

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

Revised: 1/25/12

**Indian River County:** Refer to Judge Cox's webpage at [www.circuit19.org](http://www.circuit19.org) for information on scheduling hearings.

**Martin County:** Refer to Judge McCann's webpage at [www.circuit19.org](http://www.circuit19.org) for information on scheduling all hearings.

**Saint Lucie County:** A Circuit Judge or Senior Judge will hear all matters concerning residential mortgage foreclosure cases on **Wednesdays, Thursdays and Fridays** at the Saint Lucie West Courthouse Annex (250 NW Country Club Drive, Port St Lucie, FL 34986) in Courtroom "M" as follows:

### **SUMMARY JUDGMENT HEARINGS (Plaintiff's Counsel Attends By Phone):**

Full day of hearings on **Wednesdays, Thursdays, and Fridays** beginning at 10:00 am. All such hearings will be scheduled through CourtCall at 888-882-6878. CourtCall will set 10 cases every ½ hour starting at 10:00 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 **Wednesdays, Thursdays and Fridays** from 9:30 am to 10:00 am. You must submit a packet at least 10 days in advance of the hearing as indicated below. These hearings are scheduled on-line at [https://slccjis.stlucieco.gov/attorney\\_calendar/](https://slccjis.stlucieco.gov/attorney_calendar/) Click on Calendar Assignments, Case Assign (enter St Lucie County, Foreclosure Judge) submit, click on date, click on **ASSIGN** (for 9:30 a.m. ***SLC MSJ-IN PERSON Assignment***) to enter case details.

### **SHORT HEARING/UNIFORM MOTION CALENDARS (Hearings Needing No More Than 5 Minutes Per Side):**

Short Hearing/Uniform Motion Calendars will be conducted on **Wednesdays, Thursdays, and Fridays** from 8:30 am to 9:30 am. These hearings are scheduled on-line at [https://slccjis.stlucieco.gov/attorney\\_calendar/](https://slccjis.stlucieco.gov/attorney_calendar/) Click on Calendar Assignments, Case Assign (enter St Lucie County, Foreclosure Judge) submit, click on date, click on **ASSIGN** (for 8:30 a.m. ***UMC Assignment***) to enter case details.

**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 Wednesdays, Thursdays and Fridays from 8:30 am to 9:00 am or as otherwise directed by the Foreclosure Judge.

**The timing of the motion must comply with Administrative Order #2010-08 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 **Wednesdays, Thursdays and Fridays**, from 2:30 pm to 4:00 pm (additional days and times may be added as needed). These hearings are scheduled on-line at [https://slccjis.stlucieco.gov/attorney\\_calendar/](https://slccjis.stlucieco.gov/attorney_calendar/) Click on Calendar Assignments, Case Assign (enter St Lucie County, Foreclosure Judge) submit, click on date, click on **ASSIGN** (for 2:30 p.m. ***Special Set Assignment***) to enter case details.

**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

**19<sup>TH</sup> 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
- Copy of the Completed Notice of Sale (with 2 publication dates) (see **\*\*NOTE** below)

**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 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.**

**\*\*NOTE: The copy of the Completed Notice of Sale (with 2 publication dates) are not required in the St. Lucie County Summary Judgment Packet. However, it is mandatory that these documents are sent to the St. Lucie County Clerk's office after the Summary Judgment is granted by the Judge.**

### **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 McCann for Martin County cases.