

**IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO AND PINELLAS COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2013-081 PA/PI-CIR

RE: MORTGAGE FORECLOSURE CASE STATUS REPORTING REQUIREMENTS

The Foreclosure Initiative Data Collection Plan promulgated by the Office of the State Courts Administrator provides new reporting requirements and definitions for the status of a foreclosure case. The Supreme Court recently adopted Administrative Order AOSC13-51, which requires use of those definitions. That Administrative Order also requires each chief judge to issue an administrative order establishing a mechanism that enables judges to provide explicit direction to each clerk of court's office regarding the status of a foreclosure case for statistical reporting purposes.

In accordance with AOSC13-51 and Article V, section 2, Florida Constitution, Rule of Judicial Administration 2.215, and section 43.26, Florida Statutes, it is hereby

ORDERED:

1. The Pasco Clerk of the Circuit Court and the Pinellas Clerk of the Circuit Court (Clerks) are directed to comply with the Foreclosure Initiative Data Collection Plan and use the definitions and coding in that Plan as provided in AOSC13-51.
2. Whenever the following events occur in a mortgage foreclosure case, the Clerks are to record the case as inactive for reporting purposes:
 - a. A notice of a pending federal bankruptcy proceeding is filed in the case,
 - b. The Court has entered an order granting a motion to stay or abate,
 - c. A notice of appeal is filed,
 - d. The case is consolidated with a lower case number, or
 - e. An order is issued by the Court directing the Clerk to treat the case as inactive.

The Court may direct the Clerk to treat the case as inactive when:

 - i. Resolution of the foreclosure case requires resolution of a related case,
 - ii. There are on-going settlement negotiations, or there is an agreement of the parties,
 - iii. The Department of Justice or the Attorney General are conducting a document review, or
 - iv. Any other basis that is consistent with the definition of an inactive case.

When the events stated in (a) – (d) occur, the Clerk is to record the case as inactive without further order of the Court.

3. Whenever the following events occur in a mortgage foreclosure case, the Clerks are to reinstate the case as active for reporting purposes:
 - a. A federal bankruptcy court has lifted the bankruptcy stay and a copy of that order is filed with the Clerk,
 - b. A motion is filed,

- c. A notice of hearing is filed, or
- d. An order is issued by the Court directing the Clerk to treat the case as active.

When the events stated in (a) – (c) occur, the Clerk is to record the case as active without further order of the Court.

- 4. Parties to a mortgage foreclosure case are directed to notify the Clerk as soon as an event occurs that would change the status of a case.
- 5. The form order in Attachment A is available for judges when the judge determines that the case should be reported as inactive or if a matter specified in 2(a) – (d) occurs and the Clerk has not already placed the case on inactive status.

The form order in Attachment B is available for judges when the judge determines that a case should be reported as active or if a matter specified in 3(a) – (c) occurs and the Clerk has not already placed the case on active status.

DONE AND ORDERED in Chambers at Clearwater, Pinellas County, Florida, this ____ day of December 2013.

ORIGINAL SIGNED ON DECEMBER 10, 2013
BY J. THOMAS MCGRADY, CHIEF JUDGE

Attachment A: Form Order Placing Case on Inactive Status

Attachment B: Form Order Placing Case on Active Status

cc: All Judges
The Honorable Bernie McCabe, State Attorney
The Honorable Bob Dillinger, Public Defender
The Honorable Ken Burke, Clerk of the Circuit Court, Pinellas County
The Honorable Paula O’Neil, Clerk of the Circuit Court, Pasco County
Gay Inskeep, Trial Courts Administrator
Ngozi Acholonu, Assistant Regional Counsel
Nichole Alvarez-Sowles, Chief Operations Officer, Pasco County Clerk’s Office
Myriam Irizarry, Chief Deputy Director, Pinellas County Clerk’s Office
Lillian Simon, Director of Administrative Services, Pasco County
Bar Associations, Pasco and Pinellas Counties
Law Libraries, Pasco and Pinellas Counties
Mediation Managers, Inc.

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO/PINELLAS COUNTIES, FLORIDA
CIVIL DIVISION**

PLAINTIFF(S),

REF. NO:
UCC NO.:

vs.

DEFENDANT(S).

_____ /

**ORDER PLACING CASE ON INACTIVE STATUS
FOR STATISTICAL REPORTING PURPOSES**

1. This case came before the Court on its own motion.
2. The following event(s) has occurred in this case which require it to be reported as INACTIVE for statistical reporting purposes:

- Resolution of this case requires resolution of, Case No. _____.
- There are on-going settlement negotiations or there is an agreement of the parties.
- The Department of Justice or Attorney General are conducting a document review.
- Other _____.

3. The following event(s) occurred in this case and the Clerk has not reported the case as INACTIVE for statistical reporting purposes:

- A notice of a pending federal bankruptcy proceeding was filed.
- The Court has entered an order granting a motion to stay or abate.
- A notice of appeal was filed.
- The case was consolidated with Case No. _____.

THEREFORE IT IS ORDERED:

The Clerk of the Circuit Court is directed to remove this case from **ACTIVE** status, and designate it as an **INACTIVE** case for statistical reporting purposes only. This Order does not preclude a party from reactivating the case by filing any pleading authorized by the Rules of Civil Procedure. This Order does not authorize the Clerk to charge an additional fee.

DONE and **ORDERED** in _____ County, Florida, this ____ day of _____ 20____.

Circuit Judge

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO/PINELLAS COUNTIES, FLORIDA
CIVIL DIVISION**

_____,
PLAINTIFF(S),
vs.

REF. NO:
UCC NO.:

_____,
DEFENDANT(S).
_____ /

**ORDER RETURNING CASE TO ACTIVE STATUS
FOR STATISTICAL REPORTING PURPOSES**

1. This case came before the Court on its own motion.
2. The Court finds that this case should be reported as ACTIVE because:

3. The following event(s) has occurred in this case and the Clerk has not reported the case as ACTIVE for statistical reporting purposes:

- A federal bankruptcy court has lifted the bankruptcy stay and a copy of that order was filed with the Clerk.
- A motion was filed.
- A notice of hearing was filed.

THEREFORE IT IS ORDERED:

The Clerk of the Circuit Court is directed to remove this case from **INACTIVE** status, and designate it as an **ACTIVE** case for statistical reporting purposes only. This Order does not authorize the Clerk to charge an additional fee.

DONE and **ORDERED** in _____ County, Florida, this ____ day of _____ 20____.

Circuit Judge