

IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO THE FLORIDA RULES OF CIVIL PROCEDURE,
SC09-1460

and

IN RE: AMENDMENTS TO THE FLORIDA RULES OF CIVIL PROCEDURE
FORM 1.996 (FINAL JUDGMENT OF FORECLOSURE), SC09-1579

COMMENTS TO PROPOSED AMENDMENT TO
THE FLORIDA RULES OF CIVIL PROCEDURE
– FORM 1.996

The undersigned interested party and member of the Florida Bar provides the following comment to the amendment to Form 1.996 of the Florida Rules of Civil Procedure as proposed by the Civil Procedure Rules Committee:

1. As amended, Paragraph 3 of the Final Judgment of Foreclosure indicates that the Clerk will sell the property to the highest bidder except as prescribed in paragraph “5.” Paragraph 5, however, includes instructions for distributing the proceeds of sale and does not relate to the bidding process.
2. The undersigned believes that Paragraph 3 should reference paragraph “4” rather than be amended to reference paragraph “5.” Paragraph 3 would therefore continue to provide that the property will be sold to the highest bidder for cash, except as prescribed in Paragraph “4.” It is paragraph 4 – and not 5 – which indicates that if the plaintiff is the purchaser, the plaintiff shall obtain credit for the amount which it bids.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to Mark A. Romance, Committee Chair, Civil Procedure Rules Committee, 201 Biscayne Boulevard, Suite 1000, Miami, FL 33131-4327 on this 9th day of April, 2010.

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