

Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING THE RULES OF COURT PRACTICE AND PROCEDURE FOR THE 5TH JUDICIAL CIRCUIT, CRITTENDEN, UNION, AND WEBSTER COUNTIES

Upon recommendation of the Chief Circuit Judge of the 5th Judicial Circuit, and being otherwise sufficiently advised,

The Rules of Court Practice and Procedure for the 5th Judicial Circuit, Crittenden, Union, and Webster counties, are hereby approved. This order shall be effective as of the date of this Order, and shall remain in effect until further orders of this court.

Entered this the 26th day of March 2014.


CHIEF JUSTICE JOHN D. MINTON, JR.

**COMMONWEALTH OF KENTUCKY
FIFTH JUDICIAL CIRCUIT COURT
CRITTENDEN, UNION, WEBSTER COUNTIES**

LOCAL RULES OF COURT

LOCAL RULE 1 – AUTHORITY FOR AND CITATION OF RULES

These rules are enacted pursuant to SCR 1.040 and may be cited. Local Rule _____, 5th Cir.

LOCAL RULE 2 – EFFECTIVE DATE OF THESE RULES

These rules shall become effective upon final approval by the Supreme Court of Kentucky.

LOCAL RULE 3 – SESSIONS OF THE COURT

A. All sessions of court shall be continuous and trials will be scheduled at the discretion of the Court.

B. Motion days will be as follows:

- (1) Union County : 2nd Monday at 9:00 a.m. (Central Standard Time in all matters)
- (2) Webster County : 1st Thursday at 9:00 a.m.
- (3) Crittenden County : 2nd Thursday at 9:00 a.m. for Civil cases; criminal at 10:00a.m.
- (4) Special Criminal Motion days may be scheduled as needed.

Should one of these dates fall on a holiday one should check with the clerk to determine the alternate date.

C. All civil motion will be noticed for 9:00 a.m., prevailing time. All criminal motions will be noticed for 9:00 a.m., prevailing time, except in Crittenden County at 10:00 a.m. Criminal motions may be passed to the end of the civil motion hour if necessary. Matters requiring presentation of evidence will be assigned a special time upon arrangement with the Court.

D. Juries shall be empanelled annually and shall serve for a period of twelve (12) months,

meeting at such time as may be ordered by the Court. All juries will report at 7:45 a.m., in all counties or unless otherwise ordered by the Court. New jury panels will be called for the following dates:

- (1) Union County: First Tuesday in July.
- (2) Crittenden County: Second Thursday in August.
- (3) Webster County: Second Tuesday in August.

E. Grand Juries will be empanelled in each county on the opening day of each twelve (12) month term, and shall meet as follows, unless otherwise ordered by the Court:

- (1) Union County: First Tuesday of each month at 8:30 a.m.
- (2) Crittenden County: Second Thursday each month at 8:30 a.m.
- (3) Webster County: Second Tuesday of each month at 8:30 a.m.

LOCAL RULE 4 - ASSIGNMENT OF CASES

A. Motions to set civil cases for trial will be treated as motions for pre-trial conference. At the hearing on all such motions, moving counsel should state to the Court that the case is substantially ready for trial. Civil cases will be scheduled for trial upon showing by all parties that they are substantially ready for trial, or in the Court's discretion. Mediation is recommended for all cases set for trial. See attached **Mediation Rules**.

B. Trial dates in criminal cases may be scheduled at arraignments, the pre-trial conference or upon motion of the Commonwealth or the Defendant. Criminal cases may be referred for Mediation upon agreement of the parties. If a case is accepted by the Court, an Order setting the date, time, and location will be issued by the Court. The mediation will be conducted in accordance with the guidelines set forth by the Administrative Office of the Courts.

C. The 5th Judicial Circuit is composed of a Circuit Judge, Family (Circuit) Judge and a

District Judge. When either Circuit Judge is unavailable because they are absent from the circuit and for good cause it is deemed necessary that a motion or other pleading be heard and decided without delay, the other Judge may do so upon an Order assigning them to serve as special judge.

In the event either Judge is disqualified for a good cause from trying any case, the case in which such Judge is so disqualified shall be by written order, reassigned to the other Division reciting therein the case of such assignment and an Order entered assigning the Special Judge. If both Judges believe themselves disqualified, the matter shall be certified to the Chief Regional Judge for the 5th Judicial Circuit for the appointment of a special judge.

This shall also apply to the District Judge in matters involving concurrent jurisdiction and to accept the indictments issued by the Grand Jury. The Family Court Judge and District Court Judge would only be requested to do so in the event the Circuit Judge is unavailable or for good cause and upon an Order assigning the judge as special judge.

LOCAL RULE 5 - MOTIONS

- A. Service of written motions and notice thereof shall comply with the Kentucky Rules of Procedure and Kentucky Revised Statutes, specifically CR 5 and CR 6.05. Motions must be filed at least seven (7) days prior to the day it is to be heard with copies to the Court at her office at least five (5) days before hearing. Motions not complying with this requirement will be automatically passed to the next regular motion day and the clerk is hereby directed to docket same accordingly. Movant will be responsible for re-noticing said motions.
- B. The clerk shall keep a motion docket for only those motions to be heard on regular motion days. This motion docket will be called on motion day. The Court, in its discretion, may hear and determine any motion or other matter before it at any time in accordance with

the Rules of Civil Procedure.

- C. All motions, except those included in an answer, when served on the adverse party shall contain a date on which said motion shall be heard, which date shall not be later than the next regular motion day at which the motion could be heard. Any motion notice which fails to include the date of hearing shall be treated as if no motion had been filed.
- D. Motions may be made under CR 78(2) and shall direct the opposing attorney's attention to the fact that under this rule the motion may be granted routinely by the Court ten (10) days after filing unless an objection is received or a response filed. An appropriate order shall be submitted with the motion. (This does not apply to motions for summary judgment - see Local Rule 15 or Default Judgments referred to in Local Rule 7.) If a party opposing the motion desires oral hearing, he shall so state, and proceed to notice the motion for the following motion day.
- E. All motions to compel discovery compliance shall contain a certificate by counsel that she or he has conferred or corresponded with opposing counsel and that they are unable to reconcile their differences without a hearing. The Court may, in its discretion, allow attorneys fees and impose appropriate sanctions against counsel who fail to reasonably comply with discovery requests.
- F. All motions, proposed orders or other pleadings which do not contain the correct style and case or indictment number will not be filed but returned to the Movant.
- G. Personal communications between counsel, parties or any other persons shall not be filed of record except upon motion and court order permitting the same. Nothing shall be filed of record unless submitted for filing by an attorney of record in the case in which the filing is requested, or by a party of record who is acting pro se. Any question concerning the propriety

of filing of any item shall be brought to the Court's attention immediately by the clerk or an attorney of record, or party of record acting pro-se.

LOCAL RULE 6 - ENTRY OF ORDERS AND JUDGMENTS

In civil cases, whenever any ruling is made, verdict rendered, or judgment rendered, an order or judgment in conformity therewith shall be prepared by counsel for the successful party, shall be endorsed "Have Seen" by counsel for all parties thereto as in conformity to the ruling or judgment, and shall be presented to the Court. If the party against whom the order or judgment is entered is not represented by counsel, that fact shall be endorsed thereon.

When signed by the Judge, the order or judgment shall be delivered to the clerk for entry. All orders and judgments shall be prepared as separate instruments.

LOCAL RULE 7 - DEFAULT JUDGMENTS

A party seeking a judgment by default where Rule 55.01 of the Kentucky Rules of Civil Procedures applies shall first file a written motion for such a judgment with a tendered judgment and notice to the party in default. The attorney seeking the default judgment need not be present for the motion, and the default judgment may thereafter be entered after notice has been given and pursuant to Local Rule 5(D) and it is determined by the Court that it meets all necessary legal requirements.

LOCAL RULE 8 - AGREED ORDERS AND IN FORMA PAUPERIS MOTIONS

Agreed orders and judgments and in forma pauperis motions may be submitted to the Court at any time and should not be placed on the Motion Day docket.

LOCAL RULE 9 - COPIES

- A. At least two copies of the complaint in all civil cases shall be filed with the clerk.
- B. Copies of all motions, responses, briefs, memoranda and accompanying disc shall be

mailed by the attorneys to the Judge, at her office address:

P.O. Box 126 Dixon, KY 42409

LOCAL RULE 10 - CRIMINAL CASES

- A.** No criminal indictment will be accepted, entered or processed by the Circuit Court unless the indictment states on its face, the defendant's name, last known address and social security number.
- B.** The Court may grant exceptions to this rule on a case by case basis if the Commonwealth files with the Court an accompanying affidavit by the complaining witness explaining why the required information cannot be provided. Once an indictment has been returned and processed by the Court, that defendant becomes under the jurisdiction of the Circuit Court and if the Court issues a warrant rather than its usual summons, the warrant shall immediately be forwarded to the sheriff of the county and to any other law enforcement agencies or officers who request same from the Circuit Clerk. The clerk will note on the case file jacket each officer or agency who has a copy of the warrant.
- C.** Arraignments will be held the same day the indictment is returned at 11:00 a.m. Those defendants having a preliminary hearing in District Court will receive notice of the Grand Jury/Arraignment date following their preliminary hearing if bound to the Grand Jury by District Court. Failure to appear will result in a bench warrant except for good cause.
- D.** If the case is presented to the Grand Jury as a direct submittal and indictment returned, a summons will be issued for the Defendant unless otherwise requested by the Commonwealth. Arraignment will be scheduled for the next available Court date. If a "not found return" is made, the Court will issue a warrant for arrest and a new arraignment will be scheduled at the next available Court date. If the defendant has not been found by the second hearing, he or

she will be classified a fugitive and removed from the Court's active docket.

E. At the time of arraignment, each case shall be assigned a time for pretrial conference.

Pretrial Conferences shall be held as a matter of course in all criminal matters. At arraignment, the Court may enter a standard discovery order. Further discovery may be requested in writing as is necessary.

F. The attorney for the Defendant and the Defendant, unless otherwise relieved, shall be in attendance at the pretrial conference.

G. The case may be assigned for trial at arraignment or pretrial conference date, with a designated report date at least 30-45 days prior to the trial. After the report date, the Court will not accept or consider any plea agreement between the defendant and the Commonwealth, or continue any case, except for good cause.

H. On or before the report date, the attorneys shall advise the Court in writing whether they are ready for trial, and the probable length of trial. When a conflict exists, and two or more trials are scheduled for the same day, the Court will assign priority to the cases scheduled. Any motion for a continuance must be made and heard prior to the designated report date, except for good cause shown.

LOCAL RULE 11 - APPEALS FROM DISTRICT COURT

Parties appealing district court judgments or appealable orders may have the district court proceeding transcribed, except that the Court may waive this requirement upon proper motion. Any party to such appeal who feel that a transcript of the evidence or part thereof would be helpful to the Court may submit same at any time prior to submission of the case. In counties having video of District Court proceedings counsel should designate where the testimony in issue can be found.

LOCAL RULE 12 - MASTER COMMISSIONER PRACTICE

Rule 12.01 – References to the Master Commissioner

References shall be made to the Master Commissioner as provided by the Rules of Civil Procedure, by the Kentucky Revised Statutes, by these Rules, or by Court order in individual cases.

All motions seeking an order of reference to the Master Commissioner shall be served on the Master Commissioner pursuant to CR 5.02 as follows:

Stephen M. Arnett
Union Co. Master Commissioner
109 S. Morgan Street
P.O. Box 419
Morganfield, KY 42437

Brandi Rogers
Crittenden Co. Master Commissioner
P.O. Box 361
200 S. Main Street
Marion, KY 42064

Joel C. Rich
Webster Co. Master Commissioner
P.O. Box 248
1358 U.S. Hwy. 41A South
Dixon, KY 42409

All orders of sale, including judgments containing orders of sale, shall be filed with the Master Commissioner for examination and approval prior to entry by the Court. The Master Commissioner shall examine all such orders and, following his approval, shall forward same to the Court for entry at the hearing on the party's motion seeking such order. An approval by the Master Commissioner is his certification that said order complies with the Kentucky Revised Statutes, the Rules of Civil Procedure, the Administrative Procedures of the Court of Justice (AP) Part IV, and with the Rules of the 5th Judicial Circuit.

A. The Deficiencies in Judgment Form shall be used to notify Plaintiff's Counsel and the Court of any deficiencies should the Master Commissioner not approve the order of sale.

B. Following his approval the Master Commissioner shall use the Deficiencies in Judgment Form to notify the Court that said order complies with the Kentucky Revised Statutes, the Rules of Civil Procedure, AP Part IV, and with the Rules of the 5th Judicial Circuit.

Rule 12.02 - Orders of Sale

A. Orders for the sale of property shall contain:

1. A complete caption setting forth the names of all parties to be bound by the judicial sale. Abbreviations such as "etc." or "et al." shall not be used
2. A legal description of the property sought to be sold, together with the source of title of the present owner or owners.
3. The address of the property sought to be sold or, if it is true, a recitation of the fact that the property has no address.
4. The dollar amount of the judgment on a day certain, together with the daily amount of accruing interest or contract rate of interest (if the order of sale is for the purpose of enforcing a judgment for money).
5. The names of all parties who are in default.
6. The VIN and description of mobile home or statement of conversion if there is a mobile home on the property.
7. Special conditions of sale, for example, property to be sold on site, specific combinations of property containing multiple tracts; special advertising in addition to advertising required by statute.
8. A directive that the Master Commissioner execute releases of mortgages, lis pendens, and liens foreclosed and extinguished by reason of the judicial sale; it shall also contain the book and page number where each lien to be released is recorded.
9. A directive that the Master Commissioner pay all outstanding ad valorem taxes assessed against the property, provided that such directive also identifies the person or persons in whose name the property has been taxed and the name and address of the entity to be paid, the year in which the tax is due, and the tax bill number. No Commissioner's deed shall propose to convey the interest of any taxing authority for

taxes assessed against the property sold unless such taxes have actually been paid. You may fax the Master Commissioner a statement regarding delinquent taxes, without re-filing an amended judgment and order of sale. The sale date cannot be rescheduled until this information is received.

10. Language as set out herein: "Purchaser may pay cash or said property will be sold upon payment of 10% deposit, with the balance upon credit of 30 days, The purchaser shall execute a good and sufficient bond with approved surety thereon for the purchase price, the bond to bear interest at the rate of twelve percent (12%) per annum from the date thereof, until paid, and to have the force and effect of a judgment, but a lien shall be retained on said property to further secure the payment of the purchase price. At his option, the purchaser may pay cash or pay the bond with accrued interest at any time before its maturity. Said sale to be made free and clear of any and all liens, claims, rights, title and interest of any and all parties to this action, excepting easements and restrictions of record in the County Clerk's office of each respective county in which the property is located, and such right of redemption as may exist in favor of the United State of America or the defendant(s). The purchaser will be prepared to promptly comply with these terms or the said property will be immediately offered again for sale."
11. Language as set out herein: "The purchaser may require occupant to vacate premises upon ten (10) days written notice a any time after the date of sale. The Purchaser is hereby given a WRIT OF POSSESSION, which entitles the Purchaser to immediately enter and take possession of this property, and the Sheriff of the respective County is authorized and directed to evict any party or parties to this case occupying or

claiming an interest in said property adverse to the Purchaser.”

B. Orders of sale shall not contain:

1. Specific dates on which the sale is to be conducted.
2. Designations of the auctioneer or appraisers to be used by the Master Commissioner, provided; however, if a party knows of any reason that an auctioneer or appraiser should be disqualified to serve in a particular case, such disqualification may be made a part of the order of sale.
3. The final Plaintiff's attorney fee should be left blank on the order of sale for the Court to determine what is reasonable.

Rule 12.03 - Judicial Sales

- A.** The Master Commissioner will notify the attorneys of record when a sale date has been scheduled. Immediately following a sale, the Master Commissioner shall make his/her report to the Court which shall be noticed by the Clerk and shall lie over in accordance with CR 53.05 and AP Part IV, Sec. 5. If a bond is required of the purchaser, the bond shall be filed along with the Commissioner's Report of Sale. Unless the Court otherwise directs in the Order of Sale, no bond shall be required of a purchasing creditor seeking to enforce its mortgage or lien on the property.
- B.** The Master Commissioner shall normally prepare the following documents in connection with any judicial sale: Deficiencies in Judgment Report; Notice of Sale for advertising and posting; Commissioner's Report of Sale; Order of Confirmation; Order of Distribution; and Commissioner's Deed. When the facts of a particular case render it necessary or desirable that a party prepare any of these documents, that party or attorney shall coordinate the preparation with the Master Commissioner. All motions concerning any matter referred to the Master Commissioner shall be served on the Master Commissioner as if he/she were a party who had

appeared in the action.

C. When property is purchased by a person not a party to the action, all subsequent motions and reports concerning confirmation of the sale (including any objections to the Commissioners Report) shall be served on the purchaser in accordance with CR 5.02.

D. The Master Commissioner will allow bids by mail or fax only if agreed to by the Plaintiff and authorized in the original Order of Sale.

E. The Master Commissioner does not allow withdrawals of sale by phone; withdrawals by mail or fax are allowed only if authorized in the original Order of Sale and received at least one hour prior to the sale.

F. Any purchaser making an assignment of its bid to another entity shall file same with the Clerk of the Court and with the Master Commissioner, setting forth the nature of the assignment together with the name and address of the assignee within one (1) week of the date of sale.

Rule 12.04 - Fees

A. In order to be consistent within the 5th Judicial Circuit and to allow bidders at judicial sales more certainty for predicting actual Master Commissioner fees and costs, the Court will follow the Administrative Procedures of the Court of Justice (AP Part IV, Sec. 6, for allowance of Master Commissioner fees.

B. For each report prepared, the Commissioner will be awarded \$50.00 and for preparing the Commissioner's Deed, the Commissioner will be awarded \$50.00. However, any additional routine documents drafted as may be necessary are included in the fees otherwise allowed under Section 6 of Part IV. These Rules shall update/revise in accordance with revisions made to the Administrative Procedures of the Court of Justice.

LOCAL RULE 13 - PLEADINGS

All pleadings, motions, and memoranda shall contain the name, address, phone number, fax number, and e-mail address (if available) of counsel.

LOCAL RULE 14 -WITHDRAWAL OF COUNSEL

Leave of Court shall be obtained to withdraw as counsel after an entry of appearance has been made. Such leave can only be obtained by a motion served on the client and other parties and properly noticed for hearing. Substitution of counsel may be accomplished by a notice signed by the withdrawing counsel and the entering counsel. The Court will not allow withdrawal of counsel within thirty (30) days of an assigned trial date without good cause shown by the requesting counsel

LOCAL RULE 15 SUMMARY JUDGMENT

Motions for summary judgment shall not be noticed for hearing, but shall be accompanied by a memorandum of law supporting the motion. Opposing memoranda may be submitted within thirty (30) days with fifteen (15) days allowed for reply, after which the motion will stand submitted. The Court will consider any party's request for oral argument or may request same on its own. Parties shall submit an accompanying disc containing their motion, response or reply, and a proposed order and copies shall be sent to the Judge's office at P.O. Box 126, Dixon, KY 42409.

EXCEPTION: In cases involving a foreclosure action where there is also a combination motion for Default Judgment against the Debtor, the Court will waive the 30 day response requirement for those who have filed an answer but there is no real issue. For example, Counties and Cities who have been named as Defendants due to outstanding taxes or institutions that have superior liens.

LOCAL RULE 16 - PRETRIAL DIVERSION PROGRAM

The attached protocol for the pretrial diversion program is hereby adopted by this Court.

LOCAL RULE 17 - MOTIONS FOR SHOCK PROBATION KRS 439.265

All pro-se motions for shock probation shall include:

- A. Date of entry of judgment and sentence;
- B. Length of sentence imposed;
- C. A statement that the defendant has been incarcerated at least 30 days since the date of sentence;
- D. Whether the Commonwealth recommended shock probation in the negotiated plea and attach a copy of Commonwealth's offer supporting same;
- E. Information which would assist the Court such as:
 - a. Where defendant will be living,
 - b. Treatment or rehabilitation program the defendant intends to attend (if applicable),
 - c. Where defendant will be employed with supporting document from the employer, and
 - d. Any other reason counsel believes the Court should consider.
- F. The correct case number.

All motions not complying with this order will be summarily denied. Motions filed by counsel should substantially comply with the above requirements.

LOCAL RULE 18 - JURY SELECTION

Pursuant to KRS 29A.080 and KRS 29A.100, the following rules apply to jury selection in all courts of the Fifth Judicial Circuit:

- A. The Circuit Court Clerk of each county in the judicial circuit is hereby designated as the Court's designee for the purpose of determining on the basis of information provided on the jury qualification form whether any prospective juror is disqualified for jury service for any reason authorized by KRS 29A.100.

In the event such determination is made, the Designee shall note such determination in the space provided on the juror qualification form.

B. The Court's designee, pursuant to KRS 29A.100(2), is hereby authorized to excuse any juror from service for a period not to exceed ten (10) days, or to postpone their service for a period not to exceed twelve (12) months. The reasons for such excuse or postponement shall be entered on the juror qualification form.

C. Upon the request of any prospective juror for a permanent exemption from jury service because of a permanent medical condition, which must be supported by certification from the juror's physician, the Designee shall within five (5) days refer said request and medical certification to the Chief Circuit Judge for consideration. If the permanent exemption is granted, the Designee shall immediately notify the juror and the Administrative Office of the Courts so the name may be removed from the master list.

D. The contents of juror qualification forms shall be made available to the trial judge and to parties or their attorneys of record unless the Chief Circuit Judge or his designee determines in any instance in the interest of justice that this information shall be kept confidential or its use limited in whole or in part. See Administrative Procedure of the Court of Justice, Part II Section 9, Subsection (7). The forms and the information contained therein shall remain confidential and shall not be disclosed to anyone except the parties, the attorneys of record, persons associated with the office of the attorneys of record, persons employed by the attorneys of record to aid in jury selection, or court officials. The forms may be photocopied at the expense of the requesting party or attorney, but such copies are to be destroyed within a reasonable time following the jury term.

LOCAL RULES 19 - ADDITIONAL COSTS FOR EXTRAORDINARY SERVICES

The Clerk shall assess additional costs in all applicable civil cases, pursuant to KRS 23A.200(8), CR 3.02, and the Costs and Fines section of the Circuit Court Clerks Accounting Manual.

LOCAL RULE 20 - EFFECT ON PRIOR LOCAL RULES

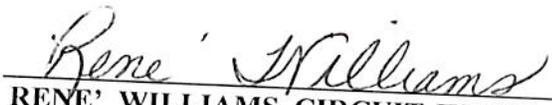
Prior local rules heretofore adopted by the Court are deemed superseded by these rules.

LOCAL RULE 21 - APPLICABILITY OF RULES OF CIVIL PROCEDURE

In cases not covered by these rules, consult the Kentucky Rules of Civil Procedure.

A copy of these local rules may be found on the Kentucky Court of Justice website.

**THESE ARE THE LOCAL RULES OF THE 5TH JUDICIAL CIRCUIT COURT
SERVING: CRITTENDEN, WEBSTER AND UNION COUNTIES.**


RENE' WILLIAMS, CIRCUIT JUDGE

COMMONWEALTH OF KENTUCKY

CIRCUIT COURT
CIVIL ACTION _____

PLAINTIFF(S)

VS.

DEFENDANT (S)

DEFICIENCIES IN JUDGMENT

- _____ NO DEFICIENCIES
- _____ INCOMPLETE CAPTIONS FAILURE TO LIST ALL PARTIES IN HEADING OR USE OF ET AL. LOCAL RULE 12.02(A)(1)
- _____ FAILURE TO LIST SPECIFIC PARTIES IN DEFAULT. LOCAL RULES 12.02(A)(5)
- _____ FAILURE TO LIST SOURCE OF TITLE. LOCAL RULE 12.02 (A) (2)
- _____ FAILURE TO LIST THE ADDRESS OF THE PROPERTY BEING SOLD. LOCAL RULE 12.02 (A)(3)
- _____ FAILURE TO LIST REQUIRED INFORMATION RE: OUTSTANDING TAXES, PERSON, TAX BILL NUMBER, OR YEAR INCLUDING BILLS PURCHASED BY A PRIVATE PARTY. LOCAL RULE 12.02 (A)(9). IF THERE ARE NO PAST DUE TAXES THIS FACT SHOULD BE REFLECTED IN THE ORDER. YOU MAY FAX ME A STATEMENT REGARDING DELINQUENT TAXES, WITHOUT RE-FILING AN AMENDED JUDGMENT AND ORDER OF SALE. THE SALE DATE CANNOT BE RESCHEDULED UNTIL THIS INFORMATION IS RECEIVED.
- _____ FAILURE TO LIST VIN AND DISCRPTION OF MOBILE HOME OR STATEMENT OF CONVERSION IF THERE IS A MOBILE HOME ON THE PROPERTY. LOCAL RULE 12.02(A)(6).
- _____ IF ORDER REQUIRED LIEN HOLDERS OF RECORD TO BE PAID OR FOR SALE TO BE FREE AND CLEAR OF ALL LIENS, LIENS TO BE PAID ARE TO BE LISTED IN THE ORDER OF SALE OR ORDER NEEDS TO REFLECT THAT THERE ARE NO OTHER LIENS.
- _____ FAILURE TO LIST NAMES AND ADDRESSES OF PERSONS TO BE SERVED WITH JUDGMENT BY CLERK.
- _____ FAILURE TO DIRECT THAT THE MASTER COMMISSIONER EXECUTE RELEASES OF MORTGAGES, LIS PENDENS, AND LIENS FORECLOSED AND EXTINGUISHED BY REASON OF THE JUDICIAL SALE, AND/OR TO LIST THE BOOK AND PAGE NUMBER WHERE EACH LIEN TO BE RELEASED IS RECORDED.
- _____ FAILURE TO DIRECT THE MASTER COMMISSIONER PAY ALL OUTSTANDING AD VALOREM TAXES ASSESSED AGAINST THE PROPERTY. FAILURE TO IDENTIFY THE PERSON(S) IN WHOSE NAME THE PROPERTY HAS BEEN TAXED, THE YEAR IN WHICH THE TAX IS DUE, AND THE TAX BILL NUMBER. LOCAL RULE 12.02(A)(9).

_____ FAILURE TO INCLUDE PROPER PAYMENT OPTION LANGUAGE. LOCAL RULE 12.02(A)(10).

_____ FAILURE TO INCLUDE VACATING PREMISES LANGUAGE. LOCAL RULE 12.02(A)(11).

_____ VACATING PREMISES LANGUAGE FAILS TO INCLUDE THE FOLLOWING NOTICE: "PURCHASER MAY REQUIRE OCCUPANT TO VACATE PREMISES UPON TEN (10) DAYS WRITTEN NOTICE AT ANY TIME AFTER THE DATE OF SALE. THE PURCHASER IS HEREBY GIVEN A WRIT OF POSSESSION, WHICH ENTITLES THE PURCHASER TO IMMEDIATELY ENTER AND TAKE POSSESSION OF THIS PROPERTY, AND THE SHERIFF OF THE RESPECTIVE COUNTY, IS AUTHORIZED AND DIRECTED TO EVICT ANY PARTY OR PARTIES TO THIS CASE OCCUPYING OR CLAIMING AN INTEREST IN SAID PROPERTY ADVERSE TO THE PURCHASER." LOCAL RULES 12.02 (A)(11).

_____ FAILURE TO INCLUDE REFERENCE TO THE PLAINTIFF'S ATTORNEY FEE, WHICH SHOULD BE LEFT BLANK FOR THE COURT TO DETERMINE, WHAT IS REASONABLE. LOCAL RULE 12.02(B)(3).

_____ FAILURE TO LIST DOLLAR AMOUNT ON A DAY CERTAIN TOGETHER WITH DAILY OR CONTRACT RATE. LOCAL RULE 12.02 (A)(4).

THIS THE _____ DAY OF _____ YEAR _____.

RESPECTFULLY SUBMITTED

MASTER COMMISSIONER OF
_____ COUNTY

CERTIFICATE OF SERVICE

PLEASE TAKE NOTICE THAT THE FOREGOING WAS SERVED, VIA FIRST CLASS MAIL, POSTAGE PRE-PAID, THIS THE

_____ DAY OF _____ YEAR _____.

COUNSEL:
