
**RESIDENTIAL
FORECLOSURE
PROCEDURES**

Updated
01/25/2022

**NINETEENTH JUDICIAL CIRCUIT
COURT OF FLORIDA**

INDIAN RIVER COUNTY

CIRCUIT JUDGE JANET C. CROOM'S FORECLOSURE PROCEDURES

NINETEENTH JUDICIAL CIRCUIT AO 2021-05 MANDATORY: **CIVIL CASE MANAGEMENT AND RESOLUTION**

Compliance is required: Nineteenth Judicial Circuit, [Administrative Order 2021-05](#). The party initiating a civil action in this division must serve a case management plan and order with the summons and complaint. A fillable case management order is available on Judge Croom's web page. The completed case management plan and order must be submitted to Judge Croom by Plaintiff/Plaintiff's counsel for final approval no later than thirty (30) days after the last defendant is served with the complaint. For cases filed before April 30, 2021, the completed case management plan and order must be submitted to Judge Croom by Plaintiff/Plaintiff's counsel for final approval no later than February 28, 2022. For cases subject to a statutory stay or moratorium that prevents prosecution of the case, the completed case management plan and order must be submitted to Judge Croom by Plaintiff/Plaintiff's counsel within forty-five (45) days after the stay or moratorium ends or within thirty (30) days after service of the complaint or the last of all defendants (whichever date is later). For circuit civil cases where there has been proper service and a failure to submit the case management plan and order, absent good cause, **the case will be subject to dismissal without further notice.**

ALL hearings and non-jury trials (evidentiary and non-evidentiary) are remote via Zoom teleconferencing (without charge). Testifying participants (parties and witnesses) **MUST** appear by Zoom VIDEO; unless they have a Notary Public with them to administer an oath. Zoom login information **MUST** be included in every notice of hearing:

Phone (646) 558 8656
Meeting ID: 745 046 1040
Passcode: 123456

UMC is for any matter that can be heard in 10 minutes. Special set hearings are any hearing longer than 10 minutes. Please refer to Judge Croom's calendar posted at https://slccjis.stlucieco.gov/attorney_calendar/ to confirm and schedule hearings. You must register to obtain your User ID and Password on the site. Hearings are scheduled as follows:

1. Login
2. Hover over Calendar Assignments and Click on Case Assign.
3. Using Dropdown Menus SELECT Indian River for County and Judge Croom, Click on submit.
4. Click on date
5. Click on ASSIGN and chose your time

In compliance with the Florida Supreme Court requirements, **e-service is mandatory**, and service of process for all documents shall be made via the clerk of court e-portal. If a self-represented party does not have an email service address, that parties' physical service address shall be contained in any filed document, including but not limited to any motion, notice and any proposed order, and the moving party shall be responsible to serve such self-represented parties, **including executed orders**, via U.S. mail, and shall then **file a Certificate of Service on Self-Represented Party Compliance** when completed.

THIS OFFICE IS PAPERLESS. File the ORIGINAL PROMISSORY AND MORTGAGE with the Clerk of Court. DO NOT mail any documents to the Judge's office. Email any hearing documents to: IRCJudge2@circuit19.org no later than five (5) business days prior to any hearing.

PRE-HEARING:

- Motion for Summary Judgment and Notice of Hearing/Re-Notice of Hearing
- First page of complaint showing style of the case and Clerk's date of filing stamp and Last page of complaint showing verification (if filed after 2/10)
- All returns of service indicating service of summons on defendants (returns showing no service should not be submitted)
- Notice of dismissal/dropping party for any defendant served
- Any documents filed in the court file regarding status of any bankruptcy proceeding for any defendant
- Promissory note sued upon (showing any endorsements), with Notice of Filing
- Allonge or recorded assignments, with Notice of Filing
- Affidavit stating plaintiff was the owner and holder of the note at the time of filing and that the servicer has full authority to foreclose (with POA or pooling/servicing agreement)

- Affidavit of indebtedness
- Affidavit regarding attorney's fees by plaintiff's counsel
- Affidavit regarding attorney's fees by supporting expert
- Affidavit of costs
- [SCANNED COPY OF ADDING TAPE SHOWING VERIFICATION OF AMOUNTS](#)

POST-HEARING:

- Final Judgment **COMPLETED WITH FORECLOSURE SALE DATE** PROVIDED TO YOU BY THE CLERK OF COURT AT THE HEARING. Proposed judgments with blanks will not be entered. **Please see**, Administrative Order 2015-07 for the latest form of Final Judgment required in the 19th Judicial Circuit. This form is available online at www.circuit19.org.
- Final Disposition Form (properly completed, when case is complete)

ORIGINALS: TO THE CLERK OF COURT

- Promissory note and mortgage
- Proposed Certificate of Disbursements
- Proposed Certificate of Title along with sufficient addressed stamped envelopes for the Clerk to send out the Certificate of Disbursements and Certificate of Title

CANCEL/RESCHEDULE SALES/POSTPONE WRIT OF POSSESSION

The timing of a Motion to Cancel Foreclosure Sale must comply with Amended Administrative Order 2017-05, and the notice of hearing must be served on opposing counsel no later than **5 business days** prior to the scheduled sale. All motions to cancel sale (which must include the reason for cancellation, any supporting documentation, and the number of times the sale has been cancelled) and a proposed order in Word format must be emailed to IRCJudge2@circuit19.org no later than **5 business days** before the sale date. A sale may be cancelled *ex parte* with evidence of permanent modification (or payments made under temporary modification), short sale or bankruptcy. Sales that have been cancelled on more than one occasion will not be scheduled without a hearing unless good cause is shown. Failure to publish, pay sale fees or loss mitigation after Final Judgment are not good cause and will require a hearing accompanied with the consent or acknowledgement of the Plaintiff to reset the sale, along with the appropriate clerk's fees.

OKEECHOBEE COUNTY

CIRCUIT JUDGE REBECCA WHITE'S RESIDENTIAL FORECLOSURE PROCEDURES

COMPLIANCE WITH AO 2021-05 MANDATORY/ CIVIL CASE MANAGEMENT AND RESOLUTION: Please see [Administrative Order 2021-05; Compliance is required](#). The party initiating a civil action in this division must serve a case management plan and order with the summons and complaint. A case management order is available on Judge White's web page.

RESIDENTIAL FORECLOSURE MOTIONS REQUIRING 10 MINUTES OR LESS MAY BE SET ON REGULAR CIVIL UMC. THIS INCLUDES MOTIONS FOR SUMMARY JUDGMENT. ALL HEARINGS, INCLUDING UMC HEARINGS, MUST BE SCHEDULED USING THE ONLINE SCHEDULING CALENDAR.

If you have an appropriate motion that should be considered on an ex parte basis, you can mail the motion and proposed order, along with appropriate copies to be conformed and self-addressed stamped envelopes for mailing, to Judge White. *If you have an emergency in a residential foreclosure case, please e-mail a copy of the motion to molinam@circuit19.org for review.*

ALL HEARINGS THAT REQUIRE 15 MINUTES OR MORE MUST ALSO BE SCHEDULED using the online calendaring at https://slccjis.stlucieco.gov/attorney_calendar. You must register to obtain your user id and password on the site. When registering on this site please include your e-mail address.

At the time you file your Motion for Summary Judgment, please file the ORIGINAL PROMISSORY NOTE AND MORTGAGE with the Clerk (*however, if it is less than 20 days, you must bring them to the hearing*). **DO NOT SEND THE ORIGINALS TO THE JUDGE'S OFFICE. YOU MUST** use the Nineteenth Circuit's approved form for Final Judgment of Mortgage Foreclosure. You may find a copy of this form posted at www.circuit19.org.

The final judgment package, including your proposed final judgment (**with adding tape showing verification of the amounts**), must be received by Judge White at least **15 business days** prior to the scheduled hearing. **Please mail all packages to Judge White at the Okeechobee County Judicial Center, 312 N.W. 3rd Street, Courtroom "B", Okeechobee, Florida 34972.** Send four (4) sets of addressed, stamped envelopes with your package so that the Court can send out the final judgment and the Clerk will have the certificate of title and disbursements. **DO NOT** send the original note and mortgage with the package. The proposed final judgment shall contain the location and address where the

sale is to take place. When sending out this package you must include a cover memo stating the date of the hearing.

IF WE DO NOT HAVE YOUR COMPLETE FINAL JUDGMENT PACKAGE AT LEAST 15 BUSINESS DAYS PRIOR TO THE HEARING, YOUR SUMMARY JUDGMENT HEARING WILL NOT BE HELD AND YOU WILL BE REQUIRED TO RESCHEDULE.

Judge White’s hearings will be held at: Okeechobee County Judicial Center, 312 N.W. 3rd Street, Courtroom “B”, Okeechobee, Florida 34972.

ATTENTION – EFFECTIVE JANUARY 12, 2022 SALES IN OKEECHOBEE COUNTY WILL BE HELD ONLINE. PLEASE VISIT <https://okeechobee.realforeclose.com/>

6. **Sale of Property.** If the total sum with interest at the rate described in Paragraph 3 and all costs accrued subsequent to this judgment are not paid, the Clerk of the Court shall sell the property at public sale on _____, 20____ to the highest bidder for cash, except as prescribed in Paragraph 7, **by electronic sale at [Okeechobee sales begin at 11:00 a.m]. <https://okeechobee.realforeclose.com/>** in accordance with section 45.031, Florida Statutes. **The public sale shall not be postponed or canceled without a court order. All orders postponing or canceling the sale must be filed with the Clerk of Court no later than 5:00 p.m. five (5) business days before the sale date. Counsel for plaintiff must be certain that all sale and Clerk fees are paid and that the original proof of publication is filed no less than five (5) business days before the sale date. Failure to timely file the original proof of publication of the notice of sale and pay the sale and Clerk fees will stop the sale. Additionally, the failure of plaintiff's counsel to pay the sale fee and properly and timely publish the notice of sale may result in sanctions against the plaintiff, plaintiff's counsel individually, and the law firm representing the plaintiff.** Any electronic sale by the Clerk shall be in accordance with the written administrative policy for electronic sales published by the Clerk at the official website for the Clerk and posted in the public areas of the Clerk's offices.

MOTIONS TO CANCEL/RESCHEDULE SALES
(OKEECHOBEE COUNTY)

All motions to cancel must provide the reason for cancellation as well as a proposed order, with appropriate copies for conforming and self-addressed stamped envelopes for the parties. A sale may be cancelled ex parte by providing evidence of modification or short sale, bankruptcy or with the consent of all parties. Sales that have been cancelled on more than one occasion will not be rescheduled without a hearing unless good cause is shown. Failure to publish, pay sale fees or mitigation after Final Judgment are not good cause and will require a hearing accompanied with the consent or acknowledgement of the Plaintiff to reset the sale and that all loss mitigation efforts have been exhausted, along with the sale fee, new sale package and acknowledgment by the supervising attorney that proper procedures will be followed.

MOTIONS FOR SUBSTITUTION OF COUNSEL
(OKEECHOBEE COUNTY)

The court may grant Motions for substitution of counsel without a hearing if a valid stipulation signed by the attorneys, *and a valid written consent of the party are filed*. Copies of the motion, stipulation, consent, proposed order and self-addressed/stamped envelopes for mailing should be sent to Judge White.

APPEARANCE BY TELEPHONE
(OKEECHOBEE COUNTY)
(CURRENTLY VIA ZOOM)

At your designated hearing time, you will appear through Zoom teleconferencing (without charge) via video by clicking <https://zoom.us/j/3062714322> or phone by calling 1-646-558-8656; Meeting ID: 306-271-4322. Testifying participants (parties and witnesses) MUST appear by Zoom VIDEO; unless they have a Notary Public with them to administer an oath.

**19TH JUDICIAL CIRCUIT
REQUIRED SUMMARY JUDGMENT PACKET CONTENTS FOR
OKEECHOBEE RESIDENTIAL FORECLOSURE CASES**

Summary judgment packets submitted to the court **must** contain the following as a minimum for the case to proceed to a hearing:

COPIES ONLY (Originals should be sent to Clerk of Court for filing):

- Motion for Summary Judgment and Notice of Hearing/Re-Notice of Hearing
- First page of complaint showing the style of the case and Clerk's date of filing stamp and Last page of complaint showing verification (if filed after 2/10)
- All returns of service indicating service of summons on defendants (returns showing no service should not be submitted)
- Notice of dismissal/dropping party for any defendant not served
- Any documents filed in the court file regarding status of any bankruptcy proceeding for any defendant
- Promissory note sued upon (showing any endorsements)
- Allonge or recorded assignments
- Affidavit stating plaintiff was the owner and holder of the note at the time of filing and that the servicer has full authority to foreclose (with POA or pooling/servicing agreement)
- Affidavit of indebtedness
- Affidavit regarding attorney's fees by plaintiff's counsel
- Affidavit regarding attorney's fees by supporting expert
- Affidavit of costs
- Notice of Filing regarding original note, mortgage, assignments or allonges

ORIGINALS:

- Proposed Final Judgment
- Proposed Certificate of Disbursements
- Proposed Certificate of Title Final Disposition Form (properly filled out)

All Envelopes submitted for Okeechobee for foreclosure cases should have the following return address:

*The Honorable Rebecca White
312 NW 3rd Street, Courtroom B
Okeechobee, FL 34972*

Please submit the packets to:

*The Honorable Rebecca White
312 NW 3rd Street, Courtroom B
Okeechobee, FL 34972*

MARTIN COUNTY

CIRCUIT JUDGE GARY L. SWEET'S RESIDENTIAL FORECLOSURE PROCEDURES

COMPLIANCE WITH AO 2021-05 MANDATORY/ CIVIL CASE MANAGEMENT AND RESOLUTION: Please see [Administrative Order 2021-05](#); **Compliance is required.** The party initiating a civil action in this division must serve a case management plan and order with the summons and complaint. A fillable case management order is available on Judge Sweet's web page. The complete case management plan and order must be submitted to Judge Sweet by Plaintiff/Plaintiff's counsel for final approval no later than thirty (30) days after the last defendant is served with the complaint. For cases filed before April 30, 2021, the completed case management plan and order must be submitted to Judge Sweet by Plaintiff/Plaintiff's counsel for final approval no later than December 3, 2021. For cases subject to a statutory stay or moratorium that prevents prosecution of the case, the completed case management plan and order must be submitted to Judge Sweet by Plaintiff/Plaintiff's counsel within forty-five (45) days after the stay or moratorium ends or within thirty (30) days after service of the complaint or the last of all defendants (whichever date is later).

FORECLOSURE SUMMARY JUDGMENTS
(MARTIN COUNTY)

Hearings on motions for Summary Judgments in person or by CourtCall will be conducted:

January 20, 2022; February 17, 2022; March 31, 2022.

- 9:00 am – 9:30 am MSJ Hearings

All MSJ hearings will be scheduled on-line. These hearings are scheduled on-line at https://slccjis.stlucieco.gov/attorney_calendar/

1. Login
2. Hover over Calendar Assignments and Click on Case Assign.
3. Using the Dropdown Menus SELECT Martin County, and Judge Sweet Residential Foreclosure, Click on submit.
4. Click on date.
5. Click on ASSIGN (for 09:00 am, **MC FORECLOSURE MSJ Assignment**) to enter case details.

All residential mortgage foreclosure summary judgment packets for Martin County cases must be received at the address below no later than 10 business days in advance of the hearing.

*The Honorable Gary L. Sweet
100 East Ocean Boulevard
Stuart, FL 34994*

Please be advised, that all originals documents should be sent directly to the Clerk's office.

If complete packets are not received at least 10 business days in advance of the hearing, then you may be required to reschedule the hearing. These hearings are for Motions for Summary Judgment that require 5 minutes, if more time is needed please schedule your matter for a special set.

*You must contact Court Call at 888-882-6878 once your matter is scheduled to coordinate for telephonic appearances. Arrangements with Court Call must be made **at least 3 business days prior to the scheduled hearing.***

19TH JUDICIAL CIRCUIT

**REQUIRED SUMMARY JUDGMENT PACKET CONTENTS FOR
MARTIN RESIDENTIAL FORECLOSURECASES**

Summary judgment packets submitted to the court must contain the following as a minimum for the case to proceed to a hearing:

ORIGINALS:

- For **Martin County**: Proposed Final Judgment (with adding tape showing verification of the amounts) with copies of Final Judgment, 3 sets of addressed and stamped envelopes for all parties.

IF WE DO NOT HAVE THE PROPOSED FINAL JUDGMENT AT LEAST 10 BUSINESS DAYS PRIOR TO THE HEARING, YOUR SUMMARY JUDGMENT HEARING MAY NOT BE HELD AND YOU MAY BE REQUIRED TO RESCHEDULE.

Please submit the packets to:

*The Honorable Gary L. Sweet
100 East Ocean Boulevard
Stuart, FL 34994*

Please be advised, that all originals documents should be sent directly to the Clerk's office.

**UNIFORM MOTION CALENDARS (UMC)
HEARINGS REQUIRING NO MORE THAN 5 MINUTES
(MARTIN COUNTY)**

Every pleading and other paper of a party represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name – or by a party personally if the party is unrepresented. (Rule 2.515 RJA)

Short Hearing/Uniform Motion Calendars will be conducted:

January 18, 19, 2022; February 15, 16, 2022; March 30, 2022.

- 9:00 am – 09:30 am UMC Hearings

These hearings are scheduled on-line at https://slccjis.stlucieco.gov/attorney_calendar/

1. Login
2. Hover over Calendar Assignments and Click on Case Assign.
3. Using the Dropdown Menus SELECT Martin County, and Judge Sweet Residential Foreclosure, Click on submit.
4. Click on date.
5. Click on ASSIGN (for 9:00 am **UMC Assignment**) to enter case details.

*You must contact Court Call at 888-882-6878 once your matter is scheduled to coordinate for telephonic appearances. Arrangements with Court Call must be made **at least 3 business days prior to the scheduled hearing.***

Original motions and attachments shall be filed at the clerk's office before setting motions for hearings or mailing those to the Judge's office.

Please include the following language under the service list:

A COPY OF THIS ORDER IS BEING SERVED ON THE FOLLOWING PARTIES VIA THE E-FILING PORTAL: (Include parties with e-mail addresses) (Insert the moving party, e.g. PLAINTIFF'S, DEFENDANT'S, etc.) COUNSEL SHALL SERVE A COPY OF THIS ORDER ON THE FOLLOWING PARTIES IMMEDIATELY AND FILE A CERTIFICATE OF SERVICE IN THIS COURT FILE: (Include parties with physical addresses)

IMPORTANT: No evidentiary hearings or summary judgment hearings shall be set on Short Hearing/Uniform Motion Calendars.

If you want the court file at the hearing you must call the Clerk at least five business days prior to the hearing and request that the file be brought to the hearing.

Copies of all hearing notices, relevant motions and the proposed order must be sent by mail to the Judge's office five (5) working days prior to the hearing.

Any case law or statutes to be relied upon shall be submitted to the Court with the motion with relevant portions highlighted. You must give the opposing party notice of the hearing at least five working days prior to the hearing unless otherwise agreed to by the parties.

The proposed order shall include "granting/denying" language with at least five lines for additional provisions. Envelopes are no longer required. Instead, the order will be e-filed and the Movant's party shall be responsible for serving any party who has not provided an e-mail address with a copy of the Court's order and file a Certificate of Service into the

court file. Do not put “cc: all counsel of record” at the bottom of the proposed Order. Each party shall be individually named.

Please submit the packets to:

The Honorable Gary L. Sweet
100 East Ocean Boulevard
Stuart, FL 34994

SPECIAL SETS
HEARINGS REQUIRING MORE THAN 5 MINUTES
(MARTIN COUNTY)

Motions requiring a hearing of more than 5 minutes will be heard from 1:30 pm to 4:00 pm the following dates:

January 20, 2022; February 14, 17, 2022; March 31, 2022.

- 1:30 pm – 4:30 pm Special Sets Hearings

Special set hearing time over 1 hour may be obtained by contacting the Judge’s office.

Original motions and attachments shall be filed at the clerk’s office before setting motions for hearings or mailing those to the Judge’s office.

Do not set hearings and then not show up for them.

Too often, the court will set aside valuable court time for a special set evidentiary hearing, only to have no one show up for the hearing. No one even has the courtesy to call, or file a notice of cancellation. This hearing time is then unavailable to other litigants.

Hearings in excess of 30 minutes will *not* be canceled unless:

- (1) a hearing is held to continue the hearing for extraordinary and unforeseen grounds; or
- (2) the movant waives the relief requested in writing; or
- (3) a stipulation and order is submitted to the court for signature in advance of the hearing that fully resolves the issue(s), or
- (4) the case is fully resolved by settlement or otherwise, prior to the hearing date.

Failure to follow this procedure may result in sanctions, including loss of the privilege to appear by telephone; restrictions on the ability to set and notice hearings without specific

court approval; the entry of an order deeming the matter raised in the motion as waived; and for repeat offenders, referral to the Florida Bar. Setting hearings and not showing up for them might implicate Rules Regulating the Florida Bar, Rule 4-1.1, or Rule 4-1.3.

Every pleading and other paper of a party represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name – or by a party personally if the party is unrepresented. (Rule 2.515 RJA)

These hearings are scheduled on-line at:

https://slccjis.stlucieco.gov/attorney_calendar/

1. Login
2. Hover over Calendar Assignments and Click on Case Assign.
3. Using the Dropdown Menus SELECT Martin County, and Judge Sweet Residential Foreclosure, Click on submit.
4. Click on date.
5. Click on ASSIGN (for 1:30 pm **Special Set Assignment**) to enter case details.

You must contact Court Call for a Non-Evidentiary Special Set Hearing at 888-882-6878 once your matter is scheduled to coordinate for telephonic appearances. Arrangements with Court Call must be made at least 3 business days prior to the scheduled hearing.

APPEARANCE MUST BE IN PERSON FOR ANY EVIDENTIARY HEARING.

Copies of all hearing notices, relevant motions and the proposed order must be sent by mail to the Judge's office five (5) working days prior to the hearing.

Any case law or statutes to be relied upon shall be submitted to the Court with the motion with relevant portions highlighted. You must give the opposing party notice of the hearing at least five working days prior to the hearing unless otherwise agreed to by the parties.

The proposed order shall include “granting/denying” language with at least five lines for additional provisions. Please include the following language under the service list:

A COPY OF THIS ORDER IS BEING SERVED ON THE FOLLOWING PARTIES VIA THE E-FILING PORTAL: (Include parties with e-mail addresses)

(Insert the moving party, e.g. PLAINTIFF'S, DEFENDANT'S, etc.) COUNSEL SHALL SERVE A COPY OF THIS ORDER ON THE FOLLOWING PARTIES IMMEDIATELY AND FILE A CERTIFICATE OF SERVICE IN THIS COURT FILE: (Include parties with physical addresses)

Please submit the packets to:

*The Honorable Gary L. Sweet
100 East Ocean Boulevard
Stuart, FL 34994*

**EMERGENCY MOTIONS TO CANCEL FORECLOSURE SALE OR POSTPONE
WRIT OF POSSESSION
(MARTIN COUNTY)**

Emergency Motions to Cancel Foreclosure Sales or Postpone Writs of Possession **may not** require a hearing.

Please send via U.S. Mail under cover letter, the motion and the proposed order. Envelopes are no longer required. Instead, the Order will be e-filed and the Movant's party shall be responsible for serving any party who has not provided an e-mail address with a copy of the Court's order and file a Certificate of Service into the court file. Do not put "cc: all counsel of record" at the bottom of the proposed Order. Each party shall be individually named.

If hearing is scheduled, attorneys may attend by Court Call if arrangements are made through Court Call 5 business days prior to the scheduled hearing.

If the judge requires the matter to be set for hearing, it should be set during UMC or as otherwise directed by the Court.

IMPORTANT: The timing of the Motion to Cancel Foreclosure Sale must comply with Amended Administrative Order 2017-05 and the notice of hearing must be served on opposing counsel no later than 5 business days prior to the scheduled hearing.

Please submit the packets to:

*The Honorable Gary L. Sweet
100 East Ocean Boulevard
Stuart, FL 3499*

TRIALS
(MARTIN COUNTY)

NOTICES FOR TRIAL: All notices that the case is at issue and ready to be set for trial shall be emailed to Foreclosure@circuit19.org. If a courtesy copy of the filed Notice for trial is not sent to Foreclosure@circuit19.org it will be not be acted upon by the Court.

Trials may also be set by the Court at a Case Management Conference.

APPEAR IN PERSON ONLY: Trials and Evidentiary Hearings require in person appearance.

COURTCALL
(MARTIN COUNTY)

You may appear remotely for **all non-evidentiary proceedings using Courtcall**. Should any lawyer or party wish to participate remotely at any non-evidentiary proceeding before Judge Metzger, contact courtcall directly **at least 3 business days before the hearing date**.

MISCELLANEOUS
(MARTIN COUNTY)

MOTIONS WITHOUT HEARINGS: Some matters may be addressed by the court through a motion not requiring a hearing.

MOTIONS FOR SUBSTITUTION OF COUNSEL: The court may grant Motions for substitution of counsel without a hearing if a valid stipulation signed by the attorneys, and a valid written consent of the parties is filed.

Please send via U.S. Mail under cover letter, the motion and the proposed order. Envelopes are no longer required. Instead, the Order will be e-filed and the Movant's party shall be responsible for serving any party who has not provided an e-mail address with a copy of the Court's order and file a Certificate of Service into the court file. Do not put "cc: all counsel of record" at the bottom of the proposed Order. Each party shall be individually named.

MOTIONS FOR REHEARING AND/OR RECONSIDERATION: Upon filing said motion the moving party shall send a copy to the Judge for review. The copy of the motion sent to the Judge shall be accompanied by generic order granting/denying the motion, with at least five lines for additional provisions, a transmittal letter showing copies to all counsel and *pro se* parties. Envelopes are no longer required. Instead, the Order will be e-filed and Movant's counsel shall be responsible for serving any party who has not provided an e-mail address with a copy of the Court's Order. If the moving party fails to comply, any party may furnish a copy of the motion and the required documents to the Court. If the Court determines that a hearing is necessary, the movant will be advised to schedule a hearing and file appropriate notices. **Please do not set a Motion for Rehearing or Motion for Reconsideration for hearing without first receiving permission from the Court via a court order.**

Please submit the packets to:

*The Honorable Gary L. Sweet
100 East Ocean Boulevard
Stuart, FL 34994*

SAINT LUCIE COUNTY

CIRCUIT JUDGE ROBERT E. BELANGER FORECLOSURE PROCEDURES

(Residential and Commercial Mortgage Foreclosure, Home Owners Association /
Property Owner's Association Assessment Liens)

**EFFECTIVE JANUARY 2, 2022 and pursuant to Administrative Order 2021-13 the
presiding Judge for St. Lucie County Non-Jury Civil and Residential Mortgage
Foreclosures will be Judge Robert E. Belanger.**

COMPLIANCE WITH AO 2021-05 MANDATORY/ CIVIL CASE MANAGEMENT AND RESOLUTION: Please see [Administrative Order 2021-05](#);

Compliance is required. The party initiating a civil action in this division must serve a case management plan and order with the summons and complaint. A fillable case management order is available on Judge Metzger's web page. The complete case management plan and order must be submitted to Judge Metzger by Plaintiff/Plaintiff's counsel for final approval no later than thirty (30) days after the last defendant is served with the complaint. For cases filed before April 30, 2021, the completed case management plan and order must be submitted to Judge Metzger by Plaintiff/Plaintiff's counsel for final approval no later than December 3, 2021. For cases subject to a statutory stay or moratorium that prevents prosecution of the case, the completed case management plan and order must be submitted to Judge Metzger by Plaintiff/Plaintiff's counsel within forty-five (45) days after the stay or moratorium ends or within thirty (30) days after service of the complaint or the last of all defendants (whichever date is later).

FORECLOSURE SUMMARY JUDGMENTS
HEARINGS REQUIRING NO MORE THAN 5 MINUTES
(ST. LUCIE COUNTY)

Hearings on Motions for Summary Judgments will be conducted:

January 13, 27, 2022; February 10, 24, 2022; March 10, 24, 2022; April 7, 21, 2022.

- 9:00 am – 11:30 am MSJ Hearings

All MSJ hearings will be scheduled on-line. These hearings are scheduled on-line at https://slccjis.stlucieco.gov/attorney_calendar/. You may not schedule a hearing unless the motion has first been e-filed and docketed with the clerk of court. If you cancel a hearing, please cancel the hearing on the scheduler in addition to filing a notice of cancellation of hearing.

1. Login
2. Hover over Calendar Assignments and Click on Case Assign.
3. Using the Dropdown Menus SELECT St. Lucie County, and Judge Metzger, Click on submit.
4. Click on date.
5. Click on ASSIGN (for 09:00 am, 09:30 am, 10:00, 10:30 am, **SLC FORECLOSURE MSJ Assignment**) to enter case details.

All residential mortgage foreclosure summary judgment packets for St. Lucie County cases must be received at the address below no later than 10 business days in advance of the hearing.

The Honorable Robert E. Belanger
218 South Second Street
Fort Pierce, FL 34950

PLEASE SEE Amended Administrative Order 2017-05 for the latest form of Final Judgment required in the 19th Circuit. This form is available online at www.circuit19.org.

YOU MAY APPEAR REMOTELY VIA COURTCALL AT HEARINGS HELD ON MOTIONS FOR SUMMARY JUDGMENT.

You must contact CourtCall at least 3 business days prior to the scheduled hearing. If you do not contact CourtCall within 3 business days prior to your hearing, remote attendance may not be permitted.

These hearings are for Motions for Summary Judgment that require 5 minutes, if more time is needed, you must schedule your matter for a special set.

At the time you file your Motion for Summary Judgment, if you have not already done so, please file the ORIGINAL PROMISSORY NOTE AND MORTGAGE WITH THE CLERK. **DO NOT** send the originals to the Judge's office.

Do not send the Certificates of Title, Disbursement and Final Disposition along with the proposed Final Judgment.

IF WE DO NOT HAVE THE PROPOSED FINAL JUDGMENT AT LEAST 10 BUSINESS DAYS PRIOR TO THE HEARING, YOUR SUMMARY JUDGMENT HEARING MAY NOT BE HELD AND YOU MAY BE REQUIRED TO RESCHEDULE.

**19TH JUDICIAL CIRCUIT
REQUIRED SUMMARY JUDGMENT PACKET CONTENTS FOR ST.
LUCIE RESIDENTIAL FORECLOSURECASES**

Summary judgment packets submitted to the court must contain the following as a minimum for the case to proceed to a hearing:

- Proposed Final Judgment (with adding tape showing verification of the amounts) with copies of Final Judgment as well as addressed and stamped envelopes for all parties.
- The proposed Final Judgment must have the following link to the auction site: <https://www.stlucieclerk.com/auctions>.
- Please include the following language under the service list on the proposed Final Judgment:

A COPY OF THIS ORDER IS BEING SERVED ON THE FOLLOWING
PARTIES VIA THE E-FILING PORTAL: (Include parties with e-mail addresses)
(Insert the moving party, e.g. PLAINTIFF'S, DEFENDANT'S, etc.) COUNSEL
SHALL SERVE A COPY OF THIS ORDER ON THE FOLLOWING PARTIES
IMMEDIATELY AND FILE A CERTIFICATE OF SERVICE IN THIS COURT
FILE: (Include parties with physical addresses)

IF WE DO NOT HAVE THE PROPOSED FINAL JUDGMENT AT LEAST 10 BUSINESS DAYS PRIOR TO THE HEARING, YOUR SUMMARY JUDGMENT HEARING MAY NOT BE HELD AND YOU MAY BE REQUIRED TO RESCHEDULE.

Please submit the packets to:

*The Honorable Robert E. Belanger
218 South Second Street
Fort Pierce, FL 34950*

UNIFORM MOTION CALENDARS (UMC)
HEARINGS REQUIRING NO MORE THAN 5 MINUTES
(ST. LUCIE COUNTY)

Short Hearing/Uniform Motion Calendars will be conducted

January 10, 11, 12, 24, 25, 26, 2022; February 7, 8, 9, 21, 22, 23, 2022; March 7, 8, 9, 21, 22, 23, 2022, April 4, 5, 6, 18, 19, 20, 2022.

- 9:00 am – 10:00 am UMC Hearings

These hearings are scheduled on-line at https://slccjis.stlucieco.gov/attorney_calendar/. You may not schedule a hearing unless the motion has first been e-filed and docketed with the clerk of court. If you cancel a hearing, please cancel the hearing on the scheduler in addition to filing a notice of cancellation of hearing.

1. Login
2. Hover over Calendar Assignments and Click on Case Assign.
3. Using the Dropdown Menus SELECT St. Lucie County, and Judge Metzger, Click on submit.
4. Click on date.
5. Click on ASSIGN (for 9:00 am **UMC Foreclosure Assignment**) to enter case details.

*You must contact Court Call at 888-882-6878 once your matter is scheduled to coordinate for telephonic appearances. Arrangements with Court Call must be made **at least 5 business days prior to the scheduled hearing.***

A copy of the motion, notice of hearing, proposed order and cover letter must be mailed to the address below, no later than 5 business days prior to the scheduled hearing and the notice of hearing must be served on opposing counsel 5 business days prior to the scheduled hearing.

*The Honorable Robert E. Belanger
218 South Second Street
Fort Pierce, FL 34950*

Please include the following language under the service list:

A COPY OF THIS ORDER IS BEING SERVED ON THE FOLLOWING PARTIES VIA THE E-FILING PORTAL: (Include parties with e-mail addresses) (Insert the moving party, e.g. PLAINTIFF'S, DEFENDANT'S, etc.) COUNSEL SHALL SERVE A COPY OF THIS ORDER ON THE FOLLOWING PARTIES IMMEDIATELY AND FILE A CERTIFICATE OF SERVICE IN THIS COURT FILE: (Include parties with physical addresses)

Parties may attend UMC by CourtCall if arrangements are made through CourtCall at least 3 business days prior to the scheduled hearing.

IMPORTANT: No evidentiary hearings or summary judgment hearings shall be set on Short Hearing/Uniform Motion Calendars.

Any case law or statutes to be relied upon shall be submitted to the Court with the motion with relevant portions highlighted. You must give the opposing party notice of the hearing at least five working days prior to the hearing unless otherwise agreed to by the parties.

DEFENDANTS PRO-SE: If a pro-se party wishes to set a hearing on the online system, the pro-se party should request that the attorney on the other side of the case do so. The pro-se party should consult with the attorney to find a mutually agreeable time. If there is no attorney on the other side of the case, or if attorney does not agree that a hearing should be set, the pro-se party may call the court's judicial assistant and request that the court set the hearing. The judge will evaluate the situation and determine if a hearing should be set. If so, the court will set the hearing using the online system.

SPECIAL SETS
HEARINGS REQUIRING MORE THAN 5 MINUTES
(ST. LUCIE COUNTY)

Motions requiring a hearing of more than 10 minutes will be heard from 1:30 pm to 4:30 pm the following dates:

January 10, 13, 24, 27, 2022; February 7, 10, 21, 24, 2022; March 7, 10, 21, 24, 2022; April 4, 7, 18, 21, 2022.

- 1:30 pm – 4:30 pm Special Sets Hearings

Special Set hearings are scheduled on-line at:

https://slccjis.stlucieco.gov/attorney_calendar/. You may not schedule a hearing unless the motion has first been e-filed and docketed with the clerk of court. If you cancel a hearing, please cancel the hearing on the scheduler in addition to filing a notice of cancellation of hearing.

1. Login
2. Hover over Calendar Assignments and Click on Case Assign.
3. Using the Dropdown Menus SELECT St. Lucie County, and Judge Metzger, Click on submit.
4. Click on date.
5. Click on ASSIGN (for 1:30 pm **Foreclosure Special Set Assignment**) to enter case details.

For special set hearings in excess of 45 minutes, please e-mail a copy of the motion, proposed order for the court’s review and consideration, and if necessary, a hearing date/time in excess of 45 minutes will be provided.

Original motions and attachments shall be filed with the clerk’s office before setting motions for hearing.

Do not set hearings and then not show up for them.

Too often, the court will set aside valuable court time for a special set hearing, only to have no one show up for the hearing. No one even has the courtesy to call, or file a notice of cancellation. This hearing time is then unavailable to other litigants.

Hearings in excess of 45 minutes will **not** be canceled unless:

- (1) a notice of cancellation is filed at least five (5) business days before the hearing (**if** you intend to reset the motion for hearing); or
- (2) a motion to continue is filed and set for a hearing based upon extraordinary and unforeseen grounds; or

- (3) the movant waives the relief requested in writing; or
- (4) a stipulation and order is submitted to the court for signature in which fully resolves the issue(s) (so that the hearing does not need to be reset); or
- (5) the case is fully resolved by settlement or otherwise, prior to the hearing date.

Failure to follow this procedure may result in sanctions, including loss of the privilege to appear by telephone; restrictions on the ability to set and notice hearings without specific court approval; the entry of an order deeming the matter raised in the motion as waived; and for repeat offenders, referral to the Florida Bar. Setting hearings and not showing up for them might implicate Rules Regulating the Florida Bar, Rule 4-1.1, or Rule 4-1.3.

A copy of the motion, notice of hearing, proposed order and cover letter must be mailed to the address below, no later than 5 business days prior to the scheduled hearing and the notice of hearing must be served on opposing counsel 5 business days prior to the scheduled hearing.

*The Honorable Robert E. Belanger
218 South Second Street
Fort Pierce, FL 34950*

Pick and choose your fights wisely. Not every issue requires judicial intervention.

This is especially applicable to *discovery disputes*.¹ Litigants have an obligation to cooperate with respect to planning and executing discovery or resolving discovery

¹ Judges and litigants now routinely describe modern discovery as a "*morass*," "*nightmare*," "*quagmire*," "*monstrosity*," and "*fiasco*." In 2008, the American College of Trial Lawyers ("ACTL") Task Force on Discovery joined with the Institute for the Advancement of the American Legal System ("IAALS") to survey members of the ACTL on the role of discovery and any perceived problems in the United States civil justice system. Nearly 1,500 ACTL members responded, speaking with an average thirty-eight years of experience in civil litigation and with nearly equal representation of plaintiffs and defendants. An overwhelming majority of the survey participants reported that discovery has become an end in itself---a costly weapon used to "*bludgeon*" parties into settlements. The participants commented that attorneys, rather than clients, "drive excessive discovery." Forty-five percent of them believed that discovery is abused in "*almost every case*," Participants complained that "we have sacrificed the prospect of attainable justice for the many in the interest of finding that one needle in the . . . haystacks," and that "*the total lack of control of discovery . . . is killing civil litigation*."

Netzorg & Kern, *Proportional Discovery: Making it the Norm, Rather Than the Exception*, 87 Denv. U.L. Rev. 513, 515; see also, Nicholls, *A Proportional Response: Amending the Oregon Rules of Civil Procedure to Minimize Abusive Discovery Practices*, 89 Or. L. Rev. 1445 (2011); Therrien, *Talkin' 'Bout a Revolution?: Utah Overhauls Its Rules of Civil Discovery*, 2011 Utah L. Rev. 669 (2011).

disputes. A party cannot file a motion to compel with the court without first working cooperatively with the other party to resolve the dispute.

Any motion related to discovery (motions to compel, objections to discovery, motions for protective orders relating to discovery) **must** include a certification that the movant has in good faith conferred or attempted to confer with the party failing to act in an effort to obtain the answer or response without court action. In person or telephonic communications **between the attorneys** are preferred over written communications. See, Becker, *Civility: A Rational Approach to Combat Discovery Abuse*, Law Trends & News, Vol. 6, No. 1 (Fall 2009).

https://www.americanbar.org/content/newsletter/publications/law_trends_news_practice_area_e_newsletter_home/09_fall_lit_feat1.html

The certification **must** include a description of the communications held or attempted in attempting to resolve the matter, including the date, time, and participants in each communication. The certification **must** be in the motion not on the notice of hearing. This applies to any motion or objection of any kind relating to discovery.

No discovery motion will be heard where the parties did not comply with the foregoing procedures. Repeated violations of these procedures may result in the imposition of sanctions.

Hearings may **not** be specially set until the motion is **actually filed with the Clerk.**

Please include the following language under the service list:

A COPY OF THIS ORDER IS BEING SERVED ON THE FOLLOWING PARTIES VIA THE E-FILING PORTAL: (Include parties with e-mail addresses)

(Insert the moving party, e.g. PLAINTIFF'S, DEFENDANT'S, etc.) COUNSEL SHALL SERVE A COPY OF THIS ORDER ON THE FOLLOWING PARTIES IMMEDIATELY AND FILE A CERTIFICATE OF SERVICE IN THIS COURT FILE: (Include parties with physical addresses)

DEFENDANTS PRO-SE: If a pro-se party wishes to set a hearing on the online system, the pro-se party should request that the attorney on the other side of the case do so. The pro-se party should consult with the attorney to find a mutually agreeable time. If there is no attorney on the other side of the case, or if attorney does not agree that a hearing should be set, the pro-se party may call the court's judicial assistant and request that the court set the hearing. The judge will evaluate the situation and determine if a hearing should be set. If so, the court will set the hearing using the online system.

CANCELLING HEARINGS
(ST. LUCIE COUNTY)

Hearings which have been scheduled online (UMC) must be cancelled on the online calendar no later than 3:00 pm the day before the scheduled hearing. If the hearing is cancelled after 3:00 pm, the Notice of Cancellation must be emailed to Foreclosure@circuit19.org before the scheduled hearing time. If the hearing is not cancelled on the online calendar and/or we do not receive a Notice of Cancellation, the attorney who set the hearing will be considered a “no show” and online schedule privileges may be revoked as a result.

Special set hearings may not be cancelled less than five (5) days prior to the scheduled hearing date, without permission or order of the Court, unless the scheduled matter has been completely resolved (i.e. requiring no further hearing time).

MOTIONS TO CANCEL/RESCHEDULE SALES OR POSTPONE WRIT OF
POSSESSION
(ST. LUCIE COUNTY)

All motions to cancel sale (which must include the reason for cancellation, any supporting documentation, and the number of times the sale has been cancelled) proposed order and cover letter, signed by attorney **must be mailed to the address below**, no later than 5 business days prior to the sale date to the address below.

The Honorable Robert E. Belanger
218 South Second Street
Fort Pierce, FL 34950

A sale may be cancelled *ex parte* with evidence of permanent modification (or payments made under temporary modification), short sale or bankruptcy. Sales that have been cancelled on more than one occasion will not be scheduled without a hearing unless good cause is shown. Failure to publish, pay sale fees or loss mitigation after Final Judgment are not good cause and will require a hearing accompanied with the consent or acknowledgement of the Plaintiff to reset the sale, along with the appropriate Clerk’s fees.

If the judge requires the matter to be set for hearing, it should be set as directed by the Court. If a hearing is scheduled, attorneys may appear by *Court Call* if arrangements can be made at least 5 business days prior to the scheduled hearing.

Please include the following language under the service list:

A COPY OF THIS ORDER IS BEING SERVED ON THE FOLLOWING PARTIES VIA THE E-FILING PORTAL: (Include parties with e-mail addresses) (Insert the moving party, e.g. PLAINTIFF'S, DEFENDANT'S, etc.) COUNSEL SHALL SERVE A COPY OF THIS ORDER ON THE FOLLOWING PARTIES IMMEDIATELY AND FILE A CERTIFICATE OF SERVICE IN THIS COURT FILE: (Include parties with physical addresses)

IMPORTANT: The timing of the Motion to Cancel Foreclosure Sale must comply with Amended Administrative Order 2017-05 and the notice of hearing must be served on opposing counsel no later than 5 business days prior to the scheduled hearing.

TRIALS
(ST. LUCIE COUNTY)

NOTICES FOR TRIAL: All notices that the case is at issue and ready to be set for trial shall be emailed to Foreclosure@circuit19.org. If a courtesy copy of the filed Notice for trial is not sent to Foreclosure@circuit19.org it will be not be acted upon by the Court.

Trials may also be set by the Court at a Case Management Conference.

APPEAR IN PERSON ONLY: Trials and Evidentiary Hearings require in person appearance.

COURTCALL
(ST. LUCIE COUNTY)

You may appear remotely for **all non-evidentiary proceedings using Courtcall**. Should any lawyer or party wish to participate remotely at any non-evidentiary proceeding before Judge Metzger, contact courtcall directly **at least 3 business days before the hearing date**.

MISCELLANEOUS
(ST. LUCIE COUNTY)

COMMUNICATIONS WITH JUDGE'S OFFICE: Please do not ask the Court personnel to communicate any message to the Judge. This is prohibited *ex-parte* communication. The Court's staff is not permitted to relay *ex-parte* information to the Judge. This office can best respond to all communications via e-mail to: foreclosure@circuit19.org. E-mails must contain the case name, case number, subject matter and relevant date(s). Please ensure that all e-mails are also copied to all opposing counsel and/or *pro se parties* and indicate same in the body of your e-mail to prevent *ex-parte* communication to the Court.

The Packet must contain a copy of the motion that was e-filed and docketed, cover letter in pdf format and the proposed order in word format. Please include the following language under the service list:

A COPY OF THIS ORDER IS BEING SERVED ON THE FOLLOWING PARTIES VIA THE E-FILING PORTAL: (Include parties with e-mail addresses)
(Insert the moving party, e.g. PLAINTIFF'S, DEFENDANT'S, etc.) COUNSEL SHALL SERVE A COPY OF THIS ORDER ON THE FOLLOWING PARTIES IMMEDIATELY AND FILE A CERTIFICATE OF SERVICE IN THIS COURT FILE: (Include parties with physical addresses)

If counsel is asked to prepare an order, the order shall be drafted and circulated within 2 business days of the hearing, and submitted to the Court via e-mail to the Judicial Assistant, with a transmittal letter confirmation to all counsel and *pro se parties* within 7 business days of the hearing, advising the Court in writing of any objection to the form of the proposed order. The Court will not execute proposed orders, agreed orders, or stipulations without transmittal confirmation to all counsel of record and *pro se parties*. The transmittal letter shall be authored by counsel of record versus an office paralegal or other staff.

ORDER FILING & SERVICE: Orders are E-Filed and E-Served via the Clerk of Court's E-Filing Portal.

COURT REPORTERS: Fla. R. Jud. Admin. 2.535(b) requires that the party requesting a court reporter must arrange for and pay the reporting fees for any hearing or trial. This requirement shall not preclude taxation of costs as authorized by law.

MOTIONS WITHOUT HEARINGS: Some matters may be addressed by the court through a motion not requiring a hearing.

MOTIONS FOR SUBSTITUTION OF COUNSEL: The court may grant Motions for substitution of counsel without a hearing if a valid stipulation signed by the attorneys, and a valid written consent of the parties is filed.

EMERGENCY HEARINGS: If an emergency situation arises, counsel may request that a hearing be set on short notice. The body of the motion must contain a detailed explanation of the circumstances constituting the emergency as well as the substance of the motion. The motion must be e-mailed to the Court **before** a hearing will be set. The Court will review the motion and, if it is determined an emergency exists, the Judicial Assistant will contact counsel to set the hearing. In light of the short setting, opposing counsel may attend the hearing via Courtcall telephonic appearance if their schedule will not allow them to appear in person.

MOTION TO DISMISS and/or MOTION FOR MORE DEFINITE STATEMENT: All Motions to Dismiss filed pursuant to Fla.R.Civ.Pro.1.140 (b) and Motions for More Definite Statement filed pursuant to Fla.R.Civ.Pro.1.140 (e), will initially be considered by the court without a hearing. Motions to Dismiss must strictly comply with the requirements of the Rule in that the grounds and the applicable substantial matters of law shall be stated specifically and with particularity. Motions for More Definite Statement must strictly comply with the requirements of the Rule in that the motion must point out the defects complained of and the details desired.

Any party may furnish to the Court mail: the motion; a proposed completed order; and transmittal confirmation to all counsel of record and *pro se parties*. The copy shall be accompanied by a proposed *completed* order. The motion will be held for ten (10) days to give the opposing side the opportunity to reply. If it is determined that a hearing is necessary, the movant will be advised by the court to schedule a hearing and file the appropriate notice. If a hearing is not required, an appropriate order will be entered. No case dispositive ruling will be made without a hearing.

EX PARTE MOTIONS TO COMPEL: If a motion to compel discovery sets forth a complete failure to respond or object to discovery, the time for complying with the discovery request has lapsed, and there has been no request for an extension of time, an ex parte order may be entered requiring compliance with the original discovery demand within ten (10) days of the signing of the order. The motion must include a certification that the movant has conferred or attempted to confer with the attorney or person failing to make discovery in good faith so as to obtain the information without court action. Upon the filing of such motion, the moving party shall send the motion, proposed order and transmittal confirmation to the Court via mail.

MOTIONS FOR PROTECTIVE ORDERS: The filing of a motion for protective order, without presenting it to the Court, is insufficient. The party filing such order must email the motion to the Judicial Assistant, and set same for hearing.

MOTIONS FOR REHEARING, RECONSIDERATION OR NEW NON-JURY TRIAL: Upon the filing of such motion, the moving party **shall** send a copy to the Court for review via mail. The copy of the motion shall be accompanied by a proposed order and transmittal confirmation to all counsel. If the Court determines that a hearing is necessary, the movant

will be given dates and times to coordinate with opposing counsel or *pro se litigants*, and the movant must file the appropriate notices.

MOTION TO CONTINUE: Any motion to continue must comply with Florida Rule of Civil Procedure 1.460, including requirement of signature by the party requesting continuance. **Simply filing a motion to continue will not suffice to continue the case. Your case will not necessarily be continued because both parties agree.**