

DIVISION FC-A PROCEDURES
FOR RESIDENTIAL FORECLOSURE CASES

For all newly filed cases, Plaintiffs are responsible for scheduling and noticing a CMC to take place within 120 days of the filing of the foreclosure action.

No later than **five business days before a CMC**, Plaintiffs shall submit the proposed CMC Order/Memo Form for that CMC, together with any other order, memorandum, or proposed judgment that pertains to that CMC by email to Sheryl Evans at sevans1@coj.net.

The CMC Order/ Memo form is located on the website of the Fourth Judicial Circuit under the heading of Foreclosure Division Judge's procedures. Failure to submit the CMC Order/Memo timely could result in your case being rescheduled to the next available hearing date.

Communications with the Court regarding getting hearing dates, to scheduling hearings, submission of proposed orders and other matters regarding residential foreclosure cases shall be made to **Sheryl Evans**, Judicial Assistant to The Honorable Waddell A. Wallace III, by email sevans1@coj.net or telephone at 904- 255-1252.

Any party may schedule and notice a specific motion or other matter for hearing at a Case Management Conference if the hearing is scheduled and noticed in compliance with the Florida Rules of Civil Procedure.

Foreclosure Divisions designation on cases: i.e. FC-A, FC-B, FC-C, FC-D, FC-E, FC-F, FC-G, and FC-H shall be included on all emails, pleadings, motions, notices, proposed orders and cover letters.

Division FC-A residential foreclosure proceedings will be conducted in **Courtroom 510** of the Duval County Courthouse. Appearances at foreclosure proceedings may be in-person or virtually through the <https://zoom.com> platform.

Courtroom 510 Meeting I.D. 908-706-6187

Courtroom 510 Dial in Number 1-888-788-0099 (toll free) (audio only)

Case Management Conferences in Division FC-A are typically conducted on Mondays. CMC's will be used to advise the court of the progress of each case, consider all non-dispositive motions pending and schedule future proceedings.

All actions taken at a CMC shall be recorded by the Court on a CMC Order/Memo Form. A sample of that form is located on the Circuit's website together with these procedures.

Plaintiffs shall complete the proposed CMC ORDER/Memo for each case for each CMC to the extent possible with information known **no later than four business days before a CMC**. Plaintiff shall e-file (with a Notice of Filing), the proposed CMC Order/Memo Form for that CMC, together with any other order, memorandum, motion, pleading or proposed judgment that pertains to that CMC.

Any Defendant may e-file (with a Notice of Filing) any other proposed judgment or order, memorandum, or motion pertaining to that CMC.

At the CMC, the Clerk of the Court shall provide copies of the proposed CMC ORDER/Memo and any additional documents pertaining to that CMC.

If served in accordance with the timing and other requirements of Rule 1.510, Florida Rules of Civil Procedure, dispositive motions may be scheduled at the time of the CMC's.

Many **uncontested** motions do not need to be set for a hearing. Such matters may include motions to appoint a GAL, amend the complaint or other pleading, grant leave for or facilitate service of process or schedule or cancel a sale. Motions to Disburse Surplus Proceeds should normally be noticed for hearing.

Proposed Orders

Submission of proposed orders to the Staff Assistant shall be made through the State of Florida's e-filing portal. The standard protocol for submitting such proposed order shall be followed.

All proposed orders shall include the following language and 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.