

**THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 14-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 14-10**

**IN RE: ESTABLISHING PROCEDURES
FOR FILING AND RETRIEVING
ORIGINAL NOTES IN CONNECTION
WITH FORECLOSURE CASES**

WHEREAS, the Eleventh Judicial Circuit is in the process of transitioning to digital court filing; and

WHEREAS, many foreclosure cases wherein plaintiffs elected to voluntarily dismiss such cases have been re-filed; and

WHEREAS, consequently, in order to assure the availability of the original paper promissory notes ("Original Notes"), it has been deemed necessary to establish the procedures for filing and retrieving Original Notes;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, under Rule 2.215, Florida Rules of Judicial Administration, it is hereby **ORDERED** that parties in foreclosure cases shall comply with the following procedures:

1. In any currently pending foreclosure case, Plaintiff's counsel must immediately locate the Original Note. If the Original Note was filed in a court file, in either the current proceeding or in a previously filed and dismissed proceeding, Plaintiff's counsel shall execute the attached form and request the return of the Original Note by the Clerk of Courts. This obligation shall continue to operate prospectively for all future foreclosure cases.
2. Counsel shall not file Original Notes through the Clerk of the Courts. Original Notes must be tendered to the Court at trial or at summary judgment hearings.

3. The Clerk of the Courts shall return Original Notes pursuant to the requesting form in the following manner:
 - a. The requesting law firm must provide a correct copy of the Original Note to be substituted for the Original Note with the requesting form.
 - b. An individual lawyer must sign for receipt of the Original Note from the Clerk of the Courts and bar numbers shall be listed on the receipt.
 - c. A copy of the request and the signed receipt shall be scanned and filed into the court file by the Clerk of the Courts.
 - d. No court order shall be required to secure the return of the Original Note under this procedure. Plaintiff's counsel should not submit Orders Directing Return of the Original Note to division judges.
4. The requirement to retrieve Original Notes shall not apply to cases upon which a Final Judgment has been entered and sale has occurred.
5. If a Final Judgment is vacated by subsequent court order, Plaintiff's counsel shall take immediate steps to request the return of the Original Note pursuant to this procedure.
6. Plaintiffs and their attorneys are cautioned to attend to the well-established and long standing policies codified in Rule 2.430, Florida Rules of Judicial Administration, which provide for a five (5) year record retention period from the date of the original Final Order.
7. There is no procedure to screen or remove any documents from files that are subject to disposal under these procedures. It is the responsibility of parties and their lawyers to secure their documents, most importantly, Original Notes which may be the subject of re-filed litigation, pursuant to this Administrative Order prior to the scheduled disposition of the file.

This Administrative Order shall take effect on May 14, 2014 and shall remain in effect until further order of the Court.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, this 14th day of May, 2014.

**BERTILA SOTO, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**

REQUEST FOR ORIGINAL NOTE:

Current Case No. _____

The Original Note was previously filed in: _____

___ **Prior Case No.** _____

___ **Current File:** _____

___ **Date of previous filing:** _____

The Note is requested:

___ to be in Court at _____ (location) on _____ (date set/time).

___ to be released to Plaintiff's firm.

Requesting law firm: _____

Requesting attorney: _____ **Bar No.** _____

Contact info: Email address: _____

Telephone No.: _____

Receipt upon delivery of note:

***This form may be hand-delivered to the court clerk, or clerk supervisor
Dorian Mathis in the clerk's office, (305)349-7413***