

43rd Judicial District of Pennsylvania

Court of Common Pleas

RESIDENTIAL MORTGAGE FORECLOSURE DIVERSION PROGRAM

The Monroe County Residential Mortgage Foreclosure Diversion Program is an effort by the Court of Common Pleas to address the increasing number of property foreclosures in the county.

Initiated in December, 2010 by the Administrative Order of President Judge Ronald E. Vican, the Program becomes effective on January 1, 2011. The primary objective of the Program is to provide a streamlined, unified process for the resolution of mortgage foreclosure proceedings through Court intervention, housing counseling, and conciliation conferences. In addition to the efforts of Judge Margherita Patti Worthington and Judge Arthur L. Zulick, both of the Court of Common Pleas, the Monroe County Commissioners, the Monroe County Bar Association, the Monroe County Sheriff's Office and several non-profit consumer credit counseling agencies play a substantial role in this effort.

Eligibility for the Program

A borrower is eligible for participation in the Program if:

- A complaint for mortgage foreclosure has been filed with the Monroe County Prothonotary's Office and is designated with an RM number;
- The property is owner-occupied ; and
- The property contains fewer than 5 (five) residential units

Commercial properties are not eligible for the program

Participation in the Program

Participation in the program can begin only after a Complaint in Mortgage Foreclosure has been filed by the lender in the Court of Common Pleas. The Sheriff's Office will then serve the borrower with the complaint which will include an "URGENT NOTICE" advising the borrower about the Diversion Program. The "URGENT NOTICE" advises the borrower to:

- Call a housing counselor within 15 days at the number provided in the Notice
- Complete and file a form attached to the notice with the Monroe County Prothonotary's Office

Participation in the Program is initiated by the call to the counselor AND the filing of the certification of participation with the Prothonotary's Office. The housing counseling number is **1-800-922-9537**.

Additionally, a lender who files a Motion for Judgment on the pleadings or a Motion for Summary Judgment in any case, including those cases where a complaint was filed prior to January 1, 2011, must also serve a copy of the "URGENT NOTICE" and Certification of Participation on the borrower together with the Motion being filed. Participation may begin in the same way after service on the borrower of those motions.

How the Program Works

The borrower calls the Housing counselor at 1-800-922-9537.

The housing counselors in Monroe County are:

Consumer Credit Counseling Service at 1-800-922-9537.

Counseling Agencies will set up an appointment with the borrower and will provide the borrower with a list of what documentation is needed for the counseling appointment. The counselor may also assist the borrower in completing and filing the Certification of Participation with the Prothonotary. Upon the filing of the Certification of Participation, the borrower will have "opted-in" to the program. The Court will then issue an Order staying all proceedings on the mortgage foreclosure for 60 days and setting a date for a conciliation conference. The conference will be held before a court-appointed attorney who will serve as the conciliator and assist the parties in reaching an agreement. Copies of this Order are mailed to all parties. To continue the stay of foreclosure proceedings, the borrower MUST submit a proposal to the lender's attorney and to Court Administration (Monroe County Courthouse, 610 Monroe Street, Stroudsburg, Pa. 18360) no later than fifteen (15) days before the conference. Until the scheduled Conciliation Conference occurs, the borrower will continue to work with the housing counselor and the lender in an attempt to reach an agreement.

After the conciliation and review by the court of the conciliator's recommendations, the court may enter an order that:

- Removes the borrower from the program and allows the foreclosure to proceed
- Continues the conciliation conference and the stay of foreclosure proceedings allowing additional time for the parties to reach an agreement
- Settles and discontinues the foreclosure action

Failure to Participate in the Program

If an eligible borrower chooses not to participate in the program or fails to follow through and cooperate with the housing counselor, then the mortgage foreclosure will continue pursuant to the Pennsylvania Rules of Civil Procedure and the Monroe County Local Rules of Court.

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

IN RE: RESIDENTIAL MORTGAGE :
FORECLOSURE PROGRAM : No. 28 2010- PJ
5072010

ORDER

AND NOW, this 16th day of December, 2010, recognizing the large number of mortgage foreclosures now occurring in the county and the need to give homeowners opportunities for face to face meetings with their lenders to encourage settlements of these disputes, the Monroe County Residential Mortgage Foreclosure Diversion Program will be instituted, effective January 1, 2011. IT IS HEREBY ORDERED that:

1. From January 1, 2011 forward, 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 the 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 written request for a conciliation under this program, an order will be entered substantially in the form attached hereto as Exhibit "D." The order will provide that further proceedings in the action 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 provide financial information and a proposal to resolve the mortgage foreclosure action to the lender's counsel at least 15 days before the scheduled conference. 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 discussions 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.

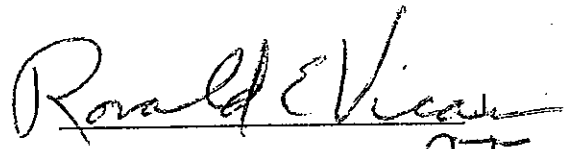
6. Plaintiff's counsel shall serve a copy of the Urgent Notice and the Certificate of Participation on the defendant(s) at the time of service of a:

1) Motion for judgment on the pleadings; or

2) Motion for summary judgment, if the defendant(s) was not served with them along with 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.

7. The court, in its discretion, may also refer pending mortgage foreclosure cases to the Residential Mortgage Foreclosure Diversion Program sua sponte or upon motion of an interested party.

BY THE COURT:


P.J.

cc: Ronald E. Vican, P.J.
Linda Wallach Miller, J.
Margherita Patti Worthington, J.
Arthur L. Zulick, J.
Jonathan Mark, J.
Jennifer Harlacher Sibum, J.
Court Administrator
President, Monroe County Bar Association
Prothonotary
Monroe County Commissioners

2010 JUN 16 AM 10:23
MONROE COUNTY, PA

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 _____, 2010, 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

___ Non-owner occupied residential

___ four units or less

___ over four units

___ Commercial

___ 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:

cc:

URGENT NOTICE

**IMPORTANT NOTICE TO DEFENDANT(S)
YOU MAY RECEIVE HELP THAT MIGHT SAVE YOUR HOME
MONROE COUNTY 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.

CALL THE HOUSING COUNSELOR

1-(800) 922-9537

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. You must also call the housing counselor within 15 days. After you request to participate in the Monroe County Mortgage Foreclosure Diversion Program by filing your certificate and calling the housing counselor at the above number, the housing counselor will make an appointment with you to review your case and help you determine what your best options are in addressing your mortgage foreclosure. A conciliation conference before the court will be scheduled with you, your attorney if you have one, your housing counselor and a representative of your lender. You will be required to submit a complete, written proposal to the Plaintiff's Counsel and to Court Administration (Monroe County Courthouse, 610 Monroe Street, Stroudsburg, Pa. 18360) no later than fifteen (15) days before the Conciliation/Case Management Conference. The housing counselor will help you complete the proposal. The housing counselor will also help you file a Certificate of Participation if you need that assistance.

**TO GET THIS HELP, YOU MUST CALL THE HOUSING
COUNSELOR WITHIN FIFTEEN (15) DAYS.** The housing counselor will
assist you free of charge.

AVISO URGENTE

AVISO IMPORTANTE PARA EL (LOS) DEMANDADO(S)
Usted quizás podrá recibir ayuda para retener su vivienda
**Programa para Desviación de Ejecución Hipotecaria
(FORECLOSURE)**

Del Condado de Monroe

Usted ha sido demandado. El demandante alega que usted no ha cumplido con la hipoteca. El Tribunal tiene un programa que quizás puede ayudarle salvar su vivienda de ejecución hipotecaria (foreclosure) si: 1) usted es dueño (o heredero del difunto que era dueño) de la propiedad 2) usted vive en la propiedad y 3) la propiedad es su residencia primaria.

LLAME AL CONSEJERO DE VIVIENDA

1-(800) 922-9537

Usted debe llenar y devolver el Certificado de Participación que esta adjunto a este aviso. Envíalo a la Oficina de Prothonotary (3rd floor, Monroe County Courthouse, Stroudsburg, PA 18360) inmediatamente. Cuando usted entable este formulario, el Tribunal otorga la orden para una suspensión del caso de ejecución hipotecaria (foreclosure). Usted debe llamar al consejero de vivienda dentro de 15 días. Después que usted solicita participar en el Programa de Desviación de Ejecución Hipotecaria al entablar el Certificado y al llamar al consejero de vivienda al número de teléfono alistado arriba; el consejero de vivienda hará una cita con usted para repasar su caso y ayudarle determinar su mejor opción en cuanto a la ejecución hipotecaria. Se hará una cita para la Conferencia de Conciliación ante el Tribunal con usted, su abogado, si tiene uno, su consejero de vivienda y un representante del prestamista. Es un requisito que usted someta una propuesta por escrito al abogado del demandante y a la Oficina de Administración del Tribunal (Court Administration, Monroe County Courthouse, 610 Monroe Street, Stroudsburg, PA 18360) a no más tardar de quince (15) días antes de la Conferencia de Administración de Conciliación/Caso. Si usted necesita ayuda, el consejero de vivienda puede ayudarle escribir la propuesta y entablar el Certificado de Participación.

Para recibir esta ayuda, usted tiene que llamar al consejero de vivienda dentro de quince (15) días. El consejero de vivienda puede ayudarle sin costo alguno.

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

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

CERTIFICATION OF PARTICIPATION

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.

I will contact the housing counselor at _____.
I will cooperate with the Housing Counselor and have already submitted, or, at least fifteen (15) days before the Conciliation/Case Management Conference, will submit, a complete, written proposal to the Plaintiff's counsel and to Court Administration, (Monroe County Courthouse, 610 Monroe Street, Stroudsburg, Pa. 18360) to avoid foreclosure.

I understand the assistance of the housing counselor is free of charge to me.

Date:

Signature

Printed Name

Daytime phone number

Date:

Signature

Printed Name

Daytime phone number

Must Be Filed to obtain a stay of this mortgage foreclosure action and a Conciliation/Case Management Conference under the Monroe County Mortgage Foreclosure Diversion Program. File this form with:

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

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

	:	No. Civil 20
Plaintiff,	:	
	:	
vs.	:	
	:	
Defendant(s).	:	Residential Mortgage Foreclosure

CONCILIATION/CASE MANAGEMENT ORDER

AND NOW, this _____ day of _____, 2011, a complaint having been filed to foreclose upon a residential mortgage, and the defendant(s) having opted into the Monroe County Residential Mortgage Diversion Program, **IT IS ORDERED** pursuant to Pa.R.C.P. 212.3 and 1141:

- 1) A Conciliation/Case Management Conference is scheduled for __, 2011, at ___ a.m. in Hearing Room _____, Monroe County Courthouse, Stroudsburg, PA 18360 before a court appointed Mortgage Foreclosure Conciliator. Counsel for the Plaintiff must be present and have actual authority to modify the mortgage, enter into an alternative payment agreement or otherwise resolve the action, or must take a designated agent of the Plaintiff who has such authority. Counsel for the Defendant(s), and the Defendant(s) themselves, are also required to attend the Conciliation/Case Management Conference.
- 2) The Defendant(s) shall work with the housing counselor at Consumer Credit Counseling, Inc., a non-profit agency, telephone (800) 922-9537 to determine options to avoid foreclosure, including eligibility for government programs, a

monetary payment, a repayment plan to bring the mortgage current over time, modifying the loan, paying off the mortgage, vacating the premises in the near future in exchange for not contesting the matter, offering the lender a deed in lieu of foreclosure, short sale, filing bankruptcy proceedings, filing an answer to contest the complaint or filing a motion to open or strike the judgment. The services and assistance of the housing counselor are FREE OF CHARGE to the Defendant(s).

3) The Defendant(s) shall, no later than fifteen (15) days before the Conciliation/Case Management Conference, complete and submit to the Plaintiff's counsel and to Court Administration (Monroe County Courthouse, 610 Monroe Street, Stroudsburg, Pa. 18360) a complete, written proposal to avoid foreclosure, along with supporting financial and employment information and documentation.

4) The Plaintiff shall evaluate and respond to the Defendant's proposal before or at the conciliation conference before the conciliator.

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

6) Failure to Comply with this order may result in the cancellation of the Conciliation/Case Management Conference; an order lifting the stay of

proceedings and allowing the case to proceed forthwith to judicial disposition, including the taking of a default judgment or Sheriff's sale; or the scheduling of a subsequent Conciliation/Case Management Conference.

BY THE COURT:

J.

cc: Court Administration
Plaintiff
Defendant
Sheriff Dept.