

W. Lowell Bray, Jr.
Circuit Judge
(727) 847-8128




West Pasco Judicial Center
7530 Little Road
New Port Richey, FL 34654

State of Florida
Sixth Judicial Circuit

MEMORANDUM

TO: All Foreclosure Attorneys

FROM: W. Lowell Bray, Jr.
Circuit Judge 

SUBJECT: Foreclosure Practice

For the year 2009, I will be handling all foreclosures assigned to Division J3. In an effort to clarify how foreclosure matters are handled in the division assigned to me, the following is a list of "DO'S AND DON'TS" to assist you in your practice. Since the number of foreclosures being filed has greatly increased, these guidelines are being established in an effort to not waste the Court's or the attorney's time, or the client's money. You are, therefore, asked to **read and comply with these guidelines.**

1. **DO NOT** call to set your Summary Judgment hearing until all the parties are served, your Motion for Summary Judgment has been filed, and you have complied with Administrative Order 2008-081 PA/PI-CIR.
2. **DO NOT** attempt to amend a final judgment to reform the mortgage if a count for reformation of the mortgage is not included in the initial complaint.
3. **DO NOT** include bankruptcy fees or costs in your final judgment. **If you include those amounts in your judgment, you will be required to provide a new judgment with the amount deleted.**
4. **NOTWITHSTANDING ADMINISTRATIVE ORDER 2008-081 - DO NOT** include late fees in your final judgment. **If you include those amounts in your judgment, you will be required to provide a new judgment with the amount deleted.**
5. **DO NOT** attempt to amend a final judgment to include a mobile home, if that mobile home is not expressly included and described in the mortgage and the original complaint.
6. **DO NOT** seek appointment of a Guardian Ad Litem, Attorney Ad Litem for unknown heirs, or unknown parties, or once a party becomes known, when service has not been attempted, as these motions will not be granted. When it is appropriate to appoint a Guardian Ad Litem, Attorney Ad Litem, such attorney will be appointed from the Court maintained list, and only after receipt of an Affidavit of Diligent Search. Additionally, once an attorney is appointed, you must immediately serve a copy of the complaint by mail upon said attorney.