

**IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY,
PENNSYLVANIA**

IN RE: ADMINISTRATIVE ORDER :
: NO. 1 ADM 2010

ADMINISTRATIVE ORDER

AND NOW, this 16th day of March, 2010, it is hereby Ordered that a Mortgage Foreclosure Program is adopted as attached.

The Prothonotary is directed as follows:

- (1) Seven certified copies of the order and program shall be filed with the Administrative Office of Pennsylvania Courts
- (2) Two certified copies and diskette of the order and program shall be distributed to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
- (3) One certified copy of this order shall be sent to the State Civil Procedural Rules Committee.
- (4) One certified copy shall be sent to the Fayette County Law Library and the Editor of the Fayette Legal Journal.

The adoption of the Mortgage Foreclosure Program shall become effective thirty (30) days after publication in the Pennsylvania Bulletin.

BY THE COURT:

GERALD R. SOLOMON
President Judge

MORTGAGE FORECLOSURE PROGRAM

The Fayette County Court of Common Pleas having recognized the current mortgage foreclosure crisis, hereby establishes the Mortgage Foreclosure Diversion Program:

(a) When a plaintiff files a complaint in a mortgage foreclosure action, the Prothonotary's Office shall provide a copy of the Mortgage Foreclosure Diversion Program Notice to the plaintiff.

(b) The plaintiff shall serve a copy of the Mortgage Foreclosure Diversion Program Notice along with the complaint on the defendant in accordance with the Pennsylvania Rules of Civil Procedure.

(c) Pursuant to the procedures of this program, a defendant who commences Foreclosure Mitigation Counseling (FMC) may seek a 90-day stay in the mortgage foreclosure proceedings for the purpose of reaching a mutually acceptable agreement with the plaintiff to resolve the case.

(d) The defendant must commence FMC with Southwestern Pennsylvania Legal Services, Inc., within twenty (20) days of being served with a Complaint in Mortgage Foreclosure.

(e) If the defendant commences FMC and desires the imposition of a 90-day stay in their mortgage foreclosure proceedings, the representative of Southwestern Pennsylvania Legal Services, Inc., or other legal representative, shall present a request for such a stay in writing to the judge to whom the case has been assigned.

(f) The defendant must commence FMC in order to qualify for the 90-day stay.

(g) Only mortgage foreclosure cases with owner-occupied residences are subject to this program.

(h) If a defendant fails to commence FMC, or the defendant fails to request a 90-day stay, or the parties fail to reach an agreement within the 90-day stay period, all further proceedings in the case will be handled by the judge to whom the case is assigned in accordance with normal assignment procedures.

MORTGAGE FORECLOSURE DIVERSION PROGRAM NOTICE

You have been sued in court to foreclose upon the mortgage associated with your home.

You are notified that you may seek a 90-day stay in this mortgage foreclosure proceeding if you commence Foreclosure Mitigation Counseling with Southwestern Pennsylvania Legal Services, Inc., within 20 days of being served with the complaint in this action and this notice, and make application for this stay. The purpose of this stay is to permit you an opportunity to work with the lender/plaintiff to reach an agreement to settle this proceeding.

If you fail to commence this free Foreclosure Mitigation Counseling, you will not receive a 90-day stay of these proceedings and if you do not respond to the complaint, a default judgment may be entered.

YOU SHOULD STRONGLY CONSIDER FORECLOSURE MITIGATION COUNSELING. THIS COUNSELING WILL BE CONDUCTED BY A REPRESENTATIVE OF SOUTHWESTERN PENNSYLVANIA LEGAL SERVICES. YOU MAY BE ABLE TO SEEK ASSISTANCE FROM A LEGAL PROFESSIONAL AT THE FORECLOSURE MITIGATION COUNSELING.

IF YOU HAVE QUESTIONS ABOUT THIS MATTER, OR WISH TO COMMENCE FORECLOSURE MITIGATION COUNSELING, CONTACT:

SOUTHWESTERN PA LEGAL SERVICES
45 EAST MAIN STREET
UNIONTOWN, PA 15401
724-439-3591
800-846-0871 (toll free)