

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Order Number 2014-17-Civ

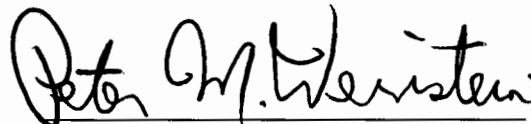
ADMINISTRATIVE ORDER AS TO
RESIDENTIAL MORTGAGE FORECLOSURES

- (a) Florida Rule of Judicial Administration 2.215(b)(3) states the chief judge shall “considering available resources, ensure the efficient and proper administration of all courts within [this] circuit.”
- (b) Supreme Court Administrative Order AOSC13-28, Final Report and Recommendations of the Foreclosure Initiative Workgroup, emphasized the necessity to review the current Circuit procedures for residential mortgage foreclosure procedures.
- (c) The Florida Legislature authorized and designated funds to utilize senior judges and general magistrates to assist with the backlog of residential mortgage foreclosure cases.
- (d) In accordance with the authority vested in the chief judge by Florida Rule of Judicial Administration 2.215, it is ordered:
 - (1) The Clerk of Court shall assign all residential foreclosure cases to Division 11.
 - (2) All open and pending cases in Division 11 are divided into two (2) tiers. Tier 1 cases are cases that appear ready for final hearing or dismissal. Tier 2 cases are all other open and pending mortgage residential foreclosure cases. Tier 1 cases shall be set for hearing or trial. Tier 2 cases shall be scheduled for case management conferences.
 - (3) Parties shall refer to the Foreclosure Procedures posted on the 17th Circuit website for additional instructions.
 - (4) Cases set for summary judgment shall have the foreclosure affidavit, attached as Exhibit A, completed by the attorney for the plaintiff and presented to the presiding judge at the summary judgment hearing. The Clerk of the Court shall post on his webpage the foreclosure affidavit in both a word format and pdf format at no cost to attorneys and the public.
 - (5) All pending motions shall be scheduled for hearing on or before the date set for Summary Judgment.
 - (6) Any party seeking to cancel a residential foreclosure sale shall file and serve on all parties a motion as contained in Form 1.996(b) of the Florida Rules of Civil Procedure. The motion shall be noticed for hearing, with service on all parties at least ten (10) court business days after filing. The Clerk of Courts shall not cancel any residential foreclosure sale without the entry of an order canceling and resetting

the sale except if a Petition for Bankruptcy was filed in federal court. Plaintiff shall ensure that a Notice of Sale is published as required by law and the proof of publication is filed with the Clerk of Courts in all residential mortgage foreclosure cases.

- (7) The attorneys who submit an order or judgment for entry in residential foreclosure case shall be responsible for providing to all parties a conformed copy of the order or judgment upon entry.
- (8) The Clerk of Court shall reflect the disposition of residential mortgage foreclosure cases as indicated on the final disposition form filed by the plaintiff or as directed by a judge or the judge's designee.
- (9) This Order vacates and supersedes Administrative Orders 2013-59-Civ.

DONE AND SIGNED, in Chambers, at Broward County, Fort Lauderdale, Florida, on April 15, _____, 2014.

A handwritten signature in black ink that reads "Peter M. Weinstein". The signature is written in a cursive style with a large initial "P" and "W".

Peter M. Weinstein, Chief Judge

EXHIBIT A
IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Case Number CACE _____(11)

Plaintiff,

v.

Defendant(s).

_____ /

**AFFIDAVIT OF COMPLIANCE WITH ADMINISTRATIVE ORDER
AS TO SUMMARY JUDGMENT HEARINGS**

On this date personally appeared before me, this undersigned authority, duly authorized to administer oaths and take acknowledgments, _____ Esq., who after being first duly sworn, upon his or her oath, deposes and states:

1. Original filing fee has been properly adjusted up or down to reflect the actual value of the claim in the Final Judgment:
 No additional fee required; or
 Additional filing fee enclosed; or
 Plaintiff to get a refund from the Clerk of Court.

2. Elements and Certification were filed with the Complaint for cases filed on or after July 1, 2013, pursuant to Section 702.015, Fla. Stat.; or
 Elements and Certification not applicable as case filed before July 1, 2013.

3. Service of Process is completed on all parties and any and all proof has been filed in this action.

Defendant (s)	Date Served	Date of Default	Date of Answer	Affirmative Def.
_____	_____	_____	_____	Yes/No
_____	_____	_____	_____	Yes/No
_____	_____	_____	_____	Yes/No
_____	_____	_____	_____	Yes/No
_____	_____	_____	_____	Yes/No

Documents:

1. Current Notice of Hearing sent to all parties. Yes/No
2. Affidavit of Non-Military Service was or was not filed for defendants who have not answered.

3. Defendant filed bankruptcy Yes/No
Date stay was lifted _____
4. Original promissory was filed Yes/No or _____
an Affidavit of Lost Promissory Note was filed on _____
and adequate protection is provided by:
 Written indemnification
 Surety bond
 Letter of credit
 Deposit of cash collateral
 Other Security approved by the court
5. Motion for Final Judgment was completed and filed:
 Summary Final Judgment Date Filed _____
 Order to Show Cause Date Filed _____
 Other Order _____ Date Filed _____
6. Motion to Dismiss Yes/No Date Filed _____
7. Affidavit of Guardian Ad Litem filed Yes/No
Date Filed _____ \$ _____
8. Affidavit of Indebtedness. Date Filed _____ \$ _____
9. Affidavit of Costs. Date Filed _____ \$ _____
10. Affidavit of Attorney's Fees Date Filed _____ \$ _____
11. There are no pending motions Yes/No

The information requested above is located in the court file. The dates reflect the information in the court file.

FURTHER AFFIANT SAYETH NAUGHT.

Attorney's Signature:

Attorney's Name:

Attorney's Bar #:

Sworn to and subscribed before me this _____ day of _____,
20_____. The undersigned notary public specifies that Affiant's signature is the
signature being notarized and that Affiant personally appeared before the notary public
at the time of notarization. Affiant is [] personally known or [] produced
identification. Type of identification produced _____.

Notary Public - State of Florida

My Commission Expires: _____