

**CIRCUIT JUDGE REBECCA WHITE'S
RESIDENTIAL FORECLOSURE PROCEDURES**

COMPLIANCE WITH AO 2021-05 MANDATORY/ CIVIL CASE MANAGEMENT AND RESOLUTION: Please see [Administrative Order 2021-05](#); **Compliance is required.** The party initiating a civil action in this division must serve a case management plan and order with the summons and complaint. A case management order is available on Judge White's web page.

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 White. *If you have an emergency in a residential foreclosure case, please e-mail a copy of the motion to molinam@circuit19.org for review.*

ALL HEARINGS THAT REQUIRE 15 MINUTES OR MORE 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 (**with adding tape showing verification of the amounts**), must be received by Judge White at least **15 business days** prior to the scheduled hearing. **Please mail all packages to Judge White at the Okeechobee County Judicial Center, 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 White’s hearings will be held at: Okeechobee County Judicial Center, 312 N.W. 3rd Street, Courtroom “B”, Okeechobee, Florida 34972.

Sales are generally scheduled on Wednesdays at **11:00 A.M.**

ATTENTION – EFFECTIVE JANUARY 12, 2022, SALES IN OKEECHOBEE COUNTY WILL BE HELD ONLINE. PLEASE VISIT <https://okeechobee.realforeclose.com/> See below new language for FJ

6. **Sale of Property.** If the total sum with interest at the rate described in Paragraph 3 and all costs accrued subsequent to this judgment are not paid, the Clerk of the Court shall sell the property at public sale on _____, 20____ to the highest bidder for cash, except as prescribed in Paragraph 7, **by electronic sale at [Okeechobee sales begin at 11:00 a.m]. <https://okeechobee.realforeclose.com/>** in accordance with section 45.031, Florida Statutes. The public sale shall not be postponed or canceled without a court order. All orders postponing or canceling the sale must be filed with the Clerk of Court no later than 5:00 p.m. five (5) business days before the sale date. Counsel for plaintiff must be certain that all sale and Clerk fees are paid and that the original proof of publication is filed no less than five (5) business days before the sale date. Failure to timely file the original proof of publication of the notice of sale and pay the sale and Clerk fees will stop the sale. Additionally, the failure of plaintiff’s counsel to pay the sale fee and properly and timely publish the notice of sale may result in sanctions against the plaintiff, plaintiff’s counsel individually, and the law firm representing the plaintiff. Any electronic sale by the Clerk shall be in accordance with the written administrative policy for electronic sales published by the Clerk at the official website for the Clerk and posted in the public areas of the Clerk’s offices.

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 White.

APPEARANCE BY TELEPHONE
(OKEECHOBEE COUNTY)
(CURRENTLY VIA ZOOM)

At your designated hearing time, you will appear through Zoom teleconferencing (without charge) via video by clicking <https://zoom.us/j/3062714322> or phone by calling 1-646-558-8656; Meeting ID: 306-271-4322. Testifying participants (parties and witnesses) MUST appear by Zoom VIDEO; unless they have a Notary Public with them to administer an oath.

**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:

PACKETS MUST BE RECEIVED 15 DAYS PRIOR TO HEARING, IF NOT, YOU WILL BE REQUIRED TO RESCHEDULE.

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 (**with adding tape showing verification of the amounts**)
- Proposed Certificate of Disbursements
- Proposed Certificate of Title Final Disposition Form (properly filled out)

Envelopes are no longer needed as the moving party (in this case your office) will serve the parties that have physical addresses. The proposed order must have the following language under the service list. Please review instructions highlighted in yellow.

A COPY OF THIS ORDER IS BEING SERVED ON THE FOLLOWING PARTIES VIA THE E-FILING PORTAL: (Include all parties with email addresses below this paragraph)

(Insert the moving party, e.g. PLAINTIFF'S, DEFENDANT'S, etc) **COUNSEL SHALL SERVE A COPY OF THIS ORDER ON THE FOLLOWING PARTIES IMMEDIATELY AND FILE A CERTIFICATE OF SERVICE IN THIS COURT FILE:** (Include all parties with physical addresses below this paragraph)

Please have your office update your records with the above information.

**Please submit the packets to:
THE HONORABLE Rebecca White
312 NW 3RD STREET, COURTROOM B
*OKEECHOBEE, FL 34972***