

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Administrative Order 2020-43-Civ

FORECLOSURE PROCEEDINGS

(a) Pursuant to Article V, section 2(d) of the Florida Constitution, and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice.

(b) The Centers for Disease Control and the Florida Department of Health have advised people to take precautions in light of the Coronavirus Disease 2019 (COVID-19) outbreak, and specifically noting that the best way to prevent illness is to avoid exposure to the virus.

(c) Because of the COVID-19 outbreak, Governor Ron DeSantis declared a State of Emergency on March 1, 2020, Broward County declared a Local State of Emergency on March 10, 2020, and the World Health Organization declared a global pandemic on March 11, 2020.

(d) Since March 17, 2020, the Florida Supreme Court has issued various emergency administrative orders addressing the judicial branch's response to the COVID-19 pandemic. These administrative orders may be found at <https://www.floridasupremecourt.org/Emergency>.

(e) On March 27, 2020, the President signed the Coronavirus Aid, Relief, and Economic Security Act" (the CARES Act"), and section 4022 of the CARES Act imposes a 60-day moratorium on foreclosure proceedings where the property is subject to a federally backed mortgage loan (FHA, VA, USDA, Fannie Mae, or Freddie Mac), including mortgages later purchased or securitized by those agencies. The moratorium does not apply to vacant or abandoned properties.

(f) On May 14, 2020, the U.S. Department of Housing and Urban Development ("HUD") issued "Mortgagee Letter 2020-13" extending the foreclosure moratorium through June 30, 2020 for borrowers with FHA-insured single-family mortgages covered under the CARES Act.

(g) In accordance with the authority vested in the chief judge by Article V, section 2(d) of the Florida Constitution, 43.26, Florida Statutes, Florida Rule of Judicial Administration 2.215, and to promote public safety amidst the current public health emergency, it is hereby **ORDERED, effective June 2, 2020:**

(1) All plaintiffs in residential foreclosure cases shall file a verified statement of compliance with the CARES Act in the same format as provided in Attachment “A” declaring under penalty of perjury whether or not the property subject of the foreclosure proceeding has a federally backed mortgage loan that is insured by the Federal Housing Administration.

(2) No final judgment of foreclosure shall be issued in favor of the plaintiff in any foreclosure case and no sale of the subject property as a result of a final judgment of foreclosure shall be scheduled until the plaintiff completes and files a verified statement of compliance with the CARES Act in the same format as provided in Attachment “A”.

(3) Before any foreclosure sale that was previously cancelled because of the COVID-19 pandemic may be rescheduled by the Clerk of the Court, the plaintiff must complete and file a verified statement of compliance with the CARES Act in the same format as provided in Attachment “A”.

(4) This Administrative Order shall be effective on June 2, 2020 and shall expire at 12:01 a.m. on July 1, 2020 unless modified or amended by subsequent administrative order.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 28th day of May, 2020.

/s/ Jack Tuter

Jack Tuter, Chief Judge

Attachment "A"

IN THE CIRCUIT COURT FOR THE
17TH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

_____,
Plaintiff,

CASE NO.: _____

vs.

Defendant.

_____ /

VERIFIED STATEMENT OF COMPLIANCE WITH THE CARES ACT

1. I am [*check one*] the plaintiff or an authorized business representative of the Plaintiff in the foreclosure case described at the top of this page.
2. Plaintiff is seeking to foreclose the following property that is secured by a loan serviced and/or owned by Plaintiff:

Name of Apartment Complex (if applicable)

Street Address & Unit/Apt. No. (if any)

City

State

Zip

3. The subject property [*check one*] is vacant or abandoned or is not vacant or abandoned.
4. The subject loan secured by the above described property [*check all that apply*] (*see pg. 2 for more information*):
 - is a federally backed mortgage loan insured by the Federal Housing Administration;
 - is a federally backed mortgage loan but is not insured by the Federal Housing Administration;
 - is not a federally backed mortgage loan.

I UNDERSTAND THAT ANY MATERIAL MISREPRESENTATION COULD CAUSE ME TO BE PROSECUTED FOR A SEPARATE CRIMINAL LAW VIOLATION.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING STATEMENT AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Plaintiff or Plaintiff's representative:

Under the Federal CARES Act, there is a moratorium on foreclosure proceedings by servicers of federally backed mortgage loans, except where the subject property is vacant or abandoned.

A “federally backed mortgage loan” is a single family (1-4 units) residential mortgage that is (1) insured by the Federal Housing Administration; (2) insured under section 255 of the National Housing Act; (3) guaranteed under section 184 of 184A of the Housing and Community Development Act of 1992; (4) guaranteed or insured by the Department of Veterans Affairs; (5) guaranteed or insured by the Department of Agriculture; (6) made by the Department of Agriculture; or (7) purchased or securitized by Freddie Mac or Fannie Mae.