

## Florida Streamlines the Foreclosure Courtroom

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The **Florida Supreme Court Task Force on Residential Mortgage Foreclosure Cases** released its report, streamlining the foreclosure process throughout the state.

A court order from March 2009 stated that a number of circuits in Florida implemented a variety of approaches to manage and process foreclosure cases, but the task force should recommend policies, procedures and strategies that the court could implement statewide.

The task force reported that borrower-occupied and homestead properties can have a higher success rate for modification. The report also established a "fast-track" for vacant or walk-away properties, moving them quickly through the foreclosure process toward sale and re-occupation.

The task force also recommended that other properties such as tenant-occupied housing be given the choice to opt into managed mediation to simplify the communication between lender and borrower.

The report also requires a plaintiff serving notices at the property to ask the occupant whether he or she knows the location of the borrower or the person the occupant pays rent to.

Prior to the final hearing in a foreclosure case, a managed mediation is mandatory to ensure that the Troubled Asset Relief Program's (TARP) and the Home Affordable Modification Program's (HAMP) requirements are met. HAMP uses grants TARP funds to servicers as capped incentives to modify loans. The managed mediation attempts to help defendants who complain about a lack contact with plaintiffs.

Borrowers taking part in the mediation should receive certified foreclosure financial counseling, according to the report.

Also, the task force recommended that parties should not be able to unilaterally cancel foreclosure sales set in final judgments without an explanation to make sure the sale is rescheduled at an appropriate time and to not abuse the sales process.

In a recent poll by the **Consumer Mortgage Audit Center** (CMAC), 66% of Florida attorneys believed that more mortgage violations and predatory lending would be detected in the coming year, but 64% said that homeowners are not the first to notice mortgage violations.

"As Florida continues to hold its front-row seat in the national foreclosure crisis, attorneys working to help homeowners are constantly face new challenges," said Sylvia Alayon, vice president of operations at the CMAC.

Write to [1] [Jon Prior](#).

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