

# The Miami Herald

Posted on Wed, Feb. 02, 2011

## Backlog eases but could be a mirage

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More and more foreclosure cases are being dismissed in court as lenders scurry to deal with a morass of inaccurate and improperly filed documents, according to a report released Tuesday by Florida's Office of the State Courts Administrators.

South Florida's backlog of foreclosure cases dropped 8.9 percent to 99,759 in the last three months of 2010, but the majority of the cases were dismissed, rather than settled by the more concrete summary judgment.

That means they're likely to end up back in court at some point down the road, said Dennis Donet, a Miami foreclosure defense attorney.

"All it did was sort of kick the can down the street," he said. "Realistically, the bank is not going to just forget about these cases. These cases will be re-filed."

The Legislature earmarked \$9.6 million last year to help courts whittle down the huge backlog of pending foreclosures and OSCA tracks the progress.

OSCA's second quarterly report covered activity from October through December, a period that started with a foreclosure moratorium by banks and ended with a two-week stoppage of foreclosures for the holidays.

### THE NUMBERS

In Miami-Dade and Broward counties, foreclosure case dispositions -- dismissals and final summary judgments -- totaled 8,876 in the quarter, down 42.2 percent from the previous quarter. No cases were judged via trial. About 62 percent of the dispositions were dismissals, a sign that lenders are having trouble dealing with document irregularities and judges are growing impatient with the constant delays.

Cases can be voluntarily dismissed by banks that are trying to review their files, or dismissed by judges when a bank attorney fails to show up or does not

have the correct documents.

As long as the case is not dismissed ``with prejudice," it can be re-filed.

## **PROCESS BOGS DOWN**

Donet said judges are trying to move things along, but banks are slowing down the process because of the fear of taking back thousands of homes that might face title disputes down the road.

``If there really is a problem with the note, the last thing that the bank would want is to move forward with the case and have this come to light after the fact," he said.

Statewide, the backlog of foreclosure cases stands at 350,614.

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