

state courts that involve residential homestead property will be referred to mediation, unless the plaintiff and borrower agree otherwise or unless effective pre-suit mediation that substantially complies with the managed mediation program requirements has been conducted. Referral of the borrower to foreclosure counseling prior to mediation, early electronic exchange of borrower and lender information prior to mediation, and the ability of a plaintiff's representative to appear at mediation by telephone are features of the model administrative order.

The Court approves this recommendation as the best method to open communication and facilitate problem-solving between the parties to foreclosure cases while conserving limited judicial resources. The Court therefore adopts, with minor changes, the Task Force's proposed model administrative order. The model administrative order is incorporated into and appended to this Administrative Order.

As part of the managed mediation program, the Task Force recommended specific written parameters for qualifying providers of managed mediation services, as appended to the model administrative order as Exhibit 13. The Court adopts these standards for providers. It is crucial that these non-profit organizations be independent of the judicial branch, capable of sustained operation without fiscal impact to the courts, politically and professionally neutral, and have a demonstrated ability to efficiently manage the extremely high volume of

**IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
STATE OF FLORIDA, IN AND FOR _____ COUNTY
CIRCUIT CIVIL DIVISION _____**

STYLE	CASE NUMBER	ATTORNEY/PRO SE PARTY

CASE MANAGEMENT CONFERENCE ORDER

THIS CAUSE came before the court for a case management, pursuant to the Florida Rules of Civil Procedure as provided in Rule 1.200. The order scheduling case management provided notice that when a party or its counsel fails to attend a court scheduled case management conference, the court may dismiss the action without prejudice. It is therefore, **ORDERED AND ADJUDGED:**

_____ 1 (a) **FAILURE TO SERVE:** This case is dismissed without prejudice. No response was filed to demonstrate good cause or excusable neglect for the failure to serve on a timely basis and a return of service has not been filed. Cf. Fla.R.Civ.P. 1.070. **OR**

_____ 1. (b) **LACK OF PROSECUTION:** This case is dismissed without prejudice. No written response was filed to demonstrate good cause why the action should remain pending. Cf. Fla.R.Civ.P. 1.420 (e).

_____ 2. **FAILURE TO APPEAR:** This case is dismissed without prejudice. No one appeared at the hearing. Cf. Fla.R.Civ.P. 1.200 (c).

_____ 3. **RESCHEDULED:** The case management conference is continued and reset for _____, 20 __, at ____ A.M./P.M. All provisions in the order scheduling case management conference remain in force and effect.

_____ 4. **PENDING MOTIONS SCHEDULED FOR HEARING:** (All pending) (The following motions: _____)
_____)
are scheduled for hearing on _____, 20 __, at ____ A.M./P.M.

_____ 5. **MEDIATION:** The parties shall schedule mediation and complete on or before _____, 20 __.

____ 6. **TRIAL:** Counsel for _____ (select party) shall submit a uniform order scheduling trial and pretrial conference within _____ days.

____ 7. **OTHER:** _____

It is therefore, **ORDERED AND ADJUDGED** this matter is (dismissed without prejudice) (continued as provided above).

DONE AND ORDERED in _____, _____ County, Florida this ____ day of _____, 20____.

CIRCUIT JUDGE

Copies Provided:

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA
CIVIL DIVISION

Plaintiff(s)

CASE NO.:

VS.

DIVISION:

Defendant(s)

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ORDER REMOVING CASE FROM PENDING STATUS

This cause came before the court ex parte as part of the Court's ongoing responsibilities concerning case management and, based on a review of the pleadings, it appears to the Court that this case is not currently "pending." It is therefore,

ORDERED and ADJUDGED

_____ A dismissal has been filed and this case is concluded.

_____ The Defendant has filed **BANKRUPTCY**. Therefore the Clerk of the Circuit shall **REMOVE THIS CAUSE FROM ACTIVE PENDING**.

_____ The Parties have agreed to a **SETTLEMENT**. Therefore the Clerk of the Circuit Court shall **REMOVE THIS CAUSE FROM ACTIVE PENDING**. If this cause goes into Default, the Plaintiff may reinstate the matter and move forward with their case.

_____ Other.

DONE and ORDERED in Chambers, _____, _____ County, Florida
this _____ day of _____, 20_____.

CIRCUIT JUDGE

Copies Furnished To:

**IN THE CIRCUIT COURT
STATE OF FLORIDA
COURT OF GENERAL CIVIL JURISDICTION**

_____ ,

Plaintiff,

CASE NO.:

vs.

DIVISION

_____ ,

Defendant.

_____ /

CASE MANAGEMENT ADMINISTRATIVE ORDER

RESIDENTIAL MORTGAGE FORECLOSURE

THIS CAUSE came before the Court on the Court's own motion for purpose of entry of a case management order to govern the conduct of this case. Compliance with the provisions of this order is mandatory unless waived in writing by the court after a hearing with notice to all parties of an appropriate motion.

TIME STANDARDS

Counsel for the plaintiff will be responsible for compliance with the time standards set forth below. A failure to comply with any portion of this order which is found attributable to deliberate delay on the part of any party will be grounds for dismissal or other sanctions as deemed appropriate by the court.

IF UNOPPOSED and after compliance with the Administrative Order No. _____ (which provides for case management of residential foreclosure cases and mandatory referral of mortgage foreclosure cases involving borrower-occupied residence to mediation), the presumptive date to complete this cause is no later than _____ days from the date that all defendants have been served as required by law and the case is at issue.

IF OPPOSED and any defendant files a good faith intent (defined herein) to participate in voluntary dispute resolution/mediation, then the presumptive date for completion of voluntary dispute resolution/mediation is _____ days from the date of the filing of the good faith compliance with an additional _____ days to complete a contested proceeding following mediation if the case is not settled.

PROCEDURE

1. **HOME OCCUPIED BY BORROWER:** the case shall proceed as provided in Administrative Order _____.
2. **HOME VACANT OR OCCUPIED BY TENANTS:** Upon a return of service indicating that the home is vacant or is being occupied by tenants, the Plaintiff shall set the cause for a motion for final summary judgment within _____ days of the cause being at issue.

RESPONSIVE PLEADINGS:

1. **MOTION TO DISMISS:** A motion to dismiss must be set for hearing within _____ days of filing. If a defendant fails to set the cause for hearing, then the Plaintiff must do so. The hearing may not be continued or cancelled without prior consent of the Court.
2. **ANSWER:** Upon the filing of an answer, the Plaintiff shall immediately submit an order referring the parties to mediation within _____ days.

MOTIONS TO WITHDRAW: Special appearances by defense counsel are not permitted. No motion to withdraw will be granted, absent good cause shown and a hearing held on said motion, when there is a motion filed by such attorney pending in the cause.

MOTIONS TO AMEND PLEADINGS/VOLUNTARY DISMISSAL: When Plaintiff has filed a count to reestablish a lost note and thereafter discovers that the note is in its possession, counsel for the plaintiff must immediately notify in writing all parties who have filed responsive pleadings of the discovery of the original note and file a copy of such correspondence with the court.

VOLUNTARY DISPUTE RESOLUTION: Plaintiff will engage in voluntary dispute resolution as provided in Administrative Order _____. In all other cases, parties must attend mediation prior to non-jury trial unless otherwise ordered by the court.

HEARINGS:

1. **SCHEDULING:** Counsel for plaintiff may not schedule a hearing on a motion for summary judgment unless the motion with the supporting affidavits has been filed.
2. **CERTIFICATE OF COMPLIANCE WITH FORECLOSURE PROCEDURES:** (form available on circuit website) must be filed contemporaneously with the notice of hearing.
3. **CONTINUANCES:** Motions for continuance must be filed in writing supported by good cause. If parties jointly stipulate to a continuance, a copy of the joint stipulation accompanied by an order must be submitted to the court _____ days prior to the scheduled hearing.

FINAL JUDGMENTS: The Final Judgment or Final Summary Judgment of Foreclosure shall be in the model form provided and shall not include any costs not actually incurred and must be supported by sworn testimony or affidavit (if summary judgment).

SALES: The Clerk's sale shall be conducted as provided by law and may include such other method of sale employing electronic media as determined by the Clerk of Court and permitted by law.

a. The Summary Final Judgment of Foreclosure submitted is the court-approved form, without any alterations or additions; and

b. That the amounts in the final judgment are accurate and correspond with the affidavits filed herein.

Undersigned counsel further certifies, under penalty of perjury, that in accordance with Administrative Order # _____, all of the above is true and correct.

Date

Signature of Attorney

Print Attorney's Name & Florida Bar Number