

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR DESOTO, MANATEE, AND SARASOTA COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER. NO. 2009-2.1

**IN RE: EMERGENCY ORDER SUSPENDING TELEPHONE HEARINGS IN
 FORECLOSURE CASES IN SARASOTA AND MANATEE COUNTIES**

WHEREAS, the Twelfth Judicial Circuit has experienced a 628% increase in mortgage foreclosures during the last three calendar years: 2006, 2007, and 2008; and

WHEREAS, the Bradenton – Sarasota – Venice area was eleventh in foreclosure filings among the nation’s top 100 metropolitan areas in 2008; and

WHEREAS, economists project the upward trend in foreclosures to continue throughout 2009; and

WHEREAS, legislative and county budgets for the funding of the judicial branch have been substantially reduced, necessitating the elimination of essential case management positions, and impairing the capacity of the courts and the clerk to efficiently manage the surge of new foreclosure cases; and

WHEREAS, the time required of court staff and judicial assistants to manage foreclosure cases greatly exceeds the time available during the regular work week to complete such tasks, funding for additional positions or overtime being nonexistent; and

WHEREAS, many out-of-circuit foreclosure plaintiffs and their counsel who are volume filers of foreclosure actions have failed to comply with Twelfth Circuit Administrative Orders 14.1 and 15.1; in particular they are ignoring the prohibition on setting hearings without contemporaneous filing of summary judgment foreclosure motions and packets, they are failing to include with their complaint and summons the Notice to Homeowners of the circuit’s Homestead Foreclosure Conciliation Program, and they are submitting incomplete, false, or inaccurate foreclosure summary judgment checklists and related documents; and

WHEREAS, the privilege of appearing by telephone for summary judgment hearings has been widely abused by several out-of-circuit law firms, causing docket congestion and the wasting of valuable judicial resources;

NOW, THEREFORE, IT IS ORDERED as follows:

1. The Chief Judge finds good cause to require counsel for parties seeking to foreclosure commercial or residential mortgages in Manatee and Sarasota County to **appear in person** for all hearings before the assigned judge. The privilege of appearing by phone for any hearing in any commercial or residential mortgage foreclosure case is suspended in these two counties, pending further order of the Chief Judge. Except for emergency matters, the prohibition on

telephone hearings applies to foreclosure summary judgment hearings as well as hearings on other motions set by any party to the foreclosure action.

2. Counsel appearing on behalf of a foreclosing party shall:

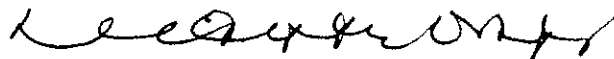
a. comply with the rules of civil procedure as they relate to summary judgments, be familiar with the provisions of Twelfth Circuit Administrative Orders 14.1 and 15.1, and the assigned judge's procedures as published on the Twelfth Circuit website;

b. bring to the hearing proposed orders or final judgments to be signed by the judge, together with such copies as the rules of civil procedure require to be provided to other parties in the case;

c. be responsible for mailing conformed copies of signed orders and judgments to other parties in the case.

3. This order shall be effective **MARCH 9, 2009**.

DONE and ORDERED in Sarasota County, Florida, on this 9th day of February, 2009.



**LEE E. HAWORTH, CHIEF JUDGE
TWELFTH JUDICIAL CIRCUIT
STATE OF FLORIDA**

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