

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY

ADMINISTRATIVE ORDER 3.303 - 9/08*

IN RE: FILING OF BANKRUPTCY DURING
FORECLOSURE PROCEEDING

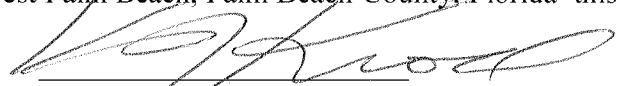
_____:

There has been an increase number of foreclosure actions pending in Division AW, which are being affected by the filing a bankruptcy petitions under Title 11, United States Code. It has become necessary to implement a procedure whereby the Clerk of Court for the Fifteenth Judicial Circuit is promptly notified of such bankruptcy filings and the concomitant invocation of the automatic stay pursuant to 11 U.S.C. section 362. The failure of filing proper notification of the bankruptcy action with the Clerk of Court has resulted in a significant increase in the cancellation or invalidation of pending foreclosure sales, and the unnecessary expenditure of valuable court resources. This Court has determined that the implementation of the following described procedure is necessary to avoid further misuse of Court resources.

NOW, THEREFORE, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

1. Every attorney who represents a debtor or bankrupt who is a defendant to a foreclosure action pending in Division AW or, in the case of an individual(s) named as a defendant in a pending foreclosure action, every such defendant shall, upon the filing of a bankruptcy petition, immediately deliver to the Clerk of Court either:
 - a. A copy of the Bankruptcy Petition commencing such bankruptcy case; or
 - b. A Notice or Suggestion of Bankruptcy, styled in the pending foreclosure action, reflecting the case name and number of the bankruptcy case, and the date upon which the bankruptcy petition was filed.
2. If at the time of the filing of the bankruptcy petition a foreclosure sale has been scheduled, counsel for the defendant(s), or if unrepresented the defendant pro se, shall deliver a copy of the Petition or Suggestion of Bankruptcy to the Clerk of Court, 205 North Dixie Highway, Room 3.23, Attention-Foreclosure Department, West Palm Beach, Florida 33401, prior to the date and time of the scheduled foreclosure sale.

29 **DONE and ORDERED** in Chambers, at West Palm Beach, Palm Beach County, Florida this day of September, 2008.


Kathleen J. Kroll
Chief Judge

*supersedes admin. order 3.013 - 4/00