

**Magistrate Amy W. Ellis**

Collier County Courthouse  
3315 Tamiami Trail East, Suite 509  
Naples, FL 34112  
Telephone (239) 252-8331 Fax (239) 252-8870

Sherry Lucas and Rose Hansen, Administrative Assistants

**Probate Hearings – January 6, 2025:**

**Magistrate Ellis will hear all probate matters referred by Hon. Joseph Foster, Hon. John McGowan, Hon. Chris Brown and Hon. Amanda Levy-Reis**

**An Order of Referral must be entered for each matter referred to the Magistrate pursuant to FL Probate Rules Rule 5.095**

**Family Hearings –**

**Magistrate Maria Dente is assigned all referrals from Hon. Amanda Levy-Reis and Hon. Elizabeth Krier.**

**Magistrate Amy Ellis is assigned all referrals from Hon. Chris Brown.**

**EFFECTIVE APRIL 1, 2022 – RULE CHANGE FOR FAMILY CASES ONLY:**

Fla. R. Fam. P Rule 12.490 was amended to change the procedure after a hearing before the Magistrate. For all hearings pending or scheduled after April 1, 2022 there will no longer be a 10-day exception period after a hearing before the Magistrate. The new procedure will be as follows:

**SHOULD YOU WISH TO SEEK REVIEW OF THE RECOMMENDED ORDER MADE BY THE GENERAL MAGISTRATE, YOU MUST FILE A MOTION TO VACATE IN ACCORDANCE WITH RULE 12.490(e), FLORIDA FAMILY LAW RULES OF PROCEDURE. YOU WILL BE REQUIRED TO PROVIDE THE COURT WITH A RECORD SUFFICIENT TO SUPPORT YOUR MOTION TO VACATE, OR YOUR MOTION WILL BE DENIED. A RECORD ORDINARILY INCLUDES A WRITTEN TRANSCRIPT OF ALL RELEVANT PROCEEDINGS UNLESS WAIVED BY ORDER OF THE COURT PRIOR TO ANY HEARING ON THE MOTION TO VACATE. THE PERSON SEEKING REVIEW MUST HAVE THE TRANSCRIPT PREPARED FOR THE COURT'S REVIEW.**

The Zoom Video Conferencing link may be located at <https://zoom.us> (see below for links to instructional videos). If you object to proceeding in this manner, you will need to file a Motion for Continuance on those grounds and have your Motion for Continuance heard and ruled upon before the scheduled substantive hearing.

**PLEASE:**

1. In order to have a clear record, be considerate and let others finish making their arguments/thoughts without interruption before responding.
2. State your name before you begin to speak, especially in multi-party hearings and when a court reporter is in attendance.
3. Please be patient, especially during long dockets, the Court is attending to multiple matters at the same time.
4. Mute your phone and please be mindful of background noise when you are not speaking.
5. Persons testifying shall testify on video, not just voice audio, unless that witness is in the presence of a notary public.
6. When attending hearings via ZOOM Video, please remember that you are on camera and everyone involved can see you.
7. Please make note of the name that appears for you as a participant. For instance if you are attending under a nickname or "iPhone," please rename yourself to your name so that you may be identified by the Court and not excluded. You may do so by:

**On PC**

1. When in a meeting, click on 'Participants' at the bottom of your screen in the calling bar.
2. Hover the mouse pointer above your name until you see the option to select 'More'.
3. Once you see it, click on it and select Rename.
4. Enter your desired name in the text field and click on 'Ok' to confirm your selection.

**On Phone**

5. During the meeting, tap on 'Participants' to bring up the list of participants in your meeting.
6. Now find and select your name from the list and tap on it.
7. Select 'Rename' and enter your desired new name in the text fields to change your name.

**EVIDENCE:**

1. All exhibits or witnesses you intend to admit or call at trial **MUST BE PROVIDED TO THE OPPOSING PARTY TEN (10) DAYS PRIOR TO THE TRIAL DATE.** An Exhibit List and/or Witness List must be filed in the Court file.
2. If there will be more than 10 Exhibits offered at the hearing (including both Petitioner and Respondent) the Party(ies) must notify the Magistrate's office at least 10 days in advance so that a Clerk may be requested.
3. Parties shall meet to discuss the evidence being submitted prior to the trial and determine which, if any, exhibits will be stipulated to at the hearing.
4. **For in-person hearings:** Parties shall bring the exhibits to the hearing to be marked and introduced into evidence. Exhibit stickers will be present in the Courtroom. If the

Parties/Counsel have prepared an Exhibit list a copy shall be provided to the Court at the beginning of the hearing/trial. If the Parties/Counsel have not prepared an Exhibit List and a Clerk is not present, they shall request a blank form from the Court to prepare in Court.

5. **For Zoom hearings:** Exhibits shall be marked and filed with the Clerk of Court at least five (5) days prior to the hearing. An Exhibit list with the exhibit number, description and a place to indicate if the exhibit was admitted or not shall be filed with the exhibits. The Court will publish/share the exhibits filed in the Court file to the participants in the hearing.
6. A sample Exhibit List is included in the Magistrate Downloads.

#### **EVIDENCE TIPS:**

1. Photographs in black and white do not publish well if they were filed with the Clerk of Courts. When filing photos or other documents that have poor quality with the Clerk of Courts, what is visible to the Court may not be helpful.

### **Directions for Probate Hearings -**

All probate hearings will be scheduled through JACS (Attorney) or by calling Sherry Lucas (Pro Se) at (239) 252-8670.

ALL Report and Recommended Orders and Orders Adopting shall be submitted by email to [CollierMagRecOrder@ca.cjis20.org](mailto:CollierMagRecOrder@ca.cjis20.org) (In WORD format). All counsel and pro se parties must be copied on the email where appropriate NO EX-PARTE COMMUNICATION will be considered. This email address is ONLY for the submission of cover letters with Report and Recommendation of the Magistrate and Order Adopting the Report and Recommendation.

**The Magistrates will not handle emergency hearings.**

### **Directions for Family Hearings -**

**Family hearings will be scheduled through the Magistrate's Assistants, Sherry Lucas and Rose Hansen. (239) 252-8670 and (239) 252-4247.** Per Judicial Administration Rule, you must coordinate with all parties before selecting a desired hearing time slot.

An Order of Referral must be entered for each matter referred to the Magistrate pursuant to Fla. R. Fam. P Rule 12.490. AN ORDER OF REFERRAL TO MAGISTRATE MUST BE IN EFFECT PRIOR TO SCHEDULING A HEARING.

**AS OF APRIL 1, 2022 RULE 12.490 HAS BEEN CHANGED. PLEASE ENSURE THAT THE ORDER OF REFERRAL HAS THE CORRECT LANGUAGE REGARDING THE MOTION TO VACATE. This change only applies to Family Hearings.**

All family hearings scheduled for 90 minutes or more will be scheduled for in-person appearance. If Parties are requesting a ½ day or longer hearing by Zoom their request must be put in writing and may be set for a status hearing.

All evidentiary hearings scheduled for less than 90 minutes may be set in-person or by Zoom by the Magistrate's office based on the particular issues. If Party(ies) are specifically requesting in-person or Zoom appearance the request shall be in writing.

All non-evidentiary hearings will be scheduled via Zoom (Magistrate Dente ID: 2917971812)

PW: 075142 Magistrate Ellis ID: 6498541619 PW: 239789).

ALL Recommended Orders and Orders Adopting shall be submitted by email to [CollierMagRecOrder@ca.cjis20.org](mailto:CollierMagRecOrder@ca.cjis20.org) (In WORD format). All counsel and pro se parties must be copied on the email where appropriate NO EX-PARTE COMMUNICATION will be considered. This email address is ONLY for the submission of cover letters with Report and Recommendation of the Magistrate and Order Adopting the Report and Recommendation.

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## **MISCELLANEOUS HEARING NOTES:** (for all hearings)

Except for cancellations, there can be no changes, additions, swapping or other alterations of the motion calendar. A party/attorney scheduling a hearing must notice the matter in conformance with the Florida Rules of Civil Procedure and ensure timely notice is served on all pro se parties and counsel of record in advance of the hearing. The original notice must be timely filed with the Clerk of Court. A hearing notice for all hearings that will be evidentiary in nature and involving presentation of evidence (affidavits, testimony, exhibits, etc.) should clearly indicate it is an evidentiary hearing on its face. The setting party/attorney is responsible for preparing and filing the Order of Referral pursuant to Rule 5.095, FL Probate Rules.

Please do NOT send copies or envelopes for Orders of Referrals unless there are pro se parties.

If you CANCEL a hearing, you are required to file a Notice of Cancellation.

If you need 30 minutes, ask for 30 minutes. Please don't ask, "Can I get in sooner if I only ask for 15 minutes?" You can't squeeze 30 minutes of argument in a 15-minute slot. You know it, and we know it. The Magistrate will limit the length of the hearing to the time requested. If you don't finish in time, the motion will have to be rescheduled. When estimating necessary hearing time, remember to include opposing counsel's time!

### **TELEPHONE**

Telephone hours are from 8:00 a.m. to 5:00 p.m. Due to the high volume of phone calls the Civil and Family divisions receive, you will at times not reach the assistant in person. Therefore, when calling and receiving voice mail, please leave your name, telephone number and a brief message.

**[LINK TO COLLIER COUNTY MAGISTRATE DOWNLOADS](#)**