

OKEECHOBEE COUNTY

CIRCUIT JUDGE LAURIE 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 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 15 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 Judicial Center 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*