

Residential Foreclosure Procedures for Indian River County, Martin County, Saint Lucie County Beginning August 2010

The 19th Judicial Circuit along with all other judicial circuits in the State of Florida has been allotted resources to address and reduce the backlog of residential mortgage foreclosure cases. This Circuit will be utilizing Senior Judges, case managers and support staff to reduce the backlog of cases as follows:

Indian River County: Beginning the week of August 2, 2010, a Senior Judge will hear a full day of only summary judgments on residential mortgage foreclosure cases on Fridays beginning at 9:00 am. Judge Kanarek will continue to hear all other matters foreclosure cases, and will assist the Senior Judge by also conducting hearings on summary judgments. All summary judgments hearings in which counsel for the plaintiff wishes to appear by phone should be scheduled by contacting CourtCall at **888-882-6878**. CourtCall will set 12 cases every ½ hour starting at 9:00 am, and the last 15 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. Refer to Judge Kanarek's webpage at www.circuit19.org for information on scheduling all hearings except hearings for summary judgment. Judge Kanarek's Summary Judgment hearings will continue to be scheduled via CourtCall if Plaintiff's counsel wishes to appear at the hearing telephonically. Cases in which plaintiff's counsel wishes to schedule a plaintiff's motion for hearing and appear in person may be scheduled by contacting Judge Kanarek's office, and once scheduled through Judge Kanarek's office, plaintiff's counsel may not appear by phone at the hearing.

Martin County: Beginning the week of August 2, 2010, a Senior Judge will hear a full day of only summary judgments on residential mortgage foreclosure cases on Thursdays beginning at 9:00 am. Judge Metzger will continue to hear all other matters foreclosure cases, and will assist the Senior Judge by also conducting hearings on summary judgments. All summary judgments hearings in which counsel for the plaintiff wishes to appear by phone should be scheduled by contacting CourtCall at **888-882-6878**. CourtCall will set 12 cases every ½ hour starting at 9:00 am, and the last 15 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. Refer to Judge Metzger's webpage at www.circuit19.org for information on scheduling all hearings except hearings for summary judgment. Judge Metzger's Summary Judgment hearings will continue to be scheduled via CourtCall if

Plaintiff's counsel wishes to appear at the hearing telephonically. Cases in which plaintiff's counsel wishes to schedule a plaintiff's motion for hearing and appear in person may be scheduled by contacting Judge Metzger's office, and once scheduled through Judge Metzger's office, plaintiff's counsel may not appear by phone at the hearing.

Saint Lucie County (Saint Lucie West Courthouse Annex): Beginning the week of August 2, 2010, 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.

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. Contact the Senior Judge's secretary to schedule such a hearing: **772-871-7206**.

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. **A copy of the motion should 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. 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. Contact the Senior Judge's secretary to schedule a hearing on your motion requiring 10 minutes or more at: **772-871-7206**.

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.

NOTE: All residential mortgage foreclosure summary judgment packets for Indian River County, Martin County and Saint Lucie County cases must be sent to: Senior Judge, 250 NW Country Club Dr., Ste. 217, Port St. Lucie, FL 34986, no later than 10 days prior to the scheduled hearing. If packets are not received at least 10 days in advance of the hearing, then this will result in cancellation of the hearing.