

IN THE SUPREME COURT OF FLORIDA

**IN RE: AMENDMENTS TO RULES OF
CIVIL PROCEDURE AND FORMS FOR
USE WITH RULES OF CIVIL
PROCEDURE**

CASE NO. SC09-1460

**RESPONSE OF THE TASK FORCE ON
RESIDENTIAL MORTGAGE FORECLOSURE CASES
TO COMMENT ACCEPTED AS TIMELY FILED**

The Honorable Jennifer D. Bailey, Chair, Task Force on Residential Mortgage Foreclosure Cases, files this response to comments submitted by Lisa Epstein.

The Task Force on August 17, 2009, filed a petition requesting the Court to approve several proposed rules and form changes, including amendment of rule 1.110, Florida Rules of Civil Procedure, to require verification of complaints in residential mortgage foreclosure cases.

By written notice published in the September 15, 2009 edition of *The Florida Bar News*, the Court invited all interested persons to comment on the proposed rules and form changes not later than October 1, 2009. The Task Force timely filed its Response to these comments on October 12, 2009. Lisa Epstein subsequently filed comments which, upon motion granted by the Court on October 21, 2009, have been accepted as timely filed.

The Task Force acknowledges the comments of Ms. Epstein who offers well reasoned arguments in support of the proposed amendment to Rule 1.110, General Rules of Pleading, which, if approved, would require verification of complaints in residential mortgage foreclosure cases. The Task Force agrees.

Specifically, the Task Force notes with approval the comment's observation that requiring verification of the complaint at the time of filing affords plaintiffs an incentive to more thoroughly investigate these matters before asserting they are the owners and holders of notes. As the Task Force has pointed out in response to

previously filed comments, a primary purpose underlying the verification requirement is not only to protect borrowers from defending against unauthorized claims, but also to conserve limited judicial resources otherwise misspent on cases with respect to which plaintiffs may have no legal entitlement to bring foreclosure actions.

Respectfully submitted this 26th day of October 2009.

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CERFICIATE OF SERVICE

I HEREBY CERTIFY that a copy of the Response to Comments was provided to the following by U.S. mail this 26th day of October 2009:

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