouse Annex): A Senior Judge will hear all matters concerning residential mortgage foreclosure cases on Mondays, Tuesdays, and Wednesday at the Saint Lucie West Courthouse Annex (and not the main courthouse) as follows:

SUMMARY JUDGMENT HEARINGS (Plaintiff's Counsel Attends By Phone): Full day of hearings on Mondays and Tuesdays beginning at 9:30 am. All such hearings will be scheduled through CourtCall at **888-882-6878**. CourtCall will set 12 cases every ½ hour starting at 9:30 am, and the last 12 cases of the morning will be set at 11:30 am. In the afternoon, hearings will start at 1:30 pm, and the last 12 will be set at 3:30 pm. Time periods are subject to change by the court.

SUMMARY JUDGEMENT HEARINGS (Plaintiff's Counsel Appears In Person): Hearings in which Plaintiff's counsel will attend in person will be heard Monday through Wednesday from 9:00 am to 9:30 am. You must submit a packet at least 10 days in advance of the hearing as indicated below. Contact the Senior Judge's secretary to schedule such a hearing: **772-871-7206** or **foreclosure@circuit19.org**.

SHORT HEARING/UNIFORM MOTION CALENDARS (Hearings Needing No More Than 5 Minutes Per Side): Short Hearing/Uniform Motion Calendars will be conducted on Monday, Tuesdays, and Wednesdays from 8:30 am to 9:00 am. **The hearing date must be coordinated with opposing counsel and set with the Senior Judge's Office by calling the secretary at 772-871-7206 or**

foreclosure@circuit19.org. A copy of the motion must be sent to Senior Judge, 250 NW Country Club Dr., Ste. 217, Port St. Lucie, FL 34986 no later than 5 days prior to the scheduled hearing, and the notice of hearing must be served on opposing counsel 5 days prior to the scheduled hearing. *No evidentiary hearings or summary judgment hearings shall be set on Short Hearing/Uniform Motion Calendars.* Attorneys may attend by CourtCall if arrangements are made through CourtCall at least 2 days prior to the scheduled hearing.

EMERGENCY MOTIONS TO CANCEL FORECLOSURE SALE OR POSTPONE WRIT OF POSSESSION: Emergency Motions to Cancel Foreclosure Sales or Postpone Writs of Possession will be conducted on Monday, Tuesdays, and Wednesdays from 8:30 am to 9:00 am. The motion must be filed with the Clerk of Court no later than 2 days prior to the scheduled sale date or date the Sheriff is to deliver the property under a writ of possession, and the notice of hearing must be served on opposing counsel by facsimile no later than 2 days prior to the scheduled hearing. The emergency hearing must be set by contacting the Senior Judge's secretary at **772-871-7206 or foreclosure@circuit19.org.** Attorneys may attend by CourtCall if arrangements are made through CourtCall at least 2 days prior to the scheduled hearing.

HEARINGS REQUIRING MORE THAN 10 MINUTES: Motions requiring a hearing of more than 10 minutes will be set on Wednesdays from 9:30 am to Noon (additional days and times may be added as needed). Contact the Senior Judge's secretary to schedule a hearing on your motion requiring 10 minutes or more at: **772-871-7206 or foreclosure@circuit19.org.**

NOTICES FOR TRIAL: All notices that the case is at issue and ready to be set for trial shall be sent to Senior Judge, 250 NW Country Club Dr., Ste. 217, Port St. Lucie, FL 34986.

Procedures for Residential Mortgage Foreclosure hearings after June 30, 2011 in Saint Lucie County:

(Saint Lucie West Courthouse Annex): A Circuit Judge or Senior Judge will hear all matters concerning residential mortgage foreclosure cases on Fridays at the Saint Lucie West Courthouse Annex (and not the main courthouse) as follows:

SUMMARY JUDGMENT HEARINGS (Plaintiff's Counsel Attends By Phone): Full day of hearings on Fridays beginning at 9:30 am. All such

hearings will be scheduled through CourtCall at **888-882-6878**. CourtCall will set 10 cases every ½ hour starting at 9:30 am, and the last 10 cases of the morning will be set at 11:30 am. In the afternoon, hearings will start at 1:30 pm, and the last 10 will be set at 2:00 pm. Time periods are subject to change by the court.

SUMMARY JUDGMENT HEARINGS (Plaintiff's Counsel Appears In Person): Hearings in which Plaintiff's counsel will attend in person will be heard on Fridays from 9:00 am to 9:30 am. You must submit a packet at least 10 days in advance of the hearing as indicated below. Contact the Case Manager to schedule such a hearing: **772-871-7206 or foreclosure@circuit19.org**.

SHORT HEARING/UNIFORM MOTION CALENDARS (Hearings Needing No More Than 5 Minutes Per Side): Short Hearing/Uniform Motion Calendars will be conducted on Fridays from 8:30 am to 9:00 am. **The hearing date must be coordinated with opposing counsel and set with the Judge's Office by calling the Case Manager at 772-871-7206 or foreclosure@circuit19.org.** A copy of the motion must be sent to Foreclosure Judge, 250 NW Country Club Dr., Ste. 217, Port St. Lucie, FL 34986 no later than 5 days prior to the scheduled hearing, and the notice of hearing must be served on opposing counsel 5 days prior to the scheduled hearing. *No evidentiary hearings or summary judgment hearings shall be set on Short Hearing/Uniform Motion Calendars.* Attorneys may attend by CourtCall if arrangements are made through CourtCall at least 2 days prior to the scheduled hearing.

EMERGENCY MOTIONS TO CANCEL FORECLOSURE SALE OR POSTPONE WRIT OF POSSESSION: Emergency Motions to Cancel Foreclosure Sales or Postpone Writs of Possession, which may require a hearing will be heard on Fridays from 8:30 am to 9:00 am or as otherwise directed by the Foreclosure Judge. The motion must be filed with the Clerk of Court no later than 2 business days (excluding weekends and holidays) prior to the scheduled sale date or date the Sheriff is to deliver the property under a writ of possession, and the notice of hearing must be served on opposing counsel by facsimile no later than 2 days prior to the scheduled hearing. The emergency hearing must be set by contacting the Case Manager at **772-871-7206 or foreclosure@circuit19.org**. Attorneys may attend by CourtCall if arrangements are made through CourtCall at least 2 business days prior to the scheduled hearing.

HEARINGS REQUIRING MORE THAN 10 MINUTES: Motions requiring a hearing of more than 10 minutes will be set on Fridays, from 2:30 pm to 4:00 pm (additional days and times may be added as needed). Contact the Case Manager to schedule a hearing on your motion requiring 10 minutes or more at: **772-871-7206 or foreclosure@circuit19.org**.

NOTICES FOR TRIAL: All notices that the case is at issue and ready to be set for trial shall be sent to Foreclosure Judge, 250 NW Country Club Dr., Ste. 217, Port St. Lucie, FL 34986.

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 for mailing. The “Done and Ordered in chambers” section must indicate **Port St Lucie, St. Lucie County, FL**.

ENVELOPES FOR SENDING ORDERS: You **must** provide a sufficient number of envelopes for sending orders to all parties. The return address on the envelopes **must** be: Foreclosure Judge, 250 NW Country Club Dr., Ste. 217, Port St. Lucie, FL 34986

19TH JUDICIAL CIRCUIT
REQUIRED SUMMARY JUDGMENT PACKET CONTENTS FOR
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
- 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 is the owner and holder of the note or the servicer has full authority to foreclose
- Form A
- Plaintiff Attorney's Certificate of Compliance with AO 2010-03 or 2009-15 as applicable
- Mediation Report (if applicable)
- Notice of Borrower Non-Participation (if applicable)
- 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 Notice of Foreclosure Sale
- Proposed Certificate of Sale
- Proposed Certificate of Disbursements
- Proposed 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. **Envelopes must have this address as a return address: Foreclosure Judge, 250 NW Country Club Dr., Ste. 217, Port St. Lucie, FL 34986.**

Please do not send separate copies of your motion for summary judgment, affidavits or notice of hearing to the Foreclosure Judge. This must all be included in the packet.

All residential mortgage foreclosure summary judgment packets for Indian River County, Martin County and Saint Lucie County cases must be sent to the appropriate judge no later than 10 calendar days prior to the scheduled hearing. If complete packets are not received at least 10 calendar days in advance of the hearing, the summary judgment hearing may be reset.

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 party are filed. Copies of the motion, stipulation, consent, proposed order and envelopes

for mailing should be sent to the appropriate judge: Foreclosure Judge for St. Lucie County cases; Judge Cox for Indian River County cases; Judge Metzger for Martin County cases.