

## PROCEDURES TO CANCEL FORECLOSURE SALES

(JUDGE BRODIE)

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Please do not email or fax any requests to cancel a foreclosure sale. **THE NEW PROCEDURE** is: You may submit a Stipulated Order to Cancel Foreclosure Sale (at least 24 hours before the sale date) to the judge assigned to the case. If the motion is not stipulated, a party seeking to cancel a foreclosure sale shall file and serve on all parties a motion as contained in Form 1.996(b) of the Florida Rules of Civil Procedure. The motion shall be noticed for hearing, with service on all parties, with the senior foreclosure judge, at least five (5) business days before the hearing. The Clerk of Courts shall not cancel any foreclosure sale without the entry of an order canceling and resetting the sale except if a Petition for Bankruptcy has been filed in federal court.

With the exception of those matters that can be resolved ex parte, the opposing party is entitled to reasonable notice and an opportunity to be heard on all motions presented to the Court. Generally, the disposition of a motion without notice to a party is a violation of that party's right to due process of law. See: Florida Civil Practice, §7.2 2010 Ed., Philip Padovano, West's Fla. Practice Series.