

RESIDENTIAL FORECLOSURE PROCEDURES

ALL APPEARANCES MUST BE IN PERSON. RESIDENTIAL FORECLOSURE MOTIONS MAY NOT BE SET ON UMC.

ALL HEARINGS UP TO 15 MINUTES MUST BE SCHEDULED online 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. *If you have an emergency in a residential foreclosure case, please e-mail a copy of the motion to lazard@circuit19.org for review.* PLEASE E-MAIL ALL OTHER REQUESTS (OVER 15 MINUTES) FOR A HEARING TO LAZARD@CIRCUIT19.ORG, and INCLUDE THE CASE # AND STYLE, MOTION TO BE HEARD, DATE THE MOTION WAS FILED, ATTORNEYS NAME & HOW MUCH TIME YOU NEED FOR THE HEARING.

At the time you file your Motion for Summary Judgment, please file the ORIGINAL PROMISSORY NOTE AND MORTGAGE with the Clerk. **DO NOT SEND THE ORIGINALS TO THE JUDGE'S OFFICE.** Pursuant to Administrative Order 2007-06, **YOU MUST** use the Nineteenth Circuit's approved form for Final Judgment of Mortgage Foreclosure. You may find a copy of this form posted on Judge Cox's webpage at www.circuit19.org

The final judgment package including your proposed final judgment, notice of sale, etc. must be sent to our office, **2000 - 16th AVENUE, SUITE 383, VERO BEACH, FL** at least **10 business days** prior to the scheduled hearing. Send four (4) sets of addressed, stamped envelopes with your package so that the Court can send out the final judgment, notice of sale, certificate of sale, and 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.

All hearings will be held at: Indian River County Courthouse
2000 - 16th Avenue, Courtroom "7"
Vero Beach, FL 32960

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: Cynthia L. Cox, Circuit Judge, 2000 - 16th Avenue, Suite 383, Vero Beach, FL 32960-4400.**

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

Effective immediately all judicial sales in Indian River County will be held electronically. The website address for online sales is: www.indian-river.realforeclose.com

All sales shall be scheduled for **10:00 AM**.

PLEASE SEE ADMINISTRATIVE ORDER 10-08 FOR THE NEW FORM OF FINAL JUDGMENT REQUIRED IN THE 19TH CIRCUIT. THIS FORM IS AVAILABLE ONLINE AT www.circuit19.org. NOTE: All Notices for Sale and/or Publication will be returned. Attorneys must schedule all publications directly with the Newspaper at least 25 days prior to the Sale. See separate procedures for publication.

NOTE: Writs of Possession will only be entered after Motion and set for hearing. Please set your Motions For Entry of Writ of Possession through our online scheduling at https://slccjis.stlucieco.gov/attorney_calendar

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** (not the successor or servicer) are filed. Copies of the motion, stipulation, consent, proposed order and self-addressed/stamped envelopes for mailing should be sent to Judge Cox.