

MORTGAGE FORECLOSURE REQUIREMENTS
JOHN T. BROWN, CIRCUIT JUDGE, OKALOOSA COUNTY

REQUIREMENTS EFFECTIVE 2/15/10

The following documents *must accompany a motion for default judgment, motion for summary judgment or request for a final hearing in the foreclosure action*:

- Affidavit of Indebtedness (with supporting attachments)
- Affidavit of Costs (with supporting attachments)
- Attorney's Fee Affidavit
- Supporting Attorney's Fee Affidavit (original)
- Original Note and Mortgage (if not previously attached to the Complaint, or previously submitted by Notice of Filing)
- Original Assignment(s) of Mortgage (if not previously attached to the Complaint, or previously submitted by Notice of Filing)
- Affidavit of Lost Note and/or Mortgage (If original Note and/or Mortgage lost and Complaint includes Count to reestablish lost Note and/or Mortgage)
(hearing is required and counsel must appear at the hearing in person)
- Copies of warranty deeds, as applicable.

Motions for Summary Judgment - Scheduling Hearing:

PRIOR to contacting my Judicial Assistant the **FORECLOSURE FORM FOR FINAL HEARING** must be faxed to my office (850-609-3073) for review. When coordinating a hearing with my Judicial Assistant, the hearing date shall be scheduled **at least twenty (20) days after service** of the motion for summary judgment (at least 25 days if *service by mail*). See Fla. R. Civ. P. 1.510(c). All hearings are scheduled via conference call with ***all*** offices' of counsel of record present for the purpose of scheduling. Personal appearance is required at all MSJ hearings. If you use outside counsel, you must conference in said attorney at the time you schedule all MSJ hearings.

PLEASE SEND any *proposed* Final Summary Judgment of Foreclosure, Notice of Sale, Certificate of Sale, Certificate of Title, and other applicable papers **DIRECTLY TO THE CLERK'S OFFICE**.

Motions for Default Judgment - Scheduling Hearing: For a hearing on a motion for a default judgment, please call my Judicial Assistant at (850) 609-5416 to schedule the hearing. A proposed Final Default Judgment and all other necessary documents should be sent **DIRECTLY TO THE CLERK'S OFFICE**. Be advised a hearing is required regarding the award of attorney fees.

The moving party is responsible for issuing the notice of hearing.