

# THE COURTS

## Title 255—LOCAL COURT RULE

### BUCKS COUNTY

#### In re: Mortgage Foreclosure Diversion Program; Administrative Order No. 55

*And Now*, this 26th day of June 2009, Bucks County Civil Division Administrative Order No. 55, promulgated on June 5, 2009, is hereby amended to read as follows:

1. All Complaints for mortgage foreclosure of any property shall be accompanied by a Certification Cover Sheet which includes a certification as to whether or not the mortgaged property is an owner-occupied residential property. (The Certification Cover Sheet is attached as Exhibit "A.")

2. Any Complaint for mortgage foreclosure of residential owner-occupied properties shall also be accompanied by the following:

(a) An Urgent Notice, which shall be served on the Defendant along with the Complaint, directing the Defendant to contact a court-designated Hotline for assistance. (A Copy of the "Urgent Notice" is attached hereto as Exhibit "B.")

(b) A Certificate of Service, in the form attached hereto as Exhibit "C."

3. Upon a request from Defendant to the Hotline for assistance and a conciliation conference, an Order for Conference shall be generated by the Court. (A sample copy of a Case Management Order is attached hereto as Exhibit "D.") The Order for Conference will be sent to all parties to the mortgage foreclosure action.

4. The entry of the Order for Conference shall include a stay of other proceedings in the case until at least 20 days following the conciliation conference.

5. As appropriate, any conciliation conference scheduled by the Court shall be conducted by judge pro tem designated by the Court.

6. Conciliation conference recommendation: At the conclusion of the conciliation conference, the conciliation moderator may issue a recommendation memorializing the results of the conference and scheduling future deadlines where appropriate. The Court may enter an order based on the recommendation, as appropriate.

7. This Amendment shall take effect thirty days from the date of publication in the *Pennsylvania Bulletin* and remain in effect until December 31, 2010, unless extended by the Court.

*By the Court*

SUSAN DEVLIN SCOTT,  
*President Judge*

COURT OF COMMON PLEAS OF BUCKS COUNTY  
PENNSYLVANIA  
CIVIL DIVISION – LAW

Plaintiff : No.  
v. :  
Defendant :

CERTIFICATION REGARDING STATUS OF FORECLOSED PREMISES AS  
RESIDENTIAL AND OWNER OCCUPIED

Pursuant to the Administrative Order dated \_\_\_\_\_, 2009 dealing with  
the Residential Mortgage Foreclosure Diversion Program, I hereby certify that the premises at  
issue in this action known and numbered as:

Premises Address: \_\_\_\_\_  
\_\_\_\_\_, PA \_\_\_\_\_

Check applicable box or boxes:

- is an owner occupied residential premises exposed to judicial sale to enforce a residential mortgage
- is not a residential premises within the meaning of the aforementioned order.

The undersigned verifies that the statements made herein are true and correct. I understand that false statements are made subject the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Plaintiff or Counsel for Plaintiff  
(Address of Plaintiff or Counsel)

Exhibit A

# URGENT NOTICE

Under a new Pilot Project of the Court of Common Pleas of Bucks County

**You May be Able to Get Help to Save Your Home**

**Call the Save Your Home Hotline  
Immediately at  
1-866-760-8911**

You will be put in touch with a Bucks County Housing Counselor. The Housing Counselor will assist you in trying to work out arrangements with your mortgage company. These services are **FREE OF CHARGE**.

Furthermore, if you are low income, you may be able to get free legal counsel. If you think you might be eligible, call the legal services helpline at 877-429-5994.

To get help, you must call the Hotline number above within the next **TEN (10)** days. They will tell you what to do next. Call the Hotline immediately. If you do not call the Hotline, you will not be able to get help under this Project to save your home.

**MAKE THIS CALL TO  
SAVE YOUR HOME.  
THE PROJECT IS FREE.  
1-866-760-8911**

EXHIBIT B

COURT OF COMMON PLEAS OF BUCKS COUNTY  
PENNSYLVANIA  
CIVIL DIVISION – LAW

Plaintiff : No.  
v. :  
Defendant :

CERTIFICATE OF SERVICE

The undersigned verifies, subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities, that the attached Certification and Urgent notice were mailed to the Defendant(s) at their last known address and, if different, to the address of the premises subject to sale and to counsel of record if any, and to the owners of the noted premises via first class mail, as noted below:

NAME(S)

ADDRESS(ES)

Date: \_\_\_\_\_

\_\_\_\_\_  
Counsel for Plaintiff  
(Address, Telephone number)

EXHIBIT C

COURT OF COMMON PLEAS OF BUCKS COUNTY  
PENNSYLVANIA  
CIVIL DIVISION – LAW

Plaintiff : No.  
: :  
v. : :  
: :  
Defendant :

ORDER FOR CONFERENCE

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2009, pursuant to the terms of the Residential Mortgage Foreclosure Diversion Program, it is hereby ORDERED and DECREED as follows:

1. A Conciliation Conference is scheduled for \_\_\_\_\_, 2009, at \_\_\_\_\_ A.M./P.M. in Room \_\_\_\_\_ (address)
2. Scheduling of the Conference shall stay all further action on the Complaint until at least 20 days following the Conference.
3. Prior to the conference, the Housing Counselor and the Defendant will explore options to address the mortgage delinquency. At Defendant’s request, the Housing Counselor and/or Pro Bono Legal Services shall promptly prepare and submit a written proposal for addressing the mortgage delinquency, payment and any and all supporting financial information to Plaintiff’s attorney at least two weeks before the date of any scheduled Conciliation Conference.
4. The Plaintiff shall evaluate and respond to Defendant’s proposal at the Conciliation Conference.

EXHIBIT D

5. The failure of the Defendant to attend the Conciliation Conference may result in the matter proceeding to judicial disposition whether by default judgment, Sheriff's sale or trial. A Defendant who does not attend the Conciliation Conference shall have 20 days following the conference date to file an answer to the complaint after which time any applicable stay against the Plaintiff shall be lifted.
6. A representative of the Plaintiff or investor who has actual authority to modify mortgages, to enter into alternative payment agreements with the Defendant, or otherwise resolve the action shall be present at the Conciliation Conference. The failure of the Plaintiff or of a representative of the Plaintiff or investor with such authority to appear for the Conciliation Conference may result in the rescheduling of the Conciliation Conference and/or the further postponement of the Sheriff's Sale of property upon proper application for stay by Defendant.

BY THE COURT,

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J.

EXHIBIT D

[Pa.B. Doc. No. 09-1275. Filed for public inspection July 17, 2009, 9:00 a.m.]

# Title 25—LOCAL COURT RULES

## MONTGOMERY COUNTY

### Administrative Order; Assessment of Booking Center Fund Fee; AD 185-09

#### Order of Court

*And Now*, this 1st day of July, 2009, a Countywide Booking Center Plan having been adopted, it is hereby *Ordered* that the Clerk of Courts shall assess a three-hundred-dollar (\$300.00) Booking Center Fund Fee against any defendant who is processed at one of the Booking Centers in Montgomery County (as identified in the Countywide Booking Center Plan) on or after September 1, 2009 *and* is either:

1. placed on probation without verdict pursuant to section 17 of the act of April 14, 1972 (P. L. 233, No. 64), known as The Controlled Substance, Drug, Device or Cosmetic Act;

or

2. receives Accelerated Rehabilitative Disposition for, pleads guilty to or *nolo contendere* to or is convicted of a crime under the following:

- a. 18 Pa.C.S. § 106(a) (relating to classes of offenses)
- b. 75 Pa.C.S. § 3735 (relating to homicide by vehicle while driving under influence)
- c. 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance)
- d. a violation of The Controlled Substance, Drug, Device and Cosmetic Act.

This fee shall be in addition to all other authorized costs and supervision fees and shall be for the purpose of implementing the Countywide Booking Center Plan. The funds so collected shall be paid to the County and deposited into a special central booking center fund established by the County. Moneys in the special fund shall be dispersed on a monthly basis as follows—95% (\$285) to be paid to the municipality supporting the respective Booking Center, and 5% (\$15) retained by the County of Montgomery for administrative costs related to the collection of the fee. Any fees dispersed to the municipality supporting the Booking Center under this Order shall be used solely for the start-up, operation or maintenance of the Booking Center.

This Court's previous Administrative Order, dated October 31, 2002, imposing a "Live Scan Processing Fee" shall remain in effect for all cases processed at any Booking Center (formerly called Live Scan sites) through September 1, 2009, and whose case is thereafter disposed pursuant to the Order of October 31, 2002. Said Administrative Order of October 31, 2002 shall not apply to any cases processed at one of the Booking Centers on or after September 1, 2009, such cases now being subject to the within Administrative Order (Booking Center Fund Fee).  
*By the Court*

RICHARD J. HODGSON,  
*President Judge*

[Pa.B. Doc. No. 09-1276. Filed for public inspection July 17, 2009, 9:00 a.m.]

## WESTMORELAND COUNTY

### In Re: Rule W1018.1; No. 3 of 2009

*And now* this 23rd day of June, 2009, it is *hereby ordered* that Westmoreland County Rule of Civil Procedure W1018.1 is rescinded. New Rule W1018.1 is adopted.

*By the Court*

JOHN E. BLAHOVEC,  
*President Judge*

#### Rule W1018.1. Notice to Defend.

The Lawyer Referral Service of the Westmoreland Bar Association is the agency to be named in the Notice to Defend from which legal help can be obtained. The contact information is:

Lawyer Referral Service  
Westmoreland Bar Association  
P. O. Box 565  
Greensburg, PA 15601  
(724) 834-8490  
<http://lrs.westbar.org>

[Pa.B. Doc. No. 09-1277. Filed for public inspection July 17, 2009, 9:00 a.m.]

## COMMONWEALTH COURT

### Amendment to Internal Operating Procedure 202

The Commonwealth Court has rescinded Commonwealth Court Internal Operating Procedure 202, at 210 Pa. Code § 67.12. The Internal Operating Procedure as shown below should be deleted from the *Pennsylvania Code*. Please publish the rescission immediately.

#### § 67.12. Permission to Appeal; Administrative Litigation Costs.

The president judge shall circulate petitions for permission to appeal an administrative agency's denial of an application for counsel fees and costs, arising from litigation before such agency, for disposition in the same manner as petitions for reargument under § 67.35 (relating to rearguments; petitions for rearguments), except that such petition as to costs shall be granted where four votes of members of the court favor allowing the appeal. Each such petition shall indicate on its face:

- (1) That a final decision on the merits has been made.
- (2) That the petitioner has presented a similar petition to the administrative agency and that the petition has been denied.

KRISTEN W. BROWN,  
*Prothonotary*

[Pa.B. Doc. No. 09-1278. Filed for public inspection July 17, 2009, 9:00 a.m.]

### Change of Address

Effective August 3, 2009, the Commonwealth Court of Pennsylvania will move to the Pennsylvania Judicial Center. The Chief Clerk's Office address will change to the Commonwealth Court of Pennsylvania, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2100, P. O. Box 69185, Harrisburg, PA 17106-9185.

The Court's telephone numbers and the Philadelphia filing office address will not change. Make a note of this address change. Filings should be directed to the Court's new address effective August 3, 2009. For more information, contact the Chief Clerk's Office at (717) 255-1650 or visit the Court's web page at [www.aopc.org](http://www.aopc.org).

KRISTEN W. BROWN,  
*Prothonotary*

[Pa.B. Doc. No. 09-1279. Filed for public inspection July 17, 2009, 9:00 a.m.]

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