

IN THE COURT OF COMMON PLEAS OF MONROE COUNTY, PENNSYLVANIA
ADMINISTRATIVE DOCKET

IN RE: RESIDENTIAL MORTGAGE :
FORECLOSURE PROGRAM : No. *FCV2012* *Adm 34*
2013- PJ

ORDER

AND NOW, this *14th* day of March, 2013, recognizing that some changes are necessary for the efficient functioning of the Monroe County Residential Mortgage Foreclosure Diversion Program IT IS HEREBY ORDERED that:

1. All complaints for mortgage foreclosure filed with the Monroe County Prothonotary will be given a dedicated filing designation of RM for mortgage foreclosures on owner-occupied residential properties containing less than five residential units and CM for other mortgage foreclosures. Mortgage foreclosure complaints shall have a specific cover sheet attached at time of filing, an example of which is attached as Exhibit "A", certifying real estate location, occupancy status, and contact information, including the name, address and telephone number of the representative of the lending institution.
2. An "Urgent Notice" in substantially the form attached as Exhibit "B" and a "Certificate of Participation" in substantially the form attached as Exhibit "C" shall also be affixed to the complaint and the copy of the complaint to be served upon the defendant(s). The defendant(s) in cases involving owner-occupied residential properties with fewer than five units may then request to participate in the Residential Mortgage Foreclosure Diversion Program, by signing and filing the Certificate of Participation form attached as Exhibit "C." The Prothonotary will not accept a residential mortgage

complaint for filing without the Cover Sheet, Urgent Notice and Certificate of Participation.

3. In the event that the Sheriff is unable to personally serve the defendant(s) with the Complaint, Urgent Notice and Certificate of Participation, the Sheriff shall post the subject property with the Complaint, Urgent Notice and Certificate of Participation. The Sheriff's return shall reflect the date and manner of posting the property.

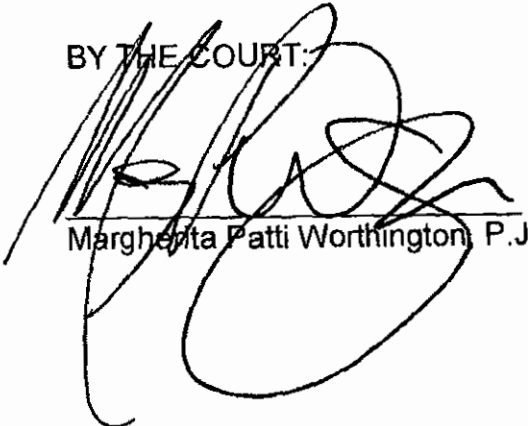
4. When the defendant files a Certificate of Participation, an order will be entered substantially in the form attached hereto as Exhibit "D." The order will provide that further proceedings in the action other than service of process will be stayed pending the result of the conciliation conference.

5. The order will refer the matter to a conciliation conference before a conciliator appointed for that purpose by the court. The borrower will submit a proposal to resolve the mortgage foreclosure action to the lender's counsel within thirty days of the conciliation order. The lender's counsel or other representative must have the authority at the conference to specifically address the proposal made by the borrower to settle the matter, and the conciliator will work with the parties to achieve a settlement. The conciliator will submit his or her recommendation for further action to the court following the conference, which may include lifting the stay if the parties are unable to come to an agreement, maintaining the stay while the parties engage in further negotiations or attempt a modification of the mortgage, a stipulation for judgment, a deed in lieu of foreclosure, a "cash for keys" arrangement or other settlement options. The court will then act upon the conciliator's recommendation.

6. Plaintiff's counsel shall serve a copy of the Urgent Notice and the Certificate of Participation on the defendant(s) at the time of service of a motion for judgment on the pleadings, or a motion for summary judgment if the defendant(s) was not served with them at the time of service of the original complaint. Service shall not be required if the defendant(s) has already had the opportunity to participate in the Monroe County Residential Mortgage Foreclosure Diversion Program.

The court in its discretion may also refer other pending mortgage foreclosure cases to the Residential Mortgage Foreclosure Diversion Program on motion of an interested party.

BY THE COURT:


Margherita Patti Worthington, P.J.

cc: Margherita Patti Worthington, P.J.
Arthur L. Zulick, J.
Jonathan Mark, J.
Jennifer Harlacher Sibum, J.
Stephen M. Higgins, J.
David J. Williamson, J.
Court Administrator
President, Monroe County Bar Association
Prothonotary
Monroe County Commissioners
Sheriff
CCCS

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IN THE COURT OF COMMON PLEAS OF MONROE COUNTY, PENNSYLVANIA
CIVIL

Plaintiff,

No. _____ Civil 20__

v.

Mortgage Foreclosure

Defendant,

MONROE COUNTY MORTGAGE FORECLOSURE

COVER SHEET

Pursuant to the Administrative Order dated March _____ 2013, pertaining to
the Residential Mortgage Foreclosure Diversion Program, I hereby certify that:

1. The property in this case is known and numbered as:

Property Address: _____

2. The property is:

A. ___ Owner-occupied residential

B. ___ Non-owner occupied residential

___ four units or less

___ over four units

C. ___ Commercial

D. ___ Other (explain) _____

3. If owner-occupied residential, the name, address and telephone number of a representative of the lending institution with authority to bind the plaintiff to a stipulation:

4. That the URGENT NOTICE and CERTIFICATE OF PARTICIPATION are being served upon the defendant(s) along with the complaint in mortgage foreclosure.

The undersigned verifies that the statements made herein are true and correct. I understand that false statements are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Date:

Signature of Plaintiff or Counsel for Plaintiff
Address:

Exhibit "A"

URGENT NOTICE

IMPORTANT NOTICE TO DEFENDANT(S) YOU MAY RECEIVE HELP THAT MIGHT SAVE YOUR HOME MONROE COUNTY RESIDENTIAL MORTGAGE FORECLOSURE DIVERSION PROGRAM

You have been sued. The Plaintiff alleges you have defaulted on your mortgage.

The court has a program that may help save your home from foreclosure if: 1) you are an owner (or an heir to a deceased owner) of the property, 2) you live in the property and 3) the property is your principal residence.

You must complete and return the attached Certificate of Participation to the Prothonotary (3rd Floor, Monroe County Courthouse, Stroudsburg, PA 18360) immediately. When you file this form, an order staying the mortgage foreclosure case against you will be entered by the court.

A conciliation conference before the court will be scheduled with you, your attorney if you have one, and a representative of your lender.

You will be required to submit a complete, written proposal for modification of your mortgage, along with supporting financial and employment documentation to the Plaintiff's attorney no later than THIRTY (30) DAYS FROM THE DATE OF THE COURT ORDER SCHEDULING YOUR CONCILIATION CONFERENCE. Further information about the proposal package may be found at www.monroepacourts.us under the Monroe County Residential Mortgage Foreclosure Diversion Program sub-heading. Any question about the use of these forms and the borrower's rights should be referred to an attorney as the court does not give legal advice.

You may have an attorney of your choosing assist you in making your proposal to your lender. If you do not have an attorney, you may contact the Monroe County Bar Association ((570)424-7288, www.monroebar.org for a list of attorneys who will represent homeowners in the Monroe County Residential Mortgage Foreclosure Diversion program for a fee.

You may also call a housing counselor for assistance. The PENNSYLVANIA HOUSING FINANCE AGENCY (PHFA) maintains a list of agency-approved housing counselors providing services in Monroe County at <http://www.phfa.org/consumers/homeowners/mdp.aspx> . PHFA's toll-free telephone number is 1-800-635-4747. The housing counselor's services are at no cost to you. Neither the Court nor the County of Monroe endorses any particular housing counselor or program.

Exhibit "B"

IN THE COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA
CIVIL DIVISION

Plaintiff, : No. Civil 201_
: :
vs. : :
: :
Defendant(s). : Mortgage Foreclosure

CERTIFICATION OF PARTICIPATION

I wish to participate in the Monroe County Residential Mortgage Foreclosure Diversion Program.

I am the owner of the property listed below:

Premises Address: _____

_____, Monroe County, PA

This property is my primary residence. It is the subject of foreclosure, and I would like to try to save my residence from foreclosure.

WITHIN THIRTY (30) DAYS OF THE DATE OF THE COURT ORDER SCHEDULING MY CONCILIATION CONFERENCE, I will submit a complete, written proposal for modification of my mortgage to the Plaintiff's counsel (the lawyer for my mortgage lender).

Note: Further information about the proposal package may be found at www.monroepacourts.us under the Monroe County Residential Mortgage Foreclosure Diversion Program sub-heading. Any question about the use of these forms and the borrower's rights should be referred to an attorney as the court does not give legal advice.

I understand that I may have an attorney of my choosing assist me in submitting this plan to my lender and that if I do not have an attorney, the Monroe County Bar Association (570) 424-7288, www.monroebar.org, has a list of attorneys who will

represent mortgage borrowers in the Monroe County Residential Mortgage Foreclosure Diversion Program for a fee.

I also understand that I may seek the assistance of a housing counselor. The Pennsylvania Housing Finance Agency (PHFA) maintains a list of agency-approved housing counselors providing services in Monroe County at <http://www.phfa.org/consumers/homeowners/mdp.aspx>. I understand that their services are at no cost to me.

I understand that neither the Court nor the County of Monroe endorse any particular housing counselor or program.

Signature Date: _____

Printed Name

Signature Date: _____

Printed Name

Mailing Address

Telephone number

This form must be filed to obtain a stay of this mortgage foreclosure action and a Conciliation/Case Management Conference under the Monroe County Residential Mortgage Foreclosure Diversion Program. This certification is only for Defendants with a case caption of 2011 or later. For those with captions before 2011, a petition must be filed with the court requesting inclusion in the program, explaining the reasons why participation may lead to a successful modification of the mortgage without undue delay of a foreclosure. The court may also require a petition to be filed if a case is within six months of a scheduled sheriff's sale.

File this form with:

GEORGE J. WARDEN, PROTHONOTARY, THIRD FLOOR
MONROE COUNTY COURTHOUSE
STROUDSBURG, PA 18360
(570) 517-3370
EXHIBIT "C"

IN THE COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA
CIVIL DIVISION

Plaintiff, : No. Civil 201_
: :
vs. : :
Defendant(s). : Residential Mortgage Foreclosure

CONCILIATION/CASE MANAGEMENT ORDER

AND NOW, this _____ day of _____, 20___, a complaint having been filed to foreclose upon a residential mortgage, and the defendant(s) having opted into the Monroe County Residential Mortgage Foreclosure Diversion Program, **IT IS ORDERED** pursuant to Pa.R.C.P. 212.3 and 1141:

1. A Conciliation/Case Management Conference is scheduled for _____, 20___, at _____ a.m./p.m. in Hearing Room No. _____, Monroe County Courthouse, Stroudsburg, PA 18360. Counsel for the Plaintiff must be present and either (i) have actual authority to modify the mortgage, or to enter into an alternative payment agreement, or to offer another alternative to mortgage foreclosure, or (ii) must have a designated agent of the Plaintiff who has such authority present in person or by telephone. Following the initial conference, the conciliator may require the designated agent to be present in person at future conferences. Defendant(s) are also required to attend the Conciliation/Case Management Conference.

2. Within **THIRTY (30) DAYS FROM THE DATE OF THIS ORDER**, the Defendant(s) must submit a complete written proposal to modify their mortgage, along with supporting financial and employment information and documentation, to the Plaintiff's counsel.

FAILURE TO SUBMIT A COMPLETE PROPOSAL AND SUPPORTING DOCUMENTATION TO THE PLAINTIFF WITHIN THIRTY (30) DAYS FROM THE DATE OF THIS ORDER MAY RESULT IN YOU BEING DISMISSED FROM THE RESIDENTIAL MORTGAGE FORECLOSURE DIVERSION PROGRAM.

3. The Defendants are urged to obtain help from a housing counselor or an attorney in preparing and submitting their proposal and supporting documents so that their submission is not delayed.

Although an attorney is not required, the Defendant(s) may work with an attorney of their choosing to prepare their case for conciliation. **If the Defendant(s) do not have an attorney, a list of attorneys who have agreed to provide assistance for a fee is available from the Monroe County Bar Association, (570) 424-7288, www.monroebar.org.**

Housing counselors may also assist the Defendant(s) in addressing their mortgage delinquency. **The Pennsylvania Housing Finance Agency (PHFA) maintains a list of agency-approved housing counselors providing services in Monroe County at**

<http://www.phfa.org/consumers/homeowners/mdp.aspx> .Their services are at no cost to you.

The court does not endorse any particular housing counselor or program.

Forms which may be useful in submitting a proposal for mortgage modification can be found at www.monroepacourts.us under the Monroe County Residential Mortgage Foreclosure Diversion Program sub-heading.

4) **PENDING FURTHER ORDER OF COURT, ALL PROCEEDINGS ARE STAYED EXCEPT FOR SERVICE OF ORIGINAL PROCESS; DEFENDANT(S) NEED NOT FILE AN ANSWER TO THE COMPLAINT; AND NO DEFAULT JUDGMENT MAY BE TAKEN OR SHERIFF'S SALE SCHEDULED OR HELD.**

5) Failure to comply with this order may result in an order lifting the stay of proceedings and allowing the case to proceed to judicial disposition, including the taking of a default judgment or Sheriff's sale.

BY THE COURT:

J.

Exhibit "D"