

Polk County Courthouse
255 North Broadway
Bartow, Florida 33830



ELLEN S. MASTERS
JUDGE OF THE TENTH JUDICIAL CIRCUIT
STATE OF FLORIDA, COUNTY OF POLK
WWW.JUD10.FLCOURTS.ORG

Cheryl Register
Judicial Assistant
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CIRCUIT CIVIL DIVISION 08 PROCEDURES AND GENERAL INFORMATION

Mailing Address:	P.O. Box 9000, Drawer J-145 Bartow, FL 33831-9000
Hearing Room:	7D-1 (Seventh Floor, East Tower, Blue Elevators) Motion Hearings and Non-Jury Trials for Civil Div.
Courtroom:	7D (Seventh Floor, West Tower, Blue Elevators) Jury Trials (for Civil Division only)
Administrative Orders:	Copies of all Administrative Orders for the Circuit are available on our website at WWW.JUD10.FLCOURTS.ORG .
Docket Schedule:	Three weeks of motions and two weeks of jury trials. Non-Jury Trials are scheduled during motion weeks.

I. SCHEDULING, NOTICING, AND CANCELLING HEARINGS:

1. **SCHEDULING HEARINGS:** Please email the judicial assistant to obtain hearing times for a motion after the motion has been filed with the Clerk's office and, if the case has been closed, after the case has been reopened. Attempt to agree with all parties as to the time needed for each party to have a fair opportunity to be heard. After completing the above, send an email to cregister@jud10.flcourts.org (judicial assistant) providing the following information:

- a. The case number, style of the case, and the names of the attorneys involved;
 - b. The motion being set for hearing;
 - c. The agreed upon date and time for the hearing;
 - d. The agreed upon length of time being reserved for the hearing;
 - e. Whether the hearing is being set for an in-person or virtual hearing; and
 - f. The name of the individual(s) with whom the time was cleared. All hearing date/time slots shall be cleared with opposing counsel or parties. If counsel's good faith attempt to clear a hearing has been unsuccessful, the following language shall be required on the Notice: "The requested hearing date has not been cleared with opposing counsel's calendar because (factual statement)."
 - g. Be sure that any additional motions that have been considered for potential cross notices are not included in the above scheduling procedure without prior approval of the Court.
2. NOTICING HEARINGS: Do not send a Notice of Hearing until you receive e-mail confirmation from the judicial assistant advising that the date and time have been confirmed. Thereafter, be sure to:
- a. Provide a copy of the Motion that is to be heard, along with the Notice of Hearing by mail at least **5 days** in advance of the hearing.
 - b. Include in the Notice of Hearing the location of the hearing. In-person hearings are held at the Polk County Courthouse, 255 N. Broadway Avenue, Bartow, FL 33830, in Hearing Room 7D-1 (Seventh Floor, Blue Elevators). If the hearing will be held virtually (pursuant to Fla. R. Gen. Prac. & Jud. Admin. 2.530) include the following virtual information must be included on the Notice of Hearing:
- PLEASE TAKE NOTICE that the Hearing will take place remotely via Microsoft Teams Videoconferencing. Click the following link to join the hearing:
- [Click here to enter Polk Civil Division 08 Virtual Courtroom](#)
- This link is also accessible from Court Administration's web site through this procedure: Navigate through the browser to <http://www.jud10.flcourts.org/>. On the right side of the page, click "Click here for Polk County Virtual Courtroom Links", then click "Polk Circuit Civil", then click "Click here to enter Polk Civil Division 08 Virtual Courtroom".
- c. Never send a cross notice without prior approval of the Court.
3. CANCELING HEARINGS: Please **call or email** as soon as you learn that a hearing is no longer needed. If the case settles, you must still cancel any scheduled hearings that you have set on the Judge's calendar. Always:
- a. Keep in mind that only the party who set the hearing may cancel it, and it is that party's responsibility to file a written notice of cancellation of the hearing and to notify all participants of the cancellation, including court reporters and witnesses.

- b. Notify the judge's office as soon as possible if the length of a hearing is shortened so that the portion of the hearing time not needed may be offered to other litigants.
- c. Email (in addition to the above call or email) a copy of the Notice of Cancellation to the judge's office.

II. SUBMITTING PROPOSED ORDERS AND OBJECTING TO PROPOSED ORDERS:

1. SUBMITTING PROPOSED ORDERS: Always verify that your case number is correct and confirm the materials are being assigned to the correct Civil Division Judge prior to submitting the proposed order whether it is by e-portal or by U.S. mail.

- a. The following types of orders require submission of proposed orders by US Mail, express mail, or hand delivery with copies and stamped addressed envelopes for distributions due to clerical requirements regarding the processing of orders in these matters:

Writs (including Garnishments, Possession, Replevin, Bodily Attachment), Non-Foreclosure Orders to Show Cause, Orders to Reset Foreclosure Sales, Orders to Cancel and Reset Foreclosure Sales, Orders that Seal Documents, Sales of Structured Settlements, and Foreclosure Judgments (additional instructions regarding Foreclosure Judgments are set forth below).

The proposed orders that are mailed to the Court should be bound together by either a paperclip or binder clip. Do not staple the cover letter to the original proposed order.

- b. Except as provided above, orders shall be submitted through the e-portal as required in [Administrative Order No. 1-61.1](#) (hereinafter "AO 1-61.1"). The formatting and technical requirements set forth in AO 1-61.1 must be utilized. Proposed orders submitted through the e-portal that fail to comply with the requirements of AO 1-61.1 will be rejected and must be resubmitted.
- c. Pertinent motions submitted with a proposed order must have been e-filed prior to submission with the proposed order. The e-filing portal date/time filing stamp will be visible on the Motion if it has been correctly e-filed prior to submission.
- d. The order should have a full title containing the subject matter of the motion or pleading ruled upon (e.g., Order Granting Plaintiff's Motion to Compel, not just "Order").
- e. Include in the opening paragraph of the Order the hearing or trial date and the names of counsel and parties who were present at the hearing. If a party did not appear after having received proper notice of the hearing, the Order should so indicate.
- f. Always list at the bottom of the order the persons who are entitled to receive a copy. If the person(s) listed has/have not designated an email address, submit stamped, addressed envelope(s) for mailing to the persons(s) who will not receive a copy by email.
- g. When sending proposed orders, please be sure to send a transmittal letter showing that a copy of the letter and proposed order has been sent to opposing

counsel/unrepresented parties. Orders will generally be held for five (5) working days in order to give sufficient time for objections. If the cover letter indicates that there are no objections to the proposed order, the Judge may sign the order upon submission.

- h. All unopposed proposed orders submitted without a prior hearing must also be submitted with a copy of the motion and cover letter. If the Judge feels that a hearing is needed, the submitting attorney will be notified or the proposed order will be rejected with notice that a hearing is required. Proposed Agreed Orders being submitted without a prior hearing should be submitted with a cover letter and motion that clearly indicates that the order is agreed to as to substance and form. The title of the Order should include the term "Agreed".
 - i. Include all necessary information in your proposed order, as the Court will not fill in the blanks (hearing dates/attorney/etc.). Proposed Orders to Show Cause must include a final hearing date that is confirmed by email before submitting the proposed order for the Judge's consideration. If the proposed order is submitted with a blank for the final hearing date, it will be returned.
 - j. **Do not put the Judge's signature block on a page by itself.** Do not include a Certificate of Service on a proposed order to be completed by the judicial assistant.
 - k. Effective July 1, 2021, parties submitting orders are solely responsible for ensuring any confidential information contained in the filings is appropriately redacted or identified for redaction. All parties submitting an order, including attorneys and self-represented litigants, will be required to file a Notice of Confidential Information in circuit civil, county civil and small claims court cases when filing documents with Social Security numbers, bank account numbers, or other non-public information; identify the precise location(s) of confidential information within the document, including each page number on which it appears; and identify the type of confidential information or provision that applies to the identified information.
 - l. Specific Instructions for Foreclosure Cases is set forth in paragraph 3 below.
2. **OBJECTING TO PROPOSED ORDERS:** If you object to an order, contact the Judge's office immediately via email to slavoie@jud10.flcourts.org. Note that objections must be accompanied by a proposed order believed to more accurately reflect the judge's ruling. The objection and alternately proposed order must be submitted (with a copy to all other parties) within 5 working days of the date the objectionable order was originally submitted.

3. **RESIDENTIAL/COMMERCIAL FORECLOSURE INSTRUCTIONS:**

NOTE: FORECLOSURE CASES ARE NOT PROCESSED BY THE COURT OR CLERK VIA THE E-PORTAL PROCESSES OUTLINED ABOVE.

- a. Residential or commercial foreclosure Motions for Summary Judgment, Bench Trials, and Orders to Show Cause hearings should be scheduled during motion weeks and should be submitted to the Court according to the instructions below. FORECLOSURE CASES SHOULD NOT BE SUBMITTED VIA THE E-PORTAL DUE TO NECESSARY POST-JUDGMENT CLERICAL REQUIREMENTS AND PROCEDURES. On **ORDERS**

TO SHOW CAUSE YOU MUST HAVE THE HEARING DATE FILLED IN WHEN SUBMITTING THE PAPERWORK OR THE PACKET WILL BE RETURNED TO YOU. Thus, contact the Judicial Assistant for hearing times to include in OTSC packet.

- b. **All Foreclosure Motions for Summary Judgments, unopposed Bench Trials, and Orders to Show Cause** will be held via Microsoft Teams, unless otherwise approved by the Court.
- c. Once a Foreclosure Judgment is entered, the Clerk of Court will schedule the sale date, enter the date in the Judgment and copies, and distribute copies. **COUNSEL MUST INCLUDE IN THE FORECLOSURE PACKET SUFFICIENT COPIES AND PRE-STAMPED, CORRECTLY ADDRESSED ENVELOPES FOR ALL PERSONS ENTITLED TO RECEIVE A COPY OF THE JUDGMENT.**
- d. **Foreclosure packets for this docket shall be forwarded to our office a minimum of five (5) days prior to the hearing date.** All information readily available (i.e. attorney's fees and costs) should be completed. Our circuit requires the filing of a **notarized Affidavit of Compliance** in accordance with Administrative Order No. 3-29.2. A copy of the notarized *Affidavit of Compliance* **must be** included in the packet. **Failure to include this document will prevent the Final Judgment from being signed and processed.** All original documents must be filed with the Clerk of Courts. Do *not* send original documents with the packet.
- e. Orders to Show Cause regarding entry of Foreclosure Judgments **MUST include a final hearing date** that is obtained by email before submitting the packet for the Judge's consideration. If this is sent in with a blank for the final hearing date, **it will be returned with a memo directing the attorney to email for available dates and resubmit with the date filled in.**
- f. **EMERGENCY MOTIONS TO CANCEL SALES**, should be submitted via-email to: slavoie@jud10.flcourts.org, so that, if granted, they may be hand-delivered to the Clerk for processing PRIOR to the sale occurring. Non-Emergency Motions to Cancel Sales should be submitted by U.S. Mail, overnight mail or hand delivered, with copies and stamped address envelopes for clerk's distribution to parties. Plaintiff's motion shall include a proposed Order Cancelling the Sale.
- g. Motions to reset sales, or the resetting of a sale included in a Motion/Order Cancelling a Sale, **SHALL** include the following language:

The public sale is hereby rescheduled to take place online at www.polk.realforeclose.com at 10:00 a.m. on _____, 2023 after the requirements of Florida Statutes Section 45.031 have been complied with, no sooner than _____ days from the date hereof.
- h. **The Judge WILL NOT grant any Motions for Default Final Judgment on residential or commercial foreclosure cases without a properly noticed hearing.** The only exception to this would be if the Default Final Judgment was stipulated to by counsel/parties. A copy of the signed stipulation should be submitted along with the packet and filings would still need to be in compliance with local Administrative Order 3-29.2(which includes filing and providing a hard copy of a notarized Affidavit of Compliance).

III. FAXES AND EMERGENCY MOTIONS: The only documents that should be faxed to the judge's office are emergency motions. Requests for emergency relief must be brought to the judge's attention via fax or hand delivery. E-filing alone will not alert the Court that an emergency request has been filed. Always call to confirm that the fax was received by the person or office intended as the recipient.

1. Call or email to inform the judicial assistant that your office will be submitting an *Emergency Motion* for Judge Masters' consideration and then fax a copy of the *Emergency Motion* to the office. Failure to call the office before faxing the *Emergency Motion* will delay the processing of the *Emergency Motion*.
2. Emergency or expedited hearings are only set by the judge's office after consideration of the emergency motion and the judge directs that an emergency hearing be set.
3. Any emergency motion submitted for *ex parte* consideration, should clearly so state. Unless the *Emergency Motion* is being submitted *ex parte*, the fax shall include a cover letter that indicates that this submission has been copied to the opposing counsel/unrepresented party, who may send in a timely response per the procedure of this Judge's office. After reviewing the *Emergency Motion* and any response received from the other side, Judge Masters will decide whether a hearing should be advanced on the docket.
4. If an emergency or expedited hearing is not authorized, the motion may be set by the movant or any other party using the procedures set forth above for scheduling and noticing a hearing in the regular course.

IV. SCHEDULING TRIALS, MARKING TRIAL EXHIBITS AND JURY INSTRUCTIONS:

1. SCHEDULING TRIALS: The Scheduling of trials and the management of cases will be pursuant to the Florida Rules of Civil Procedure. Jury trials are scheduled during a two-week trial period. Non-Jury trials are scheduled during a three-week motion block. Trial counsel is expected to appear at the pre-trial conference. Remote appearance at the pre-trial conference is permitted. Mail a hard copy of the Pretrial Stipulation to the Judge's office five days prior to the Pre-Trial Conference.

2. MARKING TRIAL EXHIBITS FOR NONJURY TRIALS: Prior to any nonjury trial, all documents or other items intended for admission into evidence shall have exhibit identification information pre-marked in a form suitable for receipt into evidence. The exhibit labels may be affixed to the exhibits by sticker or inked stamp, and shall be in substantially the following format:

Case No. _____

Party _____ Exhibit No. _____

Admitted _____ Excluded _____

Date: _____

The party submitting the exhibit shall fill in all blanks on the label except “admitted” and “excluded”, and the date.

3. JURY INSTRUCTIONS: In accordance with the uniform Order Setting Pretrial Conference and Jury Trial and Directing Mediation, Plaintiff shall provide a complete set of proposed jury instructions and a proposed verdict form. Defendant shall provide only special instructions not included in Plaintiff's submission. The proposed instructions and proposed verdict form should be submitted to the Court in advance of the trial. Hearings on contested instructions should be scheduled well in advance of the trial.