

From: Davis, Dana </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=DDAVIS>

To: McHugh, Michael

CC:

Date: 10/21/2009 9:06:34 AM

Subject: ?RE: Foreclosure Procedures

Per your procedures memo am I supposed to be doing all of the conforming as well for the civil Judges JA's for residential foreclosures???? They are even sending me the no-brainer orders that can be stamped (the orders to reset the sale). There is NO possible way I can keep up with 5 JA's conforming!!!!

Dana Davis

Judicial Assistant to Hon. George C. Richards

From: McHugh, Michael

Sent: Thursday, September 24, 2009 2:46 PM

To: Gerald, Lynn; Winesett, Sherra; Rosman, Jay; Fuller, Joseph; Richards, George

Cc: Golden, Diana; Hamsharie, Deborah; Trammell, Cindy; Thompson, Lucinda; Poulston, Lisa; Davis, Dana; Johnston, Linda; Sauls, Sandi

Subject: Foreclosure Procedures

Attached are the revised procedures for the use of Judge Richard's time in Lee County. I have integrated the areas that we discussed at our meeting earlier this month, as memorialized by Judge Winesett. I have also included the notes that Judge Winesett sent us in regards to the foreclosure issues we discussed at that meeting (those at the end of the document). Let me know if you have any additional changes or corrections you would like me to make to the document.

From: Carlin, John S. </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JSC5225>

To: Gerald, Lynn

Rosman, Jay

Winesett, Sherra

Fuller, Joseph

McHugh, Michael

Richards, George

CC: Golden, Diana

Trammell, Cindy

Hamsharie, Deborah

Thompson, Lucinda

Poulston, Lisa

Davis, Dana

Johnston, Linda

Date: 10/23/2009 1:30:10 PM

Subject: Change in Foreclosure Contested Hearings

Colleagues-

Effective immediately, Dana Davis will be scheduling all contested motions for residential mortgage foreclosure cases. You can direct people to call Dana at 533-2705 if your office is contacted regarding a contested residential mortgage foreclosure hearing. LJ will continue to schedule all high volume summary judgment hearings.

All Notices for Trial should remain with the assigned Civil Judge to handle as they deem appropriate. I assume that most of these cases will be referred to mediation prior to being placed on the trial calendar. Judge Richards will not handle any residential mortgage foreclosure trials. I have requested that Dana return any Notices for Trial that have been forwarded to her from any of the civil offices.

Judge Richards has just completed his first week in Lee County handling residential foreclosure hearings. I appreciate all of the support that the Civil Judges and Judicial Assistants have provided to Judge Richards and Dana in their new assignment. They are both doing a fantastic job with these residential mortgage foreclosure cases.

Enjoy your week-end!

John

From: Golden, Diana </O=SAO20/OU=CACJIS/CN=RECEIVENTS/CN=DG2228>

To: Carlin, John S.

CC:

Date: 10/23/2009 1:37:38 PM

Subject: ?RE: Change in Foreclosure Contested Hearings

Enjoy your weekend too!

Diana

From: Carlin, John S.

Sent: Friday, October 23, 2009 2:30 PM

To: Gerald, Lynn; Rosman, Jay; Winesett, Sherra; Fuller, Joseph; McHugh, Michael; Richards, George

Cc: Golden, Diana; Trammell, Cindy; Hamsharie, Deborah; Thompson, Lucinda; Poulston, Lisa; Davis, Dana; Johnston, Linda

Subject: Change in Foreclosure Contested Hearings

Colleagues-

Effective immediately, Dana Davis will be scheduling all contested motions for residential mortgage foreclosure cases. You can direct people to call Dana at 533-2705 if your office is contacted regarding a contested residential mortgage foreclosure hearing. LJ will continue to schedule all high volume summary judgment hearings.

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Enjoy your week-end!

From: Carlin, John S. </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JSC5225>

To: Richards, George

CC: Davis, Dana

McHugh, Michael

Atkins, Joanne

Kellum, Susan G

Cary, G. Keith

Johnston, Linda

Date: 10/28/2009 9:43:42 AM

Subject: Ex Parte Motion to Reset Residential Foreclosure Sale

George-

I wanted to let you know that Joanne brought to Dana this morning some orders on Ex Parte Motions to Reset Residential Foreclosure Sales. Since these are residential foreclosure cases, it is your responsibility to sign these Orders. After Dana conforms these Orders, she can deliver them to the Clerk's office and they will set the new sale date and mail out the conformed copies. It is not the Clerk's responsibility to process these Orders until you have signed them. The Orders that Joanne delivered to Dana this morning were Orders that Dana had brought to the Clerk's office prior to you signing them. Dana indicated to Joanne that Judge McHugh told her that she did not have to be involved with these Orders and that she was going to return them to the Clerk's office. I am copying Judge McHugh with this email but it is Dana's job to conform these Orders after you have signed them. I understand that Dana has a lot of work to do conforming and she may want to request some assistance from other colleagues who would be willing to assist her. I know that Dana was always willing to assist Judicial Assistants with conforming when she was in her prior position and had some additional time. Please let me know if you have any questions. Thanks, George.

John

From: [Owens, Nancy </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP \(FYDIBOHF23SPDLT\)/CN=RECIPIENTS/CN=NOWENS>](mailto:Owens, Nancy </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=NOWENS>)

To: [Mann, Sheila](#)

CC:

Date: 10/8/2010 10:43:20 AM

Subject: ?RE: foreclosures



Just wanted to let you know that I received another email requesting cancellations on Bank of America/BAC Home Loans Servicing. They have cancelled (4) so far today, that were set for October 21st. Also, I called Ft. Myers this morning because my direct deposit did happen and they are trying to locate my check. Didn't know if you had any ideas?

Have a great Weekend!

Nancy

From: Owens, Nancy
Sent: Wednesday, October 06, 2010 11:17 AM
To: Mann, Sheila
Subject: RE: foreclosures

A fax came in yesterday afternoon requesting that two be cancelled that are set for October 21, 2010. Regarding the notes I will get with Joann and Marilu gave her notes to me.

Have a Great Day!

Nancy

From: Mann, Sheila
Sent: Wednesday, October 06, 2010 10:56 AM
To: Hendrickx, Jo-Ann; Owens, Nancy
Subject: foreclosures

Two things:

1. Please let me know immediately if you have any requests from Bank of America to pull foreclosure hearings that have already been set. Apparently BoA is doing this in other counties and pulling foreclosure hearings en masse. We are talking with OSCA (Office of the State Court Administrator) folks to get handle on it so if it happens in Hendry let me know please. Thanks.
2. Nancy, can you please scan all your notes on foreclosures for me that you have for September. Also, ask Marilu for the notes she took for both Hendry and Glades. You can scan them in Jo-Ann's office. Thanks.

If you have questions, please call me.

Sheila

From: McHugh, Michael

To: Sauls, Sandi

CC:

Date: 2/12/2009 2:02:28 PM

Subject: ?RE: Default issues.doc

Thanks for all your help, this is very appreciated.

From: Sandi Sauls [mailto:ssauls@leeclerk.org]
Sent: Thursday, February 12, 2009 2:01 PM
To: McHugh, Michael
Subject: RE: Default issues.doc

It is going into effect today since there were no objections. Hope this helps.

Thank you,

Sandi C. Sauls
Civil Division Manager
P.O. Box 310
Fort Myers, FL 33902
239-533-9188

From: McHugh, Michael [mailto:MMcHugh@CA.CJIS20.ORG]
Sent: Thursday, February 12, 2009 1:58 PM
To: Sandi Sauls
Subject: RE: Default issues.doc

Are the new procedures in place now?

From: Sandi Sauls [mailto:ssauls@leeclerk.org]
Sent: Wednesday, February 04, 2009 9:41 AM
To: Carlin, John S.
Cc: McHugh, Michael
Subject: Default issues.doc

<<Default issues.doc>> I have added (in red) additional items to this previously approved default directive that should save the courts significant time if you deem the additions appropriate. (The last item is a question.) We will apply any approved rules to both Circuit and County. Thank you for your consideration of this matter.

Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager.

This footnote also confirms that this email message has been swept by Symantec Mail Security for the presence of computer viruses.

20TH CIR 00123

From: Sandi Sauls <ssauls@leeclerk.org>

To: McHugh, Michael

CC:

Date: 2/12/2009 2:01:24 PM

Subject: ?RE: Default issues.doc

It is going into effect today since there were no objections. Hope this helps.

Thank you,

Sandi C. Sauls
Civil Division Manager
P.O. Box 310
Fort Myers, FL 33902
239-533-9188

From: McHugh, Michael [mailto:MMcHugh@CA.CJIS20.ORG]

Sent: Thursday, February 12, 2009 1:58 PM

To: Sandi Sauls

Subject: RE: Default issues.doc

Are the new procedures in place now?

From: Sandi Sauls [mailto:ssauls@leeclerk.org]

Sent: Wednesday, February 04, 2009 9:41 AM

To: Carlin, John S.

Cc: McHugh, Michael

Subject: Default issues.doc

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This footnote also confirms that this email message has been swept by Symantec Mail Security for the presence of computer viruses.

www.symantec.com

20TH CIR 00125

12_2_2010

From: Harkey, Sandra D </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=SDH4849>

To: Callanan, Richard

CC: Kiesel, Lisa


Date: 2/16/2010 4:36:12 PM

Subject: Proposed Civil Caseflow Mgmt Procedures & Backlog Reduction Plan - draft including Nancy's input

Hi Rick,

I retyped the draft for the Civil Caseflow Management report and included Nancy's highlighted input. I was unable to make the corrections in yours and her document so I retyped it that's why it is so late getting to you. I hope the format is what you wanted, if not let me know.

Please let me know of any other changes.


Sandy J

Respectfully,

Sandy Harkey

Administrative Assistant III

Administrative Office of the Courts

Twentieth Judicial Circuit

(239) 533-1712

Fax: (239) 533-1701

Sharkey@ca.cjis20.org

Our mission is to provide professional services to support the judiciary in their efforts to protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes.

From: Callanan, Richard </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=RCALLANAN>

To: Harkey, Sandra D

CC: Kiesel, Lisa

Date: 2/2/2010 3:15:22 PM

Subject: ?RE: Order appointing County as Circuit Judge & Circuit as County Judge July 1 - January 1, 2008

Attachments: [Final WorkshopStrategic020110.ppt](#)

For staff workshop..Handouts 2 per page should do it

-----Original Message-----

From: Harkey, Sandra D

Sent: Tuesday, February 02, 2010 2:29 PM

To: Mañalich, Ramiro; 'yvette.Acosta-Macmillan@Myfloridalegal.com'

Cc: Callanan, Richard

Subject: FW: Order appointing County as Circuit Judge & Circuit as County Judge July 1 - January 1, 2008

Hello Your Honor,

Please find attached a copy of the appointment order for Acting County & Acting Circuit Judges. We renew this order every 6 months.

If I may be of further help, please let me know.

As always, have a nice day.

Respectfully,

Sandy Harkey

Administrative Assistant III

Administrative Office of the Courts

Twentieth Judicial Circuit

(239) 533-1712

Fax: (239) 533-1701

Sharkey@ca.cjis20.org

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-----Original Message-----

From: FiscalFax [<mailto:FiscalFax@ca.cjis20.org>]

Sent: Tuesday, February 02, 2010 2:20 PM

To: Harkey, Sandra D

Subject:

This E-mail was sent from "fiscalfax" (Aficio MP C4500).

Scan Date: 02.02.2010 14:19:59 (-0500)

Queries to: vnghi@ca.cjis20.org

20TH CIR 00128

From: Callanan, Richard </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=RCALLANAN>

To: Harkey, Sandra D

CC:

Date: 2/2/2010 4:21:46 PM

Subject: ?RE:

Attachments: [Final WorkshopStrategic020210.ppt](#)

-----Original Message-----

From: Harkey, Sandra D

Sent: Tuesday, February 02, 2010 2:29 PM

To: Mañalich, Ramiro; 'yvette.Acosta-Macmillan@Myfloridalegal.com'

Cc: Callanan, Richard

Subject: FW: Order appointing County as Circuit Judge & Circuit as County Judge July 1 - January 1, 2008

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Fax: (239) 533-1701

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Sent: Tuesday, February 02, 2010 2:20 PM

To: Harkey, Sandra D

Subject:

This E-mail was sent from "fiscalfax" (Aficio MP C4500).

Scan Date: 02.02.2010 14:19:59 (-0500)

Queries to: vnghi@ca.cjis20.org

20TH CIR 00129

From: Callanan, Richard </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=RCALLANAN>

To: Harkey, Sandra D

CC:

Date: 2/2/2010 4:21:46 PM

Subject: ?RE:

Attachments: [Final WorkshopStrategic020210.ppt](#)

-----Original Message-----

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Sent: Tuesday, February 02, 2010 2:29 PM

To: Mañalich, Ramiro; 'yvette.Acosta-Macmillan@Myfloridalegal.com'

Cc: Callanan, Richard

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Fax: (239) 533-1701

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Sent: Tuesday, February 02, 2010 2:20 PM

To: Harkey, Sandra D

Subject:

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Scan Date: 02.02.2010 14:19:59 (-0500)

Queries to: vnghi@ca.cjis20.org

20TH CIR 00130

From: Golden, Diana </O=SAO20/OU=CACJIS/CN=RECEIVENTS/CN=DG2228>

To: Thompson, Lucinda

Poulston, Lisa

Trammell, Cindy

Hamsharie, Deborah

CC:

Date: 2/22/2010 3:52:44 PM

Subject: ?RE: Mortgage Foreclosure cases

I do not permit any foreclosure by phone.

From: Thompson, Lucinda

Sent: Monday, February 22, 2010 3:47 PM

To: Poulston, Lisa; Trammell, Cindy; Hamsharie, Deborah; Golden, Diana

Subject: Mortgage Foreclosure cases

Ladies,

I was just wondering if your office allows Attorney's to attend "Commercial Mortgage Foreclosure" cases to be heard by phone. Thanks so much.

Lucinda Thompson

Judicial Assistant to Judge Fuller

Lee County Justice Center

1700 Monroe Street

Fort Myers, FL 33901

(239) 533-2831

From: Golden, Diana </O=SAO20/OU=CACJIS/CN=RECORDS/CN=DG2228>

To: Mccabe, Teresa

CC:

Date: 2/24/2009 2:25:14 PM

Subject: ?RE: Returned Paperwork

Yes please, and just for clarification for you Judge Gerald's rule is that if the occupant of the home has never been served during the foreclosure, the firm must do a separate eviction case.

Diana

From: Wendy McCabe [mailto:wmccabe@leeclerk.org]

Sent: Tuesday, February 24, 2009 2:20 PM

To: Golden, Diana

Subject: Returned Paperwork

Hi Diana,

I apologize about the confusion regarding the returned paperwork. The clerk was instructed to merely get clarification. The clerk is permitted per statute to issue a writ of possession when instructed to do so by the court. The note on the paperwork said that an eviction case must be filed. Our question was whether the attorney's office was notified and if we should return the paperwork to the attorney with the judge's note. If so, please return the paperwork to me and I'll be happy to do so.

Thank you,

Wendy McCabe
Civil Supervisor
Lee County Clerk of Court
(239) 533-2984
WMcCabe@leeclerk.org

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From: [Greider, Christine </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=CGREIDER>](mailto:Greider,Christine@SAO20/OU=CACJIS/CN=RECIPIENTS/CN=CGREIDER)

To: [Friedman, David](mailto:Friedman,David)

CC: [Pivacek, Cynthia](mailto:Pivacek,Cynthia)

[Hayes, Hugh](mailto:Hayes,Hugh)

[Hendrickx, Jo-Ann](mailto:Hendrickx,Jo-Ann)

Date: 2/25/2009 3:04:34 PM

Subject: foreclosure forms

Hi David:

Sorry I have not been able to get the links to Judge Hayes. I am in my 4th Felony Jury Trial this week. These are from the 6th Circuit..... Here are the docs. I have been using them as reference. The most important is the certificate of compliance!!!!

Hope they help.

Christine Greider

Hendry County Circuit Court Judge

863-675-5225

From: Hayes, Hugh </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=HUGHH>

To: Metcalfe, Jan

CC:

Date: 2/26/2009 8:42:48 AM

Subject: ?FW: foreclosure forms

These look great...

From: Greider, Christine
Sent: Wednesday, February 25, 2009 3:05 PM
To: Friedman, David
Cc: Pivacek, Cynthia; Hayes, Hugh; Hendrickx, Jo-Ann
Subject: foreclosure forms

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Hope they help.

Christine Greider

Hendry County Circuit Court Judge

863-675-5225

From: Winesett, Sherra </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=SWINESETT>

To: Carlin, John S.
McHugh, Michael
Rosman, Jay
Fuller, Joseph

CC: Gerald, Lynn
Sauls, Sandi

Date: 2/26/2009 8:35:44 PM

Subject: ?RE: Default directive for clerks

Judge Gerald and I discussed the proposal and are in agreement with the first list, i.e., when the clerk may deny the default, and the third list as to when the clerk may return a motion to the filer.

With respect to the 2nd list, it is our opinion that under Fla. R. Civ. P. 1.500(b), only the court can enter the default where a party has filed or served any paper in the action, and further under that rule the party must be served with the motion for default. As for where service is obtained by out-of-state process, we are in agreement that the clerk may enter the default if service is sufficient but would request that a checklist be prepared and followed by the clerk to insure that sufficiency. Judge Winesett

From: Carlin, John S.
Sent: Thursday, February 05, 2009 9:41 AM
To: McHugh, Michael; Gerald, Lynn; Rosman, Jay; Fuller, Joseph; Winesett, Sherra
Cc: Sauls, Sandi
Subject: FW: Default directive for clerks

Please let Sandi Sauls know if you disagree with the default procedures expressed in the attachment. If Sandi does not hear from you by February 11, she will assume that you are in agreement with these procedures. It would be nice to have a consensus from all 5 judges but it is not a problem if some agree with the procedure and some disagree. Please direct any questions to Sandi Sauls. Thank you.

John

From: Sandi Sauls [mailto:ssauls@leeclerk.org]
Sent: Wednesday, February 04, 2009 5:00 PM
To: Carlin, John S.
Subject: Default directive for clerks

<<Default issues.doc>> Attached is a draft of the amendments (in red) we would like to add to our default directive. I believe it will save the judiciary significant time. Please let me know if these changes are approved. Thank you.

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From: [Patricia A. Murphy <Patricia.Murphy@collierclerk.com>](mailto:Patricia.Murphy@collierclerk.com)

To: [Hendrickx, Jo-Ann](#)

CC:

Date: 2/3/2009 10:57:12 AM

Subject: Foreclosure Checklist

Hi Jo ann,

Please find attached the foreclosure Checklist.

Thank you

Patricia A. Murphy
Civil Foreclosure Clerk
Collier County Clerk of Courts
patricia.murphy@clerk.collier.fl.us
(239) 732-2657

Under Florida Law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by telephone or in writing.

From: Carlin, John S. </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JSC5225>

To: McHugh, Michael

Sauls, Sandi

CC:

Date: 2/4/2009 1:45:38 PM

Subject: ?RE: Default issues.doc

Sandi-

Does Judge McHugh's email address your issues?

From: McHugh, Michael

Sent: Wednesday, February 04, 2009 1:42 PM

To: Sauls, Sandi; Carlin, John S.

Subject: RE: Default issues.doc

I would not automatically deny the default if service is over 1 year old. The civil judges had a discussion about this at our last meeting and there is a difference in the way the Judges handle this. I know that Judge Gerald denies them, but I believe the other Judges look at them on a case by case basis. In regards to the acceptance of service with a Notice of Appearance I would continue to give these to the Judges, I will grant the default in certain circumstance if there is appropriate language requiring the defendant to answer in a specified period in the acceptance. In regards to the rest, I am very much in favor of the changes and increased authority of the Clerk in these default case, I think it would free up a considerable amount of time and I appreciate the Clerk's willingness to do this for us.

From: Sandi Sauls [mailto:ssauls@leeclerk.org]

Sent: Wednesday, February 04, 2009 9:41 AM

To: Carlin, John S.

Cc: McHugh, Michael

Subject: Default issues.doc

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To: Sauls, Sandi

Carlin, John S.

CC:

Date: 2/4/2009 1:41:38 PM

Subject: ?RE: Default issues.doc

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Sent: Wednesday, February 04, 2009 9:41 AM

To: Carlin, John S.

Cc: McHugh, Michael

Subject: Default issues.doc

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From: McHugh, Michael

To: Sauls, Sandi

CC:

Date: 2/4/2009 9:00:24 AM

Subject: ?RE: Defaults in Foreclosures cases

Thanks.

From: Sandi Sauls [mailto:ssauls@leeclerk.org]
Sent: Wednesday, February 04, 2009 8:58 AM
To: McHugh, Michael
Subject: FW: Defaults in Foreclosures cases

I should never respond to emails from my Blackberry because I miss any prior emails attached. Sorry. We are sending Judge Carlin an addendum to the defaults memo that grants the clerks more authority to issue defaults. The Court defaults are on the list. I will copy you in. Thank you.

Thank you,

Sandi C. Sauls
Civil Division Manager
P.O. Box 310
Fort Myers, FL 33902
239-533-9188

From: Sandi Sauls
Sent: Friday, January 30, 2009 7:43 AM
To: Hon. Michael T. McHugh
Subject: Re: Defaults in Foreclosures cases

We should be preparing a memo to explain why we are unable to issue the default and are sending it to you for judicial consideration. If we have the file I believe we are tagging the questionable service. If we don't have the file we are suppose to be making a copy of the serice. I am at a meeting today but will ensure these are our procedures when I return on Monday. Please let me know if there are any problems. Thank you.

Sent From Verizon Blackberry Device.

From: McHugh, Michael
To: Sandi Sauls
Sent: Thu Jan 29 14:34:57 2009
Subject: RE: Defaults in Foreclosures cases

I was curious what the status of "Court" defaults is now. Will the clerk's office look at these and prepare a memo outlining if there are any problems with service? Or will they tab the service pleadings in the file, or is it up to us to simply review the file and make the default determination?

From: Sandi Sauls [mailto:ssauls@leeclerk.org]
Sent: Wednesday, September 17, 2008 4:55 PM
To: McHugh, Michael
Subject: RE: Defaults in Foreclosures cases

I think with a judicial directive we should be able to do most of the "Court" defaults. I will have someone take on the defaults and see if there is any reason why we can't take on that responsibility. I'll keep you posted.

Thank you,

Sandi C. Sauls
Civil Division Manager
P.O. Box 310
Fort Myers, FL 33902
239-533-9188

From: McHugh, Michael [mailto:MMcHugh@CA.CJIS20.ORG]
Sent: Wednesday, September 17, 2008 2:33 PM
To: Sandi Sauls
Subject: Defaults in Foreclosures cases

I have found that increasingly we are receiving requests for defaults on Foreclosure cases being directed to us for a Court's default, instead of to you for a Clerk's default. I am a little concerned that this will only increase after we allow you guys the authority to deny the defaults in the cases we have previously discussed. Is there a way that we can route the requests for a Court's default in foreclosure cases through your office to do the same review you do in the clerk's default cases?

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From: Sandi Sauls <ssauls@leeclerk.org>

To: Carlin, John S.

CC: McHugh, Michael

Date: 2/4/2009 9:40:56 AM

Subject: Default issues.doc

<<Default issues.doc>> I have added (in red) additional items to this previously approved default directive that should save the courts significant time if you deem the additions appropriate. (The last item is a question.) We will apply any approved rules to both Circuit and County. Thank you for your consideration of this matter.

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From: Sandi Sauls <ssauls@leeclerk.org>

To: McHugh, Michael

CC:

Date: 2/4/2009 8:58:24 AM

Subject: ?FW: Defaults in Foreclosures cases

I should never respond to emails from my Blackberry because I miss any prior emails attached. Sorry. We are sending Judge Carlin an addendum to the defaults memo that grants the clerks more authority to issue defaults. The Court defaults are on the list. I will copy you in. Thank you.

Thank you,

Sandi C. Sauls
Civil Division Manager
P.O. Box 310
Fort Myers, FL 33902
239-533-9188

From: Sandi Sauls
Sent: Friday, January 30, 2009 7:43 AM
To: Hon. Michael T. McHugh
Subject: Re: Defaults in Foreclosures cases

We should be preparing a memo to explain why we are unable to issue the default and are sending it to you for judicial consideration. If we have the file I believe we are tagging the questionable service. If we don't have the file we are suppose to be making a copy of the serice. I am at a meeting today but will ensure these are our procedures when I return on Monday. Please let me know if there are any problems. Thank you.

Sent From Verizon Blackberry Device.

From: McHugh, Michael
To: Sandi Sauls
Sent: Thu Jan 29 14:34:57 2009
Subject: RE: Defaults in Foreclosures cases

I was curious what the status of "Court" defaults is now. Will the clerk's office look at these and prepare a memo outlining if there are any problems with service? Or will they tab the service pleadings in the file, or is it up to us to simply review the file and make the default determination?

From: Sandi Sauls [mailto:ssauls@leeclerk.org]
Sent: Wednesday, September 17, 2008 4:55 PM
To: McHugh, Michael
Subject: RE: Defaults in Foreclosures cases

I think with a judicial directive we should be able to do most of the "Court" defaults. I will have someone look at these defaults and see if there is any reason why we can't take on that responsibility. I'll keep you posted.

Thank you,

Sandi C. Sauls

20TH CIR 00142

Civil Division Manager
P.O. Box 310
Fort Myers, FL 33902
239-533-9188

From: McHugh, Michael [mailto:MMcHugh@CA.CJIS20.ORG]
Sent: Wednesday, September 17, 2008 2:33 PM
To: Sandi Sauls
Subject: Defaults in Foreclosures cases

I have found that increasingly we are receiving requests for defaults on Foreclosure cases being directed to us for a Court's default, instead of to you for a Clerk's default. I am a little concerned that this will only increase after we allow you guys the authority to deny the defaults in the cases we have previously discussed. Is there a way that we can route the requests for a Court's default in foreclosure cases through your office to do the same review you do in the clerk's default cases?

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From: Carlin, John S. </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JSC5225>

To: McHugh, Michael

Gerald, Lynn

Rosman, Jay

Fuller, Joseph

Winesett, Sherra

CC: Sauls, Sandi

Date: 2/5/2009 9:41:04 AM

Subject: ?FW: Default directive for clerks

Please let Sandi Sauls know if you disagree with the default procedures expressed in the attachment. If Sandi does not hear from you by February 11, she will assume that you are in agreement with these procedures. It would be nice to have a consensus from all 5 judges but it is not a problem if some agree with the procedure and some disagree. Please direct any questions to Sandi Sauls. Thank you.

John

From: Sandi Sauls [mailto:ssauls@leeclerk.org]

Sent: Wednesday, February 04, 2009 5:00 PM

To: Carlin, John S.

Subject: Default directive for clerks

<<Default issues.doc>> Attached is a draft of the amendments (in red) we would like to add to our default directive. I believe it will save the judiciary significant time. Please let me know if these changes are approved. Thank you.

Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

From: Hayes, Hugh </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=HUGHH>

To: Mravic, Deborah

Pivacek, Cynthia

CC: Middlebrook, Mark

Metcalf, Jan

Date: 2/9/2010 10:50:46 AM

Subject: ?RE: Foreclosure calendars

I would suggest letting it play out and just finish those that are already in the pipeline.

From: Mravic, Deborah

Sent: Tuesday, February 09, 2010 10:48 AM

To: Pivacek, Cynthia; Hayes, Hugh

Cc: Middlebrook, Mark

Subject: Foreclosure calendars

I have received all the dates for coverage from the county judges. They will begin coverage as of March 23. On May 11 & 12, Judge Carr is able to cover 9-12noon each day. At this time the afternoon docket is full as well. Do you want me to cancel the afternoon on both of those dates (about 46 cases each afternoon)??

Please advise as soon as you can. I am meeting with the JA's, Diane, Nancy etc this afternoon at 2pm regarding all the changes.

Debbie Mravic

Program Coordinator - Family Court

3301 Tamiami Trail East, Naples, FL 34112

239-252-2603

dmravic@ca.cjis20.org

From: Callanan, Richard </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=RCALLANAN>

To: [Aloia, Nancy K](#)
[Middlebrook, Mark](#)
[Embury, Jon](#)
[Mravic, Deborah](#)
[Wolff, Luanne](#)
[Mann, Sheila](#)

CC: [Kiesel, Lisa](#)
[Fishbeck, Eric](#)
[Ederr, Suzanne](#)

Date: 3/1/2010 3:05:02 PM

Subject: Civil Case Management & Backlog Plans- Circuitwide Guidelines (New Draft 2/28/10)

Nancy, Mark & Jon,

Here is the latest draft of the Civil Case Management guidelines. They incorporate most of the good ideas and changes that you and your working groups have suggested. They pretty much incorporate what staff and working groups in Collier and Lee have developed so far, with input from other counties, just put into a circuitwide plan format. I appreciate all the work you have all done on this to get us so far in such a short time.

These guidelines can be refined as we go, but the track definitions, time standards, general procedures, uniform forms etc. should be discussed with your staff and judges and used as a guide with your local working groups. Where you see a problem with the guidelines, let me know. Eventually, and once we get general consensus and input from judges and working groups, this will form the basis for a circuitwide AO to be issued later in the spring. As you know, we are not looking for every county to be exactly the same, but want to have some consistency of practice wherever possible.

We still need to attach the “ Model” Case Management Orders and Forms. I know we have consensus between Collier and Lee on some orders(Order Setting Case Management Conference), lets attach those that we have and indicate “to be developed” on the others.

Eric is working on the sample Formats for all Clerk MIS reports that we can also include.

Let me know any changes you think we should make to this draft before we get this back out to all Admin Judges and CBC in April.

Richard Callanan, Trial Court Administrator
20th Judicial Circuit
1700 Monroe Street
Fort Myers, FL. 33901
239 533-1712

From: Kellum, Ken </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=KEN4032>

To: Ross, James

Derek Creamer (dcream@sheriffleefl.org)

CC:

Date: 3/1/2010 10:44:56 AM

Subject: ?FW: Scam in foreclosure hearings

Please see below. Let's be on top of this.

Ken Kellum

From: Rose, Penelope

Sent: Monday, March 01, 2010 10:34 AM

To: Kellum, Ken

Subject: Scam in foreclosure hearings

Judge Schoonover just alerted me to something new that occurred last Friday.

A woman claiming to be an interpreter stepped forward with a defendant to assist her with the foreclosure proceeding. When Judge Schoonover asked her what her relationship was to the defendant, she reluctantly stated she was a "friend". This happened several times last Friday.

Then the Bailiff became suspicious and went outside the courtroom and found the "interpreter" and another women pretending to represent the Court and charging people \$500 to assist them with the foreclosure matters.

The Bailiff chased the two women away.

Judge Schoonover wanted you to be aware that this is a new scam that's going on inside the courthouse.

From: Rose, Penelope </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=PROSE>

To: Kellum, Ken

CC:

Date: 3/1/2010 10:33:52 AM

Subject: Scam in foreclosure hearings

Judge Schoonover just alerted me to something new that occurred last Friday.

A woman claiming to be an interpreter stepped forward with a defendant to assist her with the foreclosure proceeding. When Judge Schoonover asked her what her relationship was to the defendant, she reluctantly stated she was a "friend". This happened several times last Friday.

Then the Bailiff became suspicious and went outside the courtroom and found the "interpreter" and another women pretending to represent the Court and charging people \$500 to assist them with the foreclosure matters.

The Bailiff chased the two women away.

Judge Schoonover wanted you to be aware that this is a new scam that's going on inside the courthouse.

From: Hayes, Hugh </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=HUGHH>

To: Metcalfe, Jan

CC:

Date: 3/2/2009 12:58:42 PM

Subject: ?Fw: Foreclosure scheduling assistance

Sent from my Verizon Wireless BlackBerry

From: "Middlebrook, Mark"

Date: Mon, 2 Mar 2009 12:48:39 -0500

To: Pivacek, Cynthia; Hayes, Hugh

Subject: Foreclosure scheduling assistance

Good Afternoon Judges

I have met with Diane and have developed the following idea to assist your offices with foreclosure hearing scheduling. Our targeted start date is March 30th.

All issues involving scheduling or canceling a foreclosure hearing will be handled by Nancy/Diane. The attorneys' offices will be required to contact CA on Wednesday's between 8:30-4:30. The phone number is 252-8133. We will need to have an announcement on the Civil Judges' JA's phone directing the foreclosure lawyers to call the 8133 number on Wednesday's only. Additionally, we will need an announcement posted on our website with the direction.

This should help alleviate the inordinate amount of phone calls the JA's are dealing with regarding foreclosures. Please let me know your thoughts.

M

From: Hayes, Hugh </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=HUGHH>

To: Pivacek, Cynthia

Middlebrook, Mark

CC: Callanan, Richard

Date: 3/2/2009 1:24:06 PM

Subject: ?RE: Foreclosure scheduling assistance

Sounds great to me!

From: Pivacek, Cynthia

Sent: Monday, March 02, 2009 1:23 PM

To: Middlebrook, Mark; Hayes, Hugh

Cc: Callanan, Richard

Subject: RE: Foreclosure scheduling assistance

I think it is wonderful

From: Middlebrook, Mark

Sent: Monday, March 02, 2009 12:49 PM

To: Pivacek, Cynthia; Hayes, Hugh

Cc: Callanan, Richard

Subject: Foreclosure scheduling assistance

Good Afternoon Judges

I have met with Diane and have developed the following idea to assist your offices with foreclosure hearing scheduling. Our targeted start date is March 30th.

All issues involving scheduling or canceling a foreclosure hearing will be handled by Nancy/Diane. The attorneys' offices will be required to contact CA on Wednesday's between 8:30-4:30. The phone number is 252-8133. We will need to have an announcement on the Civil Judges' JA's phone directing the foreclosure lawyers to call the 8133 number on Wednesday's only. Additionally, we will need an announcement posted on our website with the direction.

This should help alleviate the inordinate amount of phone calls the JA's are dealing with regarding foreclosures. Please let me know your thoughts.

M

From: Rose, Penelope </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=PROSE>

To: Kellum, Ken

CC:

Date: 3/3/2010 10:54:24 AM

Subject: ?FW: Scam in foreclosure hearings

From: Rose, Penelope
Sent: Monday, March 01, 2010 10:34 AM
To: Kellum, Ken
Subject: Scam in foreclosure hearings

Judge Schoonover just alerted me to something new that occurred last Friday.

A woman claiming to be an interpreter stepped forward with a defendant to assist her with the foreclosure proceeding. When Judge Schoonover asked her what her relationship was to the defendant, she reluctantly stated she was a "friend". This happened several times last Friday.

Then the Bailiff became suspicious and went outside the courtroom and found the "interpreter" and another women pretending to represent the Court and charging people \$500 to assist them with the foreclosure matters.

The Bailiff chased the two women away.

Judge Schoonover wanted you to be aware that this is a new scam that's going on inside the courthouse.

From: Sandi Sauls <ssauls@leeclerk.org>

To: McHugh, Michael

Gerald, Lynn

Rosman, Jay

Winesett, Sherra

Fuller, Joseph

CC: Poulston, Lisa

Golden, Diana

Trammell, Cindy

Hamsharie, Deborah

Thompson, Lucinda

Date: 3/4/2010 3:52:26 PM

Subject: Online foreclosure sales

It's finally happening. Effective tomorrow, we will insert the online sale location on all new foreclosure judgments. The first actual online sale will be April 5th. We will continue to have "courthouse" sales for those cases already set on the calendar (through June 15th). Courthouse sales will only be on Tuesdays, while the online sales will be set for Mondays, Wednesdays, Thursdays and Fridays. Please let me know if any issues arise as a result. As one bidder said today, "There goes the corruption!" Hope so!

Thank you,

Sandi C. Sauls

Civil Division Manager

P.O. Box 310

Fort Myers, FL 33902

239-533-9188

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From: Winesett, Sherra </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=SWINESETT>

To: Gerald, Lynn

McHugh, Michael

Fuller, Joseph

Schreiber, Lee Ann

Rosman, Jay

Winesett, Sherra

CC:

Date: 3/4/2010 6:12:04 PM

Subject: Re: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

I reviewed the opinion in the consolidated Fla. Sup. Ct. Case No. SC09-1460 entitled In Re: Amendments to the Florida Rules of Civil Procedure and Case No. SC09-1579 entitled In Re: amendments to the Florida Rules of Civil Procedure – Form 1.996 (Final Judgment of Foreclosure).

Case No. SC 09-1460 amends rule 1.110(b) to require verification of mortgage foreclosure complaints involving residential real property, adopts new form 1.924, Affidavit of Diligent Search and Inquiry and new form 1.996(b), Motion to Cancel and Reschedule Foreclosure Sale which provides for a reason to be checked to explain why the foreclosure sale needs to be cancelled and rescheduled. Fla. Sup. Ct. Case SC 09-1579 amends Form 1.996, the Final Judgment of Foreclosure form and numbers it Form 1.996(b).

As I read the opinion on the consolidated cases, the amendments made by SC 09-1460 were effective immediately upon the release of the opinions on Feb. 11, 2010. However, there is a 60 day period from that date during which comments on the amendments made to form 1.996(a) may be filed.

I think the question is, Is the use of these forms, or the information required by them, mandatory? If so, effective immediately, we need to make sure new Complaints filed are verified, Diligent Search affidavits in compliance with the new rule are filed for constructive service, and a reason is stated in a motion for cancellation of the sale.

You should note in its opinion, the Court rejected including a provision in the Final Judgment form that the sale be cancelled if Plaintiff's representative is not present at the sale, finding that to be in conflict with the new form for Motion to Cancel and Reschedule Foreclosure Sale.

Judge Gerald has suggested that with respect to the Final Judgment Form we require the Plaintiff's attorney to file a certification with the proposed final judgment, listing any provisions in the proposed judgment that are not in Form 1.996(a) so that the presiding judge can quickly review those additional provisions to determine if they are allowable provisions.

Comments or suggestions? Sherra

From: Aloia, Nancy K </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=NKW2884>

To: Conderman, Ellen

CC: Schreiber, Lee Ann

Date: 7/19/2010 4:33:02 PM

Subject: foreclosure dockets

Hello

Judge Schreiber's foreclosure dockets set today and tomorrow are being covered by Judge Starnes. I was not made aware of the docket coverage and we are doing our best to now cover both courtrooms. I believe the reason you are experiencing a high volume of phone calls is because these cases have been noticed before Judge Schreiber and she is running a separate docket on the same day. Her new civil docket no longer lists the foreclosure cases and the parties are confused as to why.

Since we did not expect to take on Judge Schreiber's foreclosure cases until 8/1, the dockets still fall under your office until then. We went ahead and emailed the Bailiff's office for courtroom coverage tomorrow. We will also place a sign on 5-H with additional explanation to help eliminate the confusion.

As a follow-up to the IT request to set up a hotline recording for foreclosures - we will not be setting up this line at this time but may consider it in the future and welcome any other suggestions you may have.

Just a suggestion - Maybe what may help eliminate some of these phone calls is to place a recording letting the attorney/parties know that the foreclosure dockets set 7/19 and 7/20 will be heard by Judge Starnes in Courtroom H and that they have not been cancelled.

Thank you

Nancy Aloia

Family/Civil Director

Twentieth Judicial Circuit

1700 Monroe Street, Ft. Myers, FL 33901

239-533-2991/Mobile 357-5641

20TH CIR 00154

From: Aloia, Nancy K </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=NKW2884>

To: Conderman, Ellen

CC: English, Sharon

Date: 8/16/2010 12:48:54 PM

Subject: ?RE: Foreclosure Docket

Hi Ellen

You must be referring to calls you are receiving for Judge Schreiber's docket that the Senior Judges are now covering for beginning in August. We will handle the calls – same as for all foreclosure calls coming through. Send them to Sharon English 533-2801 as the central location. If you have a list of phone calls that you would like us to call back just send them over. Since these cases were initially set with Judge Schreiber, you will continue to receive these calls. I would suggest placing a recording on your outgoing messages that indicate the Senior Judges will be handling the foreclosures dockets for Judge Schreiber in August and let them know who to contact. Thanks

From: Conderman, Ellen

Sent: Monday, August 16, 2010 12:01 PM

To: Aloia, Nancy K

Subject: Foreclosure Docket

Hi Nancy,

I'm getting lots of phone calls asking me to confirm hearings on the Senior Judge docket. It is taking a lot of time especially when the hearing isn't coming up. Attorneys are asking me to convey their frustration at not knowing if they need to drive 2 hours to get here or not. I don't have time to take these calls, please tell me how to proceed with these calls.

Ellen Conderman

Judicial Assistant

Judge Lee Ann Schreiber

239-533-2603 Lee County

941-833-3033 Charlotte County

econderman@ca.cjis20.org

20TH CIR 00155

11_16_2010

From: Conderman, Ellen </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ECONDERMAN>
To: [Schreiber, Lee Ann](#)
[Kyle, Keith](#)
[Embury, Jon](#)
CC:
Date: 4/9/2010 2:00:26 PM
Subject: ?RE: CHARLOTTE COUNTY Foreclosure docket

As far as Lee Co phone calls I think it would be impossible to route my calls to each different JA. When I leave Lee County I forward calls to my Charlotte number. It would be easier to route my calls to one person such as Penelope, our fill in who does a good job scheduling in Jacs. There are a lot of calls, it's very time consuming.

Ellen Conderman
Judicial Assistant
Judge Lee Ann Schreiber
239-533-2603 Lee County
941-833-3033 Charlotte County
econderman@ca.cjis20.org

From: Schreiber, Lee Ann
Sent: Friday, April 09, 2010 2:52 PM
To: Kyle, Keith; Embury, Jon
Cc: Conderman, Ellen
Subject: RE: CHARLOTTE COUNTY Foreclosure docket

The Lee Clerk of Court sets my Wednesday (mass) dockets only (and she also sets the retired Judge's Friday (mass) dockets. The problem with allowing the attorneys offices to set hearings in JACs will be the same as we are encountering in Charlotte County, namely, someone other than my office is running my docket in a manner most conducive to their schedules which results in gaps of unused time/down time/unproductive time. I think the schedule is tighter and more streamlined when we set the hearings (like in Lee County)

The lawyers all pretty much know that I handle all residential foreclosure hearings, so they don't necessarily call the assigned judge's office first (though I suspect some still start with the assigned Judge and then get routed to us)
As far as having the JAs of the assigned Judge setting the hearings, that might be an option for the times when I am in Charlotte County.

Ellen, do you see any down side to having the JAs for the assigned Judge scheduling times on my JACs schedule during the 2 weeks we are in Charlotte County? HOW TO implement that is a whole other question. Also **Ellen**, please weigh in here if you know how the phone call routing works in Lee County as you have more familiarity with that subject.

We do need to keep in mind that one Lee County Friday each month (the Friday just prior to the 2 weeks in Charlotte), we actually spend it in Charlotte County doing Charlotte County work. Where we really need the resources is in file review which a case manager (if one is there to be gotten) could do. Also the volunteer law students/interns would take the burden off of both Ellen and myself, freeing up our time to do other more productive tasks.
Have a good weekend everyone!

P.S. Judge Kyle, I plan to observe you as duty judge on Sunday. I'll be there by 8:00 a.m. (yuk!) and find you or go to Courtroom C at 8:30 (if I'm running late). If something changes with your schedule for Sunday A.M., my cell phone

s. 119.071, F.S.

s. 119.071, F.S.

Lee

20TH CIR 00157

From: Kyle, Keith**Sent:** Thursday, April 08, 2010 4:48 PM**To:** Schreiber, Lee Ann; Embury, Jon**Cc:** Conderman, Ellen**Subject:** RE: CHARLOTTE COUNTY Foreclosure docket

Lee County has JACS but they don't use it for scheduling... maybe you could suggest they OK it for foreclosure hearings only. My understanding from prior discussions with folks in Lee County was that the Lee County foreclosure hearings were scheduled through the Clerk of Court... was that ever the case and it changed or was I given bad information? I really think consideration should be given to asking/arranging for JACS to be utilized for Lee County cases as well – for foreclosures only, or perhaps the JA for the Judge to whom any given Lee County foreclosure file is assigned should be given access to your calendar and they can schedule since you are doing their work. How is it that the calls are routed to you – do they call the assigned judge only to be told to call you (?) – that seems like a double waste of time. Lee County already gets you a whole extra month in terms of time (28 weeks to our 24) and apparently a lot more than 28 weeks in terms of your JA's time if she's constantly fielding calls up here from Lee County because they do not use automated scheduling for foreclosure hearings like we do up here. 100+ calls a day is nuts; there has to be a better way!

From: Schreiber, Lee Ann**Sent:** Thursday, April 08, 2010 4:37 PM**To:** Embury, Jon; Kyle, Keith**Cc:** Conderman, Ellen**Subject:** CHARLOTTE COUNTY Foreclosure docket

There is one other point I just thought of after lunch which may impact the efficiency with which we process the CHARLOTTE COUNTY cases...

Ellen spends A GREAT DEAL OF TIME ON THE PHONE fielding calls and setting hearings on LEE COUNTY foreclosure cases, as we have been instructed to do via call forwarding. Ellen conservatively estimates 100 calls per day, since she sets the LEE COUNTY hearings (for Mon/Tues/Thurs & Fri ; it is not self scheduling in JACs). Paperwork processing of Lee County cases in nominal while we are in Charlotte because the assigned Circuit Judges sign their own paperwork the 2 weeks we are here. IF Ellen were not on the phone tending to Lee County cases while here in Charlotte, her time would be significantly freed up to review files, to the extent that I could give up a Friday "office day," at least for the time being, to hear summary judgment motions or set trials in order to dispo more cases. Ellen and I DO USE ONE DEDCIATED LEE COUNTY DAY EACH MONTH TO RVIEW CHARLOTTE CONTY FILES, so that may be the trade off in terms of allocating our time in both counties.

This is just an additional piece of information to factor into the mix. We are content to do whatever is needed to keep the cases moving.

Lee

From: Conderman, Ellen </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ECONDERMAN>
To: [Schreiber, Lee Ann](#)
CC:
Date: 7/14/2010 10:01:52 AM
Subject: ?FW: Foreclosure Trial Order

Did you already have this meeting?

Ellen Conderman
Judicial Assistant
Judge Lee Ann Schreiber
239-533-2603 Lee County
941-833-3033 Charlotte County
econderman@ca.cjis20.org

From: Embury, Jon
Sent: Wednesday, June 30, 2010 4:11 PM
To: Richards, George; Schreiber, Lee Ann
Cc: Davis, Dana; Conderman, Ellen
Subject: Foreclosure Trial Order

Judge Kyle developed the attached trial order in consultation with Chief Judge Cary and Judge Carlin. We would like to start setting the "languishing" foreclosure cases directly for trial. The new civil case manager position, Mr. Shelton, will be starting tomorrow and we will begin the process of combing through the foreclosure backlog and identifying these cases. Please let me know when you have some time to discuss this attachment and this process.

Thanks for all your help.

Jon

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR CHARLOTTE COUNTY, FLORIDA

[TYPE FIRST PLAINTIFF'S NAME, THEN "ET AL" IF MORE],
Plaintiff(s),

vs.

CASE NO. [Type #]

[TYPE FIRST DEFENDANT'S NAME, THEN "ET AL" IF MORE],
Defendants.

ORDER SETTING CASE FOR FORECLOSURE TRIAL
(AND CONCURRENT SUMMARY JUDGMENT HEARING IF SUCH A MOTION IS TIMELY
FILED PRIOR TO TRIAL)

THE COURT, ON ITS OWN MOTION, HAS DETERMINED THAT THIS CAUSE IS AT ISSUE AND IS READY TO BE SET FOR TRIAL. ACCORDINGLY, IT IS HEREBY ORDERED AND ADJUDGED:

1. **TRIAL DATE CERTAIN.** Trial of this cause is hereby set to be heard before the Honorable [Type Judge's Name] on [Type Date of Hearing] at [Type Time] and [A.M./P.M.] in Courtroom [Type Courtroom], at the Charlotte County Justice Center, 350 East Marion Avenue, Punta Gorda, FL 33950, or as soon thereafter as may be heard. Litigants should arrive early to verify that the assigned Judge and Courtroom were not changed or altered.
2. **SUMMARY JUDGMENT.** If at the time of trial a timely filed Motion for Summary Judgment (including all requisite supporting documentation/evidence, if any) remains pending before the Court, said motion shall be heard immediately before the trial at the above described time and place, followed immediately thereafter by the trial, if necessary.
3. **EXCHANGE OF EXPERT & LAY WITNESSES.** Each party (either through counsel, or individually if *pro se*) shall submit directly to every other attorney of record and *pro se* party the specific names and addresses of all of their witnesses no less than twenty (20) days prior to trial. A witness list shall contain a concise statement regarding the subject matter of each witness' anticipated testimony. Upon objection, no party shall be permitted to call any witness not so timely disclosed absent prior permission of the Court or a written stipulation signed by all parties.
4. **EXCHANGE OF EXHIBITS/DOCUMENTS.** In conjunction with each party's witness list disclosure deadline, each party is also required to produce and serve clear legible copies of all original exhibits that are anticipated to be introduced into the evidentiary record during their respective case in chief and rebuttal/response. Upon objection, any document that is not so listed and/or not

timely produced will be precluded from the Court's evidentiary consideration absent prior permission of the Court or the procurement of a written stipulation signed by all parties.

5. **MOTIONS.** All motions in limine shall be in writing, filed, and served at least ten days prior to trial. The Court will entertain any such timely filed motions immediately preceding trial. Any party may timely move for summary judgment in advance of the trial. If a timely filed motion for summary judgment is on file at the time of trial, it will be heard first, followed by any timely filed motion(s) in limine and trial, if necessary. All other motions that are pending as of the date of this order or filed hereafter must be noticed and heard prior to trial, otherwise they shall be deemed abandoned, waived, or otherwise withdrawn. The only matters that will be heard on the trial date previously referenced herein this order, absent extraordinary circumstances, are motions for summary judgment, motions in limine, and the trial/final hearing.
6. **DISCOVERY.** Absent a written stipulation signed by all parties, all discovery shall conclude and must be completed within 30 days from the date of this order.
7. **WITNESSES.** It is the responsibility of each party to properly and timely take appropriate steps to ensure the attendance of their witnesses at trial or to otherwise preserve their testimony for sues at trial as provided for by the Florida Rules of Procedure, Florida Rules of Evidence, and Florida law, generally. A party offering testimony of a witness by deposition transcript must timely disclose this intent via the witness list. Provided any such transcript is filed with the Clerk of Court at least fifteen (15) days prior to trial so as to allow all parties the opportunity to inspect it, a copy does not need to be sent to any other party unlike all other exhibits, which must be timely served as directed previously herein.
8. **CONTINUANCES.** Your case has been ordered to trial by the Court because it is a case that has been pending for a substantial period of time. Accordingly, every party has had ample time and opportunity to conduct discovery during the course of said proceedings. This Court strictly adheres to the applicable rules pertaining to continuances (Rule of Judicial Administration 2.085(c) and Florida Rule of Civil Procedure 1.460). Any motion for continuance or any stipulation must be in writing, must contain the signature of the party (and attorney, if represented), and shall contain a concise statement of the reasons for a continuance. Depositions generally should be timely noticed, conducted, filed, and disclosed in the event a witness cannot be made available for trial. Any stipulation requesting a continuance must be submitted to the Court for approval no less than ten (10) days prior to trial. No motion or

stipulation will be heard if not done in compliance with this order.

9. **SETTLEMENT/RESOLUTION; TRIAL ATTENDANCE.** The attorney or pro se litigant prosecuting this action shall immediately notify the Court in the event of settlement prior to trial. Such attorney or party should immediately submit a stipulation for an order of dismissal or notice of voluntary of dismissal of all claims, along with a final disposition form, for the Court's review. In the absence of an entered order of dismissal, judgment (such as a consent judgment or summary judgment), or voluntary notice of dismissal, all parties must attend the trial set herein. Parties that fail to appear may be sanctioned, including but not limited to imposition of monetary sanctions; fee awards; the striking of pleadings; and the entry of an appropriate order of dismissal, default, and/or an adverse final judgment.
10. **COURT REPORTING.** If a party wishes to ensure the availability of hearing or trial transcript, it is the responsibility of said party to secure the services of a court reporter well in advance of the trial. No electronic recording shall be made by the Court.
11. **NOTICE VERIFICATION BY PLAINTIFF(S).** Upon receipt, it is the obligation of each Plaintiff to immediately review and ensure that this trial order and hearing notice was sent to all proper parties to this cause and at all proper addresses. If it has not, each Plaintiff shall send a copy of this order/notice to any such party that was not noticed and notify the Clerk of Court accordingly. Any party so noticed shall have an additional five (5) days extension to any deadlines set-forth herein, if requested; however, the trial date and time shall remain the same absent further order of the Court.
12. **SELF-REPRESENTATION/PRO SE PARTIES.** Pro se parties are held the same standards as attorneys and are obligated to know the applicable laws and rules for their case. Accordingly, it is important that any party representing himself/herself do all appropriate research and preparation well in advance of the trial. Ignorance of the applicable law, of the applicable procedural rules, or of the Florida Evidence Code shall not serve as a basis for continuance or other relief at the time of trial or other hearing(s). Pro se parties may wish to consult the Florida Supreme Court's website (www.flcourts.org) and the Charlotte County Justice Center's law library as starting points for research in the event counsel is not retained. The Court cannot give any party legal advice or help either prior to or during the course of a case.
13. **SANCTIONS. FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ORDER MAY SUBJECT THE OFFENDING PARTY AND/OR COUNSEL TO SANCTIONS AS PERMITTED BY FLORIDA LAW, WHICH MAY INCLUDE BUT ARE NOT**

NECESSARILY LIMITED TO IMPOSITION OF MONETARY FINES, INCARCERATION, AND THE STRIKING OF PLEADINGS IN CONJUNCTION WITH ENTRY OF AN ORDER OF DISMISSAL OR AN ADVERSE FINAL JUDGMENT.

DONE AND ORDERED in Chambers, Punta Gorda, Charlotte County, Florida, on _____, 2010.

Circuit Court Judge

Copies furnished to:

Case Manager, [_____]

[Type Name and address]

[Type Name and address]

[Type Name and address]

[Type Name and address]

[Type Name and address]

[Type Name and address]

[Type Name and address]

[Type Name and address]

By: _____

AMERICANS WITH DISABILITY ACT

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT _____, COURT OPERATIONS MANAGER, WHOSE OFFICE IS LOCATED AT THE CHARLOTTE COUNTY JUSTICE CENTER, 350 EAST MARION AVENUE, PUNTA GORDA, FLORIDA, 33950 AND WHOSE TELEPHONE NUMBER IS (941) ____-____, WITHIN TWO WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE; IF YOU ARE HEARING OR VOICE IMPAIRED, CALL 711.

20TH CIR 00163

From: Conderman, Ellen </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ECONDERMAN>
To: Embury, Jon
CC:
Date: 7/15/2010 3:14:44 PM
Subject: ?RE: Question

Yes, Jon, Judge confirmed meeting before lunch. Where and what time?

Ellen Conderman
Judicial Assistant
Judge Lee Ann Schreiber
239-533-2603 Lee County
941-833-3033 Charlotte County
econderman@ca.cjis20.org

From: Embury, Jon
Sent: Thursday, July 15, 2010 12:10 PM
To: Conderman, Ellen
Subject: FW: Question

Ellen,
Do you think prior to lunch might work for you and the Judge?

From: Davis, Dana
Sent: Thursday, July 15, 2010 12:05 PM
To: Embury, Jon
Subject: RE: Question

Anytime. Judge doesn't have very much going on. How about tomorrow right before lunch so the Judges are off of the bench?

Dana Davis
Judicial Assistant to Hon. George C. Richards
Charlotte County Circuit Judge
Telephone 941-637-2375
Fax 941-637-2358 (new fax)

From: Embury, Jon
Sent: Thursday, July 15, 2010 12:02 PM
To: Davis, Dana; Conderman, Ellen
Cc: Richards, George; Schreiber, Lee Ann
Subject: RE: Question

20TH CIR 00164

Yes we will need to make some changes.

I would like to coordinate a quick meeting with you, Ellen, Judge Richards and Judge Schreiber. I just want to make sure we are all on the same page.

Is there any time (for you and your Judge) that may work this afternoon or Friday? My only limitation is Friday at 1:30 I have a court technology meeting. But that should only be about an hour.

Thank you

From: Davis, Dana
Sent: Thursday, July 15, 2010 9:46 AM
To: Conderman, Ellen; Embury, Jon
Subject: Question

Since changes are being made to the Charlotte foreclosure procedure I would like to change my voicemail message and JACS rules to indicate so prior to implementation. Can we do that and if so what should we tell people?

Dana Davis
Judicial Assistant to Hon. George C. Richards
Charlotte County Circuit Judge
Telephone 941-637-2375
Fax 941-637-2358 (new fax)

From: Embury, Jon </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JEMBURY>

To: Schreiber, Lee Ann

CC: Kyle, Keith

Conderman, Ellen

Date: 4/9/2010 3:14:06 PM

Subject: ?RE: CHARLOTTE COUNTY Foreclosure docket

Judge,

I'm pursuing a possible intern. I received some correspondence from a law student returning to Charlotte County for the summer. She inquired if there is an internship available at our courthouse. I sent her a brief email and requested she contact me if she is still interested. I will keep you posted.

Thank you for all your help, I really appreciated your candid feedback yesterday.

Jon

From: Schreiber, Lee Ann

Sent: Friday, April 09, 2010 2:52 PM

To: Kyle, Keith; Embury, Jon

Cc: Conderman, Ellen

Subject: RE: CHARLOTTE COUNTY Foreclosure docket

The Lee Clerk of Court sets my Wednesday (mass) dockets only (and she also sets the retired Judge's Friday (mass) dockets. The problem with allowing the attorneys offices to set hearings in JACs will be the same as we are encountering in Charlotte County, namely, someone other than my office is running my docket in a manner most conducive to their schedules which results in gaps of unused time/down time/unproductive time. I think the schedule is tighter and more streamlined when we set the hearings (like in Lee County)

The lawyers all pretty much know that I handle all residential foreclosure hearings, so they don't necessarily call the assigned judge's office first (though I suspect some still start with the assigned Judge and then get routed to us)

As far as having the JAs of the assigned Judge setting the hearings, that might be an option for the times when I am in Charlotte County.

Ellen, do you see any down side to having the JAs for the assigned Judge scheduling times on my JACs schedule during the 2 weeks we are in Charlotte County? HOW TO implement that is a whole other question. Also **Ellen**, please weigh in here if you know how the phone call routing works in Lee County as you have more familiarity with that subject.

We do need to keep in mind that one Lee County Friday each month (the Friday just prior to the 2 weeks in Charlotte), we actually spend it in Charlotte County doing Charlotte County work. Where we really need the resources is in file review which a case manager (if one is there to be gotten) could do. Also the volunteer law students/interns would take the burden off of both Ellen and myself, freeing up our time to do other more productive tasks.

Have a good weekend everyone!

P.S. Judge Kyle, I plan to observe you as duty judge on Sunday. I'll be there by 8:00 a.m. (yuk!) and find you or go to Courtroom C at 8:30 (if I'm running late). If something changes with your schedule for Sunday A.M., my cell phone

s. 119 071, F.S.

s. 119 071, F.S.

Lee

From: Kyle, Keith

Sent: Thursday, April 08, 2010 4:48 PM

To: Schreiber, Lee Ann; Embury, Jon

Cc: Conderman, Ellen

Subject: RE: CHARLOTTE COUNTY Foreclosure docket

20TH CIR 00166

Lee County has JACS but they don't use it for scheduling... maybe you could suggest they OK it for foreclosure hearings only. My understanding from prior discussions with folks in Lee County was that the Lee County foreclosure hearings were scheduled through the Clerk of Court... was that ever the case and it changed or was I given bad information? I really think consideration should be given to asking/arranging for JACS to be utilized for Lee County cases as well – for foreclosures only, or perhaps the JA for the Judge to whom any given Lee County foreclosure file is assigned should be given access to your calendar and they can schedule since you are doing their work. How is it that the calls are routed to you – do they call the assigned judge only to be told to call you (?) – that seems like a double waste of time. Lee County already gets you a whole extra month in terms of time (28 weeks to our 24) and apparently a lot more than 28 weeks in terms of your JA's time if she's constantly fielding calls up here from Lee County because they do not use automated scheduling for foreclosure hearings like we do up here. 100+ calls a day is nuts; there has to be a better way!

From: Schreiber, Lee Ann
Sent: Thursday, April 08, 2010 4:37 PM
To: Embury, Jon; Kyle, Keith
Cc: Conderman, Ellen
Subject: CHARLOTTE COUNTY Foreclosure docket

There is one other point I just thought of after lunch which may impact the efficiency with which we process the CHARLOTTE COUNTY cases...

Ellen spends A GREAT DEAL OF TIME ON THE PHONE fielding calls and setting hearings on LEE COUNTY foreclosure cases, as we have been instructed to do via call forwarding. Ellen conservatively estimates 100 calls per day, since she sets the LEE COUNTY hearings (for Mon/Tues/Thurs & Fri ; it is not self scheduling in JACs). Paperwork processing of Lee County cases in nominal while we are in Charlotte because the assigned Circuit Judges sign their own paperwork the 2 weeks we are here. IF Ellen were not on the phone tending to Lee County cases while here in Charlotte, her time would be significantly freed up to review files, to the extent that I could give up a Friday "office day," at least for the time being, to hear summary judgment motions or set trials in order to dispo more cases. Ellen and I DO USE ONE DEDCIATED LEE COUNTY DAY EACH MONTH TO RVIEW CHARLOTTE CONTY FILES, so that may be the trade off in terms of allocating our time in both counties.

This is just an additional piece of information to factor into the mix. We are content to do whatever is needed to keep the cases moving.

Lee

From: Embury, Jon </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JEMBURY>

To: Richards, George
Schreiber, Lee Ann

CC: Davis, Dana
Conderman, Ellen

Date: 6/30/2010 3:11:08 PM

Subject: Foreclosure Trial Order

Judge Kyle developed the attached trial order in consultation with Chief Judge Cary and Judge Carlin. We would like to start setting the “languishing” foreclosure cases directly for trial. The new civil case manager position, Mr. Shelton, will be starting tomorrow and we will begin the process of combing through the foreclosure backlog and identifying these cases. Please let me know when you have some time to discuss this attachment and this process.

Thanks for all your help.

Jon

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR CHARLOTTE COUNTY, FLORIDA

[TYPE FIRST PLAINTIFF'S NAME, THEN "ET AL" IF MORE],
Plaintiff(s),

vs.

CASE NO. [Type #]

[TYPE FIRST DEFENDANT'S NAME, THEN "ET AL" IF MORE],
Defendants.

ORDER SETTING CASE FOR FORECLOSURE TRIAL
(AND CONCURRENT SUMMARY JUDGMENT HEARING IF SUCH A MOTION IS TIMELY
FILED PRIOR TO TRIAL)

THE COURT, ON ITS OWN MOTION, HAS DETERMINED THAT THIS CAUSE IS AT ISSUE AND IS READY TO BE SET FOR TRIAL. ACCORDINGLY, IT IS HEREBY ORDERED AND ADJUDGED:

1. **TRIAL DATE CERTAIN.** Trial of this cause is hereby set to be heard before the Honorable [Type Judge's Name] on [Type Date of Hearing] at [Type Time] and [A.M./P.M.] in Courtroom [Type Courtroom], at the Charlotte County Justice Center, 350 East Marion Avenue, Punta Gorda, FL 33950, or as soon thereafter as may be heard. Litigants should arrive early to verify that the assigned Judge and Courtroom were not changed or altered.
2. **SUMMARY JUDGMENT.** If at the time of trial a timely filed Motion for Summary Judgment (including all requisite supporting documentation/evidence, if any) remains pending before the Court, said motion shall be heard immediately before the trial at the above described time and place, followed immediately thereafter by the trial, if necessary.
3. **EXCHANGE OF EXPERT & LAY WITNESSES.** Each party (either through counsel, or individually if *pro se*) shall submit directly to every other attorney of record and *pro se* party the specific names and addresses of all of their witnesses no less than twenty (20) days prior to trial. A witness list shall contain a concise statement regarding the subject matter of each witness' anticipated testimony. Upon objection, no party shall be permitted to call any witness not so timely disclosed absent prior permission of the Court or a written stipulation signed by all parties.
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5. **MOTIONS.** All motions in limine shall be in writing, filed, and served at least ten days prior to trial. The Court will entertain any such timely filed motions immediately preceding trial. Any party may timely move for summary judgment in advance of the trial. If a timely filed motion for summary judgment is on file at the time of trial, it will be heard first, followed by any timely filed motion(s) in limine and trial, if necessary. All other motions that are pending as of the date of this order or filed hereafter must be noticed and heard prior to trial, otherwise they shall be deemed abandoned, waived, or otherwise withdrawn. The only matters that will be heard on the trial date previously referenced herein this order, absent extraordinary circumstances, are motions for summary judgment, motions in limine, and the trial/final hearing.
6. **DISCOVERY.** Absent a written stipulation signed by all parties, all discovery shall conclude and must be completed within 30 days from the date of this order.
7. **WITNESSES.** It is the responsibility of each party to properly and timely take appropriate steps to ensure the attendance of their witnesses at trial or to otherwise preserve their testimony for sues at trial as provided for by the Florida Rules of Procedure, Florida Rules of Evidence, and Florida law, generally. A party offering testimony of a witness by deposition transcript must timely disclose this intent via the witness list. Provided any such transcript is filed with the Clerk of Court at least fifteen (15) days prior to trial so as to allow all parties the opportunity to inspect it, a copy does not need to be sent to any other party unlike all other exhibits, which must be timely served as directed previously herein.
8. **CONTINUANCES.** Your case has been ordered to trial by the Court because it is a case that has been pending for a substantial period of time. Accordingly, every party has had ample time and opportunity to conduct discovery during the course of said proceedings. This Court strictly adheres to the applicable rules pertaining to continuances (Rule of Judicial Administration 2.085(c) and Florida Rule of Civil Procedure 1.460). Any motion for continuance or any stipulation must be in writing, must contain the signature of the party (and attorney, if represented), and shall contain a concise statement of the reasons for a continuance. Depositions generally should be timely noticed, conducted, filed, and disclosed in the event a witness cannot be made available for trial. Any stipulation requesting a continuance must be submitted to the Court for approval no less than ten (10) days prior to trial. No motion or

stipulation will be heard if not done in compliance with this order.

9. **SETTLEMENT/RESOLUTION; TRIAL ATTENDANCE.** The attorney or pro se litigant prosecuting this action shall immediately notify the Court in the event of settlement prior to trial. Such attorney or party should immediately submit a stipulation for an order of dismissal or notice of voluntary of dismissal of all claims, along with a final disposition form, for the Court's review. In the absence of an entered order of dismissal, judgment (such as a consent judgment or summary judgment), or voluntary notice of dismissal, all parties must attend the trial set herein. Parties that fail to appear may be sanctioned, including but not limited to imposition of monetary sanctions; fee awards; the striking of pleadings; and the entry of an appropriate order of dismissal, default, and/or an adverse final judgment.
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11. **NOTICE VERIFICATION BY PLAINTIFF(S).** Upon receipt, it is the obligation of each Plaintiff to immediately review and ensure that this trial order and hearing notice was sent to all proper parties to this cause and at all proper addresses. If it has not, each Plaintiff shall send a copy of this order/notice to any such party that was not noticed and notify the Clerk of Court accordingly. Any party so noticed shall have an additional five (5) days extension to any deadlines set-forth herein, if requested; however, the trial date and time shall remain the same absent further order of the Court.
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NECESSARILY LIMITED TO IMPOSITION OF MONETARY FINES, INCARCERATION, AND THE STRIKING OF PLEADINGS IN CONJUNCTION WITH ENTRY OF AN ORDER OF DISMISSAL OR AN ADVERSE FINAL JUDGMENT.

DONE AND ORDERED in Chambers, Punta Gorda, Charlotte County, Florida, on _____, 2010.

Circuit Court Judge

Copies furnished to:

Case Manager, [_____]

[Type Name and address]

[Type Name and address]

[Type Name and address]

[Type Name and address]

[Type Name and address]

[Type Name and address]

[Type Name and address]

[Type Name and address]

By: _____

AMERICANS WITH DISABILITY ACT

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT _____, COURT OPERATIONS MANAGER, WHOSE OFFICE IS LOCATED AT THE CHARLOTTE COUNTY JUSTICE CENTER, 350 EAST MARION AVENUE, PUNTA GORDA, FLORIDA, 33950 AND WHOSE TELEPHONE NUMBER IS (941) ____-____, WITHIN TWO WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE; IF YOU ARE HEARING OR VOICE IMPAIRED, CALL 711.

20TH CIR 00172

From: Fernandez, Susana </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=SFERNANDEZ>

To: Schreiber, Lee Ann

Kantor, Marianne

Studybaker, Steven

Aloia, Nancy K

CC:

Date: 5/20/2009 10:18:52 AM

Subject: ?RE: Court clerks

I understand this issue is being address with Judge Carlin at this present time. He was provided with a summary of the feedback I received from our email discussions. Judge Carlin conveyed to me that he was going to personally respond to her email. I will follow up with Judge Carlin today on this, in the mean time, please forward any emails reg. this subject to my attention.

Thank you

From: Schreiber, Lee Ann

Sent: Wednesday, May 20, 2009 10:50 AM

To: Kantor, Marianne; Studybaker, Steven; Fernandez, Susana; Aloia, Nancy K

Subject: FW: Court clerks

This is the second inquiry I received from Sandy Sauls on the same subject. That last emial of 4/30/09 she sent to both Kantor and me which we shared with this group. There were some email discussions between the five of us, but, based on Sandy's follow up inquiry, no one communicated to her the outcome of our discussions. Thus, I am communicating directly to her on this second inquiry.

From: Schreiber, Lee Ann

Sent: Wednesday, May 20, 2009 10:45 AM

To: Sauls, Sandi

Subject: RE: Court clerks

I was in computer training all day yesterday. I'm hesitant to go it alone without a Clerk. I rely on the Clerks to keep track of evidence identified and offered/admitted, especially in the longer trials. I do rely on the Clerk's minutes as I do look back at the minutes if I don't issue my report right away and I know that the lawyers look at the minutes to prepare proposed Reports. The case managers also rely on the minutes to keep track of the outcome of hearings and trial when a recommended Order or order is not yet in the court file. I do NOT need a clerk for finding cases or images in Odyssey. Sometimes, the related cases are not linked in Odyssey and I find them by happenstance and bring it to the Clerk's attention, so I'd just need some alternate way of communicating to the Clerk's office about related cases. Thanks so much

Lee

From: Sandi Sauls [mailto:ssauls@leeclerk.org]
Sent: Monday, May 18, 2009 9:44 AM
To: Schreiber, Lee Ann
Subject: FW: Court clerks

Do you believe you can do w/o a court clerk? If not, do you need them for minutes, finding cases in Odyssey, finding images in cases in Odyssey, all of the above, etc. We just trying to figure out how we're going to schedule clerks with the pending budget cuts. However, if you need a clerk then so be it - we can pursue other areas. Thanks, Lee.

Thank you,

Sandi C. Sauls
Civil Division Manager
P.O. Box 310
Fort Myers, FL 33902
239-533-9188

From: Kantor, Marianne [mailto:MKantor@CA.CJIS20.ORG]
Sent: Friday, May 01, 2009 9:32 AM
To: Sandi Sauls
Cc: Lee Ann Schreiber; Steve Studybaker; Nancy Aloia; Fernandez, Susana
Subject: RE: Court clerks

Sandi,

I quickly asked Lee for her thoughts and we have some ideas but believe we need to run this past Nancy and Susana since they are our supervisors. I'm also including Steve in this reply.

I know that with the inundation of foreclosure cases, your team has been stretched. We have ~~2011 CIR 00174~~ know in

advance when we have scheduled vacations or other time when we are not scheduled to be in court so they don't have to plan for that time. But I understand your request appears to be for a more permanent situation.

We will follow up as soon as we can.

Marianne

From: Sandi Sauls [mailto:ssauls@leeclerk.org]
Sent: Thursday, April 30, 2009 3:55 PM
To: Schreiber, Lee Ann; Kantor, Marianne
Subject: Court clerks

In our efforts to reduce staff we are investigating the necessity of all of the services provided by our office. When I spoke to the Court Clerk team today they suggested that I inquire as to whether the Magistrates need clerks since they take their own notes and have Court Smart as a back-up. What are your thoughts on this?

Thank you,

Sandi C. Sauls
Civil Division Manager
P.O. Box 310
Fort Myers, FL 33902
239-533-9188

Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure. {Token}

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager.

This footnote also confirms that this email message has been swept by Symantec Mail Security for the presence of computer viruses.

20TH CIR 00175

From: Fernandez, Susana </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=SFERNANDEZ>

To: Kantor, Marianne
Schreiber, Lee Ann
Studybaker, Steven

CC:

Date: 5/5/2009 5:51:42 PM

Subject: ?RE: Court clerks

I would like to hear your ideas before answering this email. How are they presently assisting you now in the courtroom?

They mentioned on the email below that you take your own notes but that does not serve the same purpose as the clerks minutes which are public in the court file. Do attys. rely on the clerk minutes to prepare the R&R?
What do you think about the whole idea?

From: Kantor, Marianne
Sent: Friday, May 01, 2009 9:32 AM
To: Sauls, Sandi
Cc: Schreiber, Lee Ann; Studybaker, Steven; Aloia, Nancy K; Fernandez, Susana
Subject: RE: Court clerks

Sandi,

I quickly asked Lee for her thoughts and we have some ideas but believe we need to run this past Nancy and Susana since they are our supervisors. I'm also including Steve in this reply.

I know that with the inundation of foreclosure cases, your team has been stretched. We have tried to let them know in advance when we have scheduled vacations or other time when we are not scheduled to be in court so they don't have to plan for that time. But I understand your request appears to be for a more permanent situation.

We will follow up as soon as we can.

Marianne

From: Sandi Sauls [mailto:ssauls@leeclerk.org]

20TH CIR 00177

Sent: Thursday, April 30, 2009 3:55 PM

Page 2

To: Schreiber, Lee Ann; Kantor, Marianne

Subject: Court clerks

In our efforts to reduce staff we are investigating the necessity of all of the services provided by our office. When I spoke to the Court Clerk team today they suggested that I inquire as to whether the Magistrates need clerks since they take their own notes and have Court Smart as a back-up. What are your thoughts on this?

Thank you,

Sandi C. Sauls
Civil Division Manager
P.O. Box 310
Fort Myers, FL 33902
239-533-9188

Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure. {Token}

20TH CIR 00178

11_16_2010

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
LEON COUNTY, STATE OF FLORIDA

Plaintiff,

vs.

Case #: _____

Defendant.

FINAL JUDGMENT OF FORECLOSURE

This action was tried before the court. On the evidence presented

IT IS ADJUDGED that:

1. Plaintiff, _____ (name and address), is due:

Principal	\$ _____
Interest to date of this judgment	\$ _____
Title search expense	\$ _____
Taxes	\$ _____
Attorneys' fees	
Finding as to reasonable # of hours: _____	
Finding as to reasonable hourly rate: \$ _____	
Attorneys' fees total	\$ _____
Court costs, now taxed	\$ _____
Other:	\$ _____
Subtotal	\$ _____
LESS: Escrow balance	\$ _____
LESS: Other: _____	\$ _____
TOTAL	\$ _____

that shall bear interest at the rate of _____% a year.

2. Plaintiff holds a lien for the total sum superior to all claims or estates of defendant(s), on the following described property in County, Florida:

(describe property)

3. If the total sum with interest at the rate described in paragraph 1 and all costs accrued subsequent to this judgment are not paid, the clerk of this court shall sell the property at public sale on _____ to the highest bidder for cash, except as prescribed in paragraph 5, at the Leon County Courthouse, 301 South Monroe Street, Suite 100, Tallahassee, FL 32302, in accordance with Section 45.031, Florida Statutes, using the following method (CHECK ONE):

- At the above location, beginning at _____ on the prescribed date.
- By electronic sale beginning at _____ on the prescribed date at the listed website, _____.

4. Plaintiff shall advance all subsequent costs of this action and shall be reimbursed for them by the clerk if plaintiff is not the purchaser of the property for sale, provided, however, that the purchaser of the property for sale shall be responsible for the documentary stamps payable on the certificate of title. If plaintiff is the purchaser, the clerk shall credit plaintiff's bid with the total sum with interest and costs accruing subsequent to this judgment, or such part of it, as is necessary to pay the bid in full.

5. On filing the certificate of title the clerk shall distribute the proceeds of the sale, so far as they are sufficient, by paying: first, all of plaintiff's costs; second, documentary stamps affixed to the certificate; third, plaintiff's attorneys' fees; fourth, the total sum due to plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 1 from this date to the date of the sale; and by retaining any remaining amount pending the further order of this court.

6. On filing 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 to claims or rights under chapter 718 or chapter 720, Florida Statutes, if any. Upon the filing of the certificate of title, the person named on the certificate of title shall be let into possession of the property. If any defendant remains in possession of the property, the clerk shall without further order of the court issue forthwith a writ of possession upon request of the person named on the certificate of title.

7. Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, a deficiency judgment.

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 THE FINAL JUDGMENT.

IF YOU ARE A SUBORDINATE LIENHOLDER 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 being foreclosed on has qualified for the homestead tax exemption in the most recent approved tax roll, the final judgment shall additionally contain the following statement in conspicuous type:] **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 THE CLERK OF THE COURT FOR LEON COUNTY, FLORIDA, WITHIN 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 THE LEGAL AID FOUNDATION OF THE TALLAHASSEE BAR ASSOCIATION, 301 SOUTH MONROE STREET, ROOM 108, TALLAHASSEE, FL 32301, (850)222-3292, 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 OTHER OPTIONS. IF YOU CHOOSE TO CONTACT THE LEGAL AID FOUNDATION OF THE TALLAHASSEE BAR ASSOCIATION, 301 SOUTH MONROE STREET, ROOM 108, TALLAHASSEE, FL 32301, (850)222-3292, FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

ORDERED at Tallahassee, Leon County, Florida, on _____.

Circuit Judge

From: Golden, Diana </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=DG2228>

To: Cambareri, Kimberly
Trammell, Cindy
Thompson, Lucinda
Hamsharie, Deborah
Conderman, Ellen
Rose, Penelope
Arenas, Liliana

CC: McLean, Craig
Pace, Cheryl

Date: 5/20/2010 10:36:00 AM

Subject: ?RE: Foreclosure Information

Thanks Kim

From: Cambareri, Kimberly

Sent: Thursday, May 20, 2010 11:14 AM

To: Golden, Diana; Trammell, Cindy; Thompson, Lucinda; Hamsharie, Deborah; Conderman, Ellen; Rose, Penelope; Arenas, Liliana

Cc: McLean, Craig; Pace, Cheryl

Subject: Foreclosure Information

Good morning,

It has come to my attention that an official email was not sent out in regards to foreclosure changes/notification. There is a new email address that is posted on the internet in regards to scheduling foreclosures. This is the new information :

RESIDENTIAL MORTGAGE FORECLOSURE HEARINGS:

Please note: Attorneys must be present for hearings. No telephonic appearances will be permitted in residential mortgage foreclosure cases.

For hearing time on **Uncontested Motions for Summary Judgment**, please e-mail **Massforeclosure@leeclerk.org**.
(Please do not place dashes in the case number for e-mailed requests. Example: 04CA20008)

For hearing time on **all other Residential Mortgage Foreclosure** cases, please contact Ellen in Judge Schreiber's office at 239-533-2603.

I apologize for not sending an email sooner notifying the Judicial Assistants of the change. Please contact me or Cheryl Pace with any questions.

Kimberly Cambareri
Computer Programmer/Analyst
20th Judicial Circuit Courts
(239) 533-9103 work
(239) 357-4506 mobile
<mailto:kcambareri@ca.cjis20.org>

From: Golden, Diana </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=DG2228>

To: Thompson, Lucinda
Repperger, Kathryn
Trammell, Cindy
Hamsharie, Deborah
Conderman, Ellen
Fuller, Joseph
McHugh, Michael
Rosman, Jay
Winesett, Sherra
Schreiber, Lee Ann

CC: Reduga, Scott
Aloia, Nancy K
Arenas, Liliana
Crongeyer, Robert L.
Golden, Diana

Date: 7/8/2010 8:43:02 AM

Subject: FYI - Residential Foreclosure Paperwork

Hi everyone,

After speaking with Nancy, Judge Schrieber will hand the residential paperwork up and to August 1 and any requests for hearing can be sent to Massforeclosure@leeclerk.org or refer to the 20th circuit web page. Our residential paperwork will go to Scott Reduga in family court services (32536) after the August 1 date when the senior judges take over the residential foreclosures. I have one more question in to her which is whether or not the senior judges will handle this as a whole all month or if this is still going to be set up on a two week basis as it is now. Hope this helps.

Diana

From: Aloia, Nancy K
Sent: Wednesday, July 07, 2010 5:50 PM
To: Golden, Diana
Cc: Reduga, Scott
Subject: RE: Question

Yes- You can send to Scott Reduga for the Senior Judges after 8/1. We will coordinate with the Snr Judges for signature and follow-up.

Will you communicate with the Civil Jas so all are aware? Would you mind copying me so I have record. Thanks for checking. Let me know of any other hiccups you are running in to.

Thank you

From: Golden, Diana
Sent: Wednesday, July 07, 2010 12:21 PM
To: Aloia, Nancy K

20TH CIR 00183

Has a decision been made as to where after that?

From: Aloia, Nancy K
Sent: Wednesday, July 07, 2010 12:08 PM
To: Golden, Diana
Subject: RE: Question

She does not transition from this docket until 8/1 so everything should still go to her until then.

From: Golden, Diana
Sent: Wednesday, July 07, 2010 10:36 AM
To: Aloia, Nancy K
Subject: Question

Hi Nancy,

I have one more question as I will be on vacation the week of the 19th which would have begun Judge Schreiber's two weeks for resident foreclosure paperwork. Where does that paperwork go this month for those two weeks? To Judge Schreiber still? I need to be able to advise my clerks and fill in JA. Thanks.

Diana :-)

From: Golden, Diana </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=DG2228>

To: Golden, Diana
Thompson, Lucinda
Repperger, Kathryn
Trammell, Cindy
Hamsharie, Deborah
Conderman, Ellen
Fuller, Joseph
McHugh, Michael
Rosman, Jay
Winesett, Sherra
Schreiber, Lee Ann

CC: Reduga, Scott
Aloia, Nancy K
Arenas, Liliana
Crongeyer, Robert L.

Date: 7/8/2010 10:00:54 AM

Subject: ?RE: FYI - Residential Foreclosure Paperwork

Here Is Nancy's response to my last question. She said "The plan is for the year until July 1, 2011 at may be forwarded to us at any time. If there is something that is time sensitive please let me know since the Senior Judges are not here every day during the month."

When paperwork is forwarded to Scott Reduga they will coordinate with the Senior Judges for signature and follow-up since they are not here every day during the week.

I am still not clear if this is for all month or for two weeks for the senior judges and will follow up on that issue.

Diana

From: Golden, Diana

Sent: Thursday, July 08, 2010 9:43 AM

To: Thompson, Lucinda; Repperger, Kathryn; Trammell, Cindy; Hamsharie, Deborah; Conderman, Ellen; Fuller, Joseph; McHugh, Michael; Rosman, Jay; Winesett, Sherra; Schreiber, Lee Ann

Cc: Reduga, Scott; Aloia, Nancy K; Arenas, Liliana; Crongeyer, Robert L.; Golden, Diana

Subject: FYI - Residential Foreclosure Paperwork

Hi everyone,

After speaking with Nancy, Judge Schrieber will hand the residential paperwork up and to August 1 and any requests for hearing can be sent to Massforeclosure@leeclerk.org or refer to the 20th circuit web page. Our residential paperwork will go to Scott Reduga in family court services (32536) after the August 1 date when the senior judges take over the residential foreclosures. I have one more question in to her which is whether or not the senior judges will handle this as a whole all month or if this is still going to be set up on a two week basis as it is now. Hope this helps.

Diana

From: Aloia, Nancy K

20TH CIR 00185

To: Golden, Diana
Cc: Reduga, Scott
Subject: RE: Question

Yes- You can send to Scott Reduga for the Senior Judges after 8/1. We will coordinate with the Snr Judges for signature and follow-up.

Will you communicate with the Civil Jas so all are aware? Would you mind copying me so I have record. Thanks for checking. Let me know of any other hiccups you are running in to.

Thank you

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Sent: Wednesday, July 07, 2010 12:21 PM
To: Aloia, Nancy K
Subject: RE: Question

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Sent: Wednesday, July 07, 2010 12:08 PM
To: Golden, Diana
Subject: RE: Question

She does not transition from this docket until 8/1 so everything should still go to her until then.

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Sent: Wednesday, July 07, 2010 10:36 AM
To: Aloia, Nancy K
Subject: Question

Hi Nancy,

I have one more question as I will be on vacation the week of the 19th which would have begun Judge Schreiber's two weeks for resident foreclosure paperwork. Where does that paperwork go this month for those two weeks? To Judge Schreiber still? I need to be able to advise my clerks and fill in JA. Thanks.

Diana :-)

From: Golden, Diana </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=DG2228>

To: Aloia, Nancy K

English, Sharon

CC: Hamsharie, Deborah

Trammell, Cindy

Thompson, Lucinda

Repperger, Kathryn

Conderman, Ellen

Date: 8/4/2010 1:58:02 PM

Subject: ?RE: OSC Foreclosure Residential

Thank you I will contact Henderson Franklin back.

Diana J

From: Aloia, Nancy K

Sent: Wednesday, August 04, 2010 1:57 PM

To: Golden, Diana; English, Sharon

Subject: RE: OSC Foreclosure Residential

Hello

The OSC should be sent to us (central location) and we will provide them with a date and obtain judicial signature for them. Stamped and addressed envelopes will need to be provided.

Thank you- Nancy

From: Golden, Diana

Sent: Tuesday, August 03, 2010 2:13 PM

To: Aloia, Nancy K; English, Sharon

Subject: OSC Foreclosure Residential

Importance: High

Hi Nancy and Sharon,

I have received a call from Henderson Franklin regarding FS 702.10 and the Order to Show Cause Why Final Judgment of Foreclosure should not be entered. In these orders a date for the Final Summary Judgment hearing is given 60 days out. Respondent is then served and then directed by the order to respond and file any answer or objection to this and show up and show why it should not be entered. If they don't show up a default final judgment in foreclosure is entered. If someone shows to contest then it will have to be forwarded to mediation??? I am not sure if this is the procedure you plan to use but I need to know how to direct these firms to handle their orders.

I would direct them to request a hearing from Massforeclosure@leeclerk.org for 60 days out prioritize them for signing and let the senior judges handle them on their foreclosure dockets. What do you think or who should I pose this question to?

Diana Golden, BS, FRP

Judicial Assistant

Honorable Lynn Gerald, Jr.

Circuit Judge

(239) 533-9152

20TH CIR 00187

From: Hamsharie, Deborah </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DHAMSHARIE>
To: Conderman, Ellen
CC:
Date: 3/30/2010 8:31:48 AM
Subject: ?RE: Telephonic Appearances

Will she allow telephonic appearances on M/Dismiss, M/Substitute, M/Withdraw?

From: Conderman, Ellen
Sent: Tuesday, March 30, 2010 9:26 AM
To: JA-Lee
Subject: Telephonic Appearances

Good Morning,

Just want to clarify that Judge Schreiber does not permit any telephonic appearances in our residential foreclosure hearings. We've had several attorney offices tell us they were told we issue orders permitting telephonic appearances. Thanks.

Ellen Conderman

Judicial Assistant

Judge Lee Ann Schreiber

239-533-2603 Lee County

941-833-3033 Charlotte County

econderman@ca.cjis20.org

From: McHugh, Michael </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=MMCHUGH>

To: Gerald, Lynn
Winesett, Sherra
Rosman, Jay
Fuller, Joseph
Schreiber, Lee Ann

CC: Golden, Diana
Hamsharie, Deborah
Trammell, Cindy
Thompson, Lucinda
Conderman, Ellen
Poulston, Lisa

Date: 3/16/2010 9:07:04 AM

Subject: Foreclosure Mail next week

Judge Schrieber is at New Judges College next week. Because of this she will not be able to review the foreclosure paperwork that comes in. I would ask that you keep your foreclosure paperwork as if this was a Charlotte week for Judge Schreiber. If you have any questions feel free to contact me.

Thanks,

Mike.

From: McHugh, Michael </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=MMCHUGH>

To: Winesett, Sherra

Gerald, Lynn

Fuller, Joseph

Schreiber, Lee Ann

Rosman, Jay

CC: Sauls, Sandi

Date: 3/5/2010 10:20:08 AM

Subject: ?RE: Re: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

Judge Winesett and I had a conversation about the cancellation and rescheduling of foreclosure sales issue. It was our opinion that since the Supreme Court has promulgated the new form for the cancellation and rescheduling of sales, we should require the plaintiffs in these cases to use it. The rule adopted appears to be purely procedural, therefore not needing any enabling statute. The rule is effective immediately, with the understanding that there is a 60 day comment period. Our proposal is to require the form beginning April 1st. This is roughly consistent with the comment period and will give us an opportunity to make the plaintiff firms aware of our requirement in this regard, presumably through Mr. Hill and Mr. Goetz. This would mostly effect the cancellations that occur when the plaintiff firm calls the clerk's office and asks to cancel the sale before any motion has been filed or order signed. Under the new procedure the clerk's office would decline to cancel the sale and tell them the appropriate motion needs to be filed. Let me know your thoughts on this issue so we can decide the appropriate way to proceed.

Thanks,

Mike.

From: Winesett, Sherra

Sent: Thursday, March 04, 2010 6:12 PM

To: Gerald, Lynn; McHugh, Michael; Fuller, Joseph; Schreiber, Lee Ann; Rosman, Jay; Winesett, Sherra

Subject: Re: Fla. Supreme Ct Cases No SC09-1460 and SC 09-1579 - Amendments to Rules/Form 1.996 re foreclosures

I reviewed the opinion in the consolidated Fla. Sup. Ct. Case No. SC09-1460 entitled In Re: Amendments to the Florida Rules of Civil Procedure and Case No. SC09-1579 entitled In Re: amendments to the Florida Rules of Civil Procedure - Form 1.996 (Final Judgment of Foreclosure).

Case No. SC 09-1460 amends rule 1.110(b) to require verification of mortgage foreclosure complaints involving residential real property, adopts new form 1.924, Affidavit of Diligent Search and Inquiry and new form 1.996(b), Motion to Cancel and Reschedule Foreclosure Sale which provides for a reason to be checked to explain why the foreclosure sale needs to be cancelled and rescheduled. Fla. Sup. Ct. Case SC 09-1579 amends Form 1.996, the Final Judgment of Foreclosure form and numbers it Form 1.996(b).

20TH CIR 00190

As I read the opinion on the consolidated cases, the amendments made by SC 09-1460 were effective immediately upon the release of the opinions on Feb. 11, 2010. However, there is a 60 day period from that date during which comments on the amendments made to form 1.996(a) may be filed.

I think the question is, Is the use of these forms, or the information required by them, mandatory? If so, effective immediately, we need to make sure new Complaints filed are verified, Diligent Search affidavits in compliance with the new rule are filed for constructive service, and a reason is stated in a motion for cancellation of the sale.

You should note in its opinion, the Court rejected including a provision in the Final Judgment form that the sale be cancelled if Plaintiff's representative is not present at the sale, finding that to be in conflict with the new form for Motion to Cancel and Reschedule Foreclosure Sale.

Judge Gerald has suggested that with respect to the Final Judgment Form we require the Plaintiff's attorney to file a certification with the proposed final judgment, listing any provisions in the proposed judgment that are not in Form 1.996(a) so that the presiding judge can quickly review those additional provisions to determine if they are allowable provisions.

Comments or suggestions? Sherra

From: McHugh, Michael </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=MMCHUGH>

To: Schreiber, Lee Ann

CC:

Date: 6/16/2010 8:15:38 AM

Subject: ?RE: reassigned cases - there are 26 mortgage foreclosure cases on this list

They will be assigned to you, but the senior judges will handle them as long as they are residential. It will work just like all the other mortgage foreclosure cases. They will be assigned to an active Circuit Court Judge (in this case you), but the work will be done by the senior judges as long as they are residential. If someone calls to set a hearing on these cases Ellen would refer them to the senior judge.

From: Schreiber, Lee Ann

Sent: Wednesday, June 16, 2010 9:12 AM

To: McHugh, Michael

Subject: reassigned cases - there are 26 mortgage foreclosure cases on this list

Am I supposed to keep the OLD mortgage foreclosure cases or will the Senior judges be doing those?

CASE NAME: _____ **CASE NO.:** _____
MORTGAGE FORECLOSURE CHECKLIST **DATE REVIEWED:** _____

<input type="checkbox"/>	<input type="checkbox"/>	Notice of Hearing Filed Date of Hearing: _____ Date Served: _____				
<input type="checkbox"/>	<input type="checkbox"/>	All Defendants Served with Notice of Hearing				
<input type="checkbox"/>	<input type="checkbox"/>	Original Note Filed				
<input type="checkbox"/>	<input type="checkbox"/>	Count to Re-Establish Lost Note (and not dismissed)				
<input type="checkbox"/>	<input type="checkbox"/>	Affidavit Supporting Lost Note				
<input type="checkbox"/>	<input type="checkbox"/>	Is Plaintiff Original Lender				
<input type="checkbox"/>	<input type="checkbox"/>	If not, Allonge or Assignment Filed				
DEFENDANTS		SERVED (Note if dropped)	TYPE OF SERVICE	ANSWER FILED	DEFAULT ENTERED	IF DEFAULT, NON-MILITARY AFFIDAVIT
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
<input type="checkbox"/>	<input type="checkbox"/>	Additional Page Attached				
<input type="checkbox"/>	<input type="checkbox"/>	Motion for Summary Judgment Filed				
<input type="checkbox"/>	<input type="checkbox"/>	Supporting Affidavits Filed:				
<input type="checkbox"/>	<input type="checkbox"/>	Affidavit of Indebtedness				
<input type="checkbox"/>	<input type="checkbox"/>	Affidavit of Costs				
<input type="checkbox"/>	<input type="checkbox"/>	Affidavit of Attorney Stating Time/Hours or Flat Fee				
<input type="checkbox"/>	<input type="checkbox"/>	Affidavit of Reasonable Fees				
<input type="checkbox"/>	<input type="checkbox"/>	Motion Summary Judgment timely served on _____*				
<input type="checkbox"/>	<input type="checkbox"/>	Supporting Affidavits Timely Served on _____*				
		*(at least 25 days prior to date of hearing)				
<input type="checkbox"/>	<input type="checkbox"/>	Affidavits in Opposition Filed				
<input type="checkbox"/>	<input type="checkbox"/>	If so, filed by: Defendant(s) #: _____				
<input type="checkbox"/>	<input type="checkbox"/>	Final Judgment				
<input type="checkbox"/>	<input type="checkbox"/>	Amounts Match Amounts in Affidavits & Total is Correct				
<input type="checkbox"/>	<input type="checkbox"/>	Otherwise, in proper form. If not, why not: _____				
<input type="checkbox"/>	<input type="checkbox"/>	Other Concerns				

CASE NAME: _____ **CASE NO.:** _____
MORTGAGE FORECLOSURE CHECKLIST **DATE REVIEWED:** _____

YES	NO					
<input type="checkbox"/>	<input type="checkbox"/>	Notice of Hearing Filed Date of Hearing: _____ Date Served: _____				
<input type="checkbox"/>	<input type="checkbox"/>	All Defendants Served with Notice of Hearing				
<input type="checkbox"/>	<input type="checkbox"/>	Original Note Filed				
<input type="checkbox"/>	<input type="checkbox"/>	Count to Re-Establish Lost Note (and not dismissed)				
<input type="checkbox"/>	<input type="checkbox"/>	Affidavit Supporting Lost Note				
<input type="checkbox"/>	<input type="checkbox"/>	Is Plaintiff Original Lender				
<input type="checkbox"/>	<input type="checkbox"/>	If not, Allonge or Assignment Filed				
DEFENDANTS		SERVED (Note if dropped)	TYPE OF SERVICE	ANSWER FILED	DEFAULT ENTERED	IF DEFAULT, NON-MILITARY AFFIDAVIT
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
<input type="checkbox"/>	<input type="checkbox"/>	Additional Page Attached				
<input type="checkbox"/>	<input type="checkbox"/>	Motion for Summary Judgment Filed				
<input type="checkbox"/>	<input type="checkbox"/>	Supporting Affidavits Filed:				
<input type="checkbox"/>	<input type="checkbox"/>	Affidavit of Indebtedness				
<input type="checkbox"/>	<input type="checkbox"/>	Affidavit of Costs				
<input type="checkbox"/>	<input type="checkbox"/>	Affidavit of Attorney Stating Time/Hours or Flat Fee				
<input type="checkbox"/>	<input type="checkbox"/>	Affidavit of Reasonable Fees				
<input type="checkbox"/>	<input type="checkbox"/>	Motion Summary Judgment timely served on _____ *				
<input type="checkbox"/>	<input type="checkbox"/>	Supporting Affidavits Timely Served on _____ *				
		*(at least 25 days prior to date of hearing)				
<input type="checkbox"/>	<input type="checkbox"/>	Affidavits in Opposition Filed				
<input type="checkbox"/>	<input type="checkbox"/>	If so, filed by: Defendant(s) #: _____				
<input type="checkbox"/>	<input type="checkbox"/>	Final Judgment				
<input type="checkbox"/>	<input type="checkbox"/>	Amounts Match Amounts in Affidavits & Total is Correct				
<input type="checkbox"/>	<input type="checkbox"/>	Otherwise, in proper form. If not, why not: _____				
<input type="checkbox"/>	<input type="checkbox"/>	Other Concerns				

From: Richards, George </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=GRICHARDS>

To: Schreiber, Lee Ann

Kyle, Keith

CC:

Date: 11/2/2010 2:31:10 PM

Subject: ?RE: new stamp for foreclosure sale...

Ok with me.

George

From: Schreiber, Lee Ann
Sent: Tuesday, November 02, 2010 3:15 PM
To: Kyle, Keith; Richards, George
Subject: new stamp for foreclosure sale...
Importance: High

Is this OK?

Any motions to cancel or reschedule
the sale date set in this Judgment must
be submitted to the Court, along with a
proposed Order, at least seven days prior
to the sale.

Please feel free to edit. I'll then have Ellen order 3 stamps.

TY!

From: Richards, George </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=GRICHARDS>
To: Schreiber, Lee Ann
CC:
Date: 4/13/2010 1:41:52 PM
Subject: ?RE: CHARLOTTE COUNTY Clerk of Court filings related to foreclosure cases

Vacation is always good, but the paperwork piles up!!

From: Schreiber, Lee Ann
Sent: Tuesday, April 13, 2010 2:38 PM
To: Richards, George
Subject: RE: CHARLOTTE COUNTY Clerk of Court filings related to foreclosure cases

Thanks for the prompt reply. It does not sound like you are having the same problem - that of original docs not being physically placed in the court file prior to hearing when originals were docketed a few weeks before.

Welcome back! I trust you had a great vacation?!

From: Richards, George
Sent: Tuesday, April 13, 2010 1:02 PM
To: Schreiber, Lee Ann; Embury, Jon
Cc: Kyle, Keith
Subject: RE: CHARLOTTE COUNTY Clerk of Court filings related to foreclosure cases

I try to have the attorney file them on the day of hearing. You may get an objection from a defense attorney, but those are few and far between. I also say that if a copy was attached to the complaint then it is not new evidence, thus what is the harm. At worst, it gets reset more than 20 days out. I know Judge Schoonover cancels the note, but other judges do not. Cancelling the note may also cause more problems for the home owner. I have seen where it is "worked out" after the MSJ. There is then a motion cancelling the MSJ and requesting return of the note and mortgage. I believe both Judge Winesett and Gerald allow the return of these documents if the case is dismissed.

I have had the law firm send the note and mortgage to me, and we return them. I also let local counsel know that is wiser filing the original on the day of hearing. Even more reason for not allowing the telephonic hearings on the MSJ and having an attorney present with the documents.

From: Schreiber, Lee Ann
Sent: Tuesday, April 13, 2010 12:43 PM
To: Embury, Jon
Cc: Kyle, Keith; Richards, George
Subject: CHARLOTTE COUNTY Clerk of Court filings related to foreclosure cases

Last week I had 4 cases and yesterday, 2 cases, where the original note and mortgage were docketed (as reflected on docket screen) but were NOT in the Court file at the time of the summary judgment hearing. This was despite the fact that the docketing occurred a few weeks before the hearing.

Last week, the attorney went to the clerk's office and was able to back track where his originals were located.

Yesterday, I asked the trial Clerk to email the Clerks' office for them to locate the originals downstairs and bring them to the Court room. One arrived in about 30 minutes; the other did not arrive until the afternoon session. Technically, the original Note (unless the court determines the instrument is lost) must be tendered to the Court and the court is supposed to stamp the Note as cancelled.

I'm not sure where the originals are being "stored" in the Clerk's office &/or why they are not being placed in the Court filed after they are docketed. I'm not sure if this is an isolated problem or an ongoing one (so I've copied Judge Richards since he has this docket prior to may assuming same), but it is creating inefficiencies which are probably avoidable. I have all the case names & #s of you need them.

George, do you recall such scenarios when you had the foreclosure docket? I just don't want this to be an ongoing (aggravating) problem when there may well be a simple solution.

Thank you,
Lee

From: Richards, George </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=GRICHARDS>
To: Schreiber, Lee Ann
Davis, Dana
CC:
Date: 7/7/2010 11:02:26 AM
Subject: ?FW: Foreclosures

Dana is looking for the order. There was some information when Dana googled it.

From: Schreiber, Lee Ann
Sent: Wednesday, July 07, 2010 11:59 AM
To: Richards, George
Subject: RE: Foreclosures

The Goetz' were very surprised and have heard nothing of the sort. They thought it sounded odd. Do you have a case #? I'd like to look at the motion/request to cancel sale. The HOAs/condo assns will be up in arms! - Lee

From: Richards, George
Sent: Tuesday, July 06, 2010 4:45 PM
To: Winesett, Sherra; Fuller, Joseph; McHugh, Michael; Gerald, Lynn; Schreiber, Lee Ann; Rosman, Jay; Kyle, Keith; Cary, G. Keith; Carlin, John S.
Cc: Embury, Jon
Subject: Foreclosures

Judges,

Today I saw the first motion and order cancelling a foreclosure sale because of "a moratorium put in place as a result of the Gulf of Mexico oil spill".

Has anyone seen this or related motions, and will it halt all foreclosure matters?

George

From: Richards, George </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=GRICHARDS>

To: Schreiber, Lee Ann

Embury, Jon

CC: Davis, Dana

Date: 8/31/2010 7:47:58 AM

Subject: Foreclosures

I'm starting to see a number of motions on the following:

Motions to Abate foreclosure case while they "work something out" with the homeowner. Some of these are 2008 cases. I am denying these motions. My position is either dismiss the case and work it out or proceed with the foreclosure. If we abate these cases they could sit on the docket forever.

Motions to Cancel the Foreclosure Sale which are set in mid October. Again, working something out. I'm denying these motions. They have almost two months to work it out.

I think denying these motions will make them reach a resolutions sooner than later.

Your input please. George

From: Richards, George </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=GRICHARDS>
To: Schreiber, Lee Ann
CC: Embury, Jon
Shelton, Jeremy
Davis, Dana
Date: 9/12/2010 11:04:50 AM
Subject: ?RE: Motions For Continuance of trials

I think resetting it for trial on the next trial docket is a great idea, but what if the party states they cannot be ready by then. I suggest a status in 45-60 days. No progress, then #1 for trial on the next docket.

George

From: Schreiber, Lee Ann
Sent: Friday, September 10, 2010 4:55 PM
To: Richards, George
Cc: Embury, Jon; Shelton, Jeremy
Subject: Motions For Continuance of trials

I wanted to share my thoughts on motions for continuances and let you know how I intend to approach these motions. With a view towards trying to be relatively uniform Yes, we have a firm policy against continuances, especially on these old cases, but we cannot have blanket no continuance rule in all cases

I am finding the request for continuances (mostly from Plaintiffs) to fall into a couple categories:

- 1) we wish to pursue settlement
- 2) there is insufficient time to set the motion for SJ (even though when we served the Order, we allowed sufficient time; they sat on it)
- 3) Discovery is not concluded
- 4) A Counter-claim is pending and a responsive pleading or motion direct to that counterclaim has not been filed &/or disposed; i.e. a Mo Dismiss)
- 5) I have a (documented) schedule conflict (which cannot be resolved by Admin Order 2.10) and my client will be prejudiced (I've gotten these form Defendant's attorneys because they are scheduled to be on other foreclosure trials (Collier County) on older cases than ours)

20TH CIR 00200

I will deny the Mo Continue on all but the last 2.

If the case is not at issue under Rule 1.440, it is reversible error to compel them to go to trial. This may happen on occasion given that MANY old foreclosure cases were set for trial on the Court's own motion (and upon cursory review that made the case appear as if it was at issue and ready to be placed on the trial docket when, in fact, it is not "at issue" within the meaning of the Rule). If a counterclaim is pending and the Complaint is set for trial, I am converting the 10" trial to a 10" case management conference on the Court's own motions and entering an Order accordingly.

If there is a documented, genuine conflict with the trial date, I am granting the motion to continue to another trial date. In other words I'm not just granting the motion and letting the case sit. It will automatically be set on the next trial docket approx 30 days away and the Order granting continuance will re-set the date and time for trial.

Because of the # of requests for continuances, I have developed a couple of templates that I just started using today. The templates for Order Denying Mo Continuance and Order Granting Continuance/convert to Case management conference are attached in cases you might find them helpful or something you could enhance. Either Ellen or I are hand-writing the case name & number and hand writing in the blanks which helps it go faster. On the "service list" we copy the one attached to the motion for continuance (doctor it up on copier if needed) and serve all parties.

Jon/Jeremy, is there a way to streamline these Orders (including the Order setting trial date) so that the case style & # and ALL the attorneys/parties names do not have to be re-typed? We have software capabilities in Lee County to do this (Kim Cambareri wrote the program to integrate with the family court docket in Lee County). Is there a way to have a forms data base that we populate w standard info? I think Jeremy had to hand type all the trial orders? Not an efficient good use of his or our time.

Your thoughts?

LAS

From: Richards, George </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=GRICHARDS>

To: Schreiber, Lee Ann

CC:

Date: 9/14/2010 12:22:26 PM

Subject: ?FW: Is GM Lisa Porter taking referrals for motions on foreclosure cases?

FYI.

From: Davis, Dana

Sent: Tuesday, September 14, 2010 1:22 PM

To: Richards, George

Subject: RE: Is GM Lisa Porter taking referrals for motions on foreclosure cases?

SCHEDULE WITH MAGISTRATE

Please schedule ALL OF THE following Motions with the Magistrate via JACS. Discovery; Compel; Withdraw as Counsel; Sever; Orders to Show Cause; Transfer Venue; Vacate Default; Leave to File Amend; Dismiss and Strike Affirmative Defense. Please select Magistrate Porter's schedule on the main JACS page for instructions on reserving hearing time.

Dana Davis

Judicial Assistant to Hon. George C. Richards

Charlotte County Circuit Judge

Telephone 941-637-2375

Fax 941-637-2358 (new fax)

LEAVE A GREEN IMPRESSION

Please consider the environment before printing this e-mail

20TH CIR 00202

From: Richards, George
Sent: Tuesday, September 14, 2010 1:17 PM
To: Davis, Dana
Subject: FW: Is GM Lisa Porter taking referrals for motions on foreclosure cases?

???????

From: Schreiber, Lee Ann
Sent: Tuesday, September 14, 2010 11:28 AM
To: Richards, George
Subject: FW: Is GM Lisa Porter taking referrals for motions on foreclosure cases?

I meant to send this to George Richards. Sorry. Donna's email was returned via postmaster, so she must no longer work for Lee County Clerk

From: Schreiber, Lee Ann
Sent: Tuesday, September 14, 2010 11:21 AM
To: Kyle, Keith
Cc: Richards, Donna
Subject: Is GM Lisa Porter taking referrals for motions on foreclosure cases?

I have my first ex-parte motion for referral to GM filed by Plaintiff to refer Defendant's Motion to Dismiss to the Magistrate? I was not sure if her family, dependency & Baker/Marchman proceedings have her scheduled maxed out OR whether she is also taking civil matters? Thank you.

From: Richards, George </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=GRICHARDS>

To: Schreiber, Lee Ann

Kyle, Keith

CC: Conderman, Ellen

Date: 9/3/2010 12:24:52 PM

Subject: ?RE: Mortgage foreclosure cancellation of sales by P upon ex-parte request

I think it would be good.

George

From: Schreiber, Lee Ann

Sent: Friday, September 03, 2010 12:10 PM

To: Richards, George; Kyle, Keith

Cc: Conderman, Ellen

Subject: Mortgage foreclosure cancellation of sales by P upon ex-parte request

The Circuit Civil Judges in Lee County have recently decided that they will impose a deadline of 10:00 a.m. the day before a scheduled sale in order to consider ex-parte motions to cancel. The motion must be in substantial conformity with the new FL Supreme Court form. The thinking is that the flow of paperwork from delivery to Judge's desk, review/consider ex-parte to a return of Order cancelling sale to clerk, if appropriate.

Do you think we might adopt a similar policy to try to have consistency across the Circuit?

See you next week. Have a nice (long) weekend.

Lee

From: Sandi Sauls <ssauls@leeclerk.org>

To: Schreiber, Lee Ann

CC:

Date: 5/20/2009 10:17:38 AM

Subject: ?RE: Court clerks

Thanks, Lee.

Thank you,

Sandi C. Sauls
Civil Division Manager
P.O. Box 310
Fort Myers, FL 33902
239-533-9188

From: Schreiber, Lee Ann [mailto:LSchreiber@CA.CJIS20.ORG]
Sent: Wednesday, May 20, 2009 10:45 AM
To: Sandi Sauls
Subject: RE: Court clerks

I was in computer training all day yesterday. I'm hesitant to go it alone without a Clerk. I rely on the Clerks to keep track of evidence identified and offered/admitted, especially in the longer trials. I do rely on the Clerk's minutes as I do look back at the minutes if I don't issue my report right away and I know that the lawyers look at the minutes to prepare proposed Reports. The case managers also rely on the minutes to keep track of the outcome of hearings and trial when a recommended Order or order is not yet in the court file. I do NOT need a clerk for finding cases or images in Odyssey. Sometimes, the related cases are not linked in Odyssey and I find them by happenstance and bring it to the Clerk's attention, so I'd just need some alternate way of communicating to the Clerk's office about related cases. Thanks so much for all you and the Civil Trial Court clerks do to help the Magistrate's be efficient. Have a good day!

Lee

From: Sandi Sauls [mailto:ssauls@leeclerk.org]
Sent: Monday, May 18, 2009 9:44 AM
To: Schreiber, Lee Ann
Subject: FW: Court clerks

20TH CIR 00205

Do you believe you can do w/o a court clerk? If not, do you need them for minutes, finding cases in Odyssey, finding images in cases in Odyssey, all of the above, etc. We just trying to figure out how we're going to schedule clerks with the pending budget cuts. However, if you need a clerk then so be it - we can pursue other areas. Thanks, Lee.

Thank you,

Sandi C. Sauls
Civil Division Manager
P.O. Box 310
Fort Myers, FL 33902
239-533-9188

From: Kantor, Marianne [mailto:MKantor@CA.CJIS20.ORG]
Sent: Friday, May 01, 2009 9:32 AM
To: Sandi Sauls
Cc: Lee Ann Schreiber; Steve Studybaker; Nancy Aloia; Fernandez, Susana
Subject: RE: Court clerks

Sandi,

I quickly asked Lee for her thoughts and we have some ideas but believe we need to run this past Nancy and Susana since they are our supervisors. I'm also including Steve in this reply.

I know that with the inundation of foreclosure cases, your team has been stretched. We have tried to let them know in advance when we have scheduled vacations or other time when we are not scheduled to be in court so they don't have to plan for that time. But I understand your request appears to be for a more permanent situation.

We will follow up as soon as we can.

Marianne

Sent: Thursday, April 30, 2009 3:55 PM

To: Schreiber, Lee Ann; Kantor, Marianne

Subject: Court clerks

In our efforts to reduce staff we are investigating the necessity of all of the services provided by our office. When I spoke to the Court Clerk team today they suggested that I inquire as to whether the Magistrates need clerks since they take their own notes and have Court Smart as a back-up. What are your thoughts on this?

Thank you,

Sandi C. Sauls
Civil Division Manager
P.O. Box 310
Fort Myers, FL 33902
239-533-9188

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20TH CIR 00207

From: Schreiber, Lee Ann </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=LSCHREIBER>

To: Kyle, Keith
Richards, George

CC: Embury, Jon

Date: 11/3/2010 11:11:04 AM

Subject: ?RE: new stamp for foreclosure sale...

We will go "to print" with your revisions . I'll Order 4 stamps rather than 3, so that we can loan one to the Clerk who conforms the final judgments after inserting sale date, unless the Clerk needs to pay for their own? (not sure how this works)

From: Kyle, Keith

Sent: Wednesday, November 03, 2010 12:06 PM

To: Richards, George; Schreiber, Lee Ann

Cc: Embury, Jon

Subject: RE: new stamp for foreclosure sale...

My two cents for whatever its worth: I'd probably rephrase it slightly. I'd also probably have the inkers/stampers use red ink so it stands out.

By Order of the Court:

After the Clerk sets a sale date in conformance with this Order/Judgment, any motion seeking to either cancel or reschedule the sale date must be filed with the Clerk of Court, along with a proposed Order, at least seven days prior to the scheduled sale date.

From: Schreiber, Lee Ann </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=LSCHREIBER>

To: Conderman, Ellen

CC:

Date: 2/17/2010 3:03:46 PM

Subject: make a note re processing Orders Directing Scheduled Mediation

When I issue an Order referring a foreclosure case to mediation, the ORIGINAL of the Order goes back to the MEDIATION OFFICE. They make copies and prep envelopes and serve/mail copies and then MEDAITION OFFICE files original Order with Clerk.

From: Schreiber, Lee Ann </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=LSCHREIBER>

To: Kyle, Keith

Embury, Jon

CC: Conderman, Ellen

Date: 4/9/2010 1:51:58 PM

Subject: ?RE: CHARLOTTE COUNTY Foreclosure docket

The Lee Clerk of Court sets my Wednesday (mass) dockets only (and she also sets the retired Judge's Friday (mass) dockets. The problem with allowing the attorneys offices to set hearings in JACs will be the same as we are encountering in Charlotte County, namely, someone other than my office is running my docket in a manner most conducive to their schedules which results in gaps of unused time/down time/unproductive time. I think the schedule is tighter and more streamlined when we set the hearings (like in Lee County)

The lawyers all pretty much know that I handle all residential foreclosure hearings, so they don't necessarily call the assigned judge's office first (though I suspect some still start with the assigned Judge and then get routed to us)

As far as having the JAs of the assigned Judge setting the hearings, that might be an option for the times when I am in Charlotte County.

Ellen, do you see any down side to having the JAs for the assigned Judge scheduling times on my JACs schedule during the 2 weeks we are in Charlotte County? HOW TO implement that is a whole other question. Also Ellen, please weigh in here if you know how the phone call routing works in Lee County as you have more familiarity with that subject.

We do need to keep in mind that one Lee County Friday each month (the Friday just prior to the 2 weeks in Charlotte), we actually spend it in Charlotte County doing Charlotte County work. Where we really need the resources is in file review which a case manager (if one is there to be gotten) could do. Also the volunteer law students/interns would take the burden off of both Ellen and myself, freeing up our time to do other more productive tasks.

Have a good weekend everyone!

P.S. Judge Kyle, I plan to observe you as duty judge on Sunday. I'll be there by 8:00 a.m. (yuk!) and find you or go to Courtroom C at 8:30 (if I'm running late). If something changes with your schedule for Sunday A.M., my cell phone # is 239-119.071, F.S.

Lee

From: Kyle, Keith

Sent: Thursday, April 08, 2010 4:48 PM

20TH CIR 00211

To: Schreiber, Lee Ann, Embury, Jon

Cc: Conderman, Ellen

Subject: RE: CHARLOTTE COUNTY Foreclosure docket

Lee County has JACS but they don't use it for scheduling... maybe you could suggest they OK it for foreclosure hearings only. My understanding from prior discussions with folks in Lee County was that the Lee County foreclosure hearings were scheduled through the Clerk of Court... was that ever the case and it changed or was I given bad information? I really think consideration should be given to asking/arranging for JACS to be utilized for Lee County cases as well – for foreclosures only, or perhaps the JA for the Judge to whom any given Lee County foreclosure file is assigned should be given access to your calendar and they can schedule since you are doing their work. How is it that the calls are routed to you – do they call the assigned judge only to be told to call you (?) – that seems like a double waste of time. Lee County already gets you a whole extra month in terms of time (28 weeks to our 24) and apparently a lot more than 28 weeks in terms of your JA's time if she's constantly fielding calls up here from Lee County because they do not use automated scheduling for foreclosure hearings like we do up here. 100+ calls a day is nuts; there has to be a better way!

From: Schreiber, Lee Ann

Sent: Thursday, April 08, 2010 4:37 PM

To: Embury, Jon; Kyle, Keith

Cc: Conderman, Ellen

Subject: CHARLOTTE COUNTY Foreclosure docket

There is one other point I just thought of after lunch which may impact the efficiency with which we process the CHARLOTTE COUNTY cases...

Ellen spends A GREAT DEAL OF TIME ON THE PHONE fielding calls and setting hearings on LEE COUNTY foreclosure cases, as we have been instructed to do via call forwarding. Ellen conservatively estimates 100 calls per day, since she sets the LEE COUNTY hearings (for Mon/Tues/Thurs & Fri ; it is not self scheduling in JACs). Paperwork processing of Lee County cases in nominal while we are in Charlotte because the assigned Circuit Judges sign their own paperwork the 2 weeks we are here.

IF Ellen were not on the phone tending to Lee County cases while here in Charlotte, her time would be significantly freed up to review files, to the extent that I could give up a Friday "office day," at least for the time being, to hear summary judgment motions or set trials in order to dispo more cases. Ellen and I DO USE ONE DEDCIATED LEE COUNTY DAY EACH MONTH TO RVIEW CHARLOTTE CONTY FILES, so that may be the trade off in terms of allocating our time in both counties.

This is just an additional piece of information to factor into the mix. We are content to do whatever is needed to keep the cases moving.

Lee

20TH CIR 00212

From: Schreiber, Lee Ann </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=LSCHREIBER>

To: Kantor, Marianne
Studybaker, Steven
Fernandez, Susana
Aloia, Nancy K

CC:

Date: 5/20/2009 9:49:58 AM

Subject: ?FW: Court clerks

This is the second inquiry I received from Sandy Sauls on the same subject. That last emial of 4/30/09 she sent to both Kantor and me which we shared with this group. There were some email discussions between the five of us, but, based on Sandy's follow up inquiry, no one communicated to her the outcome of our discussions. Thus, I am communicating directly to her on this second inquiry.

From: Schreiber, Lee Ann
Sent: Wednesday, May 20, 2009 10:45 AM
To: Sauls, Sandi
Subject: RE: Court clerks

I was in computer training all day yesterday. I'm hesitant to go it alone without a Clerk. I rely on the Clerks to keep track of evidence identified and offered/admitted, especially in the longer trials. I do rely on the Clerk's minutes as I do look back at the minutes if I don't issue my report right away and I know that the lawyers look at the minutes to prepare proposed Reports. The case managers also rely on the minutes to keep track of the outcome of hearings and trial when a recommended Order or order is not yet in the court file. I do NOT need a clerk for finding cases or images in Odyssey. Sometimes, the related cases are not linked in Odyssey and I find them by happenstance and bring it to the Clerk's attention, so I'd just need some alternate way of communicating to the Clerk's office about related cases. Thanks so much for all you and the Civil Trial Court clerks do to help the Magistrate's be efficient. Have a good day!

Lee

From: Sandi Sauls [mailto:ssauls@leeclerk.org]
Sent: Monday, May 18, 2009 9:44 AM
To: Schreiber, Lee Ann
Subject: FW: Court clerks

Do you believe you can do w/o a court clerk? If not, do you need them for minutes, finding cases in Odyssey, finding images in cases in Odyssey, all of the above, etc. We just trying to figure out how we're going to schedule clerks with the pending budget cuts. However, if you need a clerk then so be it - we can pursue other areas. Thanks, Lee.

20TH CIR 00214

Thank you,

Sandi C. Sauls
Civil Division Manager
P.O. Box 310
Fort Myers, FL 33902
239-533-9188

From: Kantor, Marianne [mailto:MKantor@CA.CJIS20.ORG]
Sent: Friday, May 01, 2009 9:32 AM
To: Sandi Sauls
Cc: Lee Ann Schreiber; Steve Studybaker; Nancy Aloia; Fernandez, Susana
Subject: RE: Court clerks

Sandi,

I quickly asked Lee for her thoughts and we have some ideas but believe we need to run this past Nancy and Susana since they are our supervisors. I'm also including Steve in this reply.

I know that with the inundation of foreclosure cases, your team has been stretched. We have tried to let them know in advance when we have scheduled vacations or other time when we are not scheduled to be in court so they don't have to plan for that time. But I understand your request appears to be for a more permanent situation.

We will follow up as soon as we can.

Marianne

From: Sandi Sauls [mailto:ssauls@leeclerk.org]
Sent: Thursday, April 30, 2009 3:55 PM
To: Schreiber, Lee Ann; Kantor, Marianne
Subject: Court clerks

20TH CIR 00215

In our efforts to reduce staff we are investigating the necessity of all of the services provided by our office. When I spoke to the Court Clerk team today they suggested that I inquire as to whether the Magistrates need clerks since they take their own notes and have Court Smart as a back-up. What are your thoughts on this?

Thank you,

Sandi C. Sauls
Civil Division Manager
P.O. Box 310
Fort Myers, FL 33902
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From: Schreiber, Lee Ann </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=LSCHREIBER>

To: Fernandez, Susana

Kantor, Marianne

Studybaker, Steven

Aloia, Nancy K

CC:

Date: 5/20/2009 12:25:04 PM

Subject: ?RE: Court clerks

Great and thank you for keeping us up to date.

From: Fernandez, Susana

Sent: Wednesday, May 20, 2009 11:19 AM

To: Schreiber, Lee Ann; Kantor, Marianne; Studybaker, Steven; Aloia, Nancy K

Subject: RE: Court clerks

I understand this issue is being address with Judge Carlin at this present time. He was provided with a summary of the feedback I received from our email discussions. Judge Carlin conveyed to me that he was going to personally respond to her email. I will follow up with Judge Carlin today on this, in the mean time, please forward any emails reg. this subject to my attention.

Thank you

From: Schreiber, Lee Ann

Sent: Wednesday, May 20, 2009 10:50 AM

To: Kantor, Marianne; Studybaker, Steven; Fernandez, Susana; Aloia, Nancy K

Subject: FW: Court clerks

This is the second inquiry I received from Sandy Sauls on the same subject. That last emial of 4/30/09 she sent to both Kantor and me which we shared with this group. There were some email discussions between the five of us, but, based on Sandy's follow up inquiry, no one communicated to her the outcome of our discussions. Thus, I am communicating directly to her on this second inquiry.

From: Schreiber, Lee Ann

Sent: Wednesday, May 20, 2009 10:45 AM

To: Sauls, Sandi

Subject: RE: Court clerks

20TH CIR 00217