

IN THE SUPREME COURT OF FLORIDA

**IN RE: AMENDMENTS TO THE
FLORIDA RULES OF CIVIL
PROCEDURE**

CASE NO: SC09-1579

**RESPONSE TO COMMENT RECEIVED REGARDING
FAST-TRACK REPORT IN RESPONSE TO
LEGISLATIVE CHANGES**

Mark Romance, Chair, Civil Procedure Rules Committee, and John F. Harkness, Jr., Executive Director, The Florida Bar, file this response to a comment on the fast-track report of the Committee.

At its September 11, 2009, meeting the Committee discussed, for its 2013 cycle, the comment received from Henry Trawick to the July 1, 2009, publication of the original proposed form. Although the comment was not related to the published proposed changes, but rather proposed a new and unrelated change to the form, the Committee agreed with Mr. Trawick's comment and, rather than waiting to propose a change in its 2013 cycle report, files this response and seeks to amend its proposed changes to form 1.996, paragraph 1, to include the following language, as shown under "Attorneys' fees" in italicized text (text would NOT be in italics once adopted):

FORM 1.996. FINAL JUDGMENT OF FORECLOSURE

FINAL JUDGMENT

This action was tried before the court. On the evidence presented

IT IS ADJUDGED that:

1. Plaintiff,(name and address)....., is due as principal, \$..... as interest to date of this judgment, \$..... for title search expense, \$..... for taxes, \$..... for insurance premiums, \$..... for attorneys' fees, with \$..... for court costs now taxed, less \$..... for undisbursed escrow funds and less \$..... for unearned insurance premiums, under the note and mortgage sued on in this action, making a total sum of \$....., that shall bear interest at the rate of% a year.

| | |
|--|-----------------------|
| <u>Principal</u> | <u>\$.....</u> |
| <u>Interest to date of this judgment</u> | <u>.....</u> |
| <u>Title search expense</u> | <u>.....</u> |
| <u>Taxes</u> | <u>.....</u> |
| <u>Attorneys' fees</u> | |
| <i>Finding as to reasonable number of hours:</i> | |
| <i>Finding as to reasonable hourly rate:</i> | |
| <u>Attorneys' fees total</u> | <u>.....</u> |
| <u>Court costs, now taxed</u> | <u>.....</u> |
| <u>Other:</u> | <u>.....</u> |
| <u>Subtotal</u> | <u>\$.....</u> |
| <u>LESS: Escrow balance</u> | <u>.....</u> |
| <u>LESS: Other</u> | <u>.....</u> |
| <u>TOTAL</u> | <u>\$.....</u> |

that shall bear interest at the rate of% a year.

These proposed new amendments to *Fla. R. Civ. P.* Form 1.996, were approved by the Committee 30-1. They have been reviewed by the Executive Committee of the Board of Governors of The Florida Bar and approved by a vote of 11-0. Because this is a legislatively based change the Committee has not re-published the changed proposal in the *Bar News* and website.

Respectfully submitted, _____.

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was furnished by United States mail to Henry Trawick, P.O. Box 4009, Sarasota, FL 34230-4009, this ____ day of _____, 2009.

CERTIFICATE OF COMPLIANCE

I certify that this report was prepared in accordance with the font requirements of Fla. R. App. P. 9.210(a)(2).

MADELON HORWICH
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