
**RESIDENTIAL
FORECLOSURE
PROCEDURES**

Updated
12/01/2022

**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.