



## **DIVISION FC-E POLICIES AND PROCEDURES**

### **JUDGE BRUCE R. ANDERSON, JR.**

**Fourth Judicial Circuit Court of the State of Florida**

**Foreclosure Division FC-E**

**Courtroom 510**

**Duval County Courthouse**

**501 West Adams Street, Suite 7029**

**Jacksonville, Florida 32202**

### **INTRODUCTION**

Rule 1.010 of the Florida Rules of Civil Procedure and the Rules of Judicial Administration encourage the speedy, just and inexpensive determination of every action, and impose on the trial court the duty to monitor and manage the docket in order to achieve this goal. To that end, these policies and procedures are published to assist counsel appearing in Division FC-E by addressing routine questions and issues that arise while litigating and trying foreclosure cases and will be revised/updated periodically. They are not intended to relax or supplant the Florida Statutes, the Florida Rules of Court, local rules of Court, administrative orders, case specific court orders, the Rules Regulating Florida Bar (including, without limitation, the Rules of Professional Conduct), or any other substantive or procedural law (collectively, the “Applicable Law, Rules and Procedures”). All Applicable Law, Rules, and Procedures are intended to prevail, unless expressly stated otherwise.

**Communications with the Court regarding scheduling of hearings, submission of proposed orders and other matters regarding residential foreclosure cases shall be made with the Case Management Office. These communications may be made by email to DuvalFC@coj.net.**

1. **Hearing Location/Remote Attendance:** All hearings and Non-Jury Trials will be held in Courtroom 510. Remote Appearances by Zoom are allowed in foreclosure court except for Non-Jury Trials. The parties must get express permission from the court to attend a Non-Jury Trial remotely. For remote appearances, use the following Meeting ID: 908- 706-6187.

**Memo for Setting Hearings:** Hearings on contested motions or summary judgment motions needing 30 minutes or less may be scheduled by emailing the Case Management Office a completed Foreclosure Hearing Time Memo and copy all other attorneys and pro se parties. These communications may be made by email to **DuvalFC@coj.net**. The form can be found here: <https://www.jud4.org/Ex-Parte-Dates-Judge-s-Procedures/Duval-Judges.aspx>. These will usually be scheduled for a time certain on the Court's calendar.

For all motions that will be heard at a scheduled CMC, the moving party must provide notice to all other parties identifying what motions shall be heard in accordance with the Florida Rules of Civil Procedures.

FC-E Non-Default Summary Judgment Motions – please see Division CV-E Policies and Procedures at Section XV. and Procedures for Non-Default Summary Judgment Motions published on the Fourth Judicial Circuit website.

FC-E Requests for an Evidentiary Hearing – please see Division CV-E Policies and Procedures at VI and Procedures for Scheduling and Hearing Motions Requiring Evidentiary Hearing published on the Fourth Judicial Circuit's website.

2. **Memo for Setting Non-Jury Trials:** Non-jury trials in residential mortgage foreclosure cases may be scheduled by emailing a completed NJT Trial Memo to the Case Management Office. A non-jury trial in foreclosure court is set as for a time-certain, in-person hearing. The form can be found here: <https://www.jud4.org/Ex-Parte-Dates-Judge-s-Procedures/Duval-Judges.aspx>. The moving party shall submit the memo by email to the Case Management Office and copy all other attorneys and pro se parties. These communications may be made by email to **DuvalFC@coj.net**.
3. **Hearing Dates:** Hearing dates will be provided but are NOT secured until confirmation is sent from the Case Management Office. Until the parties have agreed on a date, hearing dates provided by the Case Management Office are NOT held and may be given to others.
4. **Notices of Hearing:** The requesting party is responsible for filing and serving a proper Notice of Hearing.

5. **Consent Motions**: Many uncontested motions do not need to be set for a hearing. Such matters may include motions to appoint a GAL, motions to amend the complaint or other pleading, grant leave for or facilitate service of process, and motions to schedule or cancel a sale. **Motions to Disburse Surplus Proceeds will require an evidentiary hearing and should be scheduled for a 5-minute Case Management Conference first.** Consent Motions that do not require a hearing may be sent to the Court via E-Portal.

6. **Proposed Orders**: All proposed orders shall include the following language in the last paragraph of the order before **DONE** and **ORDERED**:

“Counsel for Plaintiff shall serve a copy of this Order, by regular mail, to all parties not receiving service of court filings through the Florida Courts E-Filing Portal and shall file a certificate of service in the court file.”

When an Order is entered by the Court, the Court will e-file the Order, which will be provided to counsel through the e-portal. It is Counsel for Plaintiff’s responsibility to serve copies to all parties that are not on the e-filing portal and file a Notice of Service with the Clerk of Court.

Should Counsel choose to send hard copies of the proposed order with pre-stamped, self-addressed envelopes, these should be sent to the attention of: Case Management, Room 7150.

7. **Bankruptcy**: Should any party file for federal bankruptcy protection, a Suggestion of Bankruptcy **MUST** be filed in the Court file.
8. **Initial Case Management Conferences**: The Case Management Office will be scheduling all cases for an initial Case Management Conference on or about 180 days from the date of filing the foreclosure action.

**For any procedures not covered in the above paragraphs, please refer to Division CV-E Policies and Procedures published on the Fourth Judicial Circuit website and be governed accordingly.**