

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR SEMINOLE COUNTY,
FLORIDA

ADMINISTRATIVE ORDER NO.:
11-17-S

**IN RE: FORECLOSURE - CIVIL DIVISION FORECLOSURE MEDIATION EXPANSION OF
SERVICES BY FORECLOSURE MEDIATION PROGRAM--TWO PARTY
MEDIATION**

WHEREAS: This Administrative order is supplemental to Administrative Order 09-09-S Amended of the Eighteenth Judicial Circuit which orders and implements mandatory mediation in residential foreclosure cases, and

WHEREAS: The courts recognize the evolution of foreclosure mediation to services beyond the scheduling and conducting of the mediation session to include foreclosure counseling and monitored document exchange. The courts further recognize that providing these additional nonmediation services requires a level of coordination and scheduling that exceeds the court's ability with current budget constraints to have court staff perform the tasks and the tasks should be assigned to a court approved provider, and

WHEREAS: The courts recognize the logistical difficulty and cost of administration in scheduling the multiple party Defendants named in residential foreclosure cases. In the vast majority of these cases the Non-homeowner Defendants do not participate in either the litigation or mediation process.

WHEREAS: The primary parties, Lender/Plaintiff and Homeowner(s)/Defendant(s) determine the outcome of the litigation and mediation regardless of any input or no input from other lienholders or named Defendants.

WHEREAS: The courts have authority under Chapter 44 Florida Statutes and under Rule 1.700(a) Florida Rules of Civil Procedure to refer either all or any part of a contested action to mediation to mediation.

IT IS HEREBY ORDERED:

1. That the existing Seminole County Foreclosure Mediation Program and Panel will continue substantially in its present form and will be expanded to encompass scheduling and coordinating residential counseling and monitored document exchange and such other services as may arise as this foreclosure crises continues to evolve.
2. The court appoints Foreclosure Mediation Program of Seminole County Florida to manage the mediation program and the Seminole County Foreclosure Mediation Panel and assume the service of scheduling and coordinating the expanded services.
3. The Foreclosure Mediation Program will develop and publically issue the Policies and Procedures for the program operations on behalf of the Seminole County Foreclosure Mediation Program. The Seminole County Courts for the Eighteenth Judicial Circuit will post a link or contact information for the Foreclosure Mediation Program on the Seminole County website page.
4. In all residential mortgage foreclosure actions to which Administrative Order 09-09-S Amended applies, pursuant to Fla.R.Civ.P. 1.700 (a), the Courts of the Eighteenth Judicial Circuit in and for Seminole County, Florida hereby order partial case referral. The only parties who are required to set and attend mediation under this Order are the Plaintiff/Lender and Homeowner(s)/ Defendant(s).
5. Lenders are encouraged to enter into pre-suit mediation to expedite the process and hopefully result in fewer foreclosure cases being filed. Pre-suit mediation does not satisfy or alter the requirement of mediation as required pursuant to the standing Seminole County Administrative Order(s).
6. For all residential foreclosure actions the Courts require a mandatory Certification by Plaintiff's Counsel attesting to the status of the case under the standing Administrative Orders as either (1) a case requiring mediation or (2) a case not requiring mediation. For information purposes only, the certification will also require details of any pre-suit mediation. The required form Certification approved by the Court will be posted on the Circuit Court website.

DONE AND ORDERED this 25th day of May, 2011.

J.PRESTON SILVERNAIL
J. PRESTON SILVERNAIL
CHIEF JUDGE

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