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LYCOMING COUNTY

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SUZANNE E. FEELE
PROTHONOTARY &
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

In Re: Mortgage Foreclosure Diversion Program : NO.

: MD - 2019-00006

ADMINISTRATIVE ORDER

AND NOW, this 11th day of December 2019, the Court's August 6, 2013 Administrative Order, as amended by the Court's December 20, 2018 Administrative Order, which established and then amended the tenets and requirements of the Mortgage Foreclosure Diversion Program, is further AMENDED. The 29th Judicial District hereby ADOPTS the following procedural rules for participation in the 29th Judicial District's Mortgage Foreclosure Diversion Program.

1. In all filed mortgage foreclosure actions, the Sheriff's Office shall serve Defendant(s) with the Mortgage Foreclosure Diversion Program Notice ("Notice") (Exhibit A) and Election to Participate in Settlement Conferences ("Election to Participate") (Exhibit B), when serving the initial mortgage foreclosure complaint.
2. If Defendant(s) want(s) to participate in the diversion program, Defendant(s) must execute and file the original and a copy of the Election to Participate (Exhibit B) in the Prothonotary's Office within ten (10) days of the service of the complaint, Notice and Election to Participate. The Prothonotary shall forward a time-stamped copy of the Election to Participate to the District Court Administrator's Office.
3. A representative of the District Court Administrator's Office shall forward the copy of the Election to Participate to the Judge assigned to the foreclosure action so that the Judge may enter a Stay Order (Exhibit C). The Prothonotary's Office shall serve the Stay Order and Election to Participate upon all parties.

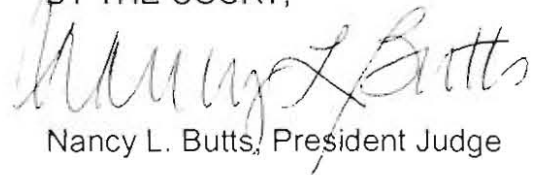
4. Once Plaintiff receives the Stay Order and Election to Participate, Plaintiff shall serve Defendant(s) and North Penn Legal Services (North Penn), c/o Jennifer Heverly, Esq., 25 West Third Street, Suite 400, Williamsport, Pennsylvania 17701, with the Notice of Participation in Lycoming County Foreclosure Diversion Program ("Notice of Participation") (Exhibit D).
5. Within fourteen (14) days of receiving the Notice of Participation, Defendant(s) must contact North Penn to obtain pro bono counsel. North Penn shall promptly notify Plaintiff when a pro bono attorney has been assigned.
6. Once Plaintiff receives notification from North Penn that counsel has been assigned, Plaintiff shall provide Defendant(s) with the appropriate program application package within twenty-one (21) days.
7. If Defendant(s) receive(s) the program application from Plaintiff within twenty-one (21) days, Defendant(s) shall provide the required information and return the application package to Plaintiff for review within twenty-one (21) days.
8. If the program application package is not received by Defendant(s) within twenty-one (21) days, Defendant(s) may petition the Court immediately so that a status conference may be scheduled.
9. If Plaintiff does not receive the completed initial application package from Defendant(s) within twenty-one (21) days, Plaintiff may petition the Court immediately so that a status conference may be scheduled.
10. Once Plaintiff receives the initial application package from Defendant(s), Plaintiff shall notify Defendant(s) within ten (10) days of any deficiencies.

11. Once the application package has been received and reviewed by both parties and all deficiencies have been addressed, Defendant(s) shall file with the Court the original and a copy of a Certificate of Readiness for Settlement Conferences ("Certificate of Readiness") (Exhibit E). The Prothonotary shall forward a time-stamped copy of the Certificate of Readiness to the District Court Administrator's Office.

12. Once the Court receives a Certificate of Readiness, the Court will issue an Order Scheduling Foreclosure Diversion Conferences (Exhibit F). That order will provide that attorneys of record shall arrange a telephone conference within thirty (30) days of the order to discuss the status of the loss mitigation package of Defendant(s). The order will also schedule a court conference at least forty-five (45) days from the date of the order. The Prothonotary's office shall serve the order upon all counsel of record and Defendant(s).

The effective date of this order is December 11, 2019.

BY THE COURT,


Nancy L. Butts, President Judge

cc: Lycoming County Sheriff
North Penn Legal Services
Lycoming County District Court Administrator
Honorable Marc F. Lovecchio
Honorable Joy Reynolds McCoy
Honorable Eric R. Linhardt
Honorable Ryan M. Tira
Suzanne Fedele, Prothonotary
Lycoming Law Association

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

	:	DOCKET NO.
Plaintiff(s),	:	CIVIL ACTION
v.	:	MORTGAGE FORECLOSURE
Defendant(s).	:	DIVERSION PROGRAM

MORTGAGE FORECLOSURE DIVERSION PROGRAM NOTICE

*If you are an owner of the property that is the subject of this mortgage foreclosure action and if the property is your principal residence, you can ask the Court to schedule a settlement conference with the mortgage company. If you request a mortgage foreclosure settlement conference **within ten (10) days** of being served with this notice, a judgment in mortgage foreclosure will **not** be entered against you prior to that conference. However, you will still be held responsible for any deadlines set forth in the papers that you have already received and in the Rules of Civil Procedure.*

The purpose of the conference would be to explore all options for settling this matter, which may include saving your home and avoiding foreclosure. If you request a conference, you will be ordered by the Court to attend that conference. You will be assigned a *pro bono* attorney, who will represent you for the conference and who will meet with you prior to the conference to assess your situation and give you legal advice.

If you would like to request a conference, you must sign and return the attached form within ten (10) days of the date on this notice. If you request a conference, you will be ordered by the Court to attend that conference.

If you have not already done so, you must immediately contact a housing counselor at either of these agencies to prepare a budget and learn more about your options.

Advantage Credit Counseling Services: 888-511-2227

PA Interfaith Community Programs Inc.: 570-742-3399

Date of Service: _____

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

	:	DOCKET NO.
Plaintiff(s),	:	CIVIL ACTION
v.	:	MORTGAGE FORECLOSURE
Defendant(s).	:	DIVERSION PROGRAM

ELECTION TO PARTICIPATE IN SETTLEMENT CONFERENCES

_____ As the Defendant(s) in this matter, **I (we) affirm that the subject property is my (our) principal place of residence** and I (we) wish to participate in the mortgage foreclosure diversionary program settlement conferences.

_____ If I (we) am (are) provided a *pro bono* attorney through this program, I (we) authorize North Penn Legal Services to provide the housing counselors at PA Interfaith Community Programs or Advantage Credit Counseling Services the name of our attorney. _____

Signature(s)

I (We) understand that the purpose of this conference is to explore all options for settling this matter. I (We) further understand that participation in this conference is voluntary and that I (we) will still be held responsible for any deadlines set forth in the papers that I (we) have already received and in the Rules of Civil Procedure, *including the obligation to file a response to a properly served complaint in order to avoid the entry of a default judgment.*

Signature

Printed Name

Address

Address (cont.)

Phone Number(s)

Signature

Printed Name

Address

Address (cont.)

Phone Number(s)

This form must be filed within **ten (10) days** at:
Prothonotary's Office
Lycoming County Courthouse
48 West Third Street
Williamsport, PA 17701
(570) 327-2251

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

	:	DOCKET NO.
Plaintiff(s),	:	CIVIL ACTION
v.	:	MORTGAGE FORECLOSURE
Defendant(s).	:	DIVERSION PROGRAM

STAY ORDER

AND NOW, this _____ day of _____, 20____, Defendant(s) has (have) opted to participate in the Lycoming County Mortgage Foreclosure Diversion Program. It is ORDERED and DIRECTED that the above-captioned matter is hereby PLACED in that program. No judgment in mortgage foreclosure may be entered by default judgment or otherwise until and unless this case is removed from the program by Order of Court. Counsel for Plaintiff is INSTRUCTED to issue the Notice of Participation in Lycoming County Foreclosure Diversion Program to Defendant(s) and North Penn Legal Services.

BY THE COURT,

Date: _____
_____ J.

encl: Election to Participate in Settlement Conferences

xc: Counsel for Plaintiff
Counsel for Defendant(s)
Defendant(s)
Jennifer Heverly, Esq.
North Penn Legal Services
25 West Third Street, Suite 400, Williamsport, PA 17701

	:	DOCKET NO.
Plaintiff(s),	:	CIVIL ACTION
v.	:	MORTGAGE FORECLOSURE
Defendant(s).	:	DIVERSION PROGRAM

**NOTICE OF PARTICIPATION IN LYCOMING COUNTY
MORTGAGE FORECLOSURE DIVERSION PROGRAM**

Please take notice: Defendant(s) in the above-captioned action have opted to participate in the Lycoming County Mortgage Foreclosure Diversion Program. Accordingly, no judgment in mortgage foreclosure may be entered by default judgment or otherwise until either the conclusion of the below stated program or the entry of an Order of Court terminating participation in the program. The parties and/or their attorneys, if represented, must appear at any and all conferences scheduled by this Court, either in person or, with the permission of the Court, by telephone.

Defendant(s) is (are) hereby directed to contact North Penn Legal Services (North Penn) at (570) 323-8741 **within fourteen (14) days** of receiving this notice. North Penn will thereafter assign a *pro bono* attorney to represent Defendant(s) and will notify Plaintiff that a *pro bono* attorney has been assigned.

Upon notification from North Penn that a *pro bono* attorney has been assigned, Plaintiff shall provide Defendant(s), counsel for Defendant(s), and any assigned housing counselor a complete loss mitigation application, along with any documentation checklist, no later than **twenty-one (21) days** from the notification by North Penn. In the event that Plaintiff fails to provide the loss mitigation package, Defendant(s) may request, in writing, a status conference so that the Court may determine why Plaintiff has not complied with this requirement.

Upon receipt of the loss mitigation application, Defendant(s) shall have **twenty-one (21) days** to return to Plaintiff the completed application, along with any requested documentation. In the event Defendant(s) fail to return the loss mitigation package, Plaintiff may request, in writing, a status conference so that the Court may determine why Defendant(s) has (have) not complied with this requirement.

Upon receipt of the loss mitigation package, Plaintiff shall have ten (10) days to notify Defendant(s) of any deficiencies in the package. If Defendants have not been notified of any deficiencies at the expiration of the ten (10) days, Defendant(s) shall file the attached Certificate of Readiness for Settlement Conference.

Upon the filing of the Certificate of Readiness, the Court shall establish by order the settlement conference schedule, which will include the dates by which counsel shall hold an initial telephone conference between counsel (approximately thirty (30) days from the date of the order), and a date on which the court will hold a final conference (approximately sixty (60) days from the date of the order).

The purpose of these conferences will be to engage in meaningful settlement discussions with the assistance of counsel in order to explore the possibility of amicably resolving this mortgage foreclosure action. The parties and/or their representatives must have sufficient knowledge of the case and authority to negotiate settlement. If Plaintiff's counsel does not have full authority to settle the matter, a representative with such authority must be available by telephone.

In the event that a settlement is not achieved by the final conference date, the Court may, in its discretion, extend the stay of this program and require additional conferences, order an in-person appearance by Plaintiff at a subsequent conference, or take any other action it deems appropriate under the law.

Please remember that settlement conferences are not hearings and that the parties are not required to settle. The conferences are not always successful. If the conference is successful, Defendant(s) should immediately see positive results. Defendant(s) may reduce mortgage payments or be given more time to bring the mortgage current. Defendant(s) need to keep in mind that if their property is worth far less than the mortgage debt, it may not be financially wise to keep the property, and they should consider whether surrendering the property is a better option than going forward. Further, any arrears added to the balance of the loan in a mortgage modification will increase their principal and the total amount of interest paid, which could make the modified loan a bad financial decision. Defendant(s) should seek legal and financial advice before modifying their mortgage in order to make an informed decision.

xc: Defendant(s)
Jennifer Heverly, Esq.
North Penn Legal Services
25 West Third Street, Suite 400, Williamsport, PA 17701

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

	:	DOCKET NO.
Plaintiff(s),	:	CIVIL ACTION
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Defendant(s).	:	DIVERSION PROGRAM

CERTIFICATE OF READINESS FOR SETTLEMENT CONFERENCES

Pursuant to the Notice of Participation in the Lycoming County Diversion Program, the undersigned attorney hereby certifies that all requested documents have been provided by Defendant(s) to Plaintiff and that the case is ready for the issuance of an Order Scheduling Foreclosure Diversion Conferences.

RESPECTFULLY SUBMITTED,

Date: _____

Counsel for Defendant(s)
Address

xc: Counsel for Plaintiff
Counsel for Defendant(s)
Defendant(s)

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

	:	DOCKET NO.
Plaintiff(s),	:	CIVIL ACTION
v.	:	MORTGAGE FORECLOSURE
Defendant(s).	:	DIVERSION PROGRAM

ORDER SCHEDULING FORECLOSURE DIVERSION CONFERENCES

AND NOW, this _____ day of _____, 20____, the Court has been notified that the above-referenced case is ready to proceed with settlement conferences as proscribed by the Certificate of Readiness for Settlement Conference, filed on _____. It is hereby ORDERED and DIRECTED as follows:

1. The parties shall arrange and participate in a status conference by telephone or in person at least thirty (30) days prior to the final conference scheduled below to discuss the status of the loss mitigation package of Defendant(s).
2. A final conference shall be held on _____ at _____, in Courtroom No.____, of the Lycoming County Courthouse. The parties and/or their attorneys, if represented, must appear at this conference in person. A representative of the Plaintiff with settlement authority shall be available by telephone.
3. In the event a settlement is reached, the above-scheduled conferences may be cancelled only upon written request to the Court. Additionally, written continuance requests may be sought by either party and may be granted in the Court's discretion.

Both Plaintiff and Defendant(s) are reminded that they remain responsible for meeting any deadlines set forth in previous notices or in the Rules of Civil Procedure, including those relating to service of the complaint and the obligation to file a response to a properly served complaint in order to avoid the entry of a default judgment.

BY THE COURT,

Date: _____

J.

xc: Counsel for Plaintiff
Counsel for Defendant(s)
Defendant(s)