

**IN THE COURTS FOR THE FIRST JUDICIAL CIRCUIT
STATE OF FLORIDA**

**ESCAMBIA COUNTY ADMINISTRATIVE DIRECTIVE ECAD2015-14
(*Vacates ECAD2015-10*)**

**IN RE: REFERRALS TO THE GENERAL MAGISTRATES IN FORECLOSURE
 CASES**

WHEREAS, Legislative funding for the Foreclosure Backlog Initiative expired June 30, 2015;
and

WHEREAS, the Foreclosure Backlog Initiative did not completely resolve enough cases to
return the circuit-wide inventory of such cases to pre-Backlog levels; and

WHEREAS, it is appropriate to reassign and restructure processes to continue efforts to use
established case management strategies to reduce the Backlog and avoid renewed growth of the Backlog;

ORDERED that:

1. Magistrate Keith A. McIver shall continue to be assigned to Escambia Division “W_.”
2. All open, newly opened, and re-opened **residential mortgage foreclosure cases** shall be
assigned to Division “W_.” The Clerk shall insert the present general jurisdiction, circuit
civil division alpha designator after the “W” designation as follows:

Residential mortgage foreclosure cases assigned to Division “A” shall be designated as
“WA.”

Residential mortgage foreclosure cases assigned to Division “C” shall be designated as
“WC.”

Residential mortgage foreclosure cases assigned to Division “D” shall be designated as
“WD.”

Residential mortgage foreclosure cases assigned to Division “E” shall be designated as
“WE.”

Residential mortgage foreclosure cases assigned to Division “F” shall be designated as
“WF.”

Residential mortgage foreclosure cases assigned to Division “J” shall be designated as
“WJ.”

Residential mortgage foreclosure cases assigned to Division “K” shall be designated as
“WK.”

Residential mortgage foreclosure cases assigned to Division “N” shall be designated as “WN.”

3. If one of the above-referenced divisions is no longer designated a circuit civil division, it shall be excluded from this directive until it is once again designated a circuit civil division.
4. Pursuant to Administrative Order No. 2015-59, effective January 4, 2016 Division “C” shall become a full General Jurisdiction division and Division “D” shall become a General Criminal division. Therefore, effective January 4, 2016 any foreclosure case assigned to Division “C” shall, effective January 4, 2016, be reassigned to Division “D.”
5. In any open, newly opened, and re-opened residential mortgage foreclosure cases assigned to Division “W_” in which no previous order of referral to the General Magistrate has been entered, the Clerk shall immediately issue the attached Order of Referral to General Magistrate.
6. If an objection to the Order of Referral to General Magistrate is filed, the Clerk shall immediately assign the matter back to the associated general jurisdiction division.
7. In any case in which constructive service has been utilized, the Magistrate shall have the discretion to refer the case back to the associated general jurisdiction division.
8. In any case in which a hearing lasting longer than one hour is required, the Magistrate shall have the discretion to refer the case back to the associated general jurisdiction division.
9. In any case in which the Magistrate refers the case back to the associated general jurisdiction division, the Magistrate shall immediately provide written notification to the Clerk for reassignment to the associated general jurisdiction division.
10. All orders stemming from the Magistrate’s recommendations and all final judgments shall be forwarded by the Magistrate to the judge of the associated general jurisdiction division.
11. As the Magistrate does not have the authority to enter substantive orders, all routine motions (such as motions to substitute counsel and motions to extend time) and expedited motions (such as motions to cancel sale and motions for stay of execution) shall be forwarded by the Magistrate to the judge of the associated general jurisdiction division.
12. The judge of the associated general jurisdiction division shall have the discretion to refer any routine motion that needs a hearing or any expedited motion that is not in need of expedited attention back to the Magistrate to handle.
13. The Clerk shall immediately issue the attached Pre-Trial Order on all newly opened and re-opened residential mortgage foreclosure cases assigned to Division “W_.”

14. All open and re-opened and newly filed non-residential and commercial mortgage foreclosure cases shall be assigned in random, equal order to the general jurisdiction, circuit civil divisions.
15. This directive shall be effective upon entry.

DONE AND ORDERED in Chambers, Pensacola, Escambia County, Florida this 18th day of December, 2015.

/S/ EDWARD P. NICKINSON, III

EDWARD P. NICKINSON, III
ADMINISTRATIVE JUDGE

Copies furnished to:

All Judges, Escambia County
Robin Wright, Trial Court Administrator
Honorable Pam Childers, Clerk of Court, Escambia County
Keith A. McIver, Magistrate

**IN THE CIRCUIT COURT
OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR ESCAMBIA COUNTY, FLORIDA
FORECLOSURE DIVISION**

_____,
Plaintiff,

vs.

Case No.:
Div.:

_____,
Defendant.

_____ /

ORDER OF REFERRAL TO GENERAL MAGISTRATE

THIS CASE IS REFERRED TO THE GENERAL MAGISTRATE on the following issues:

All issues related to this matter including, but not limited to, trials, case management conferences, motions for summary judgment, other motions and post-disposition proceedings.

IT IS FURTHER ORDERED that the above issues are referred to General Magistrate Keith A. McIver, for further proceedings, under the Florida Rules of Civil Procedure, Florida Rules of Judicial Administration, and current administrative orders of the Court. The Magistrate is authorized to administer oaths and conduct hearings, which may include taking of evidence, and shall file a report and recommendations that contain findings of fact, conclusions of law, and the name of the court reporter, if any.

A REFERRAL TO A MAGISTRATE FOR A RESIDENTIAL MORTGAGE FORECLOSURE MATTER REQUIRES THE CONSENT OF ALL PARTIES. YOU ARE ENTITLED TO HAVE THIS MATTER HEARD BEFORE A JUDGE. IF YOU DO NOT WANT TO HAVE THIS MATTER HEARD BEFORE A MAGISTRATE, YOU MUST FILE A WRITTEN OBJECTION TO THE REFERRAL WITHIN 10 DAYS OF THE TIME OF SERVICE OF THIS ORDER OR WITHIN THE TIME TO RESPOND TO THE INITIAL PLEADING, WHICHEVER IS LATER. IF THE TIME SET FOR THE HEARING IS LESS THAN 10 DAYS AFTER THE SERVICE OF THIS ORDER, THE OBJECTION MUST BE MADE BEFORE THE HEARING. FAILURE TO FILE A WRITTEN OBJECTION WITHIN THE APPLICABLE TIME PERIOD IS DEEMED TO BE CONSENT TO THE REFERRAL.

REVIEW OF THE REPORT AND RECOMMENDATIONS MADE BY THE MAGISTRATE SHALL BE BY EXCEPTIONS AS PROVIDED IN THIS RULE. A RECORD, WHICH INCLUDES A TRANSCRIPT OF PROCEEDINGS, MAY BE REQUIRED TO SUPPORT THE EXCEPTIONS.

YOU ARE ADVISED THAT IN THIS CIRCUIT:

Electronic recording is provided by the Court.

No Court Reporter is provided by the Court. A party may provide a court reporter at that party's expense.

IF YOU WISH TO SEEK REVIEW OF THE REPORT AND RECOMMENDATIONS MADE BY THE MAGISTRATE, YOU MUST FILE EXCEPTIONS IN ACCORDANCE WITH FLORIDA RULE OF CIVIL PROCEDURE 1.490(I). YOU WILL BE REQUIRED TO PROVIDE THE COURT WITH A RECORD SUFFICIENT TO SUPPORT YOUR EXCEPTIONS OR YOUR EXCEPTIONS WILL BE DENIED. A RECORD ORDINARILY INCLUDES A WRITTEN TRANSCRIPT OF ALL RELEVANT PROCEEDINGS. THE PERSON SEEKING REVIEW MUST HAVE THE TRANSCRIPT PREPARED IF NECESSARY FOR THE COURT'S REVIEW.

Plaintiff or Plaintiff's counsel shall provide a copy to any defendant who has not filed a notice of email address.

ORDERED this ____ day of _____, 20____ at Pensacola, Escambia County, Florida.

CIRCUIT JUDGE

[June 18, 2015]

In Re: Mortgage Foreclosure Case

PRE-TRIAL ORDER

Pursuant to Administrative Order 2015-24 for the First Judicial Circuit, State of Florida, this case shall be governed by the time frames set forth herein. These time frames are established by the Court and shall not be deviated from by the parties without prior court approval. In an effort to resolve these cases in a timely fashion while at the same time recognizing the due process rights of the parties, it is

ORDERED AND ADJUDGED as follows:

1. Upon the filing of all mortgage foreclosure actions, the Clerk of Court shall attach a copy of this Pre-trial Order to the original process or summons and the copy of the Complaint for service upon all defendants. At the same time, the Clerk of Court shall additionally serve a copy of this order on Plaintiff's attorney by e-service at the e-mail address furnished to the Clerk by Plaintiff's attorney. In the event the Plaintiff is *pro se*, the Clerk shall mail a copy of this order to the Plaintiff at the address set forth in the Complaint.
2. All discovery conducted on behalf of all parties shall be completed within one hundred twenty (120) days from date of service of this order.
3. A Motion to Dismiss, if any, shall be filed within twenty (20) days from date of service of this order or service of any Counter-Claim. Said motion shall be heard within thirty (30) days of filing the motion. All other motions directed at the pleading or service of process shall be filed within twenty (20) days from the date of this order or service of any Counter-Claim. Said motion shall be heard within thirty (30) days of filing the motion.
4. All other pre-trial motions, including a Motion for Summary Judgment shall be filed and heard within one hundred eighty (180) days from date of service of this order.
5. A Final Hearing shall be scheduled and heard no more than two hundred forty (240) days from date of service of this order.
6. The time frames set forth herein shall not be extended without prior court order.
7. Failure to comply with these time frames by any party may result in sanctions being imposed by the Court which may be available to the Court to enforce its order.
8. At the time a Motion for Summary Judgment is heard, Plaintiff's counsel (or local counsel appearing on behalf of Plaintiff) shall be prepared to provide the Court with all necessary documents (packet) for entry of a Final Judgment. Failure to provide a packet may result in a denial of motion.
9. Nothing contained herein shall affect the procedure required by §702.10, Florida Statutes, regarding an Order to Show Cause. All proposed Orders to Show Cause shall comply

with the requirements of §702.10(a), Florida Statutes.

DONE AND ORDERED in Chambers at Escambia, Florida, this _____ day of _____, 2015.

Circuit Court Judge

[June 18, 2015]