

**IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO AND PINELLAS COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2012-002 PA/PI-CIR

RE: REVISION OF MORTGAGE FORECLOSURE PROCEDURES

On December 19, 2011, the Chief Justice of the Florida Supreme Court issued Administrative Order AOSC11-44, "In re: Managed Mediation Program for Residential Mortgage Foreclosure Cases." This Administrative Order terminated the statewide managed mediation program that had been mandated by Supreme Court Administrative Order AOSC09-54.

In order to address the immediate effective date of Administrative Order AOSC11-44, the Court issued Administrative Order 2011-064 on December 20, 2011. That Administrative Order temporarily suspended referrals to the Foreclosure Mediation Program and provided that a further order on mediation of foreclosure cases would be forthcoming.

Residential mortgage foreclosure case filings have increased substantially in recent years and the backlog of pending mortgage foreclosure cases in the Sixth Circuit is significant. For calendar year 2011, 9,983 mortgage foreclosure cases were filed. As of December 31, 2011, a total of 28,727 cases were pending.

Mediation is an alternative means of resolving disputes and can be helpful in resolving mortgage foreclosure cases. It provides a forum for the parties to resolve their own dispute. Resolving mortgage foreclosure cases through mediation can help to prevent more serious increases in the backlog of cases and is consistent with the Court's responsibility to take charge of cases at an early stage of the litigation. See Rule of Judicial Administration 2.545. Mediation also provides a more efficient use of limited judicial resources in an overburdened court system, especially when the cases that are referred to mediation involve a Defendant/Borrower who has been personally served or has responded to the lawsuit.

The Circuit Civil Mediation Program has managed foreclosure cases referred to mediation when the cases were not eligible for the managed mediation program. The Circuit Civil Mediation Program does not have sufficient resources to handle the volume of mortgage foreclosure cases referred to mediation under the managed mediation program or the volume of cases anticipated to be referred under this Administrative Order.

Mediation Managers, Inc., is an independent, not for profit corporation that was selected as the Foreclosure Program Manager for the Sixth Circuit's managed mediation program required by Supreme Court Administrative Order AOSC09-54. That selection was made after a formal bidding process. The principals of Mediation Managers, Inc., are attorneys who have demonstrated expertise in civil mediation, including foreclosure mediation. Mediation Managers, Inc., has proven experience with the Court, has demonstrated expertise with a managed mediation program, and has effectively managed a large number of mediation referrals. The exchange of information between the Plaintiff/Lender and Defendant/Borrower is an important prerequisite to successful mediation of a mortgage foreclosure case. The web based information platform that was developed by Mediation Managers, Inc., to allow for exchange of

information between the Plaintiff/Lender and Defendant/Borrower, is critical to the success of a managed mediation program. Because of Mediation Manager Inc.'s proven capabilities and expertise, the continued availability of its services including its web based platform, and the compatibility of existing services with the program manager services provided for in this Administrative Order, the Court is continuing its contract with Mediation Managers, Inc. to assist in the processing of mortgage foreclosure cases that are referred to mediation.

This Administrative Order is being issued to provide for management of mortgage foreclosure cases referred to mediation, including those previously referred to mediation under Administrative Order 2010-025. It also establishes requirements for cases that were filed from December 20, 2011 until the effective date of this Administrative Order. Additionally, it continues the procedures for processing of all mortgage foreclosure cases in this Circuit, including updated forms to comply with this Administrative Order.

Under the authority granted the Chief Judge in Article V, section 2(d), of the Florida Constitution, Rule of Judicial Administration 2.215, Rules of Civil Procedure 1.700 – 1.730, and section 43.26, Florida Statutes, it is

ORDERED:

I. PROCEDURES APPLICABLE TO MORTGAGE FORECLOSURE CASES INVOLVING RESIDENTIAL PROPERTY

This section applies to all mortgage foreclosure cases involving residential property, both homestead and non-homestead, regardless of the type of lender. It applies only to foreclosure of mortgages. It does not apply to foreclosure of other liens such as condominium or association liens for assessments; however, the Court may still order such matters to mediation in accordance with the provisions of section 44.102, Florida Statutes, and Rules of Civil Procedure 1.700 – 1.730, using the Sixth Circuit's Civil Mediation Program.

A. Plaintiff/Lender's Responsibilities

For each residential mortgage foreclosure case, the Plaintiff/Lender's attorney must:

1. File a verified complaint in accordance with Florida Rule of Civil Procedure 1.110(b).
2. File with the complaint a verified Form A - Plaintiff's Certificate. If the case involves multiple plaintiffs, only one Form A - Plaintiff's Certificate must be filed. The Form A - Plaintiff's Certificate, which must be used, is Attachment A to this Administrative Order. Previous versions of Form A must not be used. The forms and information needed by the Plaintiff/Lender should be listed in Form A and uploaded to the web enabled information platform maintained by the Foreclosure Program Manager. The forms should not be filed with Form A and are not required to be served with Form A.
3. File with the complaint a Form B - Notice to Homeowner, which contains information for the homeowner on mediation, the options that might be available at mediation, and other resources for the homeowner. Form B – Notice to Homeowner, is

Attachment B to this Administrative Order. Previous versions of Form B must not be used.

4. Provide the Clerk of the Circuit Court with sufficient copies of the complaint, summons, Form A - Plaintiff's Certificate, and Form B - Notice to Homeowner, for service on all Defendant/Borrowers.
5. Within one business day of the assignment of a case number but not later than five business days after the filing of the foreclosure case, electronically upload to the web enabled information platform maintained by the Foreclosure Program Manager, a verified Form A, with the forms needed by the Plaintiff/Lender; the case number, including the section judge number; the contact information for the Plaintiff/Lender and the Defendant/Borrower, including telephone numbers and email addresses if known; and indicate whether the Plaintiff/Lender will accept service by email.
6. If a case is referred to mediation, submit the mediation fee as provided in the Order of Referral.
7. If a case is referred to mediation and a Defendant/Borrower requests the Plaintiff/Lender's Disclosure for Mediation, upload the information to the web enabled information platform maintained by the Foreclosure Manager in accordance with the Order of Referral.

B. Clerk of the Circuit Court Responsibilities

The Clerk of the Circuit Court shall not issue a summons in a residential mortgage foreclosure case until a Plaintiff/Lender files a verified complaint, a Form A - Plaintiff's Certificate, and a Form B - Notice to Homeowner.

C. Process Servers' Responsibilities

1. For every residential mortgage foreclosure case filed, the process server must note on the return of service that the summons was served with the complaint, Form A - Plaintiff's Certificate, and Form B - Notice to Homeowner.
2. When the Defendant/Borrower in a residential mortgage foreclosure case is served either by personal service or substituted service upon an authorized person, the process server must:
 - a. Note the location where service was obtained and any other contact information for the Defendant/Borrower; and
 - b. Provide a copy of the return of service to the Foreclosure Program Manager, preferably by electronically uploading it to the web enabled information platform maintained by the Foreclosure Program Manager or by other electronic means.

D. Foreclosure Program Manager's Responsibilities

1. All references in this Administrative Order to the Foreclosure Program Manager are to Mediation Managers, Inc. In performing its services, the Foreclosure Program Manager must comply with Rules of Civil Procedure 1.700-1.730 and Rules for Certified and Court-Appointed Mediators, including the requirement to act with impartiality.

2. For every residential mortgage foreclosure case where the Defendant/Borrower is served either by personal service or substituted service upon an authorized person, or the Defendant/Borrower files any type of paper with the Court within 120 days of constructive service, the Foreclosure Program Manager must:

a. Prepare an Order of Referral to Mediation and provide it to the Court as directed. A sample Order of Referral is Attachment C to this Administrative Order. The Order of Referral may be modified by the Court without amendment to this Administrative Order. For those Defendant/Borrowers who are served either by personal service or substituted service upon an authorized person, submit the Order of Referral within 10 days of the filing of the return of service. For those Defendant/Borrowers who file any type of paper with the Court within 120 days of constructive service, submit the Order of Referral within 10 days of the filing.

b. If issued by the Court, serve a copy of the Order of Referral on the Plaintiff/Lender and Defendant/Borrower. If the Plaintiff/Lender has agreed to service by email in Form A or in a subsequent notice to the Foreclosure Program Manager, service of the Order of Referral to the Plaintiff/Lender may be by email.

c. Assign a mediator unless the parties:

(i) notify the Foreclosure Program Manager in writing within 10 days of the service of the Order of Referral that they have agreed upon a mediator other than through the Foreclosure Program Manager, or

(ii) file a joint stipulation with the Court with a copy to the Foreclosure Program Manager requesting to opt out of mediation.

As permitted by Rule of Civil Procedure 1.700(f) the appointment of mediators to foreclosure cases will not be by strict rotation, but rather will be assigned by the Foreclosure Program Manager. Only Supreme Court certified circuit civil mediators who are specially trained in mortgage foreclosure cases may be assigned by the Foreclosure Mediation Program. The Foreclosure Mediation Program must have sufficient mediators to conduct the volume of mediations referred to the program.

d. Encourage the Defendant/Borrower to participate in voluntary financial counseling.

e. If the Defendant/Borrower does not have an attorney, inform the Defendant/Borrower of his or her right to consult with an attorney and also advise of the availability of pro bono, lawyer referral, and legal aid services.

- f. Explain mediation procedures to the Defendant/Borrower, time limits for participation in mediation, and the consequences of non-compliance.
- g. Collect the mediation fee of \$225.00 per hour with a minimum of two hours, except as otherwise provided in the Order of Referral.
- h. In order to prepare for mediation and reduce obstacles to communication in mediation, and consistent with Florida Rule for Certified and Court-Appointed Mediators 10.220, within 30 days from service of the Order of Referral,
 - (i) confirm with the Plaintiff/Lender that the only forms and documents needed by the Plaintiff/Lender in order to participate in mediation were identified in Form A. If additional information or forms are needed by the Plaintiff/Lender to participate in mediation, convey that information to the Defendant/Borrowers and their attorney, if any.
 - (ii) obtain from the Defendant/Borrowers or their attorney, if any, all the forms and information required by the Plaintiff/Lender that are necessary to conduct the mediation.
 - (iii) submit the forms and information provided by the Defendant/Borrowers to the Plaintiff/Lender.
 - (iv) if the Defendant/Borrower submitted Defendant/Borrower's Request for Plaintiff/Lender's Disclosure for Mediation, which is Attachment D to this Administrative Order, obtain the information from the Plaintiff/Lender and provide it to the Defendant/Borrower.

These preparations for mediation may be done in person, by telephone, or by electronic submission as determined by the Foreclosure Program Manager. The Foreclosure Program Manager must provide the forms and information by uploading them to a secure web platform, by encrypted email, or by other secure means to protect the confidentiality of the information.

- i. Within 30 days from the submission of the required documents to the Plaintiff/Lender, conduct a mediation conference. If the Plaintiff/Lender requests additional information that was not identified in Form A or in subsequent communications to the Foreclosure Program Manager, do not begin the mediation conference but reschedule the mediation conference.
- j. If the Plaintiff/Lender fails to appear at the mediation conference, or appears at mediation but requests additional information that was not identified in Form A or in subsequent communications to the Foreclosure Program Manager, assess a \$200.00 rescheduling fee.
- k. Facilitate arrangements for the Plaintiff/Lender's representative to appear by telephone at the mediation conference if authorized by the Court in the Order of Referral.
- l. Ensure that the mediator's report is timely submitted to the Court;

- m. If the Defendant/Borrower does not timely provide the information necessary to participate in mediation, or does not appear at a mediation conference, refund \$250.00 to the Plaintiff/Lender and retain \$200.00 as a mediation cancellation fee.
 - n. If the Defendant/Borrower has obtained a stay of the foreclosure action from the United States Bankruptcy Court, suspend activities under the Order of Referral. If the stay is lifted within 60 days, continue with the mediation process. If the stay is not lifted within 60 days, refund \$250.00 to the Plaintiff/Lender and retain \$200.00 as a mediation cancellation fee.
 - o. If the Defendant/Borrower does not timely provide the information necessary to participate in mediation or does not appear at mediation and does not cooperate in timely rescheduling the mediation, submit a Notice of Defendant/Borrower Nonparticipation in the Foreclosure Mediation Program to the Court, which is Attachment E to this Administrative Order.
 - p. If the Plaintiff/Lender does not timely provide the forms and information necessary for mediation, does not provide the Plaintiff/Lender's Disclosure for Mediation, or does not appear at mediation and does not cooperate in timely rescheduling the mediation, prepare an Order to Show Cause for the Court as directed.
 - q. Prepare statistical reports to the Court as required.
3. For every residential mortgage foreclosure case where the Defendant/Borrower is not served either by personal service or substituted service upon an authorized person and the Defendant/Borrower has not filed any type of paper with the Court within 120 days of constructive service, the Foreclosure Program Manager must file a Notice of Ineligibility for the Foreclosure Mediation Program. A Notice of Ineligibility for the Foreclosure Mediation Program is Attachment F to this Administrative Order. The Foreclosure Program Manager must also prepare and periodically submit a list of those cases to the section judge in accordance with directions provided by the Court.

E. Defendant/Borrowers Responsibilities

- 1. The Defendant/Borrower must cooperate with the Foreclosure Program Manager and provide the financial information required by the Plaintiff/Lender to the Foreclosure Program Manager within the time frames established by Order of Referral in order to participate in mediation.
- 2. Even when a case is referred to mediation, the Defendant/Borrower must timely file an answer or other responsive pleading to the foreclosure. Rule of Civil Procedure 1.140.
- 3. If a case is referred to mediation and a Defendant/Borrower wishes to receive a Plaintiff/Lender Disclosure for Mediation, submit Defendant/Borrower's Request for Plaintiff/Lender's Disclosure for Mediation, Attachment D to this Administrative Order, in accordance with the Order of Referral.

II. PROCEDURES APPLICABLE TO ALL MORTGAGE FORECLOSURE CASES

This section applies to all mortgage foreclosure cases, residential and commercial.

A. Summary Judgment Hearings

1. Certificate Filed Prior to Requesting Summary Judgment Hearing Date

Prior to requesting a summary judgment hearing for a mortgage foreclosure, the attorney of record for the Plaintiff must file Form G – Certificate of Compliance with Foreclosure Procedures with the Clerk, which is Attachment G to this Administrative Order. This certifies that the attorney has completed the necessary steps prior to setting the matter for hearing. Only the Certificate of Compliance with Foreclosure Procedures attached to this Administrative Order may be used. Previous versions of the Certificate of Compliance must not be used.

2. Foreclosure Judgment Packet Prior to Hearing

Unless the presiding judge provides otherwise, the Plaintiff's attorney must deliver a foreclosure judgment packet to the presiding judge's office at least five business days prior to the scheduled hearing on a motion for summary judgment. The packet must include:

- a. the proposed Uniform Final Judgment of Foreclosure, which is Attachment H to this Administrative Order, including sufficient copies for conforming and stamped, addressed envelopes for all parties;
- b. the original Promissory Note (unless previously filed, in which case previous filing should be noted);
- c. an affidavit of non-payment with a copy of the payment records upon which the affiant relies;
- d. a copy of the Certificate of Compliance with Foreclosure Procedures, which is Attachment G to this Administrative Order; and
- e. a copy of the Notice of Hearing.

3. Uniform Judgment of Foreclosure

All proposed final judgments of foreclosure must be in the format of the Uniform Final Judgment of Foreclosure for the Sixth Judicial Circuit, which is Attachment H to this Administrative Order, unless otherwise specifically approved by the judge entering the final judgment. Any changes to Attachment H must be brought to the attention of the presiding judge at the final judgment hearing.

B. Foreclosure Sales

1. Notice of Sale

The Plaintiff is responsible for completing and submitting the Notice of Sale directly to the appropriate newspaper. Notices must be prepared and published in accordance

with chapters 45 and 702, Florida Statutes. The Plaintiff must file the original Notice of Sale and Affidavit of Proof of Publication with the Clerk no later than twenty-four (24) hours prior to the sale. Failure to comply with these procedures may result in the cancellation of the sale.

2. Cancellation of Sale

If a Plaintiff wishes to cancel a sale, a written motion must be filed with the Court in substantial compliance with Florida Rules of Civil Procedure Form 1.996(b). The motion also must state the number of times the Plaintiff has previously requested the cancellation of a sale.

C. Bankruptcy

If, prior to the commencement of a foreclosure sale, the Clerk receives a suggestion of bankruptcy on behalf of a named Defendant in that foreclosure case, the Clerk is directed to cancel the foreclosure sale. The Clerk must not cancel the sale if the presiding judge or a United States Bankruptcy Judge directs otherwise. The Plaintiff must file with the Court any order from a United States Bankruptcy Judge that restricts the Clerk from cancelling the sale. The filing of this order must be as a separate filing and not as an attachment or exhibit.

D. Clerk of the Circuit Court Responsibilities

1. Retention of Documents

All original mortgages and promissory notes in each mortgage foreclosure case are required to be surrendered to the Court, and the Clerk must retain such documents in the court file. The Clerk shall not return any of these instruments to a party absent specific order of the Court. Any other exhibits in the court file may not be released by the Clerk until ninety days after the judgment becomes final.

2. Clerk's Default

The Clerk of the Circuit Court shall not enter a Clerk's default as to a Defendant/Borrower until the Foreclosure Program Manager files a Notice of Ineligibility, Notice of Nonparticipation, or the mediator files a report indicating that the mediation has failed to achieve a settlement. If a Plaintiff files a motion for the entry of a default by the Clerk of the Circuit Court in violation of this section, the Clerk shall take no action on the motion.

E. Additional Procedures

The judicial practice preferences of each judge, which may contain a judge's individualized procedures for mortgage foreclosure cases, may be found on the Circuit's website at: <http://www.jud6.org/LegalCommunity/PracticeRequirementsofJudges.html>.

III. PROCEDURES APPLICABLE TO WRITS OF POSSESSION

The following provisions apply to motions for a writ of possession arising from the mortgage foreclosure of any residential property, regardless of homestead status.

A. Certification Regarding Tenant

An attorney who files a motion for a writ of possession must include a certification regarding the status of any tenants on the property.

1. If there are no tenants other than the Defendant/Borrower or the spouse, child or parent of the Defendant/Borrower, Form I – Certification of No Tenants, which is Attachment I to this Administrative Order, must be filed. A proposed order also must be submitted with the motion for a writ of possession.
2. If there are tenants other than the Defendant/Borrower or the spouse, child or parent of the Defendant/Borrower, Form J – Certification of Notice to Tenants, which is Attachment J to this Administrative Order, must be filed. This notice must certify that the tenants have been provided notice as required by the federal Protecting Tenants at Foreclosure Act.

B. Consideration by the Court

When a motion for a writ of possession is filed and is accompanied by a Certification of No Tenants and a proposed order, the Clerk shall forward the motion, proposed order, and Certification for review to the section that heard the underlying foreclosure case.

C. Hearing

When a motion for a writ of possession is filed and accompanied by a Certification of Notice to Tenants, the moving party must contact the judicial assistant for the section judge and set the motion for hearing on the uniform motion calendar or such other time as may be directed. Notice of the hearing must be provided to all tenants. At the hearing on the motion, the moving party must bring:

1. a copy of the Certification of Notice to Tenants;
2. a copy of the Final Judgment of Foreclosure; and
3. a copy of the Notice of Sale.

D. Issuance of Writ by Clerk

If a Final Judgment of Foreclosure authorizes the Clerk to issue a writ of possession without further action of the Court, the Clerk shall not do so unless the procedures established in this Administrative Order for a Certification of No Tenants or a Certification of Notice to Tenants have been followed and the Court has specifically authorized the writ.

IV. OTHER PROCEDURES

A. Designation of Attorney Liaison

Any law firm that has more than five residential foreclosure cases pending in the Sixth Judicial Circuit on behalf of the same Plaintiff/Lender while this Administrative Order is in effect must appoint two liaisons, one of whom must be an attorney and the other a representative of the Plaintiff/Lender or the entity servicing Plaintiff/Lender's mortgages. The law firm must provide written notice of the name, telephone number with extension, email, and mailing address of both liaisons to the Chief Judge and the Foreclosure Program Manager within 30 days of the filing of the sixth Foreclosure Mediation Program case or within 30 days of the effective date of this Administrative Order, whichever is later. Subsequent written notices are due on the first Monday of each January thereafter while this Administrative Order is in effect.

The liaisons must be familiar with this Administrative Order and be capable of answering questions concerning the status of pending cases and the Plaintiff/Lender's internal procedures on processing foreclosures. They should also be readily accessible to discuss administrative and logistical issues affecting the progress of Plaintiff/Lender's cases. Plaintiff/Lender's counsel must promptly inform the Chief Judge and the Foreclosure Program Manager of any changes in the designation of liaisons or their contact information.

B. Circuit Civil Mediation

1. Commercial Foreclosure Cases

The Foreclosure Program Manager will not prepare and submit to the court an Order of Referral to Mediation in commercial foreclosure cases. A party in a commercial foreclosure case may file a Motion to Participate in Circuit Civil Mediation in accordance with section 44.102, Florida Statutes, and Rules of Civil Procedure 1.700 – 1.730.

2. Residential Foreclosure Cases Not Referred to Mediation

If the Foreclosure Program Manager does not prepare an Order of Referral to Mediation, a party may file a motion to participate in Circuit Civil Mediation in accordance with section 44.102, Florida Statutes, and Rules of Civil Procedure 1.700-1.730.

3. Authority to Order Mediation

Nothing in this Administrative Order limits the Court's ability to order any case to Circuit Civil Mediation in accordance with section 44.102, Florida Statutes, and Rules of Civil Procedure 1.700 – 1.730. The provision in this Administrative Order implement and do not replace or modify existing statutory and rule provisions regarding referral to mediation.

C. Opting out

If a party wishes to opt out of mediation with the Foreclosure Program Manager, the parties may:

1. notify the Foreclosure Program Manager in writing within 10 days of the service of the Order of Referral that both parties have agreed upon a different mediator other than through the Foreclosure Program Manager,
2. file a joint stipulation with the Court with a copy to the Foreclosure Program Manager stating that both parties have agreed to opt out of mediation, or
3. file a motion with the Court stating that party's objections to the Order of Referral.

D. Confidentiality

The Plaintiff/Lender, Foreclosure Program Manager, information technology provider, and any other third-party vendor must keep confidential all personal financial information and any other protected information disclosed by the Defendant/Borrower. This information may not be released except as authorized or permitted by federal or state law, or with the written consent of the Defendant/Borrower, or as authorized by the Court. Any violation of this provision will subject the violator to all available civil and criminal sanctions.

E. Mediation Transition Issues

1. Cases filed before July 1, 2010.

Cases filed before July 1, 2010, in which Court has issued an Order of Referral to the Foreclosure Mediation Program are governed by the Order of Referral; provided that mediation must be concluded no later than June 30, 2012, unless otherwise ordered by the Court.

2. Cases filed between July 1, 2010 and December 19, 2011.

Cases filed between July 1, 2010 and December 19, 2011, which remain in the mediation process, are to continue in accordance with the procedures established in Administrative Orders 2010-025 and 2011-014. All cases must be concluded no later than June 30, 2012, unless otherwise ordered by the Court.

Administrative Orders 2010-025 and 2011-014 are amended effective *nunc pro tunc* December 20, 2011, to provide that the mediation procedures for cases referred prior to December 20, 2011, remain in effect until June 30, 2012 or until further order of the Court.

3. Cases filed December 20, 2011 through January 20, 2012.

Cases filed December 20, 2011 through January 20, 2012, are referred to in this Administrative Order as transition cases, or cases filed during the transition period.

The Foreclosure Program Manager is directed to prepare and submit to the Court as soon as practicable an Order of Referral to Mediation for every residential mortgage foreclosure case filed during the transition period, where the Defendant/Borrower is served either by personal service or substituted service upon an authorized person, or the Defendant/Borrower files any type of paper with the Court within 120 days of constructive service.

If the Plaintiff/Lender has submitted funds to the Foreclosure Program Manager for cases filed during the transition period and the Plaintiff/Lender requests return of those funds, the Foreclosure Program Manager must promptly return those funds. If the Plaintiff/Lender has submitted funds to the Foreclosure Program Manager for cases filed during the transition period but does not request return of those funds, the Foreclosure Program Manager may retain those funds and apply them to the mediation fees as provided in this Administrative Order or an Order of Referral.

Except as specifically provided in section IV.E Mediation Transition Issues, the provisions of this Administrative Order apply *nunc pro tunc* December 20, 2011. Administrative Orders 2010-052 and 2011-064 are hereby rescinded. Administrative Orders 2010-025 and 2011-014 are rescinded effective July 1, 2012.

DONE AND ORDERED in Chambers at Clearwater, Pinellas County, Florida this _____ day of January 2012.

ORIGINAL SIGNED on January 20, 2012
BY J. THOMAS MCGRADY, CHIEF JUDGE

cc: All Judges
The Honorable Paula S. O'Neil, Clerk of the Circuit Court, Pasco County
The Honorable Ken Burke, Clerk of the Circuit Court, Pinellas County
Gay Inskip, Trial Courts Administrator
Myriam Irizarry, Chief Deputy Director, Pinellas County Clerk's Office
Lillian Simon, Director of Administrative Services for Pasco County
Bar Associations, Pasco and Pinellas Counties
Law Libraries, Pasco and Pinellas Counties
Mediation Managers, Inc.

**IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO/PINELLAS COUNTY, FLORIDA
CIVIL DIVISION**

Plaintiff(s),

v.

Defendant(s).

REF #:

UCN:

FORM A – PLAINTIFF’S CERTIFICATE

Certification Regarding Status of Property

The civil cover sheet filed with this case identifies this property as a residential foreclosure case.

Certification Regarding Financial Information Required from Defendant/Borrower

The items listed below constitute the required financial disclosure required by each Plaintiff/Lender/Serviceicer needed in order to reach a decision on whether to offer a workout option (i.e. loan modification, deed in lieu of foreclosure or short sale) or other settlement option to the Defendant/Borrower at the mediation conference. You must include a servicer’s particular financial worksheet and any requested information such as tax returns, proof of income, proof of residency, bank statements, utility bills, Dodd Frank Certification, 4056-T Form, RMA, Hardship Letter and any other needed attachments for each Plaintiff/Lender/Serviceicer.

List items and forms here. Forms must be uploaded to the information platform at www.mediationmanagersinc.com but do not need to be attached to Form A when it is served.

**Certification Regarding The Name and Email Address of
Representative Who Should Receive the Borrower’s Financial Disclosure for Mediation**

The below listed individual is the assigned Plaintiff/Lender/Serviceicer’s Representative who should receive the Borrower’s Financial Disclosure for Mediation:

Name:

Address:

Telephone No.:

Fax No.:

Email Address:

Certification Regarding Representative at Mediation

The following is a list of the persons, one of whom will represent the Plaintiff/Lender in mediation with full authority to modify the existing loan and mortgage, to settle the foreclosure case by utilizing other workout options (i.e. short sale, deed in lieu of mortgage foreclosure), and with authority to sign a settlement agreement on behalf of each Plaintiff/Lender (*List an authorized representative for each Plaintiff/Lender*).

Name:	Name:
Address:	Address:
Phone Number:	Phone Number:
Facsimile Number:	Facsimile Number:
Email Address:	Email Address:

Plaintiff/Lender’s counsel understands the mediator or Mediation Managers, Inc., may report to the Court who appears at mediation and, if at least one of Plaintiff/Lender’s representatives named above does not appear at mediation as provided in an Order of Referral, sanctions may be imposed by the Court for failure to appear.

Certification Regarding Service by Email

The undersigned counsel of record for Plaintiff/Lender AGREES DOES NOT AGREE to receive service by email, including service of the Order of Referral.

As required by Administrative Order 2012-002 Plaintiff/Lender’s counsel must electronically transmit to Mediation Managers, Inc., the case number, including the section judge number; contact information for the Plaintiff/Lender and the Defendant/Borrower, including telephone number and email address if known; and a copy of Form A – Plaintiff’s Certificate, using the web enabled information platform.

As counsel of record for Plaintiff/Lender and as an officer of the court, I declare that I have read the foregoing Form A - Plaintiff’s Certificate and that the facts stated in it are true.

DATED: _____

(Attorney Signature)
Attorney Name:
Attorney for Plaintiff/Lender(s):
Address:
Direct Telephone Number:
Fax Number:
Florida Bar No.:

FORM B

IMPORTANT NOTICE FROM THE COURT TO HOMEOWNER REGARDING YOUR PROPERTY

A FORECLOSURE ACTION HAS BEEN FILED AGAINST YOU. YOU HAVE RIGHTS DURING THIS LAWSUIT AND MAY WANT TO PARTICIPATE IN MEDIATION.

IF YOU DO NOT RESPOND TO THIS LAWSUIT, A FINAL JUDGMENT WILL BE ENTERED AND YOUR HOME OR PROPERTY WILL BE SOLD AT A FORECLOSURE SALE.

IF YOU WANT TO TRY AND SAVE YOUR HOME OR PROPERTY, YOU MUST RESPOND TO THIS LAWSUIT AS DIRECTED IN THE SUMMONS. YOU MAY ALSO WANT TO PARTICIPATE IN MEDIATION.

INFORMATION ON THE RESIDENTIAL HOME MORTGAGE FORECLOSURE MEDIATION PROGRAM

Your case will be referred by the Court for mediation to the Sixth Judicial Circuit Foreclosure Mediation Program, which is managed by Mediation Managers, Inc., for Pinellas and Pasco Counties. **It is important for you to file with the Court a response to the lawsuit in a timely manner as directed in the Summons even if you participate in the Foreclosure Mediation Program.**

Mediation is a meeting at which you and the plaintiff (your lender) can try to work out an agreement to stop the foreclosure so that you can stay in your home. If you and the lender reach a settlement in mediation, the mediator will prepare an agreement for you and the lender to sign. The mediator will not be able to give you legal advice or any opinion about the lawsuit. Instead the mediator's role is to remain neutral, not to take sides, and to give both sides a chance to talk to each other to see if an agreement can be reached. Information you provide to Mediation Managers, Inc., and discuss with the mediator will remain private and confidential.

You have the right to have your own lawyer represent you in the mediation process. Please see page 3 of this Notice for information on how to contact a lawyer or learn about low or no-cost representation.

With mediation one or more of the following options may be available to you to save your home:

- 1). **Loan Modification:** Written agreement that permanently changes one or more of the original terms of your mortgage to make the payments more affordable.
- 2). **Reinstatement:** Repayment of the total amount that you are behind in a lump sum payment.
- 3). **Forbearance:** Temporary reduction or suspension of your mortgage payments.
- 4). **Repayment Plan:** Agreement plan that allows the homeowner to repay the amount that you are behind gradually while making your regularly scheduled monthly payments.
- 5). **Short Sale:** Lender may allow you to sell the home for less than the total amount owed on the mortgage. If the lender agrees to the short sale, the remaining portion of the mortgage that exceeds the net proceeds from the sale will be written off by the lender.
- 6). **Deed-in- Lieu of Foreclosure:** Lender will cancel the mortgage if the homeowner voluntarily transfers the title of the property to the lender.

PARTICIPATION REQUIREMENTS

You must complete the following requirements to participate in mediation:

- Prepare and submit financial information required by the Plaintiff/Lender to Mediation Managers, Inc.
- Attend a mediation session set by Mediation Managers, Inc.
- Follow any other instructions given to you in the Court's Order of Referral to Mediation. You will receive a copy of this Order when it is issued. It will tell you when your mediation is scheduled and provide other information about the process.

IF YOU HAVE ANY QUESTIONS ABOUT YOUR REFERRAL TO THE MORTGAGE FORECLOSURE MEDIATION PROGRAM YOU ARE ENCOURAGED TO CONTACT:

**MEDIATION MANAGERS, INC.
13700 58TH STREET NORTH, #207
CLEARWATER, FLORIDA 33760
TELEPHONE: 1-877-664-1217 (TOLL FREE)
WEBSITE: WWW.MEDIATIONMANAGERSINC.COM
EMAIL: HOMEOWNER@MEDIATIONMANAGERSINC.COM**

PLEASE REVIEW THE NEXT PAGE, WHICH LISTS RESOURCES ABOUT LEGAL SERVICES, FINANCIAL COUNSELING, AND OTHER RESOURCES. SOME OF THESE MAY BE AVAILABLE TO YOU FREE OR AT LOW-COST. ALSO PLEASE REVIEW THE INFORMATION ABOUT AVOIDING FORECLOSURE RESCUE SCAMS.

INFORMATION ON RESOURCES TO ASSIST YOU IN FORECLOSURE CASES

I. LEGAL RESOURCES

You are urged to get a lawyer to protect your rights and your property. You should find a lawyer even if you ask for mediation or other services. Contact one of these Lawyer Referral Services:

Pasco County	Florida Bar Lawyer Referral	(800) 342-8011	www.flabar.org
N. Pinellas County	Clearwater Bar Association	(727) 461-4880	www.clwbar.org
S. Pinellas County	St. Petersburg Bar Association	(727) 821-5450	www.stpetebar.com

If you cannot afford a lawyer, you may contact your local legal aid or legal services provider:

S. Pinellas County E. Pasco County W. Pasco County	Bay Area Legal Svcs.	(727) 490-4040 (352) 567-9044 (727) 847-5494	www.bals.org
N. Pinellas County S. Pinellas County	Gulf Coast Legal Svcs.	(727) 443-0657 (727) 821-0726	www.gulfcoastlegal.org
S. Pinellas County	Community Law Prog.	(727) 582-7480	www.lawprogram.org

II. FINANCIAL COUNSELING

In addition, you may wish to contact a Financial Counseling agency.

Catholic Charities Diocese	(727) 893-1313	http://home.catholicweb.com/ccdosp/
CredAbility	(800) 251-2227	www.cccsfl.org
Homeowners Hope Hotline	(888) 995-4673	www.makinghomeaffordable.gov ; www.995hope.org ; www.hopenow.com
Housing & Education Alliance	(813) 932-4663	www.myhomeamerica.org
Solita's House, Inc.	(813) 425-4847	www.solitashouse.com
Neighborhood Home Solutions	(727) 821-6897	www.stpetenhs.org
Tampa Bay Community Development Corp.	(727) 446-6222	www.tampabaycdc.org
Community Serv. Found., Inc.	(727) 461-0618	www.csfhome.org

III. OTHER RESOURCES

2-1-1 Tampa Bay Cares, Inc.	211	www.211tampabay.org
Clearwater Neighborhood Housing Svcs.	(727) 442-4155	www.cnhs.biz
Pinellas County Community Dev. Dep't	(727) 464-8210 (800) 806-5154	www.pinellascounty.org/community
Dep't Housing & Urban Dev. (HUD)	(800) 225-5342	www.fha.gov

IV. AVOIDING FORECLOSURE RESCUE SCAMS

You may be contacted by individuals or companies that claim they can save your home from foreclosure. Please seek legal advice before you sign any documents or pay money to anyone offering to save your home from foreclosure. If you think that you have been a victim of a foreclosure scam, you may call one of the following numbers for assistance:

Florida Dep't of Fin. Svcs.	(800) 342-2762	www.myfloridacfo.com
Federal Trade Commission	(877) 382-4357	www.ftc.gov/bcp/consumer.shtm
Office of the Attorney General	(866) 966-7226	www.myfloridalegal.com/
Consumer Svcs. Div. of Fla. Dep't of Agric.	(800) 435-7352	www.doacs.state.fl.us/
Pinellas County Justice & Consumer Svcs.	(727) 464-6200	www.pinellascounty.org/consumer/

**IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY, FLORIDA
CIVIL DIVISION**

Plaintiff(s),

v.

REF #:

UCN:

Defendant(s).

ORDER OF REFERRAL TO MANAGED MEDIATION PROGRAM

This Court has reviewed its docket in the above styled cause and has determined that this case is appropriate and has qualified for mediation with the managed mediation program. In accordance with section 44.1011 – 44.108, Florida Statutes, Rules of Civil Procedure 1.700-1.720, and Administrative Order 2012-002, upon the Court’s own motion, it is

ORDERED:

1. The above styled case is hereby referred for mediation with Mediation Managers, Inc.
2. Within ten days of the date of receipt of this Order, the Plaintiff/Lender must provide to Mediation Managers, Inc.:
 - a. a list of the required documents and information needed from the Defendant/Borrower in order to participate in mediation to obtain a loan modification, deed in lieu of foreclosure, or a short sale, unless the Plaintiff/Lender has already provided that information.
 - b. the name and email address of the Plaintiff/Lender’s representative who should receive the Defendant/Borrower’s disclosure for mediation, unless the Plaintiff/Lender has already provided that information.
 - c. payment of \$450.00, which reflects an hourly rate of \$225.00 per hour with a two hour minimum. If mediation does not occur, Mediation Managers, Inc., must return \$250.00 to Plaintiff/Lender. If mediation exceeds two hours, the additional mediation fee of \$225.00 per hour will be split evenly between the Plaintiff/Lender and Defendant/Borrower. If mediation is not successful, mediation fees may be taxed as costs in a final judgment.

The information and forms must be provided electronically through the information platform at www.mediationmanagersinc.com Payment may be submitted through ACH transfer or by check to Mediation Managers, Inc., 13700 58th Street North, #207, Clearwater, FL 33760.

3. Mediation Managers, Inc., must provide the list of the required documents and information needed by the Plaintiff/Lender to the Defendant/Borrower, subsequently obtain from the Defendant/Borrowers and their attorney, if any, all the forms and information required by the Plaintiff/Lender that are necessary to conduct the mediation, and provide the forms and information to Plaintiff/Lender.

4. Defendant/Borrower must provide all the forms and information required by Plaintiff/Lender that are necessary to conduct the mediation to Mediation Managers, Inc. Forms and information must be provided at least 15 days but no more than 30 days prior to the scheduled mediation. Failure to do so will result in Mediation Managers, Inc., filing a Notice of Nonparticipation and the case will proceed in accordance with the Rules of Civil Procedure.

5. Within 10 days of the date of receipt of this Order, the Defendant/Borrower may submit a Defendant/Borrower's Request for Plaintiff/Lender's Disclosure for Mediation to Mediation Managers, Inc.

6. If the Defendant/Borrower submits a Defendant/Borrower's Request for Plaintiff/Lender's Disclosure for Mediation, Mediation Managers, Inc., must provide the request to the Plaintiff/Lender, subsequently obtain from the Plaintiff/Lender the information requested by the Defendant/Borrower, and provide the information to the Defendant/Borrower.

7. Plaintiff/Lender must provide all the information requested in the Defendant/Borrower's Request for Plaintiff/Lender's Disclosure for Mediation at least 5 days prior to the scheduled mediation.

8. A mediation conference is hereby set on _____, 20__ at _____ a.m./p.m. at Mediation Managers, Inc., 2436 Brunello Trace, Lutz, FL 33558. Mediation Managers, Inc., is authorized to reschedule the mediation or set additional dates as the circumstances require.

9. The Plaintiff/Lender, its attorney, the Defendant/Borrower and his or her attorney, if any, must appear at the mediation conference. In accordance with Rule of Civil Procedure 1.720(b), a party is deemed to appear at a mediation conference if the party or its authorized representative having full authority to settle without further consultation is present. A corporate party must send a corporate representative, other than the attorney, with full authority to settle the case. A corporate Plaintiff/Lender may appear telephonically and will be responsible for calling into the mediation at the designated start time. Legal counsel for the Plaintiff/Lender is required to appear in person. The requirement to have an authorized representative with full authority to settle applies whether the authorized representative appears in person or by telephone.

10. At least ten days prior to the mediation conference, each party must file with the Court, serve all parties, and Mediation Managers, Inc., a written notice identifying the person or persons who will be attending the mediation conference as a party representative, confirming that those persons have the required authority under Rule of Civil Procedure 1.720(c).

11. Mediation Managers, Inc., is responsible for all administrative matters pertaining to this referral in accordance with Administrative Order 2012-002 and must be served with copies of any papers regarding this referral.

12. If the Defendant/Borrower decides not to contest the foreclosure and not to participate in mediation, the Defendant/Borrower must notify Mediation Managers, Inc., which will result in Mediation Managers, Inc., canceling the mediation and filing a Notice of Nonparticipation.

13. Within ten days of the date of service of this Order, the parties may agree by stipulation to opt out of the managed mediation program and participate in the Circuit Civil Program. The stipulation must agree to a date, time, and a mediator other than one through Mediation Managers, Inc. The stipulation must be filed with the Court and a copy provided to Mediation Managers, Inc. and the Arbitration and Mediation Program, 7530 Little Road, Room 201, New Port Richey, FL 34654.

14. Unless stipulated by the parties or ordered by the Court, the mediation process does not suspend discovery.

15. If the Plaintiff/Lender fails to provide the forms and information needed to participate in mediation, fails to provide the Plaintiff/Lender's Disclosure for Mediation, fails to appear at the mediation conference, or appears at mediation but requests additional information that was not identified in Form A or in subsequent communications, Mediation Managers, Inc., may assess a \$200.00 mediation rescheduling fee. Failure to appear at the mediation conference without good cause shown may also, upon motion, result in the imposition of sanctions, including an award of additional mediator and attorney's fees and other costs against the party failing to appear.

DONE AND ORDERED in Chambers, at New Port Richey/Dade City, Pasco County, Florida this ____ day of _____, 20__.

Circuit Judge

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Public Information Dept., Pasco County Government Center, 7530 Little Rd., New Port Richey, FL 34654; (727) 847-8110 (V) for proceedings in New Port Richey; (352) 521-4274, ext. 8110 (V) for proceedings in Dade City at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Order of Referral to Managed Mediation Program has been furnished to: _____

_____ (name or names, address of delivery, fax number if delivered by fax, email address if delivered by email) by hand delivery, U.S. Mail, email, or fax on _____ (date).

(Signature)

Mediation Managers, Inc.
13700 58th Street North, #207
Clearwater, FL 33760

**IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION**

Plaintiff(s),

v.

REF #:

UCN:

Defendant(s).

ORDER OF REFERRAL TO MANAGED MEDIATION PROGRAM

This Court has reviewed its docket in the above styled cause and has determined that this case is appropriate and has qualified for mediation with the managed mediation program. In accordance with section 44.1011 – 44.108, Florida Statutes, Rules of Civil Procedure 1.700-1.720, and Administrative Order 2012-002, upon the Court’s own motion, it is

ORDERED:

1. The above styled case is hereby referred for mediation with Mediation Managers, Inc.
2. Within ten days of the date of receipt of this Order, the Plaintiff/Lender must provide to Mediation Managers, Inc.:
 - a. a list of the required documents and information needed from the Defendant/Borrower in order to participate in mediation to obtain a loan modification, deed in lieu of foreclosure, or a short sale, unless the Plaintiff/Lender has already provided that information.
 - b. the name and email address of the Plaintiff/Lender’s representative who should receive the Defendant/Borrower’s disclosure for mediation, unless the Plaintiff/Lender has already provided that information.
 - c. payment of \$450.00, which reflects an hourly rate of \$225.00 per hour with a two hour minimum. If mediation does not occur, Mediation Managers, Inc., must return \$250.00 to Plaintiff/Lender. If mediation exceeds two hours, the additional mediation fee of \$225.00 per hour will be split evenly between the Plaintiff/Lender and Defendant/Borrower. If mediation is not successful, mediation fees may be taxed as costs in a final judgment.

The information and forms must be provided electronically through the information platform at www.mediationmanagersinc.com Payment may be submitted through ACH transfer or by check to Mediation Managers, Inc., 13700 58th Street North, #207, Clearwater, FL 33760.

3. Mediation Managers, Inc., must provide the list of the required documents and information needed by the Plaintiff/Lender to the Defendant/Borrower, subsequently obtain from the Defendant/Borrowers and their attorney, if any, all the forms and information required by the Plaintiff/Lender that are necessary to conduct the mediation, and provide the forms and information to Plaintiff/Lender.

4. Defendant/Borrower must provide all the forms and information required by Plaintiff/Lender that are necessary to conduct the mediation to Mediation Managers, Inc. Forms and information must be provided at least 15 days but no more than 30 days prior to the scheduled mediation. Failure to do so will result in Mediation Managers, Inc., filing a Notice of Nonparticipation and the case will proceed in accordance with the Rules of Civil Procedure.

5. Within 10 days of the date of receipt of this Order, the Defendant/Borrower may submit a Defendant/Borrower's Request for Plaintiff/Lender's Disclosure for Mediation to Mediation Managers, Inc.

6. If the Defendant/Borrower submits a Defendant/Borrower's Request for Plaintiff/Lender's Disclosure for Mediation, Mediation Managers, Inc., must provide the request to the Plaintiff/Lender, subsequently obtain from the Plaintiff/Lender the information requested by the Defendant/Borrower, and provide the information to the Defendant/Borrower.

7. Plaintiff/Lender must provide all the information requested in the Defendant/Borrower's Request for Plaintiff/Lender's Disclosure for Mediation at least 5 days prior to the scheduled mediation.

8. A mediation conference is hereby set on _____, 20__ at _____ a.m./p.m. at Mediation Managers, Inc., 13700 58th Street North, #207, Clearwater, FL 33760. Mediation Managers, Inc., is authorized to reschedule the mediation or set additional dates as the circumstances require.

9. The Plaintiff/Lender, its attorney, the Defendant/Borrower and his or her attorney, if any, must appear at the mediation conference. In accordance with Rule of Civil Procedure 1.720(b), a party is deemed to appear at a mediation conference if the party or its authorized representative having full authority to settle without further consultation is present. A corporate party must send a corporate representative, other than the attorney, with full authority to settle the case. A corporate Plaintiff/Lender may appear telephonically and will be responsible for calling into the mediation at the designated start time. Legal counsel for the Plaintiff/Lender is required to appear in person. The requirement to have an authorized representative with full authority to settle applies whether the authorized representative appears in person or by telephone.

10. At least ten days prior to the mediation conference, each party must file with the Court, serve all parties, and Mediation Managers, Inc., a written notice identifying the person or persons who will be attending the mediation conference as a party representative, confirming that those persons have the required authority under Rule of Civil Procedure 1.720(c).

11. Mediation Managers, Inc., is responsible for all administrative matters pertaining to this referral in accordance with Administrative Order 2012-002 and must be served with copies of any papers regarding this referral.

12. If the Defendant/Borrower decides not to contest the foreclosure and not to participate in mediation, the Defendant/Borrower must notify Mediation Managers, Inc., which will result in Mediation Managers, Inc., canceling the mediation and filing a Notice of Nonparticipation.

13. Within ten days of the date of service of this Order, the parties may agree by stipulation to opt out of the managed mediation program and participate in the Circuit Civil Program. The stipulation must agree to a date, time, and a mediator other than one through Mediation Managers, Inc. The stipulation must be filed with the Court and a copy provided to Mediation Managers, Inc. and the Arbitration and Mediation Program, 315 Court Street, Room 401, Clearwater, FL 33756.

14. Unless stipulated by the parties or ordered by the Court, the mediation process does not suspend discovery.

15. If the Plaintiff/Lender fails to provide the forms and information needed to participate in mediation, fails to provide the Plaintiff/Lender's Disclosure for Mediation, fails to appear at the mediation conference, or appears at mediation but requests additional information that was not identified in Form A or in subsequent communications, Mediation Managers, Inc., may assess a \$200.00 mediation rescheduling fee. Failure to appear at the mediation conference without good cause shown may also, upon motion, result in the imposition of sanctions, including an award of additional mediator and attorney's fees and other costs against the party failing to appear.

DONE AND ORDERED in Chambers, at Clearwater/St. Petersburg, Pinellas County, Florida this ____ day of _____, 20__.

Circuit Judge

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Human Rights Office, 400 S. Ft. Harrison Ave., Ste. 300, Clearwater, FL 33756, (727) 464-4062 (V/TDD) at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Order of Referral to Managed Mediation Program has been furnished to: _____

_____ (name or names, address of delivery, fax number if delivered by fax, email address if delivered by email) by hand delivery, U.S. Mail, email, or fax on _____ (date).

(Signature)

Mediation Managers, Inc.
13700 58th Street North, #207
Clearwater, FL 33760

Plaintiff(s),

REF #:

v.

UCN:

Defendant(s).

_____ /

DEFENDANT/BORROWER'S REQUEST FOR PLAINTIFF/LENDER'S DISCLOSURE FOR MEDIATION

_____, as the Defendant/Borrower on the mortgage sued upon in this case, hereby requests the following information and disclosures from the Plaintiff/Lender pursuant to Sixth Judicial Circuit Administrative Order 2012-002 (mark the information and documents requested):

- _____ Documentary evidence that the Plaintiff/Lender is the owner and holder in due course of the note and mortgage sued upon.
- _____ A history showing the application of all payments made by the Defendant/Borrower during the life of the loan.

DATED: _____

 (Signature)
 Defendant/Borrower or Attorney for the
 Defendant/Borrower
 Address
 Direct telephone number
 Fax number
 Florida Bar No.

CERTIFICATE OF SERVICE

I certify that a copy hereof has been furnished to: _____

 (name or names, address of delivery, fax number if delivered by fax, email address if delivered by email) by hand delivery, U.S. Mail, email, or fax on _____ (date).

 (Signature)

**This form should be provided to Mediation Managers, Inc.,
 and should not be filed with the Court or the Clerk.**

**IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO/PINELLAS COUNTY, FLORIDA
CIVIL DIVISION**

Plaintiff(s),

REF #:

v.

UCN:

Defendant(s).

_____ /

**NOTICE OF DEFENDANT/BORROWER'S NONPARTICIPATION IN THE
FORECLOSURE MEDIATION PROGRAM**

Mediation Managers, Inc., hereby gives notice that the Defendant/Borrower has not complied with the requirements to participate in the Foreclosure Mediation Program because:

_____ The Defendant/Borrower has advised that the Defendant/Borrower does not wish to participate in mediation for this case.

_____ The Defendant/Borrower has failed or refuses to supply the information necessary to participate in mediation.

_____ The Defendant/Borrower did not appear for a scheduled mediation.

_____ The Defendant/Borrower has not responded to Mediation Managers, Inc.

_____ Other _____

DATED: _____ Mediation Managers, Inc.

BY: _____
(Signature)
Address
Direct telephone number
Fax number

CERTIFICATE OF SERVICE

I certify that a copy hereof has been furnished to: _____

(name or names, address of delivery, fax number if delivered by fax, email address if delivered by email) by hand delivery, U.S. Mail, email, or fax on _____ (date).

(Signature)

**IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO/PINELLAS COUNTY, FLORIDA
CIVIL DIVISION**

Plaintiff(s),

v.

REF #:

UCN:

Defendant(s).

_____ /

NOTICE OF INELIGIBILITY FOR THE FORECLOSURE MEDIATION PROGRAM

Mediation Managers, Inc., hereby gives notice that this foreclosure case is not eligible for the Foreclosure Mediation Program because the docket reflects that the Defendant/Borrower was not served by personal service or substituted service and the Defendant/Borrower has not filed any type of paper with the Court within 120 days of constructive service.

DATED: _____

Mediation Managers, Inc.

BY: _____

(Signature)

Address

Direct telephone number

Fax number

CERTIFICATE OF SERVICE

I certify that a copy hereof has been furnished to: _____

(name or names, address of delivery, fax number if delivered by fax, email address if delivered by email) by hand delivery, U.S. Mail, email, or fax on _____ (date).

(Signature)

**IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO/PINELLAS COUNTY, FLORIDA
CIVIL DIVISION**

Plaintiff(s),

v.

**REF #:
UCN:**

Defendant(s).

_____ /

CERTIFICATE OF COMPLIANCE WITH FORECLOSURE PROCEDURES

As counsel for the Plaintiff, I hereby certify the following:

I. Form A - Plaintiff's Certificate

_____ (initial) Plaintiff filed Form A - Plaintiff's Certificate.

II. Plaintiff Status

_____ (initial) Plaintiff is the original mortgagee and holds original note and:
_____ Previously filed or is simultaneously filing the original note with this certification.
_____ Will file the original note with the foreclosure judgment packet.

OR

_____ (initial) Plaintiff holds the note and rights there-under through assignment.
_____ Plaintiff filed an affidavit attesting to the same.
_____ The name of the original lender is _____.

OR

_____ (initial) The original note has been lost or destroyed.
_____ Plaintiff filed an affidavit attesting to the same.
_____ A copy of the lost note is attached to the affidavit.

III. Mediation Status

_____ (initial) The parties participated in mediation but reached an impasse.

OR

_____ (initial) The parties participated in mediation and reached a partial settlement, but the Defendant has failed to comply with the terms of the settlement agreement.

OR

The parties did not participate in mediation because:

- _____ The Defendant was not eligible for the Foreclosure Mediation Program and did not ask to participate in Circuit Civil Mediation.
- _____ The Defendant could not be located.
- _____ The Defendant failed to comply with the requirements for Foreclosure Mediation Program.
- _____ Other (*explain*) _____

IV. Defendant Status

The property that is the subject matter of the foreclosure

_____ IS _____ IS NOT

a homestead residence. "Homestead" refers to residential property for which a homestead real estate tax exemption was granted according to the certified rolls of the last assessment by the county property appraiser prior to the filing of the suit to foreclose the mortgage.

Using the following format provide the name of each Defendant, the date and method of service of process on each Defendant, and the current status of each Defendant. For cases filed prior to July 1, 2010 indicate whether a Notice to Homeowner was provided at the time of service of process as required by Administrative Order 2009-065. For cases filed on or after July 1, 2010 indicate whether a Notice from the Court to Homeowner, Form B, was provided to Defendant(s) at the time of service of process.

				Cases Prior to July 1, 2010	Cases filed on or after July 1, 2010
Name of Defendant	Date and method of service (Personal, Publication, or Substitute).	Status of Defendant (Dropped; Default entered; Represented by Attorney (name); or filed pro se Answer).	Defendant filed an affirmative defense.	Defendant was provided with Attachment C, Notice to Homeowner.	Defendant was provided with Form B, Notice from the Court to Homeowner.
	____/____/____				
	____/____/____				
	____/____/____				
	____/____/____				

Using the following format provide the name of any Defendant who has not answered or filed a motion to dismiss, and indicate whether an Affidavit of Non-military Service or a Memorandum of Military Service was filed with the Clerk and the date of the document filing. Do not include any Defendant for whom the Clerk of Circuit Court has entered a default.

Name of Defendant	Indicate the type of document, i.e., Affidavit of Non-military service or Memorandum of Military service.	Date of filing with the Clerk of Circuit Court.
		____/____/____
		____/____/____
		____/____/____

V. Summary Judgment and Final Judgment

I further certify of the following:

_____ (initial) The Motion for Summary Judgment with copies of all supporting affidavits was sent by U.S. Mail to all Defendants/Borrowers on _____ (date) and filed with the Clerk of Circuit Court on _____ (date).

_____ (initial) The supporting affidavits include the following information. *(Note: These affidavits and amounts may be in the form of one document, but provide the amount claimed for each.)*

Document	Amount sought
Affidavit of Indebtedness including copies of payment records upon which the affiant relies <i>(Also see note below)</i>	
Affidavit of Attorney's Time Expended	
Affidavit as to Costs	
Affidavit as to Reasonable Attorney's Fees	

Note: If the Plaintiff seeks a prepayment penalty, the Affidavit of Indebtedness must include reference to the specific clause in the loan contract that provides for a prepayment penalty in the event of foreclosure and must specify the amount sought.

_____ (initial) The proposed final judgment is, or at submission will be, in the form of the Sixth Judicial Circuit's Uniform Final Judgment of Foreclosure and complies with Florida Statutes section 45.031.

_____ (initial) I have reviewed this Certificate of Compliance with Foreclosure Procedures and supporting documents, and I certify that the above styled matter is ready for hearing and summary judgment.

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing Certificate of Compliance with Foreclosure Procedures has been furnished on _____

_____ (name or names, address of delivery, fax number if delivered by fax, email address if delivered by email) by hand delivery, U.S. Mail, email, or fax on _____ (date).

I declare that I have read the foregoing Certificate of Compliance with Foreclosure Procedures and that the facts stated in it are true.

DATED: _____

(Attorney Signature)
Attorney Name
Address
Direct telephone number
Fax number
Florida Bar No.

**IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO/PINELLAS COUNTY, FLORIDA
CIVIL DIVISION**

Plaintiff(s),

v.

Defendant(s).

REF #:

UCN:

UNIFORM FINAL JUDGMENT OF FORECLOSURE

THIS MATTER was heard before the Court on the Motion for Summary Final Judgment of Foreclosure of Plaintiff, _____ (*name*), on _____ (*date*). After consideration of all evidence presented, this Court rules as follows:

IT IS ADJUDGED that:

1. Plaintiff has submitted a Certificate of Compliance with Foreclosure Procedures in compliance with Administrative Order 2010-025 PA/PI-CIR, Administrative Order 2012-002, or any subsequent Administrative Order.

2. **VALUE OF CLAIM:** At the initiation of this action, in accordance with section 28.241(1)(a)2.b., Florida Statutes, Plaintiff estimated the amount in controversy of the claim to be \$ _____. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be \$ _____, as set forth below. For any difference between the estimated amount in controversy and the actual value of the claim that requires the filing fee to be adjusted, the Clerk shall adjust the filing fee. In determining whether the filing fee needs to be adjusted, the following graduated filing fee scale in section 28.241(1)(a)2.d., Florida Statutes, controls:

\$400	Value of claim less than or equal to \$50,000 with 5 defendants or less
\$905	Value of claim greater than \$50,000 but less than \$250,000 with 5 defendants or less
\$1,905	Value of claim \$250,000 or greater with 5 defendants or less

If an excess filing fee was paid, the Clerk shall provide a refund of the excess fee. If an additional filing fee is owed, the Plaintiff shall pay the additional fee at least 24 hours prior to the judicial sale. If any additional filing fee owed is not paid prior to the judicial sale, the Clerk shall cancel the judicial sale without further order of the Court.

3. The following amounts are due and owed to the Plaintiff:

Principal due on the note secured by the mortgage foreclosed:	\$
Interest on the note and mortgage from _____ to _____	\$
Per diem interest at _____ % from _____ to _____	\$
Late charges	\$
Escrow advances	\$
Title search expenses	\$
Taxes for the year(s) of _____	\$
Insurance premiums	\$
Court costs:	\$
Filing fee	\$
Service of process \$ _____ per defendant	\$
Publication for _____	\$
SUBTOTAL	\$
Additional costs	\$
SUBTOTAL	\$
Attorney's fees based upon _____ hours at \$ _____ per hour	\$
Less: Undisbursed escrow funds	\$
Less: Unearned insurance premiums	\$
Less: Miscellaneous deductions or credits	\$
TOTAL SUM	\$

4. The total sum in paragraph 3 will bear interest at the prevailing statutory interest rate of _____ percent per year from this date through December 31 of this current year. Thereafter, on January 1 of each succeeding year until the judgment is paid, the interest rate will adjust in accordance with section 55.03, Florida Statutes.

5. Plaintiff, whose address is _____, holds a lien for the total sum specified in paragraph 3 herein. The lien of the Plaintiff is superior in dignity to all rights, titles, interests, or claims of the Defendant(s) and all persons, corporations, or other entities claiming by, through, or under the Defendant(s), or any of them and the property will be sold free and clear of all claims of the Defendant(s), with the exception of any assessments that are superior pursuant to sections 718.116 and 720.3085, Florida Statutes, or _____

(describe other surviving lien). The Plaintiff lien encumbers the subject property located in Pasco County/Pinellas County, Florida, and described as: _____

 _____ (legal description).

Property Address: _____

6. If the total sum with interest at the rate described in paragraph 4 and all costs accrued subsequent to this judgment are not paid, the Clerk of Circuit Court shall sell the subject property at public sale on _____ (date) to the highest bidder for cash, except as prescribed in Paragraph 7, in the following location (mark applicable location):

In an online sale at www.pinellas.realforeclose.com, beginning at 10 a.m. on the prescribed date (mark this box for all sales in Pinellas County)

In an online sale at www.pasco.realforeclose.com, beginning at 11 a.m. on the prescribed date (mark this box for all sales in Pasco County)

after having first given notice as required by section 45.031, Florida Statutes. Plaintiff must arrange for publication of notice of sale in accordance with chapters 45 and 702, Florida Statutes. The Plaintiff must file the original Notice of Sale and Affidavit of Proof of Publication with the Clerk no later than 24 hours prior to the sale.

Plaintiff or Plaintiff's attorney may also cancel or reschedule the sale by filing a motion with the Court in accordance with Florida Rules of Civil Procedure, Form 1.996(b) and may seek to reschedule the sale to a later date.

7. Plaintiff shall advance all subsequent required costs of this action. Except for publishing costs supported by an affidavit, reimbursement or credit for such costs shall be by court order based upon a written motion and adjudication at a hearing with notice. If a third party bidder is the purchaser, the third party bidder must pay the documentary stamps attached to the certificate of title in addition to the bid.

8. If the Plaintiff incurs additional expenses subsequent to the entry of this final judgment but prior to the sale date specified in paragraph 6, Plaintiff may, by written motion served on all parties and adjudication at a hearing with notice, seek to amend this final judgment to include said additional expenses.

9. On the filing of the Certificate of Title, the Clerk shall distribute the proceeds of the sale, so far as they are sufficient, by paying: first, all of the Plaintiff's costs; second, documentary stamps affixed to the Certificate, unless the property is purchased by a third party bidder; third, Plaintiff's attorneys' fees; fourth, the total sum due to the Plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 4 from this date to the date of the sale; and by retaining any remaining amount pending further Order of this Court.

10. On filing of the Certificate of Sale, Defendant(s) and all persons claiming under or against Defendant(s) since the filing of the Notice of Lis Pendens shall be foreclosed of all estate or claim in the property except as provided in the Protecting Tenants at Foreclosure Act of 2009 Pub. L. No. 111-22, 123 Stat. 1660, or as to claims or rights under chapter 718 or chapter 720, Florida Statutes, if any. On filing of the Certificate of Sale, Defendant's right of redemption as provided by section 45.0315, Florida Statutes shall be terminated.

11. The Court finds, based upon the affidavits presented and upon inquiry of counsel for the Plaintiff, that _____ hours were reasonably expended by Plaintiff's counsel and that and hourly rate of \$ _____ is appropriate. PLAINTIFF'S COUNSEL CERTIFIES THAT THE

ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH PLAINTIFF. The Court finds that there are no reduction or enhancement factors for consideration by the Court pursuant to *Florida Patient's Compensation v. Rowe*, 427 So. 2d 1145 (Fla. 1985).

OR

The Court finds, based upon the affidavits presented and upon inquiry of counsel for the Plaintiff, that the flat fee of \$_____ is reasonable and appropriate for the Plaintiff's counsel's attorney's fees. The Court finds that there are no reasons for either reduction or enhancement pursuant to *Florida Patient's Compensation Funds v. Rowe*, 472 So. 2d 1145 (Fla. 1985), and the Court therefore has awarded reasonable attorney's fees in the amount indicated in paragraph 3 of this Judgment.

12. IMPORTANT INFORMATION PROVIDED pursuant to section 45.031, Florida Statutes:

IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THIS FINAL JUDGMENT.

IF YOU ARE A SUBORDINATE LIEN HOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN 60 DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

If the property has qualified for the homestead tax exemption in the most recent approved tax roll, also include the following two paragraphs:

IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE CHECK WITH EITHER THE PINELLAS CLERK OF CIRCUIT COURT AT 315 COURT STREET, CLEARWATER, FL 33756, (727) 464-7000, OR THE PASCO CLERK OF CIRCUIT COURT AT 38053 LIVE OAK AVENUE, DADE CITY, FL 33523, (352) 521-4517 OR 7530 LITTLE ROAD, NEW PORT RICHEY, FL 34654, (727) 847-8176 WITHIN TEN (10) DAYS AFTER THE SALE TO SEE IF THERE IS ADDITIONAL MONEY FROM THE FORECLOSURE SALE THAT THE CLERK HAS IN THE REGISTRY OF THE COURT.

IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO HELP YOU CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ VERY CAREFULLY ALL PAPERS YOU ARE REQUIRED TO SIGN, ASK SOMEONE ELSE, PREFERABLY AN ATTORNEY WHO IS NOT RELATED TO THE PERSON OFFERING TO HELP YOU, TO MAKE SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING AND THAT YOU ARE NOT TRANSFERRING YOUR PROPERTY OR THE EQUITY IN YOUR PROPERTY WITHOUT THE PROPER INFORMATION.

IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT A LEGAL SERVICES OFFICE, SUCH AS: GULF COAST LEGAL SERVICES, INC., 314 S. MISSOURI AVE., SUITE 109, CLEARWATER, FL 33756, (727) 443-0657 / COMMUNITY LAW PROGRAM, 501 FIRST AVE N., ROOM 519, ST. PETERSBURG, FL 33701, (727) 582-7480 / BAY AREA LEGAL SERVICE, INC., 4948 CENTRAL AVE., ST. PETERSBURG, FL 33707, (727) 490-4040 / BAY AREA LEGAL SERVICE, INC., 37718 MERIDIAN AVENUE, DADE CITY, FL 33532 (352) 567-9044 / BAY AREA LEGAL SERVICE, INC., 8406 MASSACHUSETTS AVE, STE B-2, NEW PORT RICHEY, FL 34653, (727) 847-5494 TO SEE IF YOU QUALIFY FINANCIALLY FOR THEIR SERVICES. IF THEY CANNOT ASSIST YOU, THEY MAY BE ABLE TO REFER YOU TO A LOCAL BAR REFERRAL AGENCY OR SUGGEST ANOTHER OPTION. IF YOU CHOOSE TO CONTACT ONE OF THESE SERVICES FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

13. The Plaintiff may assign the judgment and credit bid by the filing of an assignment without further Order of the Court.

14. The Court retains jurisdiction of this action to enter further Orders that are proper, including without limitation, Orders authorizing writs of possession and an award of attorney's fees, and to enter a deficiency judgment if the Defendant has not been discharged in bankruptcy.

(ANY ADDITIONAL PROVISIONS OR MODIFICATIONS TO THIS FINAL JUDGMENT SHOULD BE SET FORTH IN BOLD TYPE AND CONSECUTIVELY NUMBERED PARAGRAPHS).

15. (Optional) The Mortgage Note is hereby re-established pursuant to section 673.3091, Florida Statutes.

DONE AND ORDERED in New Port Richey/Dade City, Pasco County / St. Petersburg/Clearwater, Pinellas County, Florida, on this _____ day of _____ 20____.

CIRCUIT JUDGE

Copies furnished to:

**IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO/PINELLAS COUNTY, FLORIDA
CIVIL DIVISION**

Plaintiff(s),

v.

REF #:

UCN:

Defendant(s).

_____ /

CERTIFICATION OF NO TENANTS

I HEREBY CERTIFY that there are no tenants or persons in possession of the subject property other than the mortgagor, or the child, spouse, or parent of the mortgagor.

I further certify that the motion for writ of possession filed contemporaneously with this certification does not seek an order that violates such persons' right to continued occupancy under the Federal Protecting Tenants at Foreclosure Act of 2009, Pub. L. No. 111-22, 123 Stat. 1660.

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing Certification of No Tenants has been furnished on _____

(name or names, address of delivery, fax number if delivered by fax, email address if delivered by email) by hand delivery, U.S. Mail, email, or fax on _____ (date).

I declare that I have read the foregoing Certification of No Tenants and that the facts stated in it are true.

DATED: _____

(Attorney Signature)

Attorney Name

Attorney for Plaintiff(s)

Address

Direct telephone number

Fax number

Florida Bar No.

**IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO/PINELLAS COUNTY, FLORIDA
CIVIL DIVISION**

Plaintiff(s),

v.

Defendant(s).

_____ /

REF #:

UCN:

CERTIFICATION OF NOTICE TO TENANTS

I HEREBY CERTIFY that tenants in possession of the property have been provided with notice as required by the Federal Protecting Tenants at Foreclosure Act of 2009, Pub. L. No. 111-22, 123 Stat. 1660.

I further certify that the motion for writ of possession filed contemporaneously with this certification does not seek and order that violates such persons' right to continued occupancy under the Federal Protecting Tenants at Foreclosure Act of 2009.

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing Certification of Notice to Tenants has been furnished on _____

(name or names, address of delivery, fax number if delivered by fax, email address if delivered by email) by hand delivery, U.S. Mail, email, or fax on _____ (date).

I declare that I have read the foregoing Certification of Notice to Tenants and that the facts stated in it are true.

DATED: _____

(Attorney Signature)

Attorney Name

Attorney for Plaintiff/Lender(s)

Address

Direct telephone number

Fax number

Florida Bar No.