

# THE COURTS

## Title 249—PHILADELPHIA RULES

Board of Revision of Taxes and Board of View;  
President Judge Administrative Order No.  
2009-03

### Order

*And Now*, this 22nd of May, 2009, *It Is Hereby Ordered, Adjudged and Decreed* that effective May 22, 2009:

Pursuant to a vote of the Board of Judges on May 21, 2009, upon cause demonstrated, Mr. Joseph A. Russo is hereby removed from office as a member of the Board of Revision of Taxes and as a Member of the Board of View.

This Administrative Order shall be published in the *Pennsylvania Bulletin*. The original Administrative Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the President Judge of the Court of Common Pleas, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Supreme Court's Civil Procedural Rules Committee. Copies of the Administrative Order shall be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Library and the Law Library of the First Judicial District, and shall be posted on the web site of the First Judicial District of Pennsylvania: <http://courts.phila.gov>.

HONORABLE PAMELA PRYOR DEMBE,  
*President Judge*

[Pa.B. Doc. No. 09-1054. Filed for public inspection June 12, 2009, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### LACKAWANNA COUNTY

Repeal and Adoption of Lackawanna County Rules  
of Civil Procedure; No. 94 CV 102

### Order

*And Now*, this 27th day of May, 2009, it is hereby *Ordered and Decreed* that the attached Lackawanna County Rules of Civil Procedure are amended as follows:

1. Lacka. Co. R.C.P. 205.2(b), 1034, 1035.2 and 3129.1 are amended as reflected in the attached rules. The amended language of those rules appears in italics for ease of reference;

2. New Lacka. Co. R.C.P. 1143 and 1143.1 are adopted as reflected in the attached rules. The new language of those rules appears in italics for ease of reference;

3. In order to effectuate the new and amended rules attached hereto, new Form 1 (Civil Cover Sheet), Form 8 (Notice of Residential Mortgage Foreclosure Diversion Program pursuant to Lacka. Co. R.C.P. 205.2(b) and 1143(a)), Form 9 (Request for Conciliation Conference), Form 10 (Case Management Order pursuant to Lacka. Co. R.C.P. 1143.1(c)), Form 11 (Notice of Residential Mortgage Foreclosure Diversion Program pursuant to

Lacka. Co. R.C.P. 1034 or 1035.2), Form 12 (Notice of Residential Mortgage Foreclosure Diversion Program pursuant to Lacka. Co. R.C.P. 3129.1), Form 13 (Affidavit pursuant to Lacka. Co. R.C.P. 3129.1) and Form 14 (Lackawanna County Residential Mortgage Foreclosure Diversion Program Financial Worksheet) are adopted as reflected in the attached rules;

4. Pursuant to Pa.R.C.P. 239(c)(2)—(6), the attached Local Rules shall be disseminated and published in the following manner:

(a) Seven (7) certified copies of the attached Local Rules shall be filed with the Administrative Office of the Pennsylvania Courts;

(b) Two (2) certified copies of the attached Local Rules and a computer diskette containing the text of the attached Local Rules in Microsoft Word format and labeled with the court's name and address and computer file name shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(c) One (1) certified copy of the attached Local Rules shall be filed with the Civil Procedural Rules Committee;

(d) The attached Local Rules shall be kept continuously available for public inspection and copying in the Office of the Clerk of Judicial Records, Civil Division, and upon request and payment of reasonable costs of reproduction and mailing, the Clerk of Judicial Records shall furnish to any requesting person a copy of the requested Local Rule(s); and

(e) A computer diskette containing the text of the attached Local Rules in Microsoft Word format and labeled with the court's name and address and computer file name shall be distributed to the Lackawanna Bar Association for publication on the web site of the Lackawanna Bar Association.

5. The attached amendments to Lacka. Co. R.C.P. 205.2(b), 1034, 1035.2 and 3129.1 and new adoptions of Lacka. Co. R.C.P. 1143 and 1143.1 shall become effective thirty (30) days after the date of their publication in the *Pennsylvania Bulletin* pursuant to Pa. R.C.P. 239(d).

*By the Court*

CHESTER P. HARHUT,  
*President Judge*

### Rule 205.2(b). Civil Cover Sheet.

No summons, complaint, pleading or other document used to commence a new civil action will be accepted for filing by the Clerk of Judicial Records unless it is accompanied by a duly completed Civil Cover Sheet in the format set forth in Form 1 of the Appendix. *In all residential mortgage foreclosure actions bearing the case code designation "RP/MF/RES" on the Civil Cover Sheet, no summons, complaint, pleading or other document used to commence a new residential mortgage foreclosure civil action will be accepted for filing by the Clerk of Judicial Records unless it is accompanied by a Notice of Residential Mortgage Foreclosure Diversion Program form in the format set forth in Form 8 of the Appendix.*

### Rule 1034. Motion for Judgment on the Pleadings.

(a) A party filing a motion for judgment on the pleadings shall file the original motion for judgment on the pleadings with the Clerk of Judicial Records and shall deliver a copy of the same to the Court Administrator together with a praecipe for assignment in accordance

with Lacka. Co. R.C.P. 211. The party filing a praecipe for assignment shall comply with the requirements of Lacka. Co. R.C.P. 211(b) prior to filing the praecipe for assignment. The filing of briefs, assignment of motion for judgment on the pleadings, and scheduling of oral argument, if necessary, shall be governed by Lacka. Co. R.C.P. 211(c)—(g).

(b) *As a condition precedent to the filing of a motion for judgment on the pleadings in a residential mortgage foreclosure action involving a residential property which serves as the primary residence of the defendant/borrower, the plaintiff/lender must serve upon the defendant/borrower a "Notice of Residential Mortgage Foreclosure Diversion Program" in the format set forth in Form 11 of the Appendix, unless such a Notice has already been served pursuant to Lacka. Co. R.C.P. 1143. Following the service of the "Notice of Residential Mortgage Foreclosure Diversion Program" in the format prescribed in Form No. 11 of the Appendix, all proceedings shall be stayed for a period of sixty (60) days in order to afford the defendant/borrower an opportunity to qualify for participation in a court-supervised conciliation conference under Lacka. Co. R.C.P. 1143.1. Upon the expiration of that stay period, the plaintiff/lender in such a residential mortgage foreclosure action may proceed to file a motion for judgment on the pleadings in compliance with Lacka. Co. R.C.P. 1034(a).*

(c) *If the defendant/borrower in a residential mortgage foreclosure action has taken the affirmative steps identified in the "Notice of Residential Mortgage Foreclosure Diversion Program" to be eligible to participate in a court-supervised conciliation conference under this Rule, the defendant/borrower shall file a Request for Conciliation Conference in the format set forth in Form No. 9 of the Appendix. The Request for Conciliation Conference shall be filed with the Clerk of Judicial Records within sixty (60) days of service of the Notice of Residential Mortgage Foreclosure Diversion Program and shall be served upon counsel for the plaintiff/lender. A copy of the Request for Conciliation Conference shall also be served upon the Court Administrator.*

(d) *Upon receipt of the Request for Conciliation Conference, the Court Administrator shall issue a Case Management Order (Form No. 10) as required by Lacka. Co. R.C.P. 1143.1(c). Conciliation conferences shall be scheduled and conducted in conformity with Lacka. Co. R.C.P. 1143.1(c)—(f).*

#### **Rule 1035.2. Motion for Summary Judgment.**

(a) A party filing a motion for summary judgment shall file the original motion for summary judgment with the Clerk of Judicial Records and shall deliver a copy of the same to the Court Administrator together with a praecipe for assignment in accordance with Lacka. Co. R.C.P. 211. The party filing a praecipe for assignment shall comply with the requirements of Lacka. Co. R.C.P. 211(b) prior to filing the praecipe for assignment. The filing of briefs, assignment of motion for summary judgment and scheduling of oral argument, if necessary, shall be governed by Lacka. Co. R.C.P. 211(c)—(g).

(b) *As a condition precedent to the filing of a motion for summary judgment in a residential mortgage foreclosure action involving a residential property which serves as the primary residence of the defendant/borrower, the plaintiff/lender must serve upon the defendant/borrower a "Notice of Residential Mortgage Foreclosure Diversion Program" in the format set forth in Form 11 of the Appendix, unless such a Notice has already been served pursuant to Lacka. Co. R.C.P. 1143. Following the service*

*of the "Notice of Residential Mortgage Foreclosure Diversion Program" in the format prescribed in Form No. 11 of the Appendix, all proceedings shall be stayed for a period of sixty (60) days in order to afford the defendant/borrower an opportunity to qualify for participation in a court-supervised conciliation conference under Lacka. Co. R.C.P. 1143.1. Upon the expiration of that stay period, the plaintiff/lender in such a residential mortgage foreclosure action may proceed to file a motion for summary judgment in compliance with Lacka. Co. R.C.P. 1035.2(a).*

(c) *If the defendant/borrower in a residential mortgage foreclosure action has taken the affirmative steps identified in the "Notice of Residential Mortgage Foreclosure Diversion Program" to be eligible to participate in a court-supervised conciliation conference under this Rule, the defendant/borrower shall file a Request for Conciliation Conference in the format set forth in Form No. 9 of the Appendix. The Request for Conciliation Conference shall be filed with the Clerk of Judicial Records within sixty (60) days of service of the Notice of Residential Mortgage Foreclosure Diversion Program and shall be served upon counsel for the plaintiff/lender. A copy of the Request for Conciliation Conference shall also be served upon the Court Administrator.*

(d) *Upon receipt of the Request for Conciliation Conference, the Court Administrator shall issue a Case Management Order (Form No. 10) as required by Lacka. Co. R.C.P. 1143.1(c). Conciliation conferences shall be scheduled and conducted in conformity with Lacka. Co. R.C.P. 1143.1(c)—(f).*

#### **Rule 1143. Commencement of Mortgage Foreclosure Action.**

(a) *In all residential mortgage foreclosure actions involving a residential property which serves as the primary residence of the defendant/borrower, the complaint must include a Civil Cover Sheet bearing the case code designation "RP/MF/RES" as required by Lacka. Co. R.C.P. 205.2(b). In addition to the Civil Cover Sheet bearing the case code designation "RP/MF/RES," the complaint shall include a "Notice of Residential Mortgage Foreclosure Diversion Program" in the format set forth in Form 8 of the Appendix. Service of the complaint in such a residential mortgage foreclosure action shall include the "Notice of Residential Mortgage Foreclosure Diversion Program" advising the defendant/borrower of the action to be taken by the defendant/borrower within sixty (60) days of service of the complaint in order to participate in a court-supervised conciliation conference pursuant to Lacka. Co. R.C.P. 1143.1.*

(b) *If the defendant/borrower in a residential mortgage foreclosure action has taken the affirmative steps identified in the "Notice of Residential Mortgage Foreclosure Diversion Program" to be eligible to participate in a court-supervised conciliation conference under Lacka. Co. R.C.P. 1143.1, the defendant/borrower shall file a Request for Conciliation Conference in the format set forth in Form 9 of the Appendix. The Request for Conciliation Conference shall be filed with the Clerk of Judicial Records within sixty (60) days of service of the complaint and Notice of Residential Mortgage Foreclosure Diversion Program and shall be served upon counsel for the plaintiff/lender. A copy of the Request for Conciliation Conference shall also be served upon the Court Administrator.*

(c) *Upon receipt of the Request for Conciliation Conference, the Court Administrator shall issue a Case Management Order (Form No. 10) as required by Lacka. Co.*

*R.C.P. 1143.1(c). Conciliation Conferences shall be scheduled and conducted in conformity with Lacka. Co. R.C.P. 1143.1(c)—(f).*

*(d) Following the service of the “Notice of Residential Mortgage Foreclosure Diversion Program” (Form No. 8) in a residential mortgage foreclosure action bearing the case code designation “RP/MF/RES,” all proceedings shall be stayed for a period of sixty (60) days in order to afford the defendant/borrower an opportunity to qualify for participation in a court-supervised conciliation conference.*

**Rule 1143.1. Conciliation Conference in Residential Mortgage Foreclosure Actions.**

*(a) The defendant/borrower shall be entitled to participate in a court-supervised conciliation conference with the plaintiff/borrower in all residential mortgage foreclosure actions in which the defendant/borrower: (i) has been served with a Notice of Residential Mortgage Foreclosure Diversion Program pursuant to Lacka. Co. R.C.P. 205.2(b), 1034(b), 1035.2(b), 1143(a) or 3129.1(c); (ii) has completed a financial worksheet in the format set forth in Form No. 14 of the Appendix in advance of the Conciliation Conference; and (iii) has filed and served a Request for Conciliation Conference. If the defendant/borrower in a residential mortgage foreclosure action has already participated in a conciliation conference, the plaintiff/lender or the defendant/borrower may request an additional conciliation conference for good cause shown by presenting a motion seeking the scheduling of a conciliation conference in accordance with Lacka. Co. R.C.P. 208.3(a).*

*(b) To be eligible to participate in a Conciliation Conference, a self-represented defendant/borrower who has been served with a Notice of Residential Mortgage Foreclosure Diversion Program under Lacka. Co. R.C.P. 205.2(b), 1034(b), 1035.2(b), 1143(a) or 3129.1(c) must contact and meet with one of the housing counselors identified in the Notice, complete a financial worksheet (Form No. 14), and file the Request for Conciliation Conference form within the time deadlines set forth in the applicable Notice. If the defendant/borrower is represented by counsel, the defendant/borrower need not contact and meet with one of the identified housing counselors as a condition precedent to requesting a Conciliation Conference, provided that counsel for the defendant/borrower completes the prescribed financial worksheet (Form No. 14), and files the Request for Conciliation Conference form within the time deadlines set forth in the applicable Notice. In the event that the defendant/borrower has not been served with a Notice of Residential Mortgage Foreclosure Diversion Program pursuant to Lacka. Co. R.C.P. 205.2(b), 1034(b), 1035.2(b), 1143(a) or 3129.1(c), the defendant/borrower in a residential mortgage foreclosure action shall have the right to participate in a court-supervised conciliation conference provided that the defendant/borrower completes a financial worksheet (Form No. 14), files a Request for Conciliation Conference form with the Clerk of Judicial Records and delivers a time-stamped copy to the Court Administrator.*

*(c) Upon receipt of a duly-filed Request for Conciliation Conference form, the Court Administrator shall issue a Case Management Order (Form No. 10) scheduling the matter for the next available Conciliation Conference list. The Case Management Order shall specify the date, time and place of the Conciliation Conference and shall be forwarded by the Court Administrator via ordinary mail to counsel for the parties and to any self-represented parties. At least fourteen (14) days prior to the date of the Conciliation Conference, the defendant/borrower must serve upon the plaintiff/lender or its counsel a copy of the*

*“Lackawanna County Residential Mortgage Foreclosure Diversion Program Financial Worksheet” (Form No. 14) which has been completed by the defendant/borrower in compliance with Lacka. Co. R.C.P. 1143.1. The failure to do so will result in the removal of the case from the Conciliation Conference schedule and the termination of the temporary stay of proceedings under Lacka. Co. R.C.P. 1034(b), 1035.2(b), 1143(d) or 3129.1(e).*

*(d) Conciliation Conferences in residential mortgage foreclosure actions will be conducted in the Jury Orientation Lounge, 1st Floor, Lackawanna County Court House at 10:00 AM on the last Friday of each month. In the event that the last Friday of a month falls on a holiday, the Conciliation Conference will be conducted on the preceding Friday unless another date is fixed by the Case Management Order.*

*(e) Conciliation Conferences will be conducted by the presiding judge unless a Special Master or Judge Pro Tempore is appointed by the Court to conduct the Conciliation Conference. The defendant/borrower and counsel for the parties must attend the Conciliation Conference in person and an authorized representative of the plaintiff/lender must either attend the Conciliation Conference in person or be available by telephone during the course of the Conciliation Conference. The representative of the plaintiff/lender who participates in the Conciliation Conference must possess the actual authority to reach a mutually acceptable resolution, and counsel for the plaintiff/lender must discuss resolution proposals with that authorized representative in advance of the Conciliation Conference. The Court in its discretion may require the personal attendance of the authorized representative of the plaintiff/lender at the Conciliation Conference.*

*(f) At the Conciliation Conference, the parties and their counsel shall be prepared to discuss and explore all available resolution options which include: bringing the mortgage current through a reinstatement; paying off the mortgage; proposing a forbearance agreement or repayment plan to bring the account current over time; agreeing to vacate in the near future in exchange for not contesting the matter and a monetary payment; offering the lender a deed in lieu of foreclosure; entering into a loan modification or a reverse mortgage; paying the mortgage default over sixty months; and the institution of bankruptcy proceedings.*

**Rule 3129.1. Notice of Sale. Real Property.**

*(a) Whenever a sale of real property is governed by Pa. R.C.P. 3129.1, all handbills, written notices, and publications shall include, as part of the location of the property, a street address.*

*(b) Street address is defined as the street number and street name where a number exists. Where no street number exists, the street address is defined as the land and/or portion of land between the nearest two street numbers and/or intersecting streets which do exist and the street name.*

*(c) If the real property sought to be sold pursuant to Pa. R.C.P. 3129.1 is a residential property which serves as the primary residence of the defendant(s)/borrower(s), and unless the defendant(s)/borrower(s) has already been served with the required “Notice of Residential Mortgage Foreclosure Diversion Program” pursuant to Lacka. Co. R.C.P. 205.2(b), 1034(b), 1035.2(b) or 1143(a), the plaintiff/lender must serve a “Notice of Residential Mortgage Foreclosure Diversion Program” upon the defendant(s)/borrower(s) in the format set forth in Form No. 12 of the Appendix and file an “Affidavit Pursuant to*

*Lacka. Co. R.C.P. 3129.1*” in the format set forth in Form No. 13 attesting either that: (1) the defendant(s)/borrower(s) has not opted to participate in the “Residential Mortgage Foreclosure Diversion Program” within the time prescribed in the “Notice of Residential Mortgage Foreclosure Diversion Program;” or (2) the defendant(s)/borrower(s) has participated in a court-supervised conciliation conference, but the residential mortgage foreclosure claim has not been resolved and no further conciliation conferences are scheduled.

(d) The affidavit required by *Lacka. Co. R.C.P. 3129.1(c)* shall be filed with the Clerk of Judicial Records and a copy shall be delivered to the Sheriff’s Office before any residential property may be listed for Sheriff’s Sale. The affidavit required by this Rule shall be in the format set forth in Form No. 13 of the Appendix.

(e) If the defendant/borrower in a residential mortgage

foreclosure action has taken the affirmative steps identified in the “Notice of Residential Mortgage Foreclosure Diversion Program” to be eligible to participate in a court-supervised conciliation conference, the defendant/borrower shall file a Request for Conciliation Conference in the format set forth in Form 10 of the Appendix. The Request for Conciliation Conference shall be filed with the Clerk of Judicial Records within sixty (60) days of service of the “Notice of Residential Mortgage Foreclosure Diversion Program” and shall be served upon counsel for the plaintiff/lender. A copy of the Request for Conciliation Conference shall also be served upon the Court Administrator. Upon receipt of the Request for Conciliation Conference, the Court Administrator shall issue a Case Management Order (Form No. 10) as required by *Lacka. Co. R.C.P. 1143.1(c)*. Conciliation Conferences shall be scheduled and conducted in conformity with *Lacka. Co. R.C.P. 1143.1(c)–(f)*.

**FORM 1**

Court of Common Pleas of Lackawanna County

**Civil Cover Sheet**

FOR CLERK OF JUDICIAL RECORDS USE ONLY
<b>Docket Number:</b>

PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
PLAINTIFF'S NAME		DEFENDANT'S ADDRESS	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS	TOTAL NO. OF DEFENDANTS	COMMENCEMENT OF ACTION <input type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer from other jurisdictions	
AMOUNT IN CONTROVERSY In Excess of Jurisdictional Amount? Yes <input type="checkbox"/> No <input type="checkbox"/>	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Jury <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> Other:		
CASE TYPE AND CODE (SEE INSTRUCTIONS)			
STATUTORY BASIS FOR CAUSE OF ACTION (SEE INSTRUCTIONS)			
REMARKS:			
<b>TO THE CLERK OF JUDICIAL RECORDS:</b> Please enter my appearance on behalf of Plaintiff; Papers may be served at the address set forth below:			
NAME OF PLAINTIFF'S ATTORNEY OR PRO SE PLAINTIFF		ADDRESS	
PHONE NUMBER	FAX NUMBER		
SUPREME COURT IDENTIFICATION NO.		E-MAIL ADDRESS	
SIGNATURE		DATE	

LACKAWANNA COUNTY COURT OF COMMON PLEAS  
CIVIL COVER SHEET INSTRUCTIONS

An attorney or pro se party filing a document commencing any type of civil action shall file a properly completed Civil Cover sheet. Copies of the Civil Cover Sheet shall be attached to service copies of the document commencing the action.

**PARTIES**

Regardless of the type of action, the initiating party or parties shall be designated as Plaintiff or Plaintiffs and the responding party or parties shall be designated as Defendant or Defendants. Names of individuals shall be listed as last name, first name, middle initial. Full names of agencies and corporations shall be provided. Spouses shall be listed as separate parties unless the claim of one spouse is limited to a claim for consortium in which case the designation, et ux. or et vir shall be used. Where there are more than three plaintiffs or defendants, a supplemental form listing the additional parties shall be attached to the Cover Sheet.

The section labeled "Remarks" is for procedural matters only. These may include such matters as related cases where consolidation might be advisable. Matters such as expected difficulty with service of process or the status of settlement discussions do not belong in this section.

**CASE TYPE AND CODE DESIGNATION**

FAM	Family Court	L	TORT/BF	Tort Bad Faith
FAM/CUST	Custody		TORT/WCP	Wrongful Use of Civil Process
FAM/DIV	Divorce		TORT/O	Other torts
MCT	Minor Court Appeal		NGL/MVA	Motor Vehicle Accident
LAG	Local Agency Appeal		NGL/NF	No-Fault Benefits
LAG/MVS	Motor Vehicle Suspension		NGL/PI	Personal Injury
LAG/ZB	Zoning Board Appeal		NGL/PREM	Premises Liability
LAG/O	Other Agency Appeals		NGL/PROD	Product Liability
PCP/VAL	Validation of Tax Title		NGL/TT	Toxic Tort
PCP/TS	Tax Sale		NGL/O	Other Negligence Action
PCP/OBJ	Objection to Tax Sale	M	MLP/D	Dental Malpractice
PCP/PRIV	Petition to set aside private sale		MLP/L	Legal Malpractice
PCP/O	Other Proceedings commenced by Petition		MLP/M	Medical Malpractice
CJ	Confession of Judgment		MLP/O	Other Malpractice
CLASS	Class Action	RE	EQ	Equity
CNT	Contract cases		REPL	Replevin
DECL	Declaratory Judgment		RP	Real Property
COND/DT	Condemnation/Declaration of Taking		RP/EJ	Ejectment
TORT/AB	Assault & Battery		RP/QT	Quiet Title
TORT/LS	Libel & Slander		RP/MF/RES	Residential Mortgage Foreclosure
TORT/FR	Fraud		RP/MF/O	Other Mortgage Foreclosure
			RP/ML	Mechanic's Lien
			RP/PRT	Partition
			PP	Personal Property Actions

**STATUTORY CAUSE OF ACTION**

If the action is commenced pursuant to statutory authority, the specific statute must be identified with full citation.

**PENDING CASES**

Previously filed related cases must be identified by caption and docket number whether or not consolidated.

: IN THE COURT OF COMMON PLEAS  
 : OF LACKAWANNA COUNTY

Plaintiff(s) :

vs. :

Defendant(s) : NO. \_\_\_-CV-\_\_\_

**NOTICE OF RESIDENTIAL MORTGAGE FORECLOSURE  
 DIVERSION PROGRAM PURSUANT TO  
 LACKA. CO. R.C.P. 205.2(b) and 1143(a)**

You have been served with a foreclosure complaint that could cause you to lose your home.

If you own and live in the residential property which is the subject of this foreclosure action, you may be able to participate in a court-supervised conciliation conference in an effort to resolve this matter with your lender.

If you do not have an attorney, you must take the following steps to be eligible for a conciliation conference. First, within twenty (20) days of your receipt of this notice, you must contact a housing counselor at either the Neighborhood Housing Services of Lackawanna County (570) 558-2490 or the United Neighborhood Centers of Northeastern Pennsylvania (570) 343-8835 to schedule an appointment. Second, once you have contacted one of the housing counselors, you must promptly meet with that housing counselor within twenty (20) days of your telephone contact with them. During that meeting, you must provide the housing counselor with all requested financial information so that a loan resolution proposal can be prepared on your behalf. If you take these steps, the housing counselor will help you prepare and file a Request for Conciliation Conference with the Court. If you do so and a conciliation conference is scheduled, you will have an opportunity to meet with a representative of your lender in an attempt to work out reasonable arrangements with your lender before the mortgage foreclosure suit proceeds forward.

If you are represented by a lawyer, it is not necessary for you to contact one of the housing counseling agencies. However, you and your attorney must complete a financial worksheet in the format attached hereto so that you will be able to submit a loan resolution proposal to your lender. If you and your lawyer complete a financial worksheet within forty (40) days of your receipt of this Notice, your lawyer will be able to file a Request for Conciliation Conference on your behalf so that a conciliation conference can be scheduled. At that time, you and your lawyer will meet with a representative of your lender in an effort to work out reasonable arrangements with your lender.

**IF YOU WISH TO SAVE YOUR HOME, YOU MUST ACT QUICKLY AND TAKE  
 THE STEPS REQUIRED BY THIS NOTICE. THIS PROGRAM IS FREE.**

Respectfully submitted:

\_\_\_\_\_

Date

\_\_\_\_\_

[Signature of Counsel for Plaintiff]

(Form 8 – Notice of Residential Mortgage Foreclosure Diversion Program Pursuant to Lacka. Co. R.C.P. 205.2(b) and 1143(a).

THE COURTS

	:	IN THE COURT OF COMMON PLEAS
	:	OF LACKAWANNA COUNTY
Plaintiff(s)	:	
	:	
vs.	:	
	:	
Defendant(s)	:	NO. ____-CV-____

**REQUEST FOR CONCILIATION CONFERENCE**

Pursuant to the local rules governing the Lackawanna County Residential Mortgage Foreclosure Diversion Program, the undersigned hereby certifies as follows:

1. Defendant is the owner of the property which is the subject of this mortgage foreclosure action;
2. Defendant lives in the subject property which is defendant's primary residence;
3. Defendant has been served with a "Notice of Residential Mortgage Foreclosure Diversion Program" and has taken all of the steps required in that Notice to be eligible to participate in a court-supervised conciliation conference under Lacka. Co. R.C.P. 1143.1.

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.

\_\_\_\_\_  
Signature of Defendant/Defendant's Counsel

\_\_\_\_\_  
Date

(Form 9 - Request for Conciliation Conference)



	:	IN THE COURT OF COMMON PLEAS
	:	OF LACKAWANNA COUNTY
	:	
	:	
	:	
Plaintiff(s)	:	CIVIL ACTION – AT LAW
vs.	:	NO. ____ CV ____
	:	
Defendant(s)	:	
	:	

**CASE MANAGEMENT ORDER  
PURSUANT TO LACKA. CO. R.C.P. 1143.1(c)**

AND NOW, the defendant/borrower in the above-captioned residential mortgage foreclosure action having filed a Request for Conciliation Conference form verifying that the defendant/borrower has complied with the local rule requirements for the scheduling of a Conciliation Conference under Lacka. Co. R.C.P. 1143.1, it is hereby ORDERED and DECREED that

1. The parties and their counsel are directed to participate in a court-supervised Conciliation Conference on \_\_\_\_\_ at 9:30 AM in the Jury Orientation Lounge, 1<sup>st</sup> Floor, Lackawanna County Court House;
2. At least fourteen (14) days prior to the date of the Conciliation Conference, the defendant/borrower must serve upon the plaintiff/lender or its counsel a copy of the “Lackawanna County Residential Mortgage Foreclosure Diversion Program Financial Worksheet” (Form No. 14) which has been completed by the defendant/borrower in compliance with Lacka. Co. R.C.P. 1143.1. The failure to do so will result in the removal of this case from the Conciliation Conference schedule and the termination of the temporary stay of proceedings under Lacka. Co. R.C.P. 1034(b), 1035.2(b), 1143(d) or 3129.1(e).

3. The defendant/borrower and counsel for the parties must attend the Conciliation Conference in person and an authorized representative of the plaintiff/lender must either attend the Conciliation Conference in person or be available by telephone during the course of the Conciliation Conference. The representative of the plaintiff/lender who participates in the Conciliation Conference must possess the actual authority to reach a mutually acceptable resolution, and counsel for the plaintiff/lender must discuss resolution proposals with that authorized representative in advance of the Conciliation Conference. If the duly authorized representative of the plaintiff/lender is not available by telephone during the Conciliation Conference, the Court will schedule another Conciliation Conference and require the personal attendance of the authorized representation of the plaintiff/lender at the rescheduled Conciliation Conference.

4. At the Conciliation Conference, the parties and their counsel shall be prepared to discuss and explore all available resolution options which shall include: bringing the mortgage current through a reinstatement; paying off the mortgage; proposing a forbearance agreement or repayment plan to bring the account current over time; agreeing to tender a monetary payment and to vacate in the near future in exchange for not contesting the matter; offering the lender a deed in lieu of foreclosure; entering into a loan modification or a reverse mortgage; paying the mortgage default over sixty months; and the institution of bankruptcy proceedings

5. All proceedings in this matter are stayed pending the completion of the scheduled conciliation conference.

BY THE COURT:

\_\_\_\_\_ J.

: IN THE COURT OF COMMON PLEAS  
 : OF LACKAWANNA COUNTY

Plaintiff(s) :

vs. :

Defendant(s) : NO. \_\_\_-CV-\_\_\_

**NOTICE OF RESIDENTIAL MORTGAGE FORECLOSURE  
 DIVERSION PROGRAM  
 PURSUANT TO LACKA. CO. R.C.P. 1034 OR 1035.2**

You have been sued in this mortgage foreclosure action and your lender intends to promptly ask the court to enter judgment against you. The entry of judgment against you could cause you to lose your property in the near future.

If you own and live in the residential property which is the subject of this foreclosure action, you may be able to participate in a court-supervised conciliation conference in an effort to resolve this matter with your lender.

If you do not have an attorney, you must take the following steps to be eligible for a conciliation conference. First, within twenty (20) days of your receipt of this notice, you must contact a housing counselor at either the Neighborhood Housing Services of Lackawanna County (570) 558-2490 or the United Neighborhood Centers of Northeastern Pennsylvania (570) 343-8835 to schedule an appointment. Second, once you have contacted one of the housing counselors, you must promptly meet with that housing counselor within twenty (20) days of your telephone contact with them. During that meeting, you must provide the housing counselor with all requested financial information so that a loan resolution proposal can be prepared on your behalf. If you take these steps, the housing counselor will help you prepare and file a Request for Conciliation Conference with the Court. If you do so and a conciliation conference is scheduled, you will have an opportunity to meet with a representative of your lender in an attempt to work out reasonable arrangements with your lender before a judgment is entered against you.

If you are represented by a lawyer, it is not necessary for you to contact one of the housing counseling agencies. However, you and your attorney must complete a financial worksheet in the format attached hereto so that you will be able to submit a loan resolution proposal to your lender. If you and your lawyer complete a financial worksheet within forty (40) days of your receipt of this Notice, your lawyer will be able to file a Request for Conciliation Conference on your behalf so that a conciliation conference can be scheduled. At that time, you and your lawyer will meet with a representative of your lender in an effort to work out reasonable arrangements with your lender.

**IF YOU WISH TO SAVE YOUR HOME, YOU MUST ACT QUICKLY AND TAKE  
 THE STEPS REQUIRED BY THIS NOTICE. THIS PROGRAM IS FREE.**

\_\_\_\_\_  
 [Signature of Counsel for Plaintiff]

\_\_\_\_\_  
 Date

(Form 11 – Notice of Residential Mortgage Foreclosure Diversion Program Pursuant to Lacka. Co.1034 or 1035.2).

	:	IN THE COURT OF COMMON PLEAS
	:	OF LACKAWANNA COUNTY
Plaintiff(s)	:	
	:	
vs.	:	
	:	
Defendant(s)	:	NO. ____-CV-____

**NOTICE OF RESIDENTIAL MORTGAGE FORECLOSURE  
 DIVERSION PROGRAM  
 PURSUANT TO LACKA. CO. R.C.P. 3129.1**

A judgment has been entered against you in this mortgage foreclosure action and your property is about to be listed for Sheriff's Sale.

If you own and live in the residential property which is the subject of this foreclosure action, you may be able to have the sale of your residence postponed so that you can participate in a court-supervised conciliation conference in an effort to resolve this matter with your lender.

If you do not have an attorney, you must take the following steps to be eligible for a conciliation conference. First, within twenty (20) days of your receipt of this notice, you must contact a housing counselor at either the Neighborhood Housing Services of Lackawanna County (570) 558-2490 or the United Neighborhood Centers of Northeastern Pennsylvania (570) 343-8835 to schedule an appointment. Second, once you have contacted one of the housing counselors, you must promptly meet with that housing counselor within twenty (20) days of your telephone contact with them. During that meeting, you must provide the housing counselor with all requested financial information so that a loan resolution proposal can be prepared on your behalf. If you take these steps, the housing counselor will help you prepare and file a Request for Conciliation Conference with the Court. If you do so and a conciliation conference is scheduled, you will have an opportunity to meet with a representative of your lender in an attempt to work out reasonable arrangements with your lender before your home is listed for Sheriff's Sale.

If you are represented by a lawyer, it is not necessary for you to contact one of the housing counseling agencies. However, you and your attorney must complete a financial worksheet in the format attached hereto so that you will be able to submit a loan resolution proposal to your lender. If you and your lawyer complete a financial worksheet within forty (40) days of your receipt of this Notice, your lawyer will be able to file a Request for Conciliation Conference on your behalf so that a conciliation conference can be scheduled. At that time, you and your lawyer will meet with a representative of your lender in an effort to work out reasonable arrangements with your lender.

**IF YOU WISH TO SAVE YOUR HOME, YOU MUST ACT QUICKLY AND TAKE THE STEPS REQUIRED BY THIS NOTICE. THIS PROGRAM IS FREE.**

Respectfully submitted:

\_\_\_\_\_  
Date

\_\_\_\_\_  
[Signature of Counsel for Plaintiff]

(Form 12 - Notice of Residential Mortgage Foreclosure Diversion Program Pursuant to Lacka. Co.R.C.P. 3129.1).

	:	IN THE COURT OF COMMON PLEAS
	:	OF LACKAWANNA COUNTY
Plaintiff(s)	:	
	:	
vs.	:	
	:	
Defendant(s)	:	NO. ____ CV ____
	:	

**AFFIDAVIT PURSUANT TO LACKA. CO. R.C.P. 3129.1**

I, \_\_\_\_\_, counsel for plaintiff in the above action, do hereby certify that on \_\_\_\_\_, I served the "Notice of Residential Mortgage Foreclosure Diversion Program" upon defendants(s) or defendant's counsel and that:

More than 60 days has elapsed since the service of the Notice, and to the best of my knowledge, information and belief, defendant has not opted to participate in the diversion program by taking the affirmative steps required by the Notice.

Plaintiff(s) and defendant(s) have participated in a court-supervised conciliation conference, but the parties have been unable to resolve this matter and no further conciliation conferences have been scheduled.

Respectfully submitted

\_\_\_\_\_  
Date

\_\_\_\_\_  
[Plaintiff's Counsel]

(Form 13 – Affidavit Pursuant to Lacka. Co. R.C.P. 3129.1)

Lackawanna County Residential Mortgage Foreclosure Diversion Program  
Financial Worksheet

Date \_\_\_\_\_  
Tracking # \_\_\_\_\_

**BORROWER REQUEST FOR HARDSHIP ASSISTANCE**

To complete your request for hardship assistance, your lender must consider your circumstances to determine possible options while working with your counseling agency. Please provide the following information to the best of your knowledge:

**CUSTOMER/PRIMARY APPLICANT**

Borrower name(s): \_\_\_\_\_  
Loan Number: \_\_\_\_\_  
Property Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Is the property for sale? Yes  No  Listing date: \_\_\_\_\_ Price: \$ \_\_\_\_\_  
Realtor Name: \_\_\_\_\_ Realtor Phone: \_\_\_\_\_  
Borrower Occupied? Yes  No   
Mailing Address (if different): \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone Numbers: Home: \_\_\_\_\_ Office: \_\_\_\_\_  
Cell: \_\_\_\_\_ Other: \_\_\_\_\_  
Email: \_\_\_\_\_  
# of people in household: \_\_\_\_\_ How long? \_\_\_\_\_

**CO-BORROWER**

Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone Numbers: Home: \_\_\_\_\_ Office: \_\_\_\_\_  
Cell: \_\_\_\_\_ Other: \_\_\_\_\_  
Email: \_\_\_\_\_  
# of people in household: \_\_\_\_\_ How long? \_\_\_\_\_

**COUNSELOR INFORMATION**

Counseling Agency: \_\_\_\_\_  
Counselor: \_\_\_\_\_  
Phone (Office): \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_  
First Mortgage Lender: \_\_\_\_\_  
Type of Loan: \_\_\_\_\_  
Loan Number: \_\_\_\_\_ Date You Closed Your Loan: \_\_\_\_\_  
Second Mortgage Lender: \_\_\_\_\_  
Type of Loan: \_\_\_\_\_  
Loan Number: \_\_\_\_\_  
Total Mortgage Payments Amount: \$ \_\_\_\_\_ Included Taxes & Insurance: \_\_\_\_\_  
Date of Last Payment: \_\_\_\_\_

(Form No. 14 - Lackawanna County Residential Mortgage Foreclosure Diversion Program Financial Worksheet)

Primary Reason for Default:

\_\_\_\_\_

Is the loan in Bankruptcy? Yes  No

If yes, provide names, location of court, case number & attorney: \_\_\_\_\_

<u>Assets</u>	<u>Amount Owed:</u>	<u>Value:</u>
Home:	\$ _____	\$ _____
Other Real Estate:	\$ _____	\$ _____
Retirement Funds:	\$ _____	\$ _____
Investments:	\$ _____	\$ _____
Checking:	\$ _____	\$ _____
Savings:	\$ _____	\$ _____
Other:	\$ _____	\$ _____

Automobile #1: Model: \_\_\_\_\_ Year: \_\_\_\_\_

Amount owed: \_\_\_\_\_ Value: \_\_\_\_\_

Automobile #2: Model: \_\_\_\_\_ Year: \_\_\_\_\_

Amount owed: \_\_\_\_\_ Value: \_\_\_\_\_

Other transportation (automobiles, boats, motorcycles): Model: \_\_\_\_\_

Year: \_\_\_\_\_ Amount owed: \_\_\_\_\_ Value \_\_\_\_\_

**Monthly Income**

Name of Employers:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Additional Income Description (not wages):

1. \_\_\_\_\_ monthly amount: \_\_\_\_\_
2. \_\_\_\_\_ monthly amount: \_\_\_\_\_

Borrower Pay Days: \_\_\_\_\_ Co-Borrower Pay Days: \_\_\_\_\_

**Monthly Expenses:** (Please only include expenses you are currently paying)

EXPENSE	AMOUNT	EXPENSE	AMOUNT
Mortgage		Food	
2 <sup>nd</sup> Mortgage		Utilities	
Car Payment(s)		Condo/Neigh. Fees	
Auto Insurance		Med. (not covered)	
Auto fuel/repairs		Other prop. payment	
Install. Loan Payment		Cable TV	
Child Support/Alim.		Spending Money	
Day/Child Care/Tuit.		Other Expenses	

Amount Available for Monthly Mortgage Payments Based on Income & Expenses:

**AUTHORIZATION**

I/We, \_\_\_\_\_, authorize the above named agency to use/refer this information to my lender/servicer for the sole purpose of evaluating my financial situation for possible mortgage options. I/We understand that I/we am/are under no obligation to use the counseling services provided by the above named agency.

\_\_\_\_\_  
Borrower Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Co-Borrower Signature

\_\_\_\_\_  
Date

**Please forward this page along with the following information to lender:**

- ✓ **Proof of income**
- ✓ **Past 2 bank statements**
- ✓ **Proof of any expected income for the last 45 days**
- ✓ **Copy of a current utility bill**
- ✓ **Letter explaining reason for delinquency and any supporting documentation (hardship letter)**
- ✓ **Listing agreement (if property is currently on the market)**

In an effort to evaluate all of the workout options available to you, a counselor staff will work with your lender(s) and servicing company to determine eligibility.

Lender's Contact (Name): \_\_\_\_\_ Phone: \_\_\_\_\_

Non Profit Counselor Contact: \_\_\_\_\_ Phone: \_\_\_\_\_



HOUSING AFFORDABILITY WORKSHEET

Borrower Name: \_\_\_\_\_
Property Address: \_\_\_\_\_
Lender: \_\_\_\_\_ Loan #: \_\_\_\_\_
Arrears (principal, interest, escrows, no late fees): \_\_\_\_\_
Unpaid Loan Balance: \_\_\_\_\_
Interest Rate Now: \_\_\_\_\_ Type of Loan: \_\_\_\_\_

Current Financials:

Proposed Resolution:

Current P&I: \$ \_\_\_\_\_

Future debt to income ratio: \_\_\_\_\_ %

Property Taxes: \$ \_\_\_\_\_

Total allowable debt: \$ \_\_\_\_\_
(.45 x gross income)

HO Insurance: \$ \_\_\_\_\_

Total allow. housing debt: \$ \_\_\_\_\_
(subtract other debt on credit report)

PMI: \$ \_\_\_\_\_

Total Housing Debt: \$ \_\_\_\_\_

Total allowable P&I: \$ \_\_\_\_\_
(subtract taxes, HOI, PMI)

Total Monthly Debt: \$ \_\_\_\_\_
(from credit report)

Proposed Interest Rate = \_\_\_\_\_ %

Total Debt: \$ \_\_\_\_\_

Fixed Rate for remaining term of loan.

Current Back End Ratio

Other proposed terms: \_\_\_\_\_

Total Gross Income: \$ \_\_\_\_\_

Back End Ratio = \$ \_\_\_\_\_
(total monthly debt/gross income)

## WESTMORELAND COUNTY

## Rule WJ507 A2; No. 3 of 2009

And Now this 26th day of May, 2009, it is *Hereby Ordered* that Westmoreland County Rule of Judicial Administration WJ507 is repealed and that new Rule of Judicial Administration WJ507 is adopted.

By the Court

JOHN E. BLAHOVEC,  
President Judge

**Rule WJ507. Raw Notes. Transcripts. Retention of Raw Notes and Transcripts.**

A. Definition

**Raw Notes** include those produced on paper tapes or other media in the original state in which they were taken at the time of testimony.

B. Raw Notes of Testimony

1. In any case in which no transcript has been prepared, the raw notes shall be retained for seven years from the date of testimony.

2. Any party may petition the court for an order directing the retention of particular raw notes for a period of time beyond the seven years required in paragraph 1.

C. Automatic Transcripts

Court reporters will automatically transcribe raw notes and file the original transcript of all Termination of Parental Rights and Adoption proceedings.

D. Transcripts

1. The original of all transcripts will be filed with the appropriate record keeper. With the exception of paragraphs 2 and 3 of this section, transcripts filed with the official record keeper are subject to the retention periods for case files set forth in the *County Records Manual*.

2. Transcripts filed in juvenile matters may be destroyed when the subject reaches the age of 25, or 10 years after the last action in the case, whichever is later.

3. Transcripts for Divorce or Annulment cases may be destroyed 5 years after the Final Decree in Divorce or Annulment is entered.

E. Record Retention Disposal Log

Disposal of notes shall be accomplished as provided in Section 2.3 of the *Supreme Court's Record Retention and Disposition Schedule*. When completing the Disposal Log Forms, the notes need not be listed on the Log by caption and case number, but may be listed only by date of hearing.

Comment: Pursuant to 23 Pa.C.S.A. § 2905(a), raw notes of testimony of Adoption and Termination of Parental Rights proceedings must be filed of record. Paragraph

C requires that all such proceedings be transcribed and that the transcripts be filed. This requirement exceeds the statutory requirement.

[Pa.B. Doc. No. 09-1056. Filed for public inspection June 12, 2009, 9:00 a.m.]

## COMMONWEALTH COURT

Regular Sessions of the Commonwealth Court of Pennsylvania for the Year 2010; No. 126 M. D. No. 3

**Order**

And Now, this 20th day of May, 2009, *It Is Hereby Ordered* that the argument sessions of the Commonwealth Court of Pennsylvania shall be held in the year 2010 as follows:

<i>Dates</i>	<i>Situs</i>
February 8—12	Philadelphia
March 15—19	Harrisburg
April 19—23	Pittsburgh
May 17—21	Philadelphia
June 21—25	Harrisburg
September 13—17	Harrisburg
October 12—15	Philadelphia
November 8—12	Pittsburgh
December 6—10	Harrisburg

BONNIE BRIGANCE LEADBETTER,  
President Judge

[Pa.B. Doc. No. 09-1014. Filed for public inspection June 5, 2009, 9:00 a.m.]

DISCIPLINARY BOARD OF  
THE SUPREME COURT

**Notice of Disbarment**

Notice is hereby given that Robert J. Kelley, Jr., having been disbarred by consent from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey dated September 12, 2008, the Supreme Court of Pennsylvania issued an Order on May 28, 2009, disbaring Robert J. Kelley, Jr., from the Bar of this Commonwealth, effective June 27, 2009. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
Secretary  
*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 09-1057. Filed for public inspection June 12, 2009, 9:00 a.m.]