

IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT,
IN AND FOR DUVAL, CLAY AND NASSAU COUNTIES, FLORIDA.

SECOND AMENDED ADMINISTRATIVE ORDER NO. 2010-1

RE: MANDATORY MEDIATION - PROVISION OF INFORMATION TO
DETERMINE NET PRESENT VALUE

WHEREAS, the term "net present value" (NPV) is not defined in the definition section or paragraph 7 of the Florida Supreme Court Administrative Order 2009-54 (AOSC09-54).

WHEREAS, questions have been raised by plaintiffs as to the meaning of NPV as that term is used in paragraphs 6 and 7 of Administrative Order No. 2010-1 adopted by the Fourth Judicial Circuit pursuant to AOSC09-54.

WHEREAS, the discussions of NPV preliminary to the adoption AOSC09-54 focused on that term as used as a calculation developed by the United States Department of the Treasury to estimate the cash flow the owner of a mortgage loan is likely to receive if the mortgage loan is modified in the context of the Home Affordability Modification Program (HAMP) required of participating lenders.

WHEREAS, the information necessary for a plaintiff/lender to make the NPV calculation first must be provided by the borrower, but both AOSC09-54 and AO 2010-1 require that the plaintiff/lender provide the NPV calculation to be done before the borrower information is required to be provided; consequently, the plaintiff/lender is not able to timely provide the NPV which necessitates this Amendment.

NOW THEREFORE, by the authority vested in me as the Chief Judge of the Fourth Judicial Circuit and pursuant to the Florida Rules of Judicial Administration, it is

ORDERED that paragraph 6 of AO 2010-1 is deleted and replaced as follows:

6. Responsibilities of Borrower, Plaintiff and Program Manager

a. PROGRAM MANAGER. After receiving Form A, the Program Manager shall contact the borrower to explain the RMFM Program, mediation compliance and to determine if the borrower wishes to participate. If the borrower declines to participate, the Program Manager shall file the Notice of Nonparticipation, Exhibit 4 (page A-27) of AOSC09-54, with the Court and serve copies on the plaintiff and the borrower.

b. BORROWER. If the borrower elects to participate, the borrower shall meet with an approved mortgage foreclosure counselor. The borrower shall select the resolution option he or she wishes to pursue. After selection the borrower shall provide to the Program Manager financial disclosure as required by Exhibits 5A, 5B or 5C at pages A-29 through A-41 of AOSC 09-54. The Program Manager shall immediately transmit to the plaintiff the foreclosure financial worksheet (Exhibit 5A, 5B or 5C) received from the borrower.

c. PLAINTIFF/LENDER. After receipt of the borrower's information, the plaintiff shall have fifteen (15) days to transmit to the Program Manager the following information:

- A summary of payment and loan terms,

- A statement of the pay-off amount which shall include all principal, interest, taxes, insurance premiums, costs, and attorney's fees presently due,
- The most current appraisal of the property available to the plaintiff,
- The net present value test results required by the Home Affordability Modification Program (HAMP) provided by the US Treasury's base NPV Model, or Workout Evaluator (tm), or the servicer's customized NPV Model.

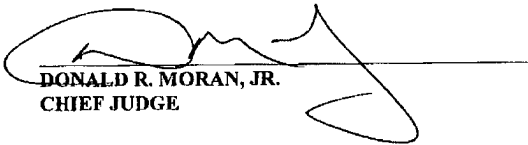
For the purposes of this paragraph *net present value* is defined as the calculation utilized by the United States Department of the Treasury to estimate the cash flow the investor (owner) of the loan is likely to receive if the loan is modified and the investor's cash flow if the loan is not modified.

d. **MEDIATION.** After receipt of the information from the plaintiff and the borrower, the Program Manager shall set the mediation. At least ten (10) days prior to mediation the Program Manager shall transmit to the mediator and the borrower all information received from the plaintiff pursuant to paragraph 6(c).

e. **SANCTIONS.** Failure of the plaintiff to *timely* provide the information to the Program Manager required by paragraph 6c will result in an Order to Show Cause and possible sanctions.

f. **CONFIDENTIALITY.** All information transmitted pursuant to paragraph 6 shall be by the secure procedure described in paragraph 8 of AO 2010-1. The Program Manager is not responsible or liable for the accuracy of the borrower's financial information.

DONE AND ORDERED in Chambers at Jacksonville, Duval County, Florida, this 21 day of March, 2011.


 DONALD R. MORAN, JR.
 CHIEF JUDGE

STATE OF FLORIDA
 DUVAL COUNTY
 I, THE UNDERSIGNED Clerk of the Circuit Court, Duval County Florida, DO HEREBY CERTIFY this written and foregoing is a true and correct copy of the original as it appears on record and file in the office of the Clerk of Circuit Court of Duval County, Florida.
 WITNESS my hand and seal of Clerk of Circuit Court at Jacksonville, Florida, this the 21 day of MARCH, 2011

JIM FULLER
 Clerk of the Circuit Court
 Duval County, Florida

 Deputy Clerk

cc: All Judges in the Fourth Circuit Court, in Duval County
The Honorable Robert M. Foster, Administrative Judge, Nassau County
The Honorable William A. Wilkes, Administrative Judge, Clay County
All Magistrates in the Fourth Circuit
The Honorable Jim Fuller, Clerk of the Circuit Court, Duval County
The Honorable James B. Jett, Clerk of the Circuit Court, Clay County
The Honorable John A. Crawford, Clerk of the Circuit Court, Nassau County
The Honorable Cindy A. Laquidara, General Counsel
The Jacksonville Bar Association, Program Manager
Mark Kessler, Esq.
James Kowalski, Esq.
Blane McCarthy, Esq.
Dennis Schutt, Esq, JAX Mediation Center
James Gardner, Fourth Judicial Circuit ADR Director
Joseph Stelma, Fourth Judicial Circuit Trial Court Administrator
Mia Heiney, Chief Deputy Court Administrator
Caroline C. Emery, Esq. Court Counsel
Fourth Circuit Court Law Library, Duval County
Judicial Staff Attorneys, Fourth Judicial Circuit
Michael Figgins, Esq., Director JALA