

**THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA**

**ADMINISTRATIVE MEMORANDUM
CIV10-A**

**IN RE: ESTABLISHMENT OF
THE FORECLOSURE MASTER
CALENDAR FOR THE
MANAGEMENT OF
RESIDENTIAL MORTGAGE
FORECLOSURE CASES**

WHEREAS, based upon the high volume of foreclosure cases filed in the Eleventh Judicial Circuit, it has been determined that the implementation of standardized procedures is necessary to achieve judicial efficiency in the management of residential mortgage foreclosure cases; and

WHEREAS, it was determined that in the interest of judicial administration and economy, a concerted effort to promote uniformity and establish guidelines to be followed by the judges in the General Jurisdiction Division ("Division Judges") in connection with motions for summary final judgment of residential mortgage foreclosure, motions for writs of possession and emergency motions to cancel sale needs to be implemented; and

WHEREAS, in an effort to alleviate the overwhelming judicial workload resulting from the volume of foreclosure cases, the Foreclosure Master Calendar Court Unit will be instituted so that Division Judges will no longer hear motions for summary final judgment in residential mortgage foreclosure cases, motions for writs of possession and emergency motions to cancel sale set within 48 hours, but will continue to hear all other motions including, motions to dismiss and discovery motions; trials in residential mortgage foreclosure cases; all matters in commercial foreclosure cases, lien foreclosure cases, condominium and homeowner association cases which are those cases excluded from the Foreclosure Master Calendar. Court Unit and its procedural requirements, specifically: non-residential foreclosures, condominium foreclosures and commercial foreclosures, mechanics and construction lien foreclosures;

NOW, THEREFORE, pursuant to the authority vested in me as Administrative Judge of the General Jurisdiction Division in the Eleventh Judicial Circuit of Florida, under Rule 2.215, Florida Rules of Judicial Administration, in an effort to carry out this effort in an effective, fair and efficient manner, the Foreclosure Master Calendar Court Unit is hereby established and the following procedural requirements relative thereto are hereby implemented:

A. Prerequisites to scheduling a motion for summary judgment hearing:

Pleadings should be closed, with no pending motions for extension of time, motions to dismiss or outstanding discovery. Submission of a complete motion for summary final judgment packet must include:

1. Foreclosure master calendar cover sheet, together with copies of the complaint and copies of defense answers and affirmative defenses;
2. Plaintiff's certification as to residential mortgage foreclosure case status;
3. Certificate of compliance with residential mortgage foreclosure mediation mandated by Administrative Order 10-03 A1 or evidence of non- homestead status;
4. A copy of the motion for summary judgment of foreclosure including:
 - (a) copies of all defaults, and if no default has been entered, copies of service returns, including non-military affidavits and affidavits of diligent search inquiry in compliance with the new rules and Form 1.942, Fla. R. Civ. P. and
 - (b) copies of supporting affidavits of indebtedness, affidavit of costs, affidavit of attorneys' fees, affidavit as to the reasonableness of attorneys' fees and lost note, if applicable;
5. The original notice of hearing with the date of hearing in blank; including sufficient copies and postage paid envelopes for all parties on the service list;
6. Full copies of the note and mortgage and as applicable, copies of the endorsements, assignments or allonges establishing the plaintiff's status as owner and holder of the note. (Please do not file original documents with the Clerk prior to the hearing date; only copies of documents should be filed. Original documents must be brought to the court at the summary judgment hearing.);
7. The approved uniform summary original final judgment of foreclosure form;
8. Plaintiff's submission of its summary judgment packet shall be in full compliance with the requirements of the Florida Rules of Civil Procedure, including Rule 1.510, Fla. Rules of Civ. P. (2009);
9. The complete motion for summary judgment packet should be delivered to the Foreclosure Master Calendar Court Team, Miami-Dade County Courthouse, 73 West Flagler Street, Room 900A, Miami, Florida 33130. Courtesy copies of pleadings or documents filed in opposition to summary judgment shall be delivered prior to the hearing date as required by the rules; and

Upon staff review and confirmation of compliance with summary judgment prerequisites, the motion for summary judgment will be scheduled for hearing and notices sent to all parties on the service list. If your packet is incomplete or otherwise deficient, a rejection notice will be mailed out and the packet will be available for Plaintiff's retrieval and no hearing will be scheduled. Multiple rejections may constitute grounds for sanctions.

B. Prerequisites to the scheduling of a writ of possession:

1. Submission of motion for writ of possession and a copy of the certificate of title;

2. Proof of pre-eviction notice in compliance with the Protecting Tenants at Foreclosure Act of 2009, as applicable;
3. Submission of a notice of hearing with the date of hearing in blank, together with sufficient copies and postage paid envelopes for all parties on the service list; and
4. The complete motion for writ of possession packet should be delivered to the Foreclosure Master Calendar Court Team, Miami- Dade County Courthouse, 73 West Flagler Street, Room 900A, Miami, Florida 33130.

Upon confirmation of compliance with the prerequisites, the motion for writ of possession will be scheduled for hearing and notices sent to all parties on the service list.

C. Prerequisites to emergency motions to cancel sale:

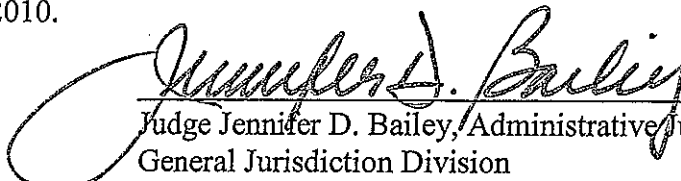
1. The motion for cancellation of sale must constitute a genuine emergency, for a sale set within 48 hours, and be supported by meritorious reasons which fully apprise the Court of the circumstances;
2. The motion for cancellation of sale should be supported by exhibits or documentation establishing the grounds for cancellation; and should include a docket of the case;
3. Successive motions to cancel sale should address a new basis for cancellation which justify another cancellation.

Motions for cancellation of sale will be handled on a walk-in basis for sales scheduled to occur within 48 hours. Non-emergency motions to cancel sale will be handled by the respective Division Judge.

Requests for cancellation should be emailed to: fmc@jud11.flcourts.org and will only be cancelled for good cause shown. Motions for cancellation of hearing must be filed within ten (10) days of the mailing of the notice of hearing, unless there is an emergency. Motions to cancel and/or reschedule a hearing must include sufficient copies and postage paid envelopes for all parties on the service list. Hearings are not cancelled until you receive a confirmation by e-mail. If you have not received a cancellation you must appear at the scheduled hearing.

This Administrative Memorandum shall take effect on April 20, 2010 and shall remain in effect until further order of the Court.

20 **DONE AND ORDERED** in Chambers at Miami-Dade County, Florida, this day of April, 2010.



Judge Jennifer D. Bailey, Administrative Judge
General Jurisdiction Division
Eleventh Judicial Circuit of Florida