

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 3.305-10/08

IN RE: HOMESTEAD FORECLOSURE ACTIONS  
BY INSTITUTIONAL LENDERS

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Due to the dramatic increase in foreclosures, procedural assistance must continue to be afforded to both the plaintiff institutional mortgagee of homestead property ("lender") and the defendant owner mortgagor ("borrower").

**NOW, THEREFORE**, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

1. On or after November 1, 2008, an institutional mortgagee lender that files a complaint to foreclose a mortgage on homestead property must provide to the Clerk and Comptroller with the initial filing:
  - a. A Notice to Homeowner, a copy of which is attached to this Administrative Order as Exhibit "A".
  - b. A Plaintiff's Loss Mitigation Information Sheet, a copy of which is attached hereto as Exhibit "B", which includes the name, address, telephone number, and facsimile number of the office of the Plaintiff's representative who has the authority to re-work or otherwise modify the existing loan, along with the total amount due as of a stated date which date is no more than twenty days prior to filing.
  - c. A Defendant's Foreclosure Questionnaire, attached hereto as Exhibit "C".
  - d. A Financial Statement attached hereto as Exhibit "D."
  - e. A Notice of Compliance with Administrative Order No. 3.305-10/08, attached hereto as Exhibit "E".

The Plaintiff is to provide all the Exhibits for each and every summons to be issued. The Clerk and Comptroller will attach Exhibits "A", "B", "C" and "D" and "E", which have been provided by the Plaintiff, to each summons.

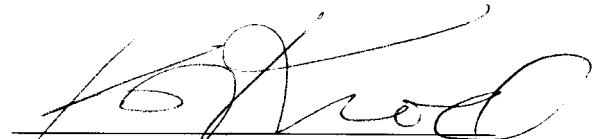
2. Borrowers/mortgagors seeking to modify their note and mortgage shall no later than fourteen (14) days after filing his/her response to the complaint, forward to counsel of record for the lender, the Defendant's Foreclosure Questionnaire, attached hereto as Exhibit "C", which shall include at a minimum short form financial affidavit, the last two years tax returns if available,

proof of current employment (three months wage slips or other proof) if available and proof that they are residing at the real property. The borrower shall file with the Clerk and Comptroller's Office a **Notice of Compliance** stating that the Defendant's Foreclosure Questionnaire was forwarded to counsel of record for the institutional mortgagee which form is attached hereto as Exhibit "E". A Defendant's Foreclosure Questionnaire shall not be filed with the Court.

3. Following receipt of a Defendant's Foreclosure Questionnaire, plaintiff's attorney shall deliver the Questionnaire to plaintiff for processing. Plaintiff shall not be entitled to proceed to a hearing on summary or final judgment until the plaintiff has responded to the defendant mortgagor's Questionnaire (Exhibit "C") request. The Notice of Hearing for the Motion for Summary or Final Judgment shall include a certification by the plaintiff's attorney that the Questionnaire was delivered to the plaintiff and a response was forwarded to the Defendant/Borrower. The response shall be in writing and if approved, shall provide directions to borrower as to how to further proceed.
4. Borrowers requesting a short-sale shall no later than fourteen (14) days after filing his/her response to the complaint, forward to counsel of record for the lender, copies of the proposed sale contract, proposed HUD-1 (settlement statement), and the name, address and phone number of the listing real estate agent or broker if applicable. The borrower shall file with the Clerk and Comptroller's Office a **Notice** stating that the Defendant's Foreclosure Questionnaire was forwarded to counsel of record for the institutional mortgagee which form is attached hereto as Exhibit "E". A Defendant's Foreclosure Questionnaire shall not be filed with the Court.
5. Irrespective of the above, either party may request mediation at any time.
  - a. If Mediation is ordered, the Mediator shall report to the Court the attendance of the parties at the mediation conferences, whether the Defendant owner(s) brought the required documentation, and whether the action was settled, continued or reached an impasse. Only after the report is filed may the action proceed to final judgment, unless good cause is demonstrated to the Court.
  - b. All verbal or written communications in the mediation proceeding shall be confidential and inadmissible in the subsequent legal proceeding pursuant to Chapter 44 Fla. Stat. and the Florida Rules of Civil Procedure, except as provided in the order to mediate, to enforce a settlement agreement, or to consider sanctions for non-compliance with a referral to mediation.
  - c. The Plaintiff Lender will complete a Certification of Settlement Authority a copy of which is attached hereto as Exhibit "F".
6. **Definitions.** The following definitions shall apply to this Order:
  - a. "Institutional Mortgagees"/"Lenders" are: banks; savings and loans; insurers; brokerages; Mortgage Electronic Registration System (MERS); mortgage brokers; developers as defined by either Chapter 718 or 720, Fla. Stat., entities which use any of the foregoing in their names, and, each of their subsidiaries, assigns and successors.

- b. Homestead property is real property for which a homestead exemption for real property taxation is shown in the records of the Property Appraiser of Palm Beach County, Florida's Property Appraiser's Public Access System twenty days before the action is filed.

10 **DONE AND SIGNED** in Chambers at West Palm Beach, Palm Beach County, Florida this day of October, 2008.



Kathleen J. Kröll, Chief Judge

**Note: Please read Exhibits B, C, D, & E**  
**IMPORTANT NOTICE TO HOMEOWNER**  
A FORECLOSURE ACTION HAS BEEN  
FILED AGAINST YOU  
YOU HAVE RIGHTS DURING THE FORECLOSURE

**LEGAL**

You are urged to seek legal counsel to protect your rights and your home. If you are able to afford an attorney, you may contact the Palm Beach County Bar Association Lawyer Referral Service at 561-687-3266 or 561-4513256 (Boca/Delray)

**If you cannot afford an attorney, you may contact your local legal aid or legal services provider.**

Legal Aid Society of Palm Beach County, Inc.	561-655-8944
Florida Rural Legal Services, Inc.	561-820-8902
	561-993-0003 (Belle Glade)

**HOUSING COUNSELING**

Acorn Housing Corporation	561-588-7618
Consumer Credit Counseling Services, Inc.	800-251-2227
Credit Card Management Services	561-472-8000
Delray Community Development Corporation	561-266-9840
Housing Partnership, Inc.	561-841-3500
Life Improvement for Tomorrow, Inc.	561-868-7026
Urban League of Palm Beach County, Inc.	561-833-1461
Hope Now	888-995-HOPE
Housing Leadership Council of Palm Beach County	561-653-4107

**One or more of the following options may be available to help you save your home. Contact a Housing Counseling agency to find out additional information.**

**Reinstatement:** Repayment of the total amount that you are behind in a lump sum payment.

**Forbearance:** Temporary reduction or suspension of your mortgage payments.

**Repayment Plan:** Agreement that allows the homeowner to repay the amount that you are behind gradually while making your regularly scheduled monthly payments.

**Loan Modification:** Written agreement that permanently changes one or more of the original terms of your mortgage to make the payments more affordable.

**Short Sale:** Lender may allow you to sell the home for less than the total amount owed on the mortgage. If lender agrees to the short sale, the remaining portion of the mortgage that exceeds the net proceeds from the sale will be written off by the lender.

**Deed-in-lieu of Foreclosure:** Lender will cancel the mortgage if the homeowner voluntarily transfers the title of the property to the mortgage lender.

**AVOID FORECLOSURE RESCUE SCAMS:** You may be contacted by individuals or companies that claim they can save your home from foreclosure. Please seek legal advice before you sign any documents or pay money to anyone offering to save your home from foreclosure. If you think that you have been a victim of a foreclosure scam, you may call one of the following numbers for assistance:

Florida Department of Financial Regulation	1-800-342-2762
Federal Trade Commission	1-877-382-4357
Office of the Attorney General	1-866-966-7266
Consumer Services Division of Florida Department of Agriculture	1-800-435-7352

**EXHIBIT "A" – NOTICE TO HOMEOWNER**

## **INFORMACION IMPORTANTE PARA LOS DUEÑOS DE VIVIENDA**

UN AVISO DE REPOSECION DE SU VIVIENDA SE HA INICIADO EN CONTRA SUYA USTED TIENE  
DERECHOS DURANTE EL PROCESO DE REPOSECION

### **LEGAL**

Usted debe buscar consejo legal para proteger sus derechos y su vivienda. Si usted puede pagar un abogado, puede contactar the Palm Beach County Bar Association Lawyer Referral Service al (561) 687-3266 ó (561) 451-3256 (Boca/Delrey).

**Si usted no puede pagar un abogado, puede contactar su agencia local de ayuda legal ó proveedor de servicios legales.**

Legal Aid Society of Palm Beach County, Inc.	561 655-8944
Florida Rural Legal Services, Inc.	561 820-8902
	561 993-0003 (Belle Glade)

### **AGENCIAS DE ASESORAMIENTO VIVIENDA**

Acorn Housing Corporation	561-588-7618
Consumer Credit Counseling Services, Inc.	800-251-2227
Credit Card Management Services	561-472-8000
Delray Community Development Corporation	561-266-9840
Housing Partnership, Inc.	561-841-3500
Life Improvement for Tomorrow, Inc.	561-868-7026
Urban League of Palm Beach County, Inc.	561-833-1461
Hope Now	888-995-HOPE
Housing Leadership Council of Palm Beach County	561-653-4107

Una ó más de las siguientes opciones estarán a su disposición para ayudarlo a salvar su casa. Contacte una agencia de Asesoramiento de Vivienda para encontrar información adicional.

**Reestablecimiento:** Reembolso de la cantidad total atrasada en un solo pago.

**Tolerancia/Paciencia:** Reducción o suspensión temporal de sus pagos de hipoteca.

**Plan de reembolso:** Acuerdo que permite al dueño de la vivienda pagar la cantidad que está atrasado gradualmente, mientras que hace el pago acordado o programado de su cuota mensual regularmente.

**Modificación del Préstamo:** Acuerdo escrito que cambia permanentemente uno ó mas de los terminos originales de su hipoteca, para hacer pagos que usted pueda pagar.

**Yenta Corta:** El banco puede permitirle vender su casa por menos del valor que usted debe de la hipoteca. El banco aprueba la venta corta, la porción restante de la hipoteca, después del valor de venta de la casa será asumida por el banco.

**Deed-in-lien of Foreclosure:** El banco cancelara la hipoteca si el propietario voluntariamente transfiere el título de propiedad al banco.

**EVITE ENGAÑOS SOBRE EL TRATAR DE SALVAR SU PROPIEDAD DE LA REPOSECION:** Usted puede ser contactado por individuos o compañías que ofrecen salvar su casa de la reposición. Por favor busque consejo legal antes de firmar cualquier documento o antes de pagar dinero a cualquiera que se ofrezca a salvar su casa de la reposición. Si usted piensa que ha sido victima de un engaño sobre la reposicion de su vivienda, puede contactar uno de los siguientes numeros para asistencia.

Florida Department of Financial Regulation	1-800-342-2762
Federal Trade Commission	1-877-382-4357
Office of the Attorney General	1-866-966-7266
Consumer Services Division of the Fla. Dept. Of Agriculture	1-800-435-7352

**Exhibit "A" - NOTICE TO HOMEOWNER**

**IMPORTAN POU MOUN KI GIN KAY  
MIN ACTION BANK YO PRAN POU YO SEZI KAY OU.  
GINYIN LWA POU MOUN TANKOU-W POU SI BANK YO TA VLE SEZI KAY OU**

LEGAL - NOU MANDE POU-W CHACHE YON AVOKA POU-W MANDE KI DWA OU GINYIN. SI OU GIN KOB POU-W PRAN YON AVOKA, OU MET RELE PALM BEACH COUNTY BAR ASSOCIATION LAWYER REFERRAL SERVICE NAN NIMERO SA 561-687-3266 OUBYEN 561-451-3256 (SI OU RETE DELRAY/BOCA RATON)

**SI OU PA GIN KOB POU YON AVOKA RELE:**

LEGAL AID SOCIETY OF PALM BEACH COUNTY, INC.	561-655-8944
FLORIDA RURAL LEGAL AID SERVICES, INC.	561-820-8902
	(BELLE GLADE) 561-993-0003

**COMPANI OU KA RELE POU-W MANDE INFORMASION**

ACORN HOUSING CORPORATION	561-588-7618
CONSUMER CREDIT COUNSELING SERVICES, INC.	800-251-2227
CREDIT CARD MANAGEMENT SERVICES	561-472-8000
DELRAY COMMUNITY DEVELOPMENT CORP.	561-266-9840
HOUSING PARTNERSHIP, INC.	561-841-3500
LIFE IMPROVEMENT FOR TOMORROW, INC.	561-868-7026
URBAN LEAGUE OF PALM BEACH COUNTY, INC.	561-833-1461
HOPE NOW	888-995-HOPE
HOUSING LEADERSHIP COUNCIL OF PALM BEACH COUNTY	561-563-4107

OU GINYIN YOUN OUBYEN PLUS OPTION KI KAPAB DISPONIBE POU EDE-W KINBE KAY OU  
**REINSTATEMENT:** POU-W PEYE TOUTE KOB OU TE DWE YO

**FORBEARANCE:** YAP REDUI OUBYEN SUSPANN KOB OU KONN PEYE KAY LA CHAK MWA POU YON TI TAN

**REPAYMENT PLAN:** YON PLAN KI PERMET MET KAY LA PEYE TOUTE KOB LI TE DWE YO AN TI MOSO EPI TOUTE KOB OU KONN PEYE CHAK MWA.

**LOAN MODIFICATION:** YON NOUVEL ANGAGEMENTAN SOU PAPIE KAP PERMET OU CHANGE KEK BAGAY NAN PREMIE ANGAGEMENTAN POU-W KAPAB PEYE KAY LA PI FASIL

**SHORT SALE:** ANPIL BANK KA PERMET OU POU-W VAN KAY LA POU YON TI KOB KI PI PITI KE SA OU DWE A. SI BANK LA ACEPTE ANPIL FWA YO PAP PENALIZE-W POU RES KOB YO PEDI A.

**DEED-IN-LIEU OF FORCLOSURE:** ANPIL FWA BANK YO ACEPTE POU-W TRANSFERE PAPIE KAY LA SOU NON YO POU YO KAPAB RETIRE KAY LA SOU NON-W

**POU EVITE VOLEUR:** TOUJOU CONTACTE YON MOUN OU BIEN YON AVOKA KI KAPABE EDE OU. PA SIYIN PAPIE EPI PA BAY KOB AK MOUN KI PA GINYIN YON KOMPANI KE GOUVERNEMAN REKONET. VEYE VOLEUR.

SI OU PANSE OU SE YON VIKTIM KI TE PRAN KOU DEJA NAN MEN YOUN NAN MOUN SA YO, OU MET RELE YOUN NAN NIMERO SA YO POU YO KA EDE-W.

FLORIDA DEPARTMENT OF FINANCIAL REGULATION	800-342-2762
FEDERAL TRADE COMMISSION	877-382-4357
OFFICE OF THE ATTORNEY GENERAL	866-966-7266
FLA. DEPT. OF AGRICULTURE	800-435-7352

**Exhibit "A" - NOTICE TO HOMEOWNER**

**PLAINTIFF/LENDER'S LOSS MITIGATION INFORMATION**

Lender's Name:

Phone Number:

Fax Number:

Address:

Amount Due:

**PLEASE BE ADVISED:** The "Amount Due" that is listed above is subject to change. The amount required to payoff the amounts due under your Note and Mortgage will be higher. In the event you request a modification of your loan, you will receive an updated breakdown of all amounts due to payoff or reinstate the Note and Mortgage. For more information on requesting a loan modification, please see the *Defendant/Borrower's Foreclosure Questionnaire (Exhibit "C")* and *Financial Statement (Exhibit "D")* documents which can be found on the attached pages.

This debt information is being provided pursuant to the Fifteenth Judicial Circuit's Administrative Order No. 3.305 10/08 (as amended)

EXHIBIT "B" - PLAINTIFF/LENDER'S LOSS MITIGATION INFORMATION

## **DEFENDANT BORROWER'S FORECLOSURE QUESTIONNAIRE**

**\*\*IF YOU WOULD LIKE TO REQUEST A LOAN MODIFICATION FROM YOUR LENDER, PLEASE COMPLETE THIS PAGE AND FOLLOW THE DIRECTIONS BELOW\*\***

Borrower(s) names(s): \_\_\_\_\_

Phone Number(s): \_\_\_\_\_ (daytime) \_\_\_\_\_ (evening)

Address: \_\_\_\_\_

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**DIRECTIONS: If you would like to request a loan modification from your lender, please fill out this page and follow the directions below:**

1. Submit clear **copies** of the following documents to Plaintiff/lender's attorney (the address can be found on the summons or on the last page of the Complaint for Foreclosure). Do NOT send the original or your only copies of documents.
  - a. Two years Tax Returns; **and**
  - b. Proof of Current Employment (three months wage slips or other proof); **and**
  - c. Proof that you reside in the property (ie: last month electric, phone or water bill)
2. Complete the attached **Financial Statement (Exhibit "D")**
3. **FOR SHORT SALE APPLICANT** (a sale on your home is pending):
  - a. Executed sales contract; **and**
  - b. Proposed HUD-1
4. **Return this form (Exhibit "C") and the above listed documents and the Financial Statement (Exhibit "D") to the Plaintiff:** Mail all necessary documents to the Plaintiff/Lender's Attorney whose address can be found on the Summons or on the last page of the foreclosure complaint.
5. **File the Attached Notice of Compliance (Exhibit "E") with the Clerk of Court:** Complete and send the attached Notice of Compliance (Exhibit "E") to the Clerk of Court: Circuit Civil Division, 205 North Dixie Highway, West Palm Beach, Florida 33401. Do NOT file the financial documents with the Clerk of Court.

**THIS IS NOT AN ANSWER TO THE COMPLAINT**

EXHIBIT "C"  
DEFENDANT/BORROWER'S FORECLOSURE QUESTIONNAIRE

**FINANCIAL STATEMENT**

**BORROWER INFORMATION**

Account # \_\_\_\_\_ Reason for Delinquency \_\_\_\_\_

Have you contacted a Consumer Credit Counseling Agency? \_\_\_\_\_

If "Yes" Agency Name and Contact Number: \_\_\_\_\_

Borrower Name: _____
Co-Borrower Name: _____
Mortgaged Prop. Address: _____
Mailing Address: _____
Home Phone: _____
Other Phone: _____

**EMPLOYMENT INFORMATION**

BORROWER

CO-BORROWER

Employer: \_\_\_\_\_

Employer: \_\_\_\_\_

Emp. Address: \_\_\_\_\_

Emp. Address: \_\_\_\_\_

Emp. Phone: \_\_\_\_\_

Emp. Phone: \_\_\_\_\_

Job Position: \_\_\_\_\_

Job Position: \_\_\_\_\_

**BANKRUPTCY INFORMATION**

Chapter Type: \_\_\_\_\_ Attorney Name: \_\_\_\_\_

Filing Date: \_\_\_\_\_ Phone #: \_\_\_\_\_

Case #: \_\_\_\_\_ Active: Yes: \_\_\_\_\_ No: \_\_\_\_\_

**ASSETS/LIABILITIES**

DESCRIPTION	ESTIMATED VALUE	AMOUNT OWED	NET VALUE
Primary Residence Address: _____	\$ _____	\$ _____	\$ _____
Number of dependents living on the property   _____			
Number of persons living on the property   _____			
Is the property listed for sale? _____ If Yes please list Agent name and contact phone number: _____			
Listing Price   \$ _____			
Other Real Property Address: _____			
Number of Automobiles Owned _____ Automobile			

EXHIBIT "D"

Make/Model:			
Automobile	\$	\$	\$
Make/Model:			
Bank Accounts --Checking:			
Bank Accounts - Savings:			
IRA/KEOGH Accounts:	\$	\$	\$
401K Savings Plan:			
Stocks / Bonds / CDs:			
Boats	\$	\$	\$
Cash Value of Life Insurance:			
Face Value of Life Insurance			
Collections / Art / Coins, Etc:	\$	\$	\$

Computers:			
Other:			
Other:			
Other:			
Other:			

**INCOME DATA**

DESCRIPTION	INCOME		TOTAL
Gross Salary / Wages:	\$	\$	\$
Overtime Pay:			
Commissions:			
Bonuses:	\$	\$	\$
Alimony / Child Support:			
Rental Property:			
Interest / Dividends: Savings Accounts:	\$	\$	\$
Life Insurance:			
Stocks/Bonds:			
"Less" Taxes: Federal Income Tax:	\$	\$	\$
FICA:			
State Income Tax:			
Other:	\$	\$	\$
Other Deductions (Specify):			
Other Income (Specify):			
Other Income(Specify):			
<b>NET INCOME:</b>	\$	\$	\$

DESCRIPTION	MONTHLY PYMT\$	BALANCE DUE	# MONTHS DELINQ.
Mortgage and Land Contract:	\$	\$	
Other Mortgage(s)			

Child Care			
Alimony / Child Support	\$	\$	
Automobile Loan:			
Automobile Loan:			
Finance Company:	\$	\$	
Installment:			
Other Loan (Specify):			
Visa:	\$	\$	\$
MasterCard:			
Other Credit Card (Specify):			
Other Credit Card (Specify):			
Cooperative (COOP) Fees:			
Garnishment/Levy:			
Hazard Insurance (rental & residence):			
HOA. Special Assessment:			
HOA / Condo Maintenance:			
IRS Tax Payment			
School Tuition:			
Taxes:			
Utilities (rental & residence):			
Automobile Insurance:			
Health Insurance:			
Life Insurance:			
Church:			
Club or Union Dues:			
Doctor/Dentist:			
Pharmaceutical Drugs:			
Hospital:			
Gasoline (Auto):			
Auto Maintenance:			
Monthly Parking:			
Food/ Groceries (Family):			
School or Work Lunches Purchased:			
New Clothes/Shoes:			
Dry Cleaning:			
Spending Money:			
Cable TV:			
Clubs, Sports & Hobbies:			
Entertainment (Movies, Dinner, Etc.):			
Vacations:			
Other (Please Specify):			
Other (Please Specify):			
Other (Please Specify):			
Other (Please Specify):			



IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO.: XX-XXXX-CA-XXXX

NAME,  
Plaintiff,

v.

NAME,  
Defendant.

\_\_\_\_\_ /

**DEFENDANT'S NOTICE OF COMPLIANCE WITH  
ADMINISTRATIVE ORDER NO. 3.305**

**PLEASE TAKE NOTICE** that the below named Defendant has complied with Administrative Order 3.305-10/08 by forwarding the Defendant's Foreclosure Questionnaire to Counsel of record for the Plaintiff this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

**I HEREBY CERTIFY** that a true and correct copy of this Notice of Compliance was sent to Plaintiff's counsel (include Plaintiff's Counsel this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

By: \_\_\_\_\_  
Borrower's Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address

**FILE THIS DOCUMENT WITH THE CLERK'S OFFICE –  
NO DOCUMENTS ARE TO BE ATTACHED TO THIS NOTICE**

**MAIL A COPY TO THE PLAINTIFF'S ATTORNEY**

**RETAIN A COPY FOR YOUR RECORDS**

Exhibit "E – NOTICE OF COMPLIANCE

IN THE CIRCUIT FOR THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO.:

Plaintiff,

vs.

Defendant.

\_\_\_\_\_:

**CERTIFICATION OF SETTLEMENT AUTHORITY**

THE UNDERSIGNED COUNSEL, as counsel of record in this cause and as an officer of the court, pursuant to the Administrative Order of the Chief Judge of the Fifteenth Judicial Circuit, does hereby certify as follows:

1. Mediation has been scheduled in this cause as ordered.
2. The plaintiff/lender will be represented by \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ by personal appearance.  
\_\_\_\_\_ by telephone at \_\_\_\_\_ (toll free phone # )
3. The plaintiff's representative's relationship to the plaintiff/lender is: \_\_\_\_\_  
\_\_\_\_\_
4. The undersigned has personally spoken with the above-designated representative and said representative has confirmed that the person has full settlement authority.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Bar Number: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Tel. No. \_\_\_\_\_