

**JUDGE THOMAS H. MINKOFF**  
**SECTION 8 INSTRUCTIONS AND JUDICIAL PRACTICE**  
**PREFERENCES**

***LAST UPDATED NOVEMBER 4, 2015***

545 1st Ave. N., Room 412  
St. Petersburg, FL 33701  
Phone (727) 582-7871  
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**PROFESSIONALISM AND CIVILITY**  
**ANYTHING LESS WILL NOT BE TOLERATED**

FAILURE TO ABIDE BY THE SECTION 8 INSTRUCTIONS AND JUDICIAL PRACTICE PREFERENCES MAY RESULT IN THE IMPOSITION OF SANCTIONS BY THE COURT, INCLUDING THE AWARDING OF ATTORNEY'S FEES. PARTIES ARE BOUND BY THE [STANDARDS OF PROFESSIONAL COURTESY FOR THE SIXTH JUDICIAL CIRCUIT](#).

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**IF YOU DO NOT HAVE A LAWYER:**

The Judicial Assistant (JA) CANNOT answer your legal questions. If you need a legal question answered, or need to talk to a lawyer, both the St. Petersburg Bar Association and the Clearwater Bar Association have a lawyer referral service so people can talk to a lawyer who can answer their legal questions. After the lawyer answers your legal questions, you do not have to hire the lawyer if you do not want to.

St. Petersburg Bar Association: (727) 821-5450

Clearwater Bar Association: (727) 461-4880

**REMAINING 2015 JURY TRIAL CALENDAR WEEKS**

*July 6 & 13*

*October 5 & 12*

*August 10*

*November 2*

*September 8*

*December 7*

**2016 JURY TRIAL CALENDAR WEEKS**

*January 4*

*July 11 & 18*

*February 1 & 8*

*August 1*

*March 7 & 14*

*September 12*

*April 4*

*October 10 & 17*

*May 2*

*November 7*

*June 6 & 13*

*December 5*

Calendar call is the first day of the first Jury Trial week in Courtroom B at 9:00 a.m., 4<sup>th</sup> Floor, St. Petersburg Judicial Building, 545 1<sup>st</sup> Ave. N., St. Petersburg, FL 33701.

**I. EX PARTE ORDERS**

**All parties must comply with these instructions, including the Practice Preferences beginning on Page 6.**

Rulings on all motions submitted ex parte are at the discretion of the Judge reviewing the motions and orders. The following is a list of motions that may be submitted ex parte (**without hearing** – see Practice Preferences for additional instructions):

- Motions for Substitution of Counsel (must comply with Fla.R.Jud.Admin. 2.505)
- Motions to Withdraw as Counsel (must comply with Fla.R.Jud.Admin. 2.505)
- Motions to Substitute Party Plaintiff
- Motions to Correct Scrivener’s Error
- Motion to Compel Discovery pursuant to [A.O. 2013-005 PA/PI-CIR](#)
- Agreed orders, including discovery matters
- Joint stipulations
- Motions for Extension of Time
- Motions to Amend Complaint
- Motion to Appoint Guardian ad Litem/Attorney ad Litem – Motion and Order must state the name and address of individual to be appointed
- Motions for Court Default

- Motions to Reset Foreclosure Sale
- Motion to Amend Certificate of Title to Correct Scrivener's Error
- Motions for Order to Show Good Cause
- Motions for Writ of Possession
- Motions for Voluntary Dismissal
- Motions for Rehearing/Reconsideration
- Motions to Vacate
- Pretrial Non-Evidentiary Motions pursuant to [A.O. 2015-043 PA/PI-CIR](#)

Ex Parte Orders must be sent to: Judge Thomas Minkoff, 545 1<sup>st</sup> Ave. N., Room 412, St. Petersburg, FL 33701. **If you submit a request for an ex parte order, DO NOT SET A HEARING UNTIL AFTER THE JUDGE DECIDES A HEARING IS NECESSARY.**

## II. UNIFORM MOTION CALENDAR (UMC)

All parties must comply with these instructions, including the Practice Preferences beginning on Page 6.

**TO OBTAIN HEARING DATES AND TIMES UNTIL JAWS IS AVAILABLE, PLEASE EMAIL JUDGE MINKOFF'S OFFICE AT: [Section8@jud6.org](mailto:Section8@jud6.org)**

**BEGINNING MARCH 2016, UMC CALENDARS WILL BE AVAILABLE TO BE SET ON-LINE THROUGH THE [JUDICIAL AUTOMATED WORKFLOW SYSTEM \(JAWS\)](#).**

**All hearings set through JAWS must be cleared with opposing counsel and noticed to all parties. If you are not an attorney, contact the Judicial Assistant to schedule a hearing on JAWS at (727) 582-7871.**

Motions will be heard in the following order:

- 1) Consents and Agreements
- 2) Unopposed
- 3) Withdrawal of Counsel, Substitution of Counsel, Continuances of Trial and Cancellations of Sale, regardless of whether consented to or unopposed
- 4) No Agreement

Parties are to appear fifteen (15) minutes prior to hearing time and must sign in with Court staff in **Courtroom A on the 4<sup>th</sup> Floor** (unless otherwise posted on Courtroom door) of the **St. Petersburg Judicial Building, 545 1<sup>st</sup> Ave. N., St. Petersburg, FL 33701.**

At the time of the hearing, the party scheduling the hearing is responsible for providing the Courtroom staff with photo-copies of the following documents:

- Notice of Hearing – Each counsel's name should be written beside their client in the case style *prior* to the start of the hearing
- Motion and pertinent documents or case law

- Proposed Order / blank order with complete service list, sufficient copies for all parties and one complete set of envelopes with sufficient postage for the service list

**Do NOT submit above documents to the Judge’s office prior to the hearing.**

EXAMPLES OF WHAT IS APPROPRIATE FOR A UMC INCLUDE BUT ARE NOT LIMITED TO:

- MOTIONS TO CANCEL SALE
- MOTIONS TO WITHDRAW
- MOTIONS FOR EXTENSION OF TIME
- MOTIONS TO FILE AMENDED COMPLAINT
- MOTIONS TO DISMISS
- MOTIONS TO SUBSTITUTE PARTY PLAINTIFF
- MOTIONS TO COMPEL
- MOTIONS FOR DEFAULT
- MOTIONS FOR SUBSTITUTION OF COUNSEL
- MOTIONS TO CONTINUE
- MOTIONS TO AMEND PLEADINGS
- DEFAULT FINAL JUDGMENTS (WITH NO UNLIQUIDATED DAMAGES OR ATTORNEY’S FEES REQUESTED)

EXAMPLES OF WHAT IS **NOT** APPROPRIATE FOR A UMC INCLUDE BUT ARE NOT LIMITED TO:

- MOTIONS FOR SUMMARY JUDGMENT
- DEFICIENCY JUDGMENTS
- MOTIONS IN LIMINE
- ANYTHING REQUIRING TESTIMONY OR EVIDENCE
- APPEARING TO SET A HEARING

**Do NOT set a hearing on a UMC to schedule a hearing on a motion.**

#### **APPEARANCE BY TELEPHONE**

- The Court does not have the equipment to effectively conduct phone hearings for mass calendars.

#### **CANCELLATION OF HEARINGS**

If a hearing is cancelled, a Notice of Cancellation must be filed with the Clerk’s office by the party who filed the Notice of Hearing and **a copy must be faxed to the JA at (727) 582-7271.**

### **III. SPECIAL SET HEARINGS**

**All parties must comply with these instructions, including the Practice Preferences beginning on Page 6.**

**TO OBTAIN HEARING DATES AND TIMES UNTIL JAWS IS AVAILABLE, PLEASE EMAIL JUDGE MINKOFF’S OFFICE AT: [Section8@jud6.org](mailto:Section8@jud6.org)**

**BEGINNING MARCH 2016, SPECIAL SET CALENDARS WILL BE AVAILABLE TO BE SET ON-LINE THROUGH THE [JUDICIAL AUTOMATED WORKFLOW SYSTEM \(JAWS\)](#).**

- Prior to setting a special set hearing, you must discuss the Motion with the interested parties and make a good faith effort to resolve the issue(s).
- Additionally, you must clear the hearing date with all interested parties and have previously electronically filed the Motion to the Clerk's office.
- Until the Motion(s) appears as filed on the Clerk's Docket, you CANNOT set the matter for hearing.

At the time of the hearing, the party scheduling the hearing is responsible for providing photocopies of the following documents:

- Notice of Hearing – Each counsel's name should be written beside their client in the case style *prior* to the start of the hearing
- Motion and pertinent documents or case law
- Proposed Order / blank order with complete service list, sufficient copies for all parties and one complete set of envelopes with sufficient postage for the service list

**Do NOT submit above documents to the Judge's office prior to the hearing.**

EXAMPLES OF MOTIONS THAT ARE SPECIAL SET INCLUDE BUT ARE NOT LIMITED TO:

- MOTIONS TO VACATE
- MOTIONS TO STRIKE AFFIRMATIVE DEFENSES
- MOTIONS TO VACATE FINAL JUDGMENT
- MOTIONS TO STAY ACTION
- MOTIONS FOR ATTORNEY'S FEES
- MOTIONS FOR SURPLUS FUNDS
- MOTIONS TO STRIKE COMPLAINT
- MOTIONS TO SET ASIDE

#### **APPEARANCE BY TELEPHONE**

- Telephone attendance may be allowed for non-evidentiary hearings, that do not exceed fifteen (15) minutes.
- When seeking permission to appear by telephone, you must ensure your request is in conformity with Fla.R.Jud.Admin. 2.530(c).
- The notice of hearing shall state that it is telephonic and identify all parties appearing by telephone.
- If more than one party is attending by telephone, one attorney shall be designated to coordinate the conference call and have all parties on the line prior to calling in.

#### **CANCELLATION OF HEARINGS**

If a hearing is cancelled, a Notice of Cancellation must be filed with the Clerk's office by the party who filed the Notice of Hearing and **a copy must be faxed to the JA at (727) 582-7271.**

#### **IV. NON-FORECLOSURE JURY TRIALS AND NON-JURY TRIALS**

**All parties must comply with these instructions, including the Practice Preferences beginning on Page 6.**

- Non-Foreclosure Jury Trials and Non-Jury Trials are scheduled through special set telephonic Case Management Conferences. You must contact the JA for hearing times at [Section8@jud6.org](mailto:Section8@jud6.org) for hearing times.
- Parties are to appear telephonically at the Case Management Conference with a calendar to schedule Pre-Trial and Trial dates.
- Parties must have been to mediation within one (1) year of the trial date.

## V. **FORECLOSURE NON-JURY TRIALS AND SUMMARY JUDGMENT HEARINGS**

**All parties must comply with these instructions, including the Practice Preferences beginning on Page 6.**

- The procedures established in [Administrative Order No. 2015-043 PA/PI-CIR RE: MORTGAGE FORECLOSURE PROCEDURES UPDATE - AUGUST 2015](#) should be followed in mortgage foreclosure cases filed in Pinellas County.
- Non-Jury Trials and Summary Judgment hearings in Residential Mortgage Foreclosure cases are scheduled by emailing the JA at [Section8@jud6.org](mailto:Section8@jud6.org) for available dates.
- Information regarding scheduling Summary Judgment hearings and Non-Jury Trials in **Residential** Mortgage Foreclosure cases in Pinellas County can be found on the Circuit's website at:  
<http://www.jud6.org/LegalCommunity/MortgageForeclosures/PINELLASForeclosureInstructions082015.pdf>.
- Non-Jury Trials and Summary Judgment hearings in **Commercial** Mortgage Foreclosure cases are scheduled by emailing the JA at [Section8@jud6.org](mailto:Section8@jud6.org)
- Court file(s) will NOT be ordered for the trial. If you want the Judge to have the court file(s) for the trial, please make sure to request them AT LEAST ONE WEEK IN ADVANCE. Failure to make prior arrangements for these file(s) to be available at trial will not be grounds for a continuance.
- To order the court files, please follow the below instructions:
  1. Use [civilatty@pinellascounty.org](mailto:civilatty@pinellascounty.org) email address only
  2. Subject line: "File(s) needed for foreclosure hearing in Section 8"
  3. Mark as "High Priority"
  4. Body of email: Provide case number, style of case, date of hearing, which volume(s) needed and Identify that the files are for Section 8.

### **PRACTICE PREFERENCES**

#### 1. **HEARINGS:**

- Hearings are held in Room 412 of the St. Petersburg Judicial Building, 545 1<sup>st</sup> Ave. N., St. Petersburg, FL 33701.
- Scheduling of UMC is done between parties and heard on a first come first served basis.

- **Moving parties are required to contact opposing counsel three (3) days prior to all hearings to discuss the motion and attempt to reach a resolution.**
  - Party who sets hearing must provide a notice of hearing to all parties on the service list.
2. PROPOSED ORDERS:
- Proposed orders/blank orders along with sufficient copies to conform and stamped, addressed envelopes must be brought to every UMC hearing.
  - Orders should not be submitted to the Court that contain only the Judge's signature on the last page, Some part of the body of the Order shall accompany the Judge's signature block.
  - Transmittals of proposed orders should always reference the date of hearing.
3. FINAL DISPOSITION FORM:
- Whenever a case is dismissed, with or without prejudice, a final disposition form must be filed pursuant to Florida Rule of Civil Procedure 1.100(c)(3).
  - A final disposition form must be provided with all proposed final judgments.
4. MOTIONS FOR SUBSTITUTION OF COUNSEL:
- Florida Rule of Judicial Administration 2.505 requires that all substitutions of counsel must be signed by the client.
  - All orders for substitution must contain the new address of the plaintiff/defendant/attorney, bar number if applicable, a working telephone number and email address.
  - In the absence of a signed consent by the client and no objection from opposing party, a hearing, with proper notice to the client and all parties must be set on the UMC.
  - Motions for Substitution of Counsel must state what is being set.
  - Motions for Substitution of Counsel filed after a trial or summary judgment is set must be set for a hearing.
5. MOTIONS TO WITHDRAW:
- Motions to Withdraw will be considered by the Court without hearing only if your client has executed a consent to the attorney's withdrawal.
  - Submit the consent, motion, proposed Orders, and envelopes as well as a cover letter stating opposing counsel has no objection to the Court for consideration.
  - The order must contain the complete address and telephone number where all future correspondence and pleadings may be sent to the client.
  - In the absence of a signed consent by the client and no objection from opposing party, a hearing, with proper notice to the client and all parties must be set on the UMC.
  - Motions to Withdraw as Counsel must state what is being set.

- Motions to Withdraw as Counsel filed after a trial or summary judgment is set must be set for a hearing.
6. MOTIONS TO SUBSTITUTE PARTY PLAINTIFF:
- Motions to Substitute Party Plaintiff will be considered by the Court without hearing only if Notice has been given to interested parties allowing thirty (30) days to respond.
  - If thirty (30) days notice has been given, submit a copy of the notice, the assignment, the motion, proposed orders, along with appropriate copies and envelopes with a cover letter stating that defendant has not objected in 30 days to the Court for consideration.
  - In the absence of thirty (30) days notice, a hearing, with proper notice, must be set on the UMC.
7. WRITS OF POSSESSION:
- Because Section 83.561, Florida Statutes, now affects residential premises, a Court Order is required before the Clerk will issue a writ of possession.
  - Writs of possession may be considered **ex parte** by following the procedures applicable to writs of possession in [A.O. 2015-043 PA/PI-CIR](#).
  - You will be notified by our office if a hearing is necessary.
  - When submitting paperwork, please include an email address and phone number to be contacted should a hearing be necessary.
8. MOTIONS TO CANCEL FORECLOSURE SALE/CANCEL AND RESET FORECLOSURE SALE:
- Any motion or request to cancel a foreclosure sale must be set for evidentiary hearing with proper notice on the UMC.
  - The motion and order shall include the number of times the sale has been cancelled.
  - **Please see ATTACHMENT B at the end of the Practice Preferences for sample Order to be submitted to the Judge.**
9. MOTIONS FOR MEDIATION:
- Motions for mediation may be considered by the Court without a hearing.
10. MOTIONS FOR JUDICIAL DEFAULT:
- Motions for Judicial Default can be submitted and considered on an ex parte basis.
  - A cover letter must be submitted stating why a Clerk's Default was not entered.
11. MOTIONS FOR REHEARING/RECONSIDERATION:
- CANNOT be set on the Judge's calendar absent the Court's approval.
  - Submit a copy of the motion, proposed order, copies, and stamped addressed envelopes to the Judge's office.



- Also include an email address and telephone number at which to be contacted.
- Should the Judge grant a hearing on the motion, court staff will contact you with the date and time of the hearing.
- These motions are NOT to be set on the Judge’s special set calendar.

12. UNIFORM FINAL JUDGMENT OF FORECLOSURE:

- [Administrative Order No. 2015-043 PA/PI-CIR RE: MORTGAGE FORECLOSURE PROCEDURES UPDATE - AUGUST 2015](#) took effect on August 31, 2015.
- The Uniform Final Judgment of Foreclosure format, Attachment B to A.O. 2015-043, can be found online at [A.O. 2015-043 PA/PI-CIR](#).
- A final disposition form must be provided with all proposed final judgments.

13. MOTIONS FOR SUMMARY JUDGMENT IN FORECLOSURE CASES:

- Unless the judge provides otherwise, the Plaintiff’s attorney must deliver a complete foreclosure judgment packet, with enough copies and envelopes for all parties on the service list, to the JA at least five (5) business days prior to the scheduled hearing on a Motion for Summary Judgment.
- The packet must include:
  - a. proposed Uniform Final Judgment (UFJ) of Foreclosure, Attachment B to [A.O. 2015-043 PA/PI-CIR](#), including sufficient copies for conforming and stamped, addressed envelopes for all parties. Please note that the statutory interest rate to be included in the final judgment is set quarterly; visit <http://www.myfloridacfo.com/aadir/interest.htm> for the current interest rate. The UFJ must be filled out in its entirety with the exception of the sale date. UFJs that have the “Done and Ordered” clause with the judge’s signature line on a separate page with no other text or case information WILL NOT BE SIGNED.
  - b. a copy of the original Promissory Note (original should be retained for submission at the summary judgment hearing or trial);
  - c. an Affidavit of Non-Payment with a copy of the payment records upon which the affiant relies;
  - d. a copy of the Certificate of Compliance with Foreclosure Procedures, Attachment A to [A.O. 2015-043 PA/PI-CIR](#); and
  - e. a copy of the Notice of Hearing.

14. ASSIGNMENT OF FINAL JUDGMENT AND CREDIT BID:

- As provided by the Uniform Final Judgment, assignment of the **FINAL JUDGMENT AND CREDIT BID** prior to the sale does not require a court order.
- Assignments prior to sale MUST have the following language: “The Plaintiff assigns the judgment and credit bid to (name of assignee.)”

15. ASSIGNMENT OF BIDS, SUCCESSFUL BIDS, SALE, AND CERTIFICATE OF SALE:

- PLAINTIFF MAY NOT ASSIGN BIDS OR SUCCESSFUL BIDS THAT TAKE EFFECT AFTER THE SALE.

- All purported assignments of bids or successful bids are a nullity if they are to take effect after the sale.
- By operation of law, these are assignments of a sale or a certificate of sale.
- Assignments of a sale or certificate of sale require a court order.

16. FAILURE TO ABIDE BY THE SECTION 8 INSTRUCTIONS AND JUDICIAL PRACTICE PREFERENCES MAY RESULT IN THE IMPOSITION OF SANCTIONS BY THE COURT, INCLUDING THE AWARDING OF ATTORNEY'S FEES.

**ATTACHMENT A**

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA

**Plaintiff(s)**

**CASE NO:**

vs.

**Defendant(s)**

\_\_\_\_\_ /

**ORDER SCHEDULING NON-JURY TRIAL**

THIS CAUSE being at issue and the Court being otherwise fully advised in the premises, it is

ORDERED AND ADJUDGED that a Non-Jury Trial in the above-styled cause is hereby scheduled \_\_\_\_\_ at \_\_\_\_\_ a.m. / p.m. before the Honorable Circuit Judge Thomas H. Minkoff, at the St. Petersburg Judicial Building 545 1<sup>st</sup> Ave N, Courtroom A, St. Petersburg, FL 33701. **All parties or their representatives named herein and their counsel, if any, shall attend the Non-Jury Trial, in person. The Court will have only an electronic file available at the Non-Jury Trial. It is counsel's responsibility to obtain the hard copy court file and/or any original hard copy documents from the Clerk's office that may be needed at trial. Failure to make prior arrangements for these documents to be available at trial will not be grounds for a continuance.**

DONE AND ORDERED in Chambers, at St. Petersburg, Pinellas County, Florida on this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Circuit Judge

Copies furnished to:  
SEE ATTACHED SERVICE LIST

**If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Human Rights Office, 400 S. Ft. Harrison Ave., Ste. 300, Clearwater, FL 33756, (727) 464-4062 (V/TDD) at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.**

CASE NO:

CASE STYLE:

SERVICE LIST:

**ATTACHMENT B**

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA

Plaintiff(s)

**CASE NO:**

**vs.**

Defendant(s)

\_\_\_\_\_ /

**ORDER ON PLAINTIFF'S MOTION TO CANCEL FORECLOSURE SALE**

THIS CAUSE having come before the Court upon Plaintiff's Motion to Cancel the Foreclosure Sale Scheduled for \_\_\_\_\_. There having been \_\_\_\_\_ prior cancellations of sales in this case and this Court being fully advised rules as follows:

It is hereby **ORDERED**:

\_\_\_\_\_ Plaintiff's motion is denied.

\_\_\_\_\_ Plaintiff's motion is granted. The foreclosure sale is hereby cancelled.

\_\_\_\_\_ Plaintiff's motion is granted. The foreclosure sale is hereby cancelled. The new sale date shall be \_\_\_\_\_ at 10 a.m. The sale will be conducted at [www.pinellas.realforeclose.com](http://www.pinellas.realforeclose.com). Plaintiff is responsible for completing and submitting the Notice of Sale directly to the appropriate newspaper and providing the Clerk of the Court a copy of the publication no later than 24 hours prior to the sale date.

**DONE AND ORDERED** in Chambers, at St. Petersburg, Pinellas County, Florida on this  
\_\_\_\_\_ day of \_\_\_\_\_, 201\_.

\_\_\_\_\_  
Circuit Court Judge

Copies furnished to: