

COURT OF COMMON PLEAS OF SCHUYLKILL COUNTY, PENNSYLVANIA

In Re: Administrative Order : NO. AD - 128 - 2011  
2011.3 :  
Residential Mortgage Foreclosure :  
Diversion Program :

**ORDER OF COURT**

**AND NOW**, this 4th day of NOVEMBER, 2011 at 8:30, a. m., the Schuylkill County Court of Common Pleas hereby establishes the Residential Mortgage Foreclosure Diversion Program as follows:

**I.** All complaints for mortgage foreclosure of residential owner - occupied properties shall be accompanied by a Certification Cover Sheet certifying the real estate location, the occupancy status, and the contact information for plaintiff's representative and/or counsel for plaintiff. The Certification Cover Sheet shall be filed with the complaint and the complaint shall not be accepted by the Prothonotary's Office without the Certification Cover Sheet. (Attachment A – Certification Cover Sheet).

**II.** Upon the filing of a complaint in a residential mortgage foreclosure action, the Prothonotary shall provide a copy of the Mortgage Foreclosure Diversion Program "Urgent Notice" to the plaintiff or counsel for plaintiff. (Attachment B – "Urgent Notice"). The plaintiff shall serve a copy of the "Urgent Notice" along with the complaint on the defendant[s] in accordance with the Pennsylvania Rules of Civil Procedure.

**III.** Plaintiff shall file a Certificate of Service stating that the complaint, Certification Cover Sheet and "Urgent Notice" were served upon the defendant[s].

**IV.** Service of the complaint, Certification Cover Sheet, and "Urgent Notice" upon the defendant[s] shall result in an automatic stay of any further proceedings, such as the filing of an answer or the filing for a default judgment, for ninety (90) days from the date of service.

V. Within seven (7) days following service of the complaint and “Urgent Notice,” the defendant[s] shall contact Schuylkill Community Action to schedule an appointment for an intake meeting with the Housing Counselor. The intake meeting shall occur within fourteen (14) days of the initial contact. The defendant[s] shall bring to the meeting and provide to the Housing Counselor all requested financial and employment information to enable the Housing Counselor to draft a written Mortgage Modification Plan.

At the completion of the intake meeting, the Housing Counselor shall provide the defendant[s] a Certification of Participation and assist the defendant[s] in serving the Certification on the plaintiff. If the plaintiff does not receive a Certification of Participation within thirty (30) days following service of the complaint and “Urgent Notice,” the plaintiff may petition the Court, after notice to the defendant[s], to lift the stay.

Within thirty (30) days of the intake meeting, the Housing Counselor shall submit to the plaintiff or the plaintiff’s representative a Mortgage Modification Plan or a statement that the Housing Counselor was unable to develop a plan. If no plan is submitted, the plaintiff may immediately petition the Court, after notice to the defendant[s], to lift the stay. If a plan is submitted, the Housing Counselor shall attempt to negotiate a resolution of the default with the plaintiff’s representative. If the plaintiff’s representative fails to participate in negotiations with the Housing Counselor, the Housing Counselor may assist the defendant[s] in petitioning the Court, after notice to the plaintiff, to dismiss the complaint.

If an agreement is reached through negotiations, the plaintiff’s representative shall prepare any documents necessary to implement the agreement and withdraw the complaint. If no agreement is reached through negotiations, the Housing Counselor shall complete the Request for a Court Supervised Conciliation Conference (Attachment D) and forward it to the Court Administrator. The defendant[s] shall indicate on the Request if the assistance of a Schuylkill County pro bono Attorney to serve as a neutral facilitator at the Conciliation Conference is being requested.

The primary role of the pro bono Attorney will be to facilitate the negotiations at the Conciliation Conference between the Housing Counselor, the defendant[s], and plaintiff's representative. The pro bono Attorney shall not be required to file an entry of appearance and the Conciliation Conference is the only proceeding that he/she is required to attend. Once a pro bono Attorney has agreed to participate and assist the defendant[s] at the Conciliation Conference, the Mortgage Modification Plan will be immediately provided to that Attorney.

**VI.** At the conclusion of the Conciliation Conference, the Court may order that the stay be lifted, that the stay be continued for a reasonable time to allow for further voluntary negotiations and/or the preparation and execution of documents to implement any agreement or any other action the Court deems appropriate.

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William E. Baldwin  
President Judge

**ORIGINAL SIGNED ORDERS FILED IN THE  
CLERK OF COURTS**