



## RESIDENTIAL MORTGAGE FORECLOSURES

### DIVISION 11: Cases 2011 and Younger (2011, 2012, 2013, 2014, 2015)

Pursuant to Administrative Order [2015-26-CIV](#) *Establishing Circuit Civil Case Distribution*, residential mortgage foreclosure actions are mainly divided between 2 Divisions – Division 11 and Division 28:

(see [http://www.17th.flcourts.org/images/stories/17th\\_pdf\\_files/2015-26-civ.pdf](http://www.17th.flcourts.org/images/stories/17th_pdf_files/2015-26-civ.pdf))

**NOTE:** The rules of civil procedure, rules of judicial administration, local rules and administrative orders apply here just as they do in every other division.

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## DISTRIBUTION OF CASES

**DIVISION 28:** Cases 2010 and older (2010, 2009, etc.) – Judge Rosenthal, Room 518. Please see Judge Rosenthal’s Procedures for how your matters will be handled or e-mail the Judicial Assistant at [phart@17th.flcourts.org](mailto:phart@17th.flcourts.org).

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**DIVISION 11:** Cases 2011 - 2015  
UMC & CMC will be heard in Room 519, and  
TRIALS will be heard in Room 510

All cases are divided into 2 tiers – Tier 1 cases are cases that appear ready for final hearing or dismissal.

Tier 1 cases are identified as follows:

- Cases where there is a pending motion for summary judgment;
- Cases where there is a pending notice of cause at issue;
- Cases where defaults entered against all defendants;
- Cases where there has been no activity by plaintiff in 10 months (LOP);
- Cases where there has been no service within 120 days (LOS)

Tier 2 cases are those in which litigation is still occurring.

These are scheduled for case management conferences within 60 days of identification, at which time the judge/magistrate shall determine whether they should have motions set for hearing; scheduled for final hearing; referred to magistrate for discovery issues; monitored for case activity.

Case management conferences shall be conducted as follows:

- Determine what is needed to move case forward
- Order issued setting any requirements and deadlines
- Schedule follow-up hearing in 30 days to review compliance with court order; subsequent case management conferences every 30 days until final hearing.
- Sanctions shall be considered for non-compliance with case management orders.
- Please see DOCKET CONTROL POLICIES below for additional instructions.

## ORDERS

### **Ex-Parte/Agreed Electronic Orders:**

The 17<sup>th</sup> Judicial Circuit Court ACCEPTS AND SERVES ELECTRONIC AGREED ORDERS AND COURT DOCUMENTS pursuant to Rule 2.516. Please go to [www.17th.flcourts.org](http://www.17th.flcourts.org) and choose SELF HELP. The following tabs are helpful: Page | 3

- eOrders (read carefully how to navigate this page)
- Online Scheduling

### **- CAUTION**

- Do not upload orders which require that an area be filled in. The application does not provide for dates, names of guardian ad-litem, etc. to be filled in
- The Judge's electronic signature will appear on the last uploaded document. It is important therefore that the last uploaded document is the signature page of the e-order.

For technical problems and/or questions e-mail [calendar@17th.flcourts.org](mailto:calendar@17th.flcourts.org). Specify the problem and provide attorney's Florida Bar member number.

### **Matters Which DO NOT Require A Hearing**

- Most agreed orders, other than an order to vacate a judgment more than a year old, do not require a hearing.
- Motions to withdraw in compliance with Fla. R. Jud. Adm. 2.505
- Ex parte discovery motions pursuant to Local Rule 10A

### **Matters Which DO Require A Hearing**

- Motions to cancel sales, motions to reset sales and motions for writs of possession are subject to Fla. R. Civ. P. 1.080 (a).
- Regarding emergency motion to cancel foreclosure sale date - the Attorney is to notice all parties for 8:45 am for the actual day of the sale. The Judge will hear the motion as an emergency walk in.
- Motions to amend complaints are subject to Fla. R. Civ. P. 1.080 (a) and 1.190 (a). If a responsive pleading has been filed, and absent written consent of the adverse party, the motion to amend must be set for hearing.
- Motions to substitute party are subject to Fla. R. Civ. P. 1.080 (a) and 1.260 (c). Motions to continue trial must be set for hearing. See Fla. R. Civ. P. 1.460.
- Motions to continue trial must be set for hearing. See Fla. R. Civ. P. 1.460.

## HEARINGS

### **Uniform Motion Calendar**

8:30 A.M. Monday through Wednesday

1:30 P.M. Monday through Wednesday

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All motion calendar matters may be set on line at <http://apps.17th.flcourts.org/ccjdpool/attorneyLogon.jsp>. All litigants (both self-represented and bar registered) may register for a username and password to set their hearings. Law firms/attorneys **MUST** register for a username and password. Please consult with the other side prior to setting the hearing. Should any scheduled hearing become unnecessary the scheduling party shall immediately cancel using the on-line scheduling. Detailed online scheduling instructions are below.

**SELF REPRESENTED LITIGANTS** - If you are unable to register on-line, a case manager will assist you after you have filed your motion with the Clerk's Office. **Please click HERE for additional guidelines.**

A motion calendar matter is one that can be heard in 5 minutes or less.

Generally, motion calendar cases will be heard based on the arrival of both sides. If you know that the other side (including the association) is not attending, please advise the deputy when you check in.

Please complete your notice of hearing accordingly and bring your online scheduling confirmation to the hearing.

### **Telephone Hearings**

Requests for phone hearings will be addressed in accordance with Fla. R. Jud. Adm. 2.530.

### **Emergency Hearing to Postpone Sale or Writ of Possession**

An emergency hearing to postpone a foreclosure sale can be handled as a walk in within 5 days of the expected sale, EXCEPT on a Friday. Writs of possessions with an immediate deadline will be heard on a Monday to Friday from 9:00 AM to 12:00 PM and 1:30 PM to 4:00 PM. Please file your motion at the Clerk's Office and they will direct you for the emergency hearing.

### **Special Set Hearings**

All Special Set Hearings are to be set through the Judge's Case Manager. **YOU MUST NOT ATTEMPT TO DO THIS ONLINE.**

Special Set Hearings for cases scheduled for a trial are handled in Room 510; those for which a trial is not scheduled are handled in Room 519.

Please e-mail [foreclosure@17th.flcourts.org](mailto:foreclosure@17th.flcourts.org) or deliver a copy of your motion to the case manager in courtroom 519 or 510, indicating how much time is needed for both sides in your cover letter. Please include in your cover letter the e-mail of your assistant for scheduling purposes. You will be responded to via e-mail and will be provided with potential hearing dates. Once a date has been agreed to by all parties, please advise the case manager. The case manager will then authorize you, to prepare, serve and file a notice of hearing for the appropriate date. Failure to strictly comply with this procedure may result in the inability to schedule future special set hearings.

We understand and expect that many cases will resolve after placement on a special set docket. However, we expect that if your case does resolve, as a professional courtesy to the court, an e-mail will be sent to the case manager as soon as possible, so that we can properly manage the rest of our docket. You are required to advise the court if a scheduled matter is cancelled. Failure to advise the court of a cancellation may result in sanctions.

### **Other Emergency Hearings**

Please state your detailed request in an e-mail, provide contact information for your assistant and a copy of the filed motion to [foreclosure@17th.flcourts.org](mailto:foreclosure@17th.flcourts.org). If the motion was e-filed you do not need to attach a copy but you will need to state that. Additionally, please provide notices to all parties concerned and ensure it is so stated in the e-mail to us. After the Judge has reviewed the motion, your office will be contacted via e-mail with details on how to proceed.

### **CASE MANAGEMENT CONFERENCE**

Case Management Conferences will be scheduled on a case by case basis, depending on the motion before the court and recent case activity.

### **TRIAL COURT**

#### **Self Set Trials**

Trials may be self set using the Online Scheduling System (11). The trial docket commencing at 9:00 am. Cases will be heard on a first come first served basis.

A Foreclosure Ready for Trial Order and/or Foreclosure Ready for Trial Stipulation shall be completed. The case managers shall monitor compliance and advise the judge. Attorneys shall be sanctioned for non-compliance with the Court's pre-trial order.

#### **Trial Continuances**

Motions to continue trial must be set for hearing as an add-on to the Courtroom 510 calendar, please notify all parties to attend court at 1:30 PM on any day Monday through Thursday. Additionally, see Fla. R. Civ. P. 1.460.

### **ON-LINE SCHEDULING SYSTEM**

To set a **motion calendar** hearing:

1. Login to the Online Scheduling System.
2. Click Schedule Case.
3. Select Foreclosure-2010 and Older (28A) or Foreclosure-2011 and Younger (11B) from the Judge Name drop down menu.
4. Select Motion Calendar at the Hearing Type drop down list
5. Click Search
6. You may only schedule a motion with at least 5-day's notice.
7. Available days will be displayed as a hyperlink.
8. Select the next available date that you would like to use and that is available.
9. Select AM or PM Docket
10. In order to validate a case number you must enter a fully qualified case number which includes CACE and eight digits. (Example: CACE08001234).
11. Enter valid case number and click Validate.
12. Select the check box to indicate that you have complied with Local Rule 10A.
13. Enter Motion Title.
14. Click Submit.
15. Once scheduled, print Confirmation Receipt for your records.

To set a **trial**:

1. Login to the Online Scheduling System.
2. Click Schedule Case.
3. Select Foreclosure\_Trials (11) or Foreclosure -2010 and Older (28C) from the Judges drop down List.
4. Select Foreclosure Trials at the Hearing Type drop down list.
5. Click Search
6. You may only schedule a trial with at least 45-day's notice.
7. Available days will be displayed as a hyperlink.
8. Select the next available date that you would like to use and that is available.
9. Select AM Docket.

10. In order to validate a case number you must enter a fully qualified case number which includes CACE and eight digits. (Example: CACE08001234).
11. Type in a valid Foreclosure Case Number and Click Validate.
12. Select Motion Title "Foreclosure Trial Order".
13. Click Accept Flag Check Box.
14. Click Submit.
15. Print the Confirmation Receipt, the opportunity to print an electronically signed Foreclosure Trial Order will appear. Please print this.

For future reference you can access the Foreclosure Trial Order by clicking on Home and select Foreclosure Trials from the Dashboard Type; then select the icon beside the word "Expand". Follow the instructions on the page that opens up.

To **cancel a hearing**:

1. Login to the Online Scheduling System.
2. On the Home Page, select the hearing type at "Dashboard Type"
3. Find the case and ensure it is in "Active" status; then click "Expand".
4. Type in Cancel Reason
5. Select "Cancel" and wait

For your own purposes you may print the page as proof that the once active case is now cancelled.

**SERVICE OF COURT DOCUMENTS; UPDATE TO CONTACT INFORMATION FOR LITIGANTS**

Broward County Clerk of Courts Office recognizes Attorney of Record. Therefore, it is important to update your filed cases with any new designated e-mail address as the point of contact for your firm. For each of your cases this must be done, otherwise, in the event that the attorney on a specific case is no longer with your firm, then notification for that particular case will follow the attorney and your firm may not be notified.

**DOCKET CONTROL POLICIES**

The Court is implementing the following Docket Control Policies to advance foreclosure cases to ensure resolution as soon as it is reasonably and justly possible, while protecting due process rights.

- Schedule case management conferences promptly after filing of case and service of process to establish discovery deadlines, refer the case to mediation, schedule trial or summary judgment hearing and address any other issue for the prompt and fair disposition of the case, which will include (1) determining the quality and/or deficiencies

of required paperwork, and (2) identifying key personnel at law firms and loss mitigation departments for future case monitoring needs.

- Continuous monitoring of cases by case managers of no less than once per month.
- Encourage close adherence to rules regarding continuances in order to move the cases expeditiously while preserving the due process rights of the parties, i.e. No continuances for more than 45 days – no continuances except for good cause for cases over 24 months.
- Include in notices for case management and/or other hearings scheduled by the court that all pending motions will also be heard at the same time in order to maximize use of the court’s time and minimize delays caused by multiple hearing dates and unnecessary wait times.
- Absent exceptional circumstances, adherence to time frames under Rule 2.250, Florida Rules of Judicial Administration.
- Require personal appearance at all case management hearings and non-jury trials
- Group cases by attorney law firm to allow for scheduling of block summary judgment hearings and block trials.
- Request a contact person in firms so that if any issue arises, a “go to” person who either knows the answer or can find the answer is known
- Dismiss cases or sanction attorneys when frequent problems occur in appropriate cases
- All attorneys shall put names on the bottom of orders
- Attorneys shall not leave the courtroom without a trial order, case management order, or other appropriate order.
- Motion calendar will be heard based on the arrival of both sides.
- If the parties fail to appear and have not notified the Court of a cancellation, an order shall be entered requiring the parties to appear before the Court within ten (10) days. The Judge may determine if sanctions are appropriate.

### **CONTACTING THE FORECLOSURE DIVISION**

The Foreclosure Unit will provide you with assistance for the Senior Judges in Division 11 at (954) 831-7770 and [foreclosure@17th.flcourts.org](mailto:foreclosure@17th.flcourts.org). Jacqueline Mullings is the Supervisor of the Foreclosure Case Management Division. She can be reached at [jmullings@17th.flcourts.org](mailto:jmullings@17th.flcourts.org).

### **COMMUNICATION:**



DUE TO THE LIMITED NUMBER OF STAFF NOW WORKING IN THE FORECLOSURE UNIT, PLEASE UNDERSTAND THAT YOUR PHONE CALL MAY NOT BE ANSWERED RIGHT AWAY. EVERY EFFORT IS MADE TO RESPOND TO YOUR E-MAIL IN A TIMELY MANNER.

When leaving a message on the telephone please state the following: Case Number; Case Style; contact e-mail address; telephone number; and nature of your call. ADDITIONALLY, speak clearly and spell out your name and e-mail address. We will communicate with you in a timely manner.

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REMINDER: At the present time, due to the enormous volume of orders received and processed on a daily basis, it is impossible to determine if your order has been signed and/or sent out. Please do not call asking if your order has been signed. Your cooperation and patience is greatly appreciated. Thank you.

For additional information regarding the 17th Judicial Circuit please visit our website at [www.17th.flcourts.org](http://www.17th.flcourts.org).

We do not have a fax machine available for incoming faxes.

More information can be found on our website [www.17th.flcourts.org](http://www.17th.flcourts.org) under the Court Administration - Court Programs tab (<http://www.17th.flcourts.org/index.php/court-administration/court-programs/foreclosure-program>)

Thank you for your assistance and patience.

Division (11)