

GUIDELINES AND PROCEDURES
ORANGE COUNTY RESIDENTIAL FORECLOSURE CASES
Effective January 6, 2014

In order to assist counsel, the litigants and the court, the following Guidelines and Procedures are hereby adopted for the Circuit Civil Foreclosure Division in Orange County, Florida when practicing before the court.

The foreclosure case managers can be reached at:

Division 32A	407-836-2179
Division 33	407-836-0422
Division 34	407-836-2180
Division 35	407-836-2237
Division 37	407-836-2213
Division 39	407-836-2382
Division 40	407-836-2162
Division 43A	407-836-2179

Commercial Foreclosures are to be set with the Circuit Civil Divisions/Business Court and are exempt from these procedures.

All cases where an Order of Referral or Notice of Hearing-Foreclosure Divisions has been entered setting a hearing shall remain as set. The hearing will be heard by a senior judge, not a general magistrate.

Telephonic Hearings: Pursuant to Administrative Order No. 2008-01-01, telephonic foreclosure hearings are not allowed.

Ex Parte Motions for Divisions 33, 34, 37, 39 and 40:

Ex Parte Motions on agreed or unopposed motions or motions listed below that will last 5 minutes or less will be heard from 9:00 a.m. – 9:30 a.m. Monday, Tuesday, and Thursday, in Hearing Room 14C, and will be taken on a first come, first serve basis. These are not scheduled with the Foreclosure Case Manager. Argument will not be entertained and if the Court deems argument or further notice is required, counsel shall set the matter for hearing with notice to all parties. Please be sure to put the correct location in the Notice of Hearing, and provide adequate notice to opposing parties as required by FRCP 1.090(d). Attorneys must also bring an order for the Court's signature. Attorneys shall not mail orders for signature ex parte.

Types of Ex Parte Motions:

- Emergency Motion to Reset/Cancel Foreclosure Sales
- Motions for Judicial Default
- Motions to Substitute Parties or Counsel
- Motions to Withdraw (Motion must include client consent and statement that no matter is pending, as well as the name, address, telephone number of party)
- Agreed Orders. (If entry of an agreed order cancels a set hearing, the Foreclosure Case Manager shall be advised of the date and time of the hearing so it can be removed from the docket.)
- Dismissal Orders
- Motions for Writ of Possession
- Motion for Leave to Amend
- Motion for Extension of Time
- Motions to Return Documents
- Uncontested Motions for Summary Judgment

For Divisions 32A, 35 and 43A ONLY (except Timeshares and HOA Lien matters):

The Judges in these divisions will hear all matters, including ex-parte and agreed matters, which can be heard in 15 minutes or less. **All such matters SHALL NOT be heard by the senior judges.** These matters must be set before the Judge at their regularly-scheduled short matters time which is Monday – Thursday at 8:30 a.m. in their hearing room. Please be sure to put the correct location in the Notice of Hearing, and be sure to provide adequate notice to opposing parties as required by FRCP 1.090(d). Instructions and hearing room locations for Divisions 32A, 35 and 43A may be found on JACS. For Timeshares and HOA Lien matters please see separate instructions below.

Timeshare Foreclosures for all divisions:

Beginning April 16, 2014, Timeshare foreclosure cases (up to 50 cases/counts per firm) will be heard on Wednesdays from 9:00 a.m. – 10:30 a.m. on the 14th floor in Hearing Room 14C.

HOA Lien Foreclosures for all divisions:

HOA Lien matters will be heard on Monday, Tuesday and Thursday from 9:00 a.m. – 9:30 a.m. on the 14th floor in Hearing Room 14C.

Procedures for Scheduling Hearings:

The residential foreclosure hearings will be scheduled Monday through Friday in 14B on the 14th floor of the Orange County Courthouse. Please put this location on hearing notices.

To schedule a hearing, please go onto JACS under Foreclosure Hearings – Orange for available timeslots. Once a hearing time has been coordinated, please email the case manager at foreclosurehearings@ocnjcc.org with the case number, case style, division number, motion, date that the motion was filed with the Clerk's Office, amount of time requested, Plaintiff's Attorney, Defendant's Attorney or Pro Se. Your hearing date and time will be confirmed by the case manager.

Hearing notices must be prepared by the party requesting the hearing. A notice of hearing must be filed with the Clerk of Court. Please do not send your notice to the parties until you have received a confirmation email from the foreclosure case manager. Failure to file the notice of hearing will require your case to be reset if all parties are not present. Also, please remember that there will be no telephonic appearances for any hearing; attorneys must be present.

In the event that you need to reset or cancel a hearing, please email the foreclosure case manager at foreclosurehearings@ocnjcc.org as soon as possible to afford others to use the hearing time.

Procedures for proposed orders: (Any orders not conforming to the following procedures will be discarded without action from the Court.)

Attorneys must bring proposed orders to all hearings. The order cannot have a title with just "Order." The order must have a complete caption, such as "Order Granting Motion to Dismiss." All orders must have a proper certificate of service. Sufficient copies and stamped addressed envelopes for mailing must be provided.

Orders from Hearing:

Orders submitted following a hearing must contain a cover letter indicating that the opposing counsel/party agrees that the order accurately reflects the court's ruling or that the order was sent to opposing party/counsel to review giving a reasonable deadline for objections and no objections were received by the deadline. **The Court will not hold orders awaiting objections from opposing counsel/party.** Additionally, if the hearing was heard before a senior judge, please indicate in the cover letter which senior judge heard the matter as well as the date the motion was heard. The order must be paginated so that the judge's signature is not on a page separate from the body of the order.

Ex parte motions/orders: All orders mailed to the courthouse for signature must be mailed to the assigned judge's chambers. The Court recognizes that due

process requires notice to and an opportunity to be heard by all interested parties and severely limits matters that may be heard ex parte. If an order is submitted for signature without hearing, it must be an agreed order or the motion must set forth the legal basis in law for ex parte relief. If ex parte relief is not specifically allowed by law, the matter must be set for hearing. Failure to comply will result in the proposed order being discarded without action by the Court.

Orders signed at hearing: Counsel for the movant must bring a proposed order to the hearing. Counsel providing an order for execution at the hearing must sign the certificate of service and mail conformed copies to all interested parties/counsel.

Procedures for Trials:

Once the case is at issue, a Notice for Trial must be electronically filed with the clerk. A copy of the Notice for Trial, along with addressed stamped envelopes must be mailed to the division to which the case is assigned.

If a case set for non-jury trial has been settled by either the filing of a Dismissal or entry of a Final Judgment as to all parties, please email the case manager at foreclosuretrials@ocnjcc.org. The case manager will confirm removal of the case from the trial docket.

Foreclosure Trial Continuance Notification:

Any motion to continue a foreclosure trial must:

1. Be heard by the judge assigned to the case.
2. Be in writing signed by the party (i.e. client) seeking the continuance.
3. Set forth the docket for which they will be prepared for trial.
4. Be argued in person by the attorney who will try the case.
5. Unless the necessity for a continuance is caused by an unforeseeable circumstance, the Motion must be scheduled for hearing during the assigned judge's short matters prior to the scheduled trial date. Motions to Continue shall not be presented to the senior judge at the time of trial.

