

**PROCEDURE FOR MORTGAGE FORECLOSURE HEARINGS
FOR JUDGE CLAYTON D. SIMMONS (DIVISION "K")**

As a result of the elimination of the position of Seminole County Foreclosure Case Coordinator due to budget cuts, the following procedure is in effect after October 1, 2008, for hearings on Motions for Summary Judgment and Motions for Judgment after Default for mortgage foreclosure cases assigned to the Honorable Clayton D. Simmons, Division K, in the Circuit Court in and for Seminole County, Florida.

NOTE: FULL COMPLIANCE WITH ADMINISTRATION ORDER NO. 08-20-S MUST BE COMPLETED PRIOR TO SCHEDULING ANY HEARING REFERENCED HEREIN. SEE WEBSITE: www.flcourts18.org under Seminole County foreclosures.

1. Hearings will be held at 9:00 a.m. on October 3, 2008; 11:00 a.m. on November 25, 2008; and 9:00 a.m. on December 12, 2008, in Courtroom K of the Seminole County Courthouse, Sanford, Florida 32771. Hearings for 2009 will be subsequently announced.

2. Any plaintiff's attorney wishing to schedule a hearing need only send a Notice of Hearing to all defendants. **NO CALLS TO SCHEDULE THE HEARING ARE NECESSARY OR ALLOWED.**

NOTE: COUNSEL FOR PLAINTIFF MUST APPEAR IN PERSON AT THE HEARING. DO NOT CALL TO REQUEST PERMISSION TO APPEAR BY TELEPHONE.

3. The original note and mortgage must be filed with the Clerk's Office before scheduling the hearing unless the Complaint is seeking to establish a lost note or mortgage. Final hearings on complaints seeking to establish a lost note or mortgage must be preceded by the filing of a copy of the note and/or mortgage bearing the appropriate cancelled document stamps as required by F.S. 201.01, et. seq.. Failure to file the original note or mortgage bearing cancelled document stamps or a Xerox copy of the note or mortgage upon which cancelled document stamps were or have been affixed will result in the hearing being cancelled.

4. It will be the responsibility of the attorney for the plaintiff to check out and bring the court file(s) to the hearing with the following attached to each court file:

- a. Proposed Final Judgment of Foreclosure
- b. Sufficient copies of the judgment for each named party - with pre-addressed stamped envelopes for each party.
- c. Original and copies of the Notice of Sale.
- d. Originals and copies of the Certificates of Sale, Disbursements and Title with appropriate pre-addressed stamped envelopes.
- e. The checklist attached hereto showing the date of each indicated activity in the court file with the other information indicated thereon.

5. When arriving at the courtroom it will be the responsibility of the attorney to legibly sign in on the provided sign-in sheet and give to the clerk only the completed check lists for all of that attorney's cases. The attorney will retain the court files until the judge asks for them.

6. The judge will use the checklists to call the cases in the order that the attorneys signed in. When all of an attorney's cases have been called, the judge will ask for the court files and the attorney may leave. The judgments will be signed after court has recessed. If any errors are detected in the judgments after the hearing, the judgments will not be signed, will be returned to the attorney, and the hearing will have to be reset.

FAILURE TO COMPLY WITH THESE PROCEDURES WILL RESULT IN THE HEARING BEING CANCELLED

