

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. 09-09-S AMENDED 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 one Friday morning each month. Dates can be found on Judge Simmons' calendars found on the website under Calendaring and JACS link, to Seminole Docket Calendars by Judge, to Judge Simmons, and the specific month. Hearings normally will be held in Courtroom A, Seminole County Courthouse, 301 N. Park Ave., Sanford, Florida 32771.

2. Any plaintiff's attorney wishing to schedule a hearing need only send a Notice of Hearing to all defendants. **DO NOT CALL JA TO SCHEDULE OR CANCEL THE HEARING. NO PAPERWORK REGARDING MOTION FOR SUMMARY JUDGMENT SHOULD BE SENT TO JUDGE PRIOR TO HEARING.**

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 must be filed with the Clerk's Office before scheduling the hearing unless the Complaint is seeking to establish a lost note. Final hearings on complaints seeking to establish a lost note must be preceded by the filing of a copy of the note bearing the appropriate cancelled document stamps as required by F.S. 201.02. Failure to file the original note bearing cancelled document stamps or a Xerox copy of the note 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

FORECLOSURE SUMMARY JUDGMENT CHECKLIST

CASE NO.: _____ JUDGE: _____ HEARING DATE: _____

SHORT CASE STYLE: _____ vs. _____

NAMED DEFENDANTS:	Date:	<u>Served</u>	<u>Defaulted</u>	<u>Answered</u>	<u>Dismissed</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
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_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

ORDER APPOINTING G.A.L. for (Defendant)

Date Filed

 AFFIDAVIT/ANSWER OF G.A.L.
 Fee Requested: \$ _____

PLEADINGS FILED:

- Notice of Mediation _____
- Report of Mediation _____
- Motion for Summary Judgment _____
- Original Note and Mortgage _____
- Notice of Hearing _____
- Affidavit of Reasonable Attorney's Fee (expert) _____
- \$ _____
- Affidavit of Costs \$ _____
- Affidavit of Indebtedness/Amt. Owed \$ _____
- Affidavit of Attorney's Time/Fee: _____
- Fee Requested: \$ _____
- Hours Spent: _____
- Fee Per Hour: \$ _____
- Flat Fee: \$ _____

TOTAL AMOUNT: \$ _____

Final Summary Judgment

TOTAL AMOUNT: \$ _____