

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR HARDEE, HIGHLANDS, AND POLK COUNTIES FLORIDA**

ADMINISTRATIVE ORDER NO. 3-29.2

FORECLOSURE PROCEDURES

WHEREAS, foreclosure proceedings are most efficiently processed when reviewed by the Judges with the assistance of the attorneys filing them, and

WHEREAS, the attorneys are responsible for filing the correct affidavits and other necessary paperwork in order for the court to be in compliance with the granting of a summary final judgment and/or final judgment in a foreclosure action, and

WHEREAS, it is necessary, for the proper and effective administration of justice, that the Court maintain accurate records of attorney's filing for foreclosure hearings, it is hereby

ORDERED AND DIRECTED that

1. All attorneys filing in a foreclosure action shall affirm in the presence of a notary public in a separate affidavit that the following paperwork is accurate and in compliance with the **current** statutes, rules, and forms pertaining to each foreclosure issue, and filed with the Clerk of the Court:
 - a. Form 1.997 Civil Cover Sheet and section 28.241(1)(a)2.c., Fla. Stat. Original filing fee properly adjusted up or down to reflect the actual value of the claim in the Final Judgment;
 - b. Elements and Certification filed with the Complaint pursuant to Section 702.015, Fla. Stat., for cases filed on or after July 1, 2013;
 - c. Service of Process is completed on all parties, including any additional proof necessary for Constructive Service (i.e. (1) Attorney affidavit of diligent search and inquiry (Form 1.924) and (2) Publication of Notice of Action);
 - d. Was there a Guardian/Attorney Ad Litem appointed? If so, whom?;
 - e. The Motion for Final Judgment was completed. (1) Summary Final Judgment, (2) Order to Show Cause, or (3) other;
 - f. Affidavit of non-military service filed for defendants who have not answered;
 - g. Current Notice of Hearing to all parties;
 - h. Affidavits necessary for Final Judgment have been filed (i.e. (1) Affidavit of

Indebtedness, (2) Affidavit of Costs, (3) Affidavit of Attorney's Time, and (4) Affidavit of Attorney's Fees);

- i. Original Note and Mortgage filed with the Clerk or Affidavit of Lost Instrument(s) along with adequate protection, pursuant to Section 702.11, Fla. Stat.;
 - j. Whether the defendant is in bankruptcy; was discharged; or the Plaintiff obtained relief from the automatic stay. (Provide proof of relief);
 - k. There are no pending motions.
2. Attorneys shall use the attached Affidavit of Compliance (attached and incorporated herein as Attachment A).
 3. A copy of the Affidavit of Compliance shall be sent with the foreclosure packet to the judge.
 4. Administrative Order 3-29.1 is hereby vacated and superseded by this order.
 5. This order shall become effective upon entry.

DONE AND ORDERED in Polk County, Florida, this 27th day of August, 2013.

WM. BRUCE SMITH
Chief Judge

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

Plaintiff,

v.

Case No.:

Section:

Defendant(s).

_____ /

AFFIDAVIT OF COMPLIANCE WITH ADMIN. ORDER 3-29.2

STATE OF FLORIDA

COUNTY OF _____

On this date personally appeared before me, this undersigned authority, duly authorized to administer oaths and take acknowledgements, _____ Esq., who after being first duly sworn, upon his or her oath, deposes and states:

1. Original filing fee has been properly adjusted up or down to reflect the actual value of the claim in the Final Judgment:
 No additional fee required;
 Additional filing fee enclosed; or
 Plaintiff to get a refund from the Clerk of Court.
2. Elements and Certification were filed with the Complaint for cases filed on or after July 1, 2013, pursuant to Section 702.015, Fla. Stat.; or
 Elements and Certification not applicable as case filed before July 1, 2013.
3. Service of Process is completed on all parties and any and all proof has been filed in this action.

Name of Defendant	Date of Service and how Service was obtained (i.e. personal, substitute or constructive)	Date of proof of pub. for constructive service
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

ATTACHMENT A

4. A Guardian Ad Litem was or was not appointed in this case.
5. The Motion for Final Judgment was completed and filed:
 - Summary Final Judgment;
 - Order to Show Cause; or
 - Other.
6. Affidavit of Non-Military Service was or was not filed for defendants who have not answered.
7. Current Notice of Hearing was sent to all parties.
8. The following affidavits necessary for Final Judgment have been filed:
 - Affidavit of Indebtedness;
 - Affidavit of Costs;
 - Affidavit of Reasonableness; and
 - Affidavit of Attorney's Fees.
9. The Original Note and Mortgage were filed with the Clerk on _____ or an Affidavit of Lost Instrument(s) was filed on _____ and adequate protection is provided in the form of:
 - A written indemnification;
 - A surety bond;
 - A letter of credit;
 - A deposit of cash collateral; or
 - Such other security approved by the court.
10. Defendant did not file Bankruptcy.
 - Defendant filed Bankruptcy.
 - Bankruptcy discharged and I have provided proof.
11. There are no pending motions.

FURTHER AFFIANT SAYETH NAUGHT.

By: _____
 Name
 FL Bar#

Sworn to and subscribed before me this ____ day of _____, 20[]. The undersigned notary public specifies that Affiant's signature is the signature being notarized and that Affiant personally appeared before the notary public at the time of notarization. Affiant is personally known or produced identification. Type of identification produced _____.

 Notary Public-State of Florida

My Commission Expires: