

MORTGAGE FORECLOSURE REQUIREMENTS FOR JUDGE LAPORTE
WALTON COUNTY
(UPDATED 10/1/2012)

COUNSEL MUST APPEAR IN PERSON FOR HEARINGS
ON MOTIONS FOR FINAL SUMMARY JUDGMENT AND
FINAL HEARINGS. APPEARANCES FOR ALL OTHER
HEARINGS ARE AT THE JUDGES' DISCRETION.

EFFECTIVE OCTOBER 1, 2011, COUNSEL OF RECORD (HAVE FILED A NOTICE OF APPEARANCE IN THE CASE) MUST APPEAR FOR REPRESENTED PARTIES IN ALL FORECLOSURE, MOTION FOR SUMMARY JUDGMENT AND FINAL HEARINGS. ¹

IT IS THE RESPONSIBILITY OF COUNSEL OF RECORD FOR THE PLAINTIFF TO EXAMINE THE COURT FILE PRIOR TO THE SCHEDULED HEARING ENSURING THAT ALL DOCUMENTS HAVE BEEN FILED (*see checklist page 2*) AND THAT THE FILE IS READY FOR THE HEARING. IF THE FILE IS FOUND NOT TO BE READY, THE HEARING WILL BE IMMEDIATELY CANCELLED AND IT WILL BE COUNSEL'S RESPONSIBILITY TO RE-SCHEDULE THE MATTER FOR HEARING WITH THE ASSIGNED JUDGE.

IF A HEARING ON THE MOTION FOR SUMMARY
JUDGMENT IS HELD AND THE FILE IS NOT IN
PROPER ORDER, THE MOTION FOR SUMMARY
JUDGMENT WILL BE DENIED, THE PLAINTIFF'S
COUNSEL WILL BE FINED \$1,000.00, FEES AND COSTS
INCURRED BY THE DEFENDANT'S ATTORNEY WILL
BE ASSESSED AGAINST THE PLAINTIFF, AND THE
CAUSE WILL BE SET FOR FINAL EVIDENTIARY
HEARING.

NO FACSIMILE COPIES AUTHORIZED. COUNSEL SHALL REFRAIN FROM FAXING TO THE CLERK OF COURT'S OFFICE AND TO COURT'S CHAMBERS "ADVANCE", "INFORMATION ONLY" OR "COURTESY" COPIES, OF THEIR RESPECTIVE FILINGS -- ABSENT EMERGENCY MOTION OR EXTRAORDINARY CIRCUMSTANCES, OR WITHOUT EXPRESS AUTHORIZATION FROM THE COURT (AND ESPECIALLY WHERE THE FILING(S) EACH EXCEED FIVE (5) PAGES).

¹ Notice of Limited Appearance is not acceptable. The only Rules that allow such is in Family Law cases. Civil Rules of Procedure do not provide for such an animal.

HEARINGS WILL BE SCHEDULED ON A FIRST COME/FIRST SERVE BASIS VIA TELEPHONE CONFERENCE WITH THE ASSIGNED JUDGE'S OFFICE. THE JUDGE'S JUDICIAL ASSISTANT REQUIRES COUNSEL TO COORDINATE THE SCHEDULING OF HEARINGS WITH COUNSEL AND/OR PARTIES VIA CONFERENCE CALL. FACSIMILE REQUESTS AND E-MAIL REQUESTS FOR HEARING DATES WILL NOT BE ACCEPTED.

FAILURE TO COMPLY WITH THESE REQUIREMENTS COULD RESULT IN A DELAY IN RESOLUTION OF THE MATTER.

BELOW IS A CHECKLIST OF DOCUMENTS (PROVIDED AS A GUIDE) THAT SHOULD BE CONTAINED IN THE FILE AT THE TIME OF THE HEARING.

- ✓ Value of Real Property/Mortgage Foreclosure Form
- ✓ Certificate of Plaintiff re: Status of Residential Property
- ✓ Notice of Mediation, if applicable
- ✓ Report of Mediator/Mediation Report, if applicable.
- ✓ Motion for Summary Judgment, if applicable.
- ✓ Motion for Default Final Judgment, if applicable.
- ✓ Affidavit of Indebtedness (with supporting attachments)
- ✓ Affidavit of Costs (with supporting attachments)
- ✓ Attorney's Fee Affidavit (with supporting attachments)
- ✓ Supporting Attorney's Fee Affidavit (original)
- ✓ Attorney's Affidavit of Filing Supporting Documents
- ✓ Original Note and Mortgage (filed with a Notice of Filing—Certified Copies of
- ✓ Mortgage are acceptable only if certified true and correct copies by the **Walton County Clerk of Court**). If not filed 10 days before hearing the originals should be brought to court.
- ✓ Assignment(s) of Mortgage, if applicable
- ✓ Affidavit of Lost Note and/or Mortgage, if applicable. Should the Affidavit of Lost Note/Mortgage be found to be in proper form, Plaintiff shall post a bond in the amount of \$25, 000.00. The Final Judgment shall reflect in the last paragraph the following, "***Plaintiff herein agrees to indemnify and hold harmless Defendant (Borrower) from all loss, liability, costs, damages, reasonable attorney's fees and expenses arising out of the representations made in the Affidavit of Lost Note/Mortgage.***"
- ✓ Copies of warranty deeds, as applicable.

I. FINAL SUMMARY JUDGMENT PACKET: The Foreclosure Packet containing the proposed Final Summary Judgment of Foreclosure/Final Judgment of Foreclosure, Notice of Sale, Certificate of Sale, Certificate of Title and supporting affidavits shall be submitted directly to the court at the time of the hearing. Do not provide the Court with "advance or courtesy copies" of the Final Judgment package. In accordance with F.R.C.P. 1.080, please provide substantial copies of documents and self-addressed postage paid envelopes for mailing. **Do not provide the court "courtesy" copies of documents already filed in the court file.**

a. Form for Final Summary Judgment: (attachment 2) Any proposed final summary judgment ***must*** substantially conform to Form 1.996(a) (Final Judgment of Foreclosure), Florida Rules of Civil Procedure and Florida Statutes 45.031. The standard form must be revised to include the appropriate summary judgment language (and shall ensure all counts in the complaint are clearly addressed). Further, the parties may believe other changes to the standard form are necessary either based upon the facts of a particular case or as a matter of practice. For example, the Court also finds that the appropriate language to award reasonable attorney's fees in accordance with Florida Patients' Compensation Fund v Rowe, 472 So. 2d 1145 (Fla. 1985) may be inserted. **To assist the Court in easily identifying any changes (deletions or additions) to the standard Form 1.996 (a) beyond those identified above, the party submitting the proposed Final Summary Judgment shall in cover letter (attachment 1), identify and justify for the Court all changes to the standard form.**

b. Title Search Expenses: Based on the ordinary and reasonable charges prevailing in this area, the Court will award up to \$225.00 in aggregate for title search-related expenses. If more than \$225.00 is claimed, proof of the additional amounts must be submitted (i.e. copy of the invoice from the entity rendering service *and* proof of payment must be attached). Acceptable "proof of payment" includes, for example, a cancelled check or paid receipt. In addition, the movant shall file a cover letter justifying for the Court the expenses which exceed the ordinary and reasonable charges prevailing in this area.

c. Service of Process Expenses: Based on the ordinary and reasonable charges prevailing in this area, the Court will award **up to** \$40.00 per person or entity, unless unusual circumstances. If more than \$40.00 per person or entity is claimed, proof of the additional amounts must be submitted (i.e. copy of invoices and documentation regarding service of process and proof of payment must be attached). Acceptable "proof of payment" includes, for example, a cancelled check or paid receipt. In addition, the movant shall file a cover letter justifying for the Court the expenses which exceed the ordinary and reasonable charges prevailing in this area.

d. Final Disposition Form: (attachment 3) A completed Form 1.998 Final Disposition Form shall be submitted with the Final Judgment.

e. Clerk's Fees: Checks for payment of Clerk's fees should be included with the Final Judgment Packet or submitted to the Clerk's office immediately following the final hearing/summary judgment hearing. Questions regarding the Clerk's Requirements and Fees should be directed to the Walton County Clerk's Office at 850-892-8115 (civil department) or more information can be obtained at the Clerk's website at www.clerkofcourts.co.walton.fl.us.

II. OTHER INFORMATION: The Courts' requirements are self-explanatory. The Courts and their staff **WILL NOT GIVE ADDITIONAL DIRECTIONS BY TELEPHONE OR LETTER**. It is your responsibility to be familiar with the legal requirements of filing and proving a lawsuit. If you want to schedule a hearing without the information the Court requires, you may coordinate with the Judicial Assistant to set a ten (10) minute hearing. The Court will require personal appearance of counsel for this hearing. The moving office is responsible for issuing the notice of hearing.

III. CANCELLATION OF FORECLOSURE SALES: The Court requires a Motion and Order to cancel a foreclosure sale. [*attachment 4*, F.R.C.P. Form 1.996 (b)] Motions must be filed with the Clerk of Court and opposing counsel/party **five (5) days** prior to presenting to the court.

a. The Motion for Cancellation of Sale must constitute a genuine emergency, and be supported by meritorious reasons which fully apprise the Court of the circumstances;

b. The Motion for Cancellation of sale should be supported by exhibits or documentation establishing the grounds for cancellation.

c. Successive Motions to Cancel Sale should address a new basis for cancellation which justify another cancellation.

IV. WRIT OF POSSESSION: The Court requires a Motion and Order for the Clerk to issue a writ of possession.

a. Submission of a Motion for Writ of Possession and a copy of the certificate of title must be filed with the Clerk of Court and opposing counsel/party **five (5) days** prior to presenting to the court.

b. Proof of pre-eviction notice of compliance with the Protecting Tenants at Foreclosure Act of 2009, as applicable;

c. Submission of Notice of Hearing with the date of hearing in blank, together with sufficient copies and postage paid envelopes for all parties on the service list.

V. MOTION FOR RETURN OF BOND:

a. In cases in which the Court has imposed a bond to indemnify the borrower in lost note cases, The Plaintiff may seek return of the bond by motion submitted to the assigned Judge.

b. Return of the bond may be sought where:
1. The Original Note is located and delivered to the Court and cancelled. The bond should not be released until the Note is cancelled.
2. Where the statute of limitations has expired on an action on the Note/Foreclosure.
3. Upon written agreement of the parties.

c. Motion must be served upon all parties at least seven (7) business days prior to submission to the Court, and in those cases in which the Original Note is located, the motion should be noticed for hearing and the Original Note brought to the court for cancellation. We discourage parties from filling the Original Note in the court file at this time.

VI. DEFICIENCY JUDGMENTS:

- a. Motion required
- b. Current Appraisal required.
- c. Live testimony by appraiser required. (Attorney may use Request for Admissions, if filed in time and the defendant does not deny, in lieu of live testimony of appraiser.
- d. Affidavits of any cost incurred *after* the Final Judgment.
- e. Affidavits of any attorney fees incurred *after* the Final Judgment.
- f. Counsel must appear in person before the Court for the hearing.

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Attachments (4):

1. Form—Sample Cover Letter to Court (re: changes to standard form judgment; expenses)
2. Form--*proposed* Final Summary Judgment of Foreclosure [Form 1.996 (a)]
3. Form—Final Disposition Form [Form 1.998]
4. Form—*proposed* Motion to Cancel and Reschedule Foreclosure Sale [Form 1.996 (b)]

ATTACHMENT 1 SAMPLE/FORM COVER LETTER TO COURT

[Date]

The Honorable _____
Circuit Judge
Walton County Courthouse
571 U.S. Hwy. 90 East,
DeFuniak Springs, FL 32433

RE: **Plaintiff's Name v Defendants' Names**
County Case No. __-CA-XXXX

Dear Judge _____:

Please find enclosed a proposed Final Summary Judgment in the above-mentioned foreclosure case.

The following changes have been made to the standard Form 1.996 (a), Final Judgment:

- (1) At para. 5, the following words "....." have been added after the words "....." The reason for this change is: _____.
- (2) At para. 6, the last sentence which reads, "....." has been added. The reason for this change is: _____.
- (3) At para. 9, the words "....." have been deleted. The reason for this change is: _____.
- (4) Para. 14 is an additional paragraph and is necessary in this case for the following reason: _____.

Plaintiff claims title search expenses in the amount of [>\$225.00]. The expenses over \$225.00 are reasonable and necessary for the following reasons: _____.

Plaintiff claims service of process fees in the amount of [>\$40.00] for Defendant XXXXX. The reasons for these additional service fees are as follows: _____.

Sincerely,

ATTORNEY'S SIGNATURE BLOCK

cc: (Opposing counsel/parties)

ATTACHMENT 2

PROPOSED FINAL SUMMARY JUDGMENT OF FORECLOSURE
[in accordance with F.R.C.P. Form 1.996(a)]

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR WALTON COUNTY, FLORIDA
CIVIL DIVISION

[XXXXXXXXXXXXXXXXXX],
Plaintiff,

vs.

CASE NO. __-CA-000__

[DEFENDANT # 1; DEFENDANT # 2;
and DEFENDANT # 3];
Defendants.

_____ /

FINAL JUDGMENT

This action was tried before the court. On the evidence presented

IT IS ADJUDGED that:

1. Plaintiff,(name and address)....., is due

- Principal \$.....
- Interest to date of this judgment
- Title search expense
- Taxes
- Attorneys' fees
- Finding as to reasonable number of hours:
- Finding as to reasonable hourly rate:
- Other*:

(*The requested attorney's fee is a flat rate fee that the firm's client has agreed to pay in this matter. Given the amount of the fee requested and the labor expended, the Court finds that a lodestar analysis is not necessary and that the flat fee is reasonable.)

- Attorneys' fees total
- Court costs, now taxed
- Other:
- Subtotal \$.....
- LESS: Escrow balance
- LESS: Other
- TOTAL \$.....**

that shall bear interest at the rate of% a year.

2. Plaintiff holds a lien for the total sum superior to all claims or estates of defendant(s), on the following described property in **WALTON**. County, Florida:

(describe property or attached as Exhibit "A")

3. If the total sum with interest at the rate described in paragraph 1 and all costs accrued subsequent to this judgment are not paid, the clerk of this court shall sell the property at public sale on(date)....., to the highest bidder for cash, except as prescribed in paragraph 4, at the courthouse located at **571 U.S. Hwy 90 East, in Walton County in DeFuniak Springs**, Florida, in accordance with section 45.031, Florida Statutes., using the following method (CHECK ONE):

At(location of sale at courthouse; e.g., north door)....., beginning at(time of sale)..... on the pre-scribed date.

By electronic sale beginning at(time of sale)..... on the prescribed date at www.walton.realforeclose.com.(website).

4. Plaintiff shall advance all subsequent costs of this action and shall be reimbursed for them by the clerk if plaintiff is not the purchaser of the property for sale, provided, however, that the purchaser of the property for sale shall be responsible for the documentary stamps payable on the certificate of title. If plaintiff is the purchaser, the clerk shall credit plaintiff's bid with the total sum with interest and costs accruing subsequent to this judgment, or such part of it as is necessary to pay the bid in full.

5. On filing the certificate of title the clerk shall distribute the proceeds of the sale, so far as they are sufficient, by paying: first, all of plaintiff's costs; second, documentary stamps affixed to the certificate; third, plain-tiff's attorneys' fees; fourth, the total sum due to plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 1 from this date to the date of the sale; and by retaining any remaining amount pending the further order of this court.

6. On filing the certificate of sale, defendant(s) and all persons claiming under or against defendant(s) since the filing of the notice of lis pendens shall be foreclosed of all estate or claim in the property, except as to claims or rights under chapter 718 or chapter 720, Florida Statutes, if any. Upon the filing of the certificate of title, the person named on the certificate of title shall be let into possession of the property.

7. Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, writs of possession and deficiency judgment.

8. (if applicable) *Plaintiff herein agrees to indemnify and hold harmless Defendant (Borrower) from all loss, liability, costs, damages, reasonable attorney's fees and expenses arising out of the representations made in the Affidavit of Lost Note/Mortgage."*

IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THE FINAL JUDGMENT.

IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN 60 DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

[If the property being foreclosed on has qualified for the homestead tax exemption in the most recent approved tax roll, the final judgment shall additionally contain the following statement in conspicuous type:]

IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE CHECK WITH THE CLERK OF THE COURT, (WALTON COUNTY CLERK OF COURT) WITHIN 10 DAYS AFTER THE SALE TO SEE IF THERE IS ADDITIONAL MONEY FROM THE FORECLOSURE SALE THAT THE CLERK HAS IN THE REGISTRY OF THE COURT.

IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO HELP YOU CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ VERY CAREFULLY ALL PAPERS YOU ARE RE-QUIRED TO SIGN, ASK SOMEONE ELSE, PREFERABLY AN ATTORNEY WHO IS NOT RE-LATED TO THE PERSON OFFERING TO HELP YOU, TO MAKE SURE THAT YOU UNDER-STAND WHAT YOU ARE SIGNING AND THAT YOU ARE NOT TRANSFERRING YOUR PROP-ERTY OR THE EQUITY IN YOUR PROPERTY WITHOUT THE PROPER INFORMATION. IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT (LEGAL SERVICES OF NORTH FLORIDA, INC., 133 STAFF DRIVE, STE. B. FORT WALTON BEACH, FLORIDA 32548, (850) 862-3279) TO SEE IF YOU QUALIFY FINANCIALLY FOR THEIR SERVICES. IF THEY CANNOT ASSIST YOU, THEY MAY BE ABLE TO RE-FER YOU TO A LOCAL BAR REFERRAL AGENCY OR SUGGEST OTHER OPTIONS. IF YOU CHOOSE TO CONTACT (LEGAL SERVICES OF NORTH FLORIDA, INC., 133 STAFF DRIVE, STE. B., FORT WALTON BEACH, FLORIDA 32548, (850) 862-3279) FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED in Chambers at DeFuniak Springs, Walton County, Florida,
this ____ day of _____ 20__.

W. HOWARD LAPORTE
Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Final Summary Judgment has been
furnished to the following by regular U.S. Mail this ____ day of _____, 20__:

_____, ESQ.
[Street Address]
[City/State/Zip]
(Counsel for Plaintiff)
(E-mail address)

_____, ESQ.
[Street Address]
[City/State/Zip]
(Counsel for Plaintiff)
(E-mail address)

[List Name & mailing addresses of all other Defendants that are not represented by counsel.]
[Provide addressed postage paid envelopes for mailing.]

MARTHA INGLE
Clerk of Court

BY: _____
Deputy Clerk

***NOTE:** Paragraph 1 must be varied in accordance with the items unpaid, claimed, and proven. The form does not provide for an adjudication of junior lienors' claims nor for redemption by the United States of America if it is a defendant. The address of the person who claims a lien as a result of the judgment must be included in the judgment in order for the judgment to become a lien on real estate when a certified copy of the judgment is recorded. Alternatively, an affidavit with this information may be simultaneously recorded. For the specific requirements, see section 55.10(1), Florida Statutes; Hott Interiors, Inc. v. Fostock, 721 So.2d 1236 (Fla. 4th DCA 1998).*

**ATTACHMENT "A" TO FINAL JUDGMENT
(Legal Description of Property)**

ATTACHMENT 3-- FORM 1.998. FINAL DISPOSITION FORM

This form shall be filed by the prevailing party for the use of the Clerk of Court for the purpose of reporting judicial workload data pursuant to Florida Statutes section 25.075. (See instructions on the reverse of the form.)

I. CASE STYLE

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR WALTON COUNTY, FLORIDA
CIVIL DIVISION

[XXXXXXXXXXXXXXXXXX],
Plaintiff,

vs.

CASE NO. __-CA-000__

**[DEFENDANT # 1; DEFENDANT # 2;
and DEFENDANT # 3];
Defendants.**

_____ /

II. MEANS OF FINAL DISPOSITION (Place an "x" in one box for major category and one subcategory, if applicable, only)

- Dismissed Before Hearing
 - Dismissed Pursuant to Settlement – Before Hearing
 - Dismissed Pursuant to Mediated Settlement – Before Hearing
 - Other – Before Hearing
- Dismissed After Hearing
 - Dismissed Pursuant to Settlement – After Hearing
 - Dismissed Pursuant to Mediated Settlement – After Hearing
 - Other After Hearing – After Hearing
- Disposed by Default
- Disposed by Judge
- Disposed by Non-jury Trial
- Disposed by Jury Trial
- Other: _____

DATE _____

SIGNATURE OF ATTORNEY FOR PREVAILING PARTY _____

FORM 1.998. INSTRUCTIONS FOR ATTORNEYS COMPLETING FINAL DISPOSITION FORM

I. Case Style. Enter the name of the court, the appropriate case number assigned at the time of filing of the original complaint or petition, the name of the judge assigned to the case and the names (last, first, middle initial) of plaintiff(s) and defendant(s).

II. Means of Final Disposition. Place an “x” in the appropriate major category box and in the appropriate subcategory box, if applicable. The following are the definitions of the disposition categories.

(A) Dismissed Before Hearing—the case is settled, voluntarily dismissed, or otherwise disposed of before a hearing is held;

(B) Dismissed Pursuant to Settlement - Before Hearing—the case is voluntarily dismissed by the plaintiff after a settlement is reached without mediation before a hearing is held;

(C) Dismissal Pursuant to Mediated Settlement - Before Hearing—the case is voluntarily dismissed by the plaintiff after a settlement is reached with mediation before a hearing is held;

(D) Other - Before Hearing—the case is dismissed before hearing in an action that does not fall into one of the other disposition categories listed on this form;

(E) Dismissed After Hearing—the case is dismissed by a judge, voluntarily dismissed, or settled after a hearing is held;

(F) Dismissal Pursuant to Settlement - After Hearing—the case is voluntarily dismissed by the plaintiff after a settlement is reached without mediation after a hearing is held;

(G) Dismissal Pursuant to Mediated Settlement - After Hearing—the case is voluntarily dismissed by the plaintiff after a settlement is reached with mediation after a hearing is held;

(H) Other - After Hearing—the case is dismissed after hearing in an action that does not fall into one of the other disposition categories listed on this form;

(I) Disposed by Default—a defendant chooses not to or fails to contest the plaintiff’s allegations and a judgment against the defendant is entered by the court;

(J) Disposed by Judge—a judgment or disposition is reached by the judge in a case that is not dismissed and in which no trial has been held. Includes stipulations by the parties, conditional judgments, summary judgment after hearing and any matter in which a judgment is entered excluding cases disposed of by default as in category (I) above;

(K) Disposed by Non-Jury Trial—the case is disposed as a result of a contested trial in which there is no jury and in which the judge determines both the issues of fact and law in the case;

(L) Disposed by Jury Trial—the case is disposed as a result of a jury trial (consider the beginning of a jury trial to be when the jurors and alternates are selected and sworn);

(M) Other—the case is consolidated, submitted to arbitration or mediation, transferred, or otherwise disposed of by other means not listed in categories (A) through (L).

DATE AND ATTORNEY SIGNATURE. Date and sign the final disposition form.

ATTACHMENT 4—

MOTION TO CANCEL AND RESCHEDULE FORECLOSURE SALE

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR WALTON COUNTY, FLORIDA
CIVIL DIVISION

[XXXXXXXXXXXXXXXXXX],

Plaintiff,

vs.

CASE NO. __-CA-000__

**[DEFENDANT # 1; DEFENDANT # 2;
and DEFENDANT # 3];
Defendants.**

_____ /

MOTION TO CANCEL AND RESCHEDULE FORECLOSURE SALE

Plaintiff moves to cancel and reschedule the mortgage foreclosure sale because:

1. On _____ this Court entered a Final Judgment of Foreclosure pursuant to which a foreclosure sale was scheduled for _____, 20 .

2. The sale needs to be canceled for the following reason(s):

- a. _____ Plaintiff and Defendant are continuing to be involved in loss mitigation;
- b. _____ Defendant is negotiating for the sale of the property that is the subject of this matter and Plaintiff wants to allow the Defendant an opportunity to sell the property and pay off the debt that is due and owing to Plaintiff.
- c. _____ Defendant has entered into a contract to sell the property that is the subject of this matter and Plaintiff wants to give the Defendant an opportunity to consummate the sale and pay off the debt that is due and owing to Plaintiff.
- d. _____ Defendant has filed a Chapter Petition under the Federal Bankruptcy Code;
- e. _____ Plaintiff has ordered but has not received a statement of value/appraisal for the property;
- f. _____ Plaintiff and Defendant have entered into a Forbearance Agreement;
- g. _____ Other: _____

3. This foreclosure sale has/has not been previously cancelled and rescheduled. This case was previously cancelled and rescheduled on *{list dates and reasons for cancellation }* _____

4. If this Court cancels the foreclosure sale, Plaintiff moves that it be rescheduled.

Attorney Name
Fl. Bar #
Address
Phone #
E-mail address

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Final Summary Judgment has been furnished to the following:

_____, **ESQ.**

[Street Address]
[City/State/Zip]
(Counsel for Plaintiff)
(E-MAIL ADDRESS)

_____, **ESQ.**

[Street Address]
[City/State/Zip]
(Counsel for Plaintiff)
(E-MAIL ADDRESS)

NOTE. This form is used to move the court to cancel and reschedule a foreclosure sale.