

THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 19]

Order Promulgating Rule 1906 of the Pennsylvania Rules of Judicial Administration; Judicial Administration; Doc. No. 334

Order

And Now, this 17th day of September, 2009, *It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that new Rule 1906 of the Pennsylvania Rules of Judicial Administration is approved.

To the extent that prior distribution and publication of this rule would otherwise be required, it has been determined pursuant to Pa.R.J.A. No. 103(a)(3) that immediate promulgation is required in the interests of justice and efficient administration.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective immediately.

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 19. MISCELLANEOUS ADMINISTRATIVE PROVISIONS

Rule 1906. Prohibited Communication with Jurists.

No litigant or any other participant in a legal matter or proceeding shall send a communication related thereto to the home address of a jurist. Such communications will not be reviewed and will have no legal or procedural significance. The communication will not be returned or forwarded, but will be destroyed.

Explanatory Comment:

For purposes of this rule, the term “jurist” encompasses all jurists at any level of the Unified Judicial System. It includes, but is not limited to, Justices of the Supreme Court, as well as judges of the appellate courts, courts of common pleas and the minor courts.

These types of communications will have no effect on the legal matter or proceeding. For example, the mailing of a prohibited correspondence will neither toll the applicable statute of limitation nor change any filing date requirements.

PATRICIA NICOLA,
Chief Clerk

[Pa.B. Doc. No. 09-1827. Filed for public inspection October 2, 2009, 9:00 a.m.]

Title 225—RULES OF EVIDENCE

[225 PA. CODE ACT VI]

Proposed Deletion of Pa.R.E. 604

The Committee on Rules of Evidence is planning to recommend that the Supreme Court of Pennsylvania approve the Deletion of Pa.R.E. 604 from the Rules of Evidence. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

Interested persons may submit suggestions, comments, or objections concerning this proposal to the Committee through counsel:

Richard L. Kearns, Staff Counsel
Supreme Court of Pennsylvania
Committee on Rules of Evidence
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 6200
P. O. Box 62635
Harrisburg, PA 17106-2635

No later than November 3, 2009.

By the Committee on Rules of Evidence

PROFESSOR SANDRA D. JORDAN,
Chair

Annex A

TITLE 225. RULES OF EVIDENCE

ARTICLE VI. WITNESSES

Rule 604. [Interpreters] (Reserved).

[An interpreter is subject to the provisions of Rule 702 (relating to qualification as an expert) and Rule 603 (relating to the administration of an oath or affirmation).

Comment

This rule adopts the substance of F.R.E. 604; the only change is the explicit reference to Pa.Rs.E. 702 and 603, rather than the general reference to “the provisions of these rules” in F.R.E. 604.

The need for an interpreter whenever a witness’ natural mode of expression or the language of a document is not intelligible to the trier of fact is well settled. 3 Wigmore, *Evidence* § 911 (Chadbourn rev. 1970). Under Pa.R.E. 604, an interpreter is treated as an expert witness who must have the necessary skill to translate correctly and who must promise to do so by oath or affirmation.

Pa.R.E. 604 is consistent with those Pennsylvania statutes providing for the appointment of interpreters for the deaf. See 42 Pa.C.S. § 7103 (deaf party in a civil case); 2 Pa.C.S. § 505.1 (deaf party in hearing before Commonwealth agency); 42 Pa.C.S. § 8701 (deaf defendant in criminal case); see also *Commonwealth v. Wallace*, 433 Pa. Super. 518, 641 A.2d 321 (1994) (applying § 8701). Under each of these statutes, an interpreter must be “qualified and trained to translate for or communicate with deaf persons” and must “swear or affirm that he will make a true

interpretation to the deaf person and that he will repeat the statements of the deaf person to the best of his ability.”

There is little statutory authority for the appointment of interpreters, but the practice is well established. See Pa.R.Crim.P. 231(B) (authorizing presence of interpreter while investigating grand jury in session if supervising judge determines necessary for presentation of evidence); 51 Pa.C.S.A. § 5507 (under regulations prescribed by governor, convening authority of military court may appoint interpreters). The decision whether to appoint an interpreter is within the discretion of the trial court. See Commonwealth v. Pana, 469 Pa. 43, 364 A.2d 895 (1976) (holding that it was an abuse of discretion to fail to appoint an interpreter for a criminal defendant who had difficulty in understanding and expressing himself in English).]

Comment

Pennsylvania has adopted comprehensive legislation regulating the certification, and appointment of interpreters for persons with limited proficiency in English (42 Pa.C.S. § 4411 et seq.), and deaf persons (42 Pa.C.S. § 4431 et seq.). In view of this, the content of Rule 604 has been deleted.

REPORT

Proposed Deletion of Pa.R.E. 604

In view of legislation found in 42 Pa.C.S.A. §§ 4411, 4412, 4413 and 4414 and related statues, the context of Pa.R.E. 604 has been deleted. See proposed Comment.

[Pa.B. Doc. No. 09-1828. Filed for public inspection October 2, 2009, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BUTLER COUNTY

In Re: Local Rules of Civil Court; MsD No. 09-40262

Administrative Order of the Court

And Now, this 15th day of September, 2009, it is hereby ordered and decreed that Local Rules of Court listed below pertaining to Civil Court, adopted March 12, 2008 are hereby amended:

- L 205.2(b) Cover Sheet
L 1034(a) Motion for Judgment on the Pleadings
L 1035(a) Motion for Summary Judgment

These amendments are effective thirty days after publication of this notice and the within Amendments to Local Rules in the Pennsylvania Bulletin.

It is further ordered and directed new Local Rules L 205.2(c), 402, 1141(b), 1143, 1143.1, 3129.1 and 3256 are hereby Adopted. These Local Rules shall be effective thirty days after publication of this notice and the within Local Rules of Civil Procedure in the Pennsylvania Bulletin.

The Court directs the Court Administrator to:

- 1. File seven (7) certified copies of this Administrative Order and the within Local Rules of Civil Procedure with the Administrative Office of the Pennsylvania Courts.
2. File two (2) certified copies of this Administrative Order and the within Local Rules of Civil Procedure and one (1) diskette with the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
3. File one (1) certified copy of this Administrative Order and the within Local Rules of Civil Procedure with the Domestic Relations Procedural Rules Committee.
4. Forward one (1) copy of this Administrative Order and the within Local Rules of Civil Procedure to the administrative office of the Butler County Legal Journal for publication.
5. Forward one (1) copy of this Administrative Order and the within Local Rules of Civil Procedure to the Butler County Law Library.

- 6. Keep continuously available for public inspection copies of this Administrative Order of Court and the within Local Rules of Court in the Office of the Butler County Prothonotary, the Butler County Domestic Relations Section of the Office of the Court Administrator.

By the Court

THOMAS J. DOERR, President Judge

BUTLER COUNTY LOCAL RULES OF CIVIL PROCEDURE

Rule L205.2(b). Cover Sheet.

Every pleading and other legal papers of two (2) or more pages shall have a cover sheet in substantially the following format:

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA CIVIL ACTION

PLAINTIFF Case No.

vs.

DEFENDANT

Type of Document: _____

If this is a Complaint, designate whether the case is subject to Compulsory Arbitration (jurisdictional amount \$35,000) or not.

_____ amount in controversy does not exceed \$35,000

_____ amount in controversy exceeds \$35,000

_____ issues in case are not subject to Compulsory Arbitration

Does this complaint involve consumer credit card collection _____ Y _____ N

Does this complaint involve residential mortgage foreclosure proceedings _____ Y _____ N

Filed on behalf of _____ (Plaintiff/Defendant)

Counsel of record for this party _____ (Name of attorney primarily responsible)

Supreme Court I.D. No. _____

_____ (Firm Name, if any)

_____ (Address)

_____ (Phone)

_____ (Fax Number)

_____ (E-Mail Address)

Rule L205.2(c). Cover Sheet.

For all consumer credit collection cases and residential mortgage foreclosure proceedings, as designated on the civil cover sheet, no summons, complaint, pleading or other document used to commence a new residential mortgage foreclosure civil action or consumer credit collection action will be accepted for filing by the court of judicial records unless it is accompanied by a Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Form in the format set forth in the format following:

Date of Service: _____
 Manner of Service: _____
 By: _____

IN THE COURT OF COMMON PLEAS OF
 BUTLER COUNTY, PENNSYLVANIA

Plaintiff(s)

vs.

AD No.

Defendant(s)

**NOTICE OF CONSUMER CREDIT/RESIDENTIAL
 MORTGAGE FORECLOSURE DIVERSION
 PROGRAM PURSUANT TO BUTLER COUNTY
 LOCAL RULE OF CIVIL PROCEDURE L205.2(b)
 AND L3129.1**

A Complaint in Consumer Credit or Mortgage Foreclosure has been filed with the Court that could cause you to lose your assets or home.

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 ten (10) days of the date noted above, you must contact a counselor at phone number 888-511-2227, extension 108. The counselor is available to you AT NO CHARGE. The counselor will work with you to review your finances and attempt to work with your lender to try to resolve the claims in this lawsuit. Once you call this number, the counselor will schedule an appointment to meet with you to discuss your finances and credit situation. During that meeting you must appear, and you must provide the counselor with all requested financial information so that a loan resolution proposal can be prepared on your behalf. If you take these steps, the counselor will help you prepare and file a Request for Conciliation Conference with the Prothonotary. The request must be filed within thirty (30) days of the date as noted above. If you do so and a conciliation conference is scheduled, you must appear, and 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 lawsuit proceeds forward.

If you are represented by a lawyer, it is not necessary for you to contact one of the counseling agencies. However, you and your attorney must complete a financial worksheet in the format approved by the Court and available through the office of the Prothonotary or Court Administration or Butler County Website, www.co.butler.pa.us, so that you will be able to submit a loan resolution proposal to your lender. If you and your lawyer complete the financial worksheet within twenty (20) days of the date noted above, your lawyer will be able to file a Request for Conciliation Conference with the Prothonotary on your behalf so that a conciliation conference can be scheduled. The request must be filed within thirty (30)

days of the date as noted above. 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 PARTICIPATE IN THIS DIVERSION PROGRAM, YOU MUST ACT QUICKLY AND TAKE THE STEPS REQUIRED BY THIS NOTICE. THIS PROGRAM IS FREE.

Respectfully submitted:

 Date (Signature of Counsel for Plaintiff)

Rule L-402. Service of Notice.

Upon the filing of a residential foreclosure action, in addition to providing the Sheriff with a certified copy of the civil action to be served, the plaintiff shall also provide the Sheriff with a copy of the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program". The Sheriff shall serve both the writ or complaint and the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" upon the defendants named in the litigation in accordance with Pennsylvania Rule of Civil Procedure 402 for service of original process. If the case involves a residential mortgage foreclosure action, in the event the Sheriff is unable to personally serve the defendants with the civil action papers and the Notice, the Sheriff shall post the residential mortgaged property, which is the subject of the residential mortgage proceeding, with the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program". The Sheriff's return shall reflect the date and manner of posting said Notice on the property. For residential mortgage foreclosure actions, the posting of Notice on the residential property shall constitute service of said "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" upon the defendants for purposes of compliance with these local rules concerning the Consumer Credit or Residential Mortgage Foreclosure Diversion Program.

Rule L1034(a). Motion for Judgment on the Pleadings.

(Italicized paragraph indicates amendment to existing local rule.)

(1) A motion for judgment on the pleadings shall be filed with the Prothonotary. A brief in support of the motion shall be filed at the same time as the motion for judgment on the pleadings is filed. Briefs for the non-moving parties shall be filed and served one (1) week prior to the scheduled submission or argument date.

As a condition precedent to the scheduling of a motion for judgment on the pleadings for court action in a consumer credit or residential mortgage foreclosure action involving a residential property, which serves as the primary residence of the defendant/borrower, the plaintiff/lender must file an Affidavit of Service indicating the manner and date of service of said notice upon the defendant/borrower. (form follows local rule L-1143(e))

(2) Upon the filing of motion for judgment on the pleadings, oral argument or submission without oral argument will be scheduled by the court. Any party may submit a request for argument on their motion for judgment on the pleadings. Upon receipt of a request for argument, a time for argument will be assigned for the scheduled submission date.

Rule L1035.2(a). Motion for Summary Judgment.
(Italicized paragraph indicates amendment to existing local rule.)

(1) A motion for summary judgment shall be filed with the Prothonotary. A brief in support of the motion shall be filed at the same time as the motion for summary judgment is filed. Briefs for the non-moving parties shall be filed and served no later than one (1) week prior to the scheduled submission or argument date.

As a condition precedent to the scheduling of a motion for summary judgment for court action in a consumer credit or residential mortgage foreclosure action involving a residential property, which serves as the primary residence of the defendant/borrower, the plaintiff/lender must file an Affidavit of Service indicating the manner and date of service of said notice upon the defendant/borrower. (form follows local rule L-1143(e))

(2) Upon the filing of motion for summary judgment, oral argument or submission without oral argument will be scheduled by the court. Any party may submit a request for argument on their motion for summary judgment. Upon receipt of a request for argument, a time for argument will be assigned for the scheduled submission date.

Rule L-1141(b). Consumer Credit or Residential Mortgage Foreclosure Program.

In consumer credit or residential mortgage foreclosure proceedings, local procedural requirements shall apply to accomplish the implementation of the Consumer Credit or Residential Mortgage Foreclosure Diversion Program. Local rules affected in relation to residential mortgage foreclosure proceedings are as follows:

- | | |
|--------------|------------------------|
| L205.2(b)(c) | L1143(a)(b)(c)(d)(e) |
| L402(c) | L1143.1(a)(b)(c)(d)(e) |
| L1034(a) | L3129.1(a)(b)(c) |
| L1035.2(a) | L3256 |

Rule L1143. Commencement of Consumer Credit or Mortgage Foreclosure Action.

(a) In all consumer credit and 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 which reports that the case involves a consumer credit or residential mortgage foreclosure action. In addition to the cover sheet bearing such indication, the complaint shall include a "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" in the format set forth in Local Rule 205.2(b). Service of the complaint in such a consumer credit or mortgage foreclosure action shall include the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" form advising the defendant/borrower of the action to be taken by the defendant/borrower in order to participate in a court-supervised conciliation conference pursuant to local rules of court.

(b) If the defendant/borrower in a consumer credit or residential mortgage foreclosure action has taken the affirmative steps identified in the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" to be eligible to participate in a court-supervised conciliation conference under Butler County Local Rule of Civil Procedure (L.R.C.P. 1143.1), the defendant/borrower shall file a Request for Conciliation Conference in the format set forth below. The Request for Conciliation Conference shall be filed with the Prothonotary within thirty 30 days of service of the Notice of

Consumer Credit or 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.

IN THE COURT OF COMMON PLEAS OF
 BUTLER COUNTY, PENNSYLVANIA

Plaintiff(s)

vs.

AD No.

Defendant(s)

REQUEST FOR CONCILIATION CONFERENCE

Pursuant to the local rules governing the Butler County Consumer Credit or Residential Mortgage Foreclosure Diversion Program, the undersigned hereby certifies as follows:

1. This action involves consumer credit, or the Defendant is the owner of the residential property if this is mortgage foreclosure action;

2. If a residential mortgage foreclosure action, Defendant lives in the subject property, which is defendant's primary residence;

3. Defendant has been served with a "Notice of Consumer Credit or 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 Butler County L.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 unworn falsification to authorities.

 Signature of Defendant/Defendant's Counsel Date

Person who Plaintiff should contact to discuss status of case and options to resolve:

Name _____
 Office _____
 Relationship to Defendant _____
 Address _____
 Phone _____
 E-Mail _____
 Fax # _____

(c) Upon receipt of the Request for Conciliation Conference, the Court Administrator shall issue a case management order as required by Butler County Rule Civil Procedure L-1143.1(c). Conciliation conferences shall be scheduled and conducted in conformity with Butler County Rule of Civil Procedure L-1143.1.1, et seq.

(d) Service of process.

1. Upon the filing of a consumer credit or residential mortgage foreclosure action, in addition to providing the Sheriff with a certified copy of the civil action to be served, the Plaintiff shall also provide the Sheriff with a copy of the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program". The Sheriff shall serve both the writ or complaint and the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" upon the defendants named in the litigation. If the case involves a residential mortgage

foreclosure action, in the event the Sheriff is unable to personally serve the defendants with the civil action papers and the Notice, the Sheriff shall post the residential mortgaged property, which is the subject of the residential mortgage foreclosure proceeding, with the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program". The Sheriff's return shall reflect the date and posting of said Notice on the property. For residential mortgage foreclosure actions, the posting of Notice on the residential property shall constitute service of said "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" upon the defendants for purposes of compliance with the local rules concerning the Consumer Credit or Residential Mortgage Foreclosure Diversion Program.

2. For cases filed prior to the effective date of this rule where original service of the complaint has been previously completed, the notice may be served by certified mail to the record address of the Defendant or to Defendant's counsel of record, if any. The date of service shall be the date when the certified mail is delivered to Defendant or Defendant counsel: If no original service of the complaint has been completed, service of the notice shall be as per L1143(d)(1).

(e) Before action will be scheduled for consideration before the assigned judge or for arbitration, the plaintiff/lender must file an Affidavit which discloses the date and manner of service of the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program"; whether or not the defendant/borrower has opted to participate in the Consumer Credit Residential Mortgage Foreclosure Diversion Program; and if the defendant/borrower has opted to participate in a court-supervised conciliation program, whether or not any Case Management Order proceedings or conciliation conferences are pending, and whether or not there is a present court-ordered stay in effect. The format for said affidavit is as follows:

IN THE COURT OF COMMON PLEAS OF
BUTLER COUNTY, PENNSYLVANIA

Plaintiff(s)

vs.

AD No.

Defendant(s)

**AFFIDAVIT OF SERVICE AND STATUS PURSUANT
TO BUTLER COUNTY RULE OF CIVIL
PROCEDURE
L-1143(e) AND L-1034(a) 1 AND L-1035.2(a)(1) AND
L-3129.1(b) AND L-3256
STATUS OF CONSUMER CREDIT OR
RESIDENTIAL MORTGAGE FORECLOSURE
DIVERSION PROGRAM**

I, _____, counsel for Plaintiff, in the above action,
(name)
do hereby certify that on _____ the Defendant(s)
(date)
were served with "Notice of Consumer Credit or Residential
Mortgage Foreclosure Diversion Program" by
_____,
(method of service and by whom)
and that:

- (1) 30 days have passed since service of the Notice;
- (2) The Defendant(s) have not filed a Request for Conciliation Conference (Butler County Rule of Civil Procedure L-1143); or

(3) If a Request for Conciliation Conference has been filed, no Case Management Order proceeding or conciliation conferences are pending, and there is no present Court ordered Stay in effect.

Respectfully submitted:

(date)

(counsel)

Rule L-1143.1. Conciliation Conference in Consumer Credit or Residential Mortgage Foreclosure Actions.

(a) The defendant/borrower shall be entitled to participate in a court-supervised conciliation conference with the plaintiff/lender in all consumer credit or residential mortgage foreclosure actions. The defendant/borrower must complete a financial worksheet in a format set forth in this Rule in advance of the conciliation conference. If the defendant/borrower has already participated in a conciliation conference, the plaintiff/lender or the defendant/borrower may request the court to schedule an additional conference for good cause shown by presenting an appropriate motion before the court.

(b) To be eligible to participate in a conciliation conference, a self-represented/borrower must meet with one of the counselors identified in the Notice of Consumer Credit/Residential Mortgage Foreclosure Diversion Program (Rule L 205.2(c)), complete a financial worksheet *in the format approved by the Court and available through the office of the Prothonotary or Court Administration or Butler County Website, www.co.butler.pa.us*, and file a Request for Conciliation Conference on the form set forth in Butler County R.C.P. L-1143. If the defendant/borrower is represented by counsel, the defendant/borrower need not contact and meet with one of the identified counselors as a condition precedent to requesting a conciliation conference, provided that counsel for the defendant/borrower completes the prescribed financial worksheet form and files the request for conciliation form within the timelines set forth in the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program".

(c) Upon receipt of a duly filed Request for Conciliation Conference form, as set forth in Butler County R.C.P. L-1143, a Case Management Order shall issue scheduling the next available conciliation conference list. The Case Management Order shall specify the date, time and place of the conciliation conference. Within ten (10) days of the issuance of the Case Management Order, the Plaintiff shall file with the Prothonotary and serve Defendant with a disclosure of contact information to provide the name, address, phone number, fax number and e-mail for the person authorized to discuss case status and resolution options with the Defendant and Defendant's representative. At least fourteen (14) days prior to the date of the conciliation conference, the defendant/borrower must serve upon the plaintiff's counsel, a copy of the Butler County Consumer Credit or Residential Mortgage Foreclosure Diversion Program Financial Worksheet completed in full. Said worksheet is available in the Office of Prothonotary, Sheriff, or Court Administration or on the Butler County Website (www.co.butler.pa.us). A failure to serve said worksheet on Plaintiff's counsel may result in the case being removed from the conciliation conference schedule and the termination of the temporary stay of proceedings pursuant to the case management order. A sample Case Management Order is attached.

IN THE COURT OF COMMON PLEAS OF
BUTLER COUNTY, PENNSYLVANIA

Plaintiff(s)

vs.

AD No.

Defendant(s)

**CONSUMER CREDIT OR MORTGAGE
FORECLOSURE DIVERSION PROGRAM CASE
MANAGEMENT ORDER PURSUANT TO
BUTLER CO. R.C.P. 1143.1(c)**

AND NOW, the defendant/borrower in the above-captioned consumer credit or 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 Butler Co. R.C.P. L-1143.1(c), 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 1:30 p.m. Court Room No. 4 of the Butler County Courthouse;

2. If Defendant/Borrower wants to request legal representation by Neighborhood Legal services (phone: 724-283-8888) or Butler County Bar Association Consumer Credit or Mortgage Foreclosure Diversion Program pro bono or by referral (phone: 724-841-0130) the Defendant/Borrower must IMMEDIATELY call to schedule an appointment.

3. Within ten (10) days of this Order, the Plaintiff shall file at the Prothonotary and serve on the Defendant a disclosure of name, address, phone number, fax number and email of the person or office who can be directly contacted by Defendant or Defendant counsel to discuss status and options to resolve the case.

4. 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 completed "Butler County Consumer Credit or Residential Mortgage Foreclosure Diversion Program Financial Worksheet" in compliance with Butler County Local Rule L.R.C.P. 1143.1. The failure to do so may result in the removal of this case from the Conciliation Conference schedule and the termination of the temporary stay of proceedings issued pursuant to this Order.

5. The Defendant/Borrower and counsel, if represented, 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 representative of the plaintiff/lender at the rescheduled Conciliation Conference.

6. At the Conciliation Conference, the parties and their counsel shall be prepared to discuss and explore all available resolution options which shall include: settlement, consent judgment; re-structuring of debt; 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.

7. All proceedings in this matter are stayed pending the completion of the scheduled conciliation conference and further Order of Court.

8. A copy of this Order and the Defendant's request for Conciliation Conference form shall be sent by the Prothonotary to all parties and legal counsel of record, Neighborhood Legal Services and Butler County Bar Association.

BY THE COURT:

(d) The defendant/borrower and counsel for the parties must attend the conciliation conference in person. An authorized representative of the plaintiff/lender must either attend the conciliation conference in person or be readily 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. The court, in its discretion, may require the personal attendance of the authorized representative of the plaintiff/lender at any conciliation conference by special order.

(e) At the conciliation conference, the parties and their counsel shall be prepared to discuss all available resolution options which may include: settlement; consent judgment, re-structuring of debt; 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 off the mortgage default over sixty (60) months; and the institution of bankruptcy proceedings.

Rule L3129.1. Notice of Sale of Real Property.

(a) 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/borrower, unless the defendant/borrower has already been served with the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" pursuant to Butler County Rule of Civil Procedure 205.2 (b), the plaintiff/lender must serve a "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" upon the defendant/borrower in the format set forth in Butler County Rule of Civil Procedure L-205.2 (b). In addition, the plaintiff/lender, (1) must file an affidavit which discloses the date and manner of service of the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program," and (2) disclose whether or not the defendant/borrower has opted to participate in the Consumer Credit or Residential Mortgage Foreclosure Program, or, (3) if the defendant/borrower has participated in a court-supervised conciliation conference, that the consumer credit or residential mortgage foreclosure claim was not resolved and no further conciliation conferences are scheduled.

(b) The affidavit required by L.R.C.P. 3129.1(a) shall be filed with the Prothonotary, 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 at local rule L-1143(e).

(c) If a defendant/borrower in a residential foreclosure action has taken the affirmative steps identified in the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" to be eligible to participate in a court-supervised conciliation conference, the defendant/borrower shall file with the Prothonotary a Request for Conciliation Conference as set forth in Butler County Rule of Civil Procedure L-1143, which shall also be served upon counsel for the plaintiff/lender and the Sheriff. Upon receipt of the Request for Conciliation Conference, a Case Management Order pursuant to Butler County Rule of Civil Procedure L-1143.1(c) shall issue.

Rule L-3256. Praeceptum for Writ Mortgage Foreclosure.

In addition to the requirements of Pa.R.C.P. 3256, in a residential mortgage foreclosure proceeding, the plaintiff/lender shall provide an affidavit pursuant to Butler County Rule of Civil Procedure L-3129.1(b). In the event there has been no Notice of Residential Mortgage Foreclosure Diversion Program served upon the defendant at any earlier point in the mortgage foreclosure process, the plaintiff/lender shall include with the Praeceptum for Writ a Notice of Residential Mortgage Foreclosure Diversion Program form as provided under L-205.2(b). Said Notice shall be served by the plaintiff/lender in accordance with L-402(c). No further action shall be available to the plaintiff/lender after the filing of the writ of execution until such time as the plaintiff/lender files an Affidavit following service of the Notice of Residential Mortgage Foreclosure Diversion Program in the format set forth at L-1143(e).

[Pa.B. Doc. No. 09-1829. Filed for public inspection October 2, 2009, 9:00 a.m.]

WESTMORELAND COUNTY

In Re: Rescinding Orphans' Court Rules WO301 and WO302 and Adopting Rules WO301, WO302, WO303, WO304 and WO305; No. 65-96-214

Order

And Now this 17th day of September, 2009 it is *Hereby Ordered* that Westmoreland Rules of Orphans' Court WO301 and WO302 are rescinded and new Rules WO301, WO302, WO303, WO304, and WO305 are adopted.

By the Court

JOHN E. BLAHOVEC,
President Judge

Rule WO301. Voluntary Relinquishment to Agency.

(a) Court Proceedings—Voluntary Termination of Natural Mother's Parental Rights

When the natural mother of a child petitions the court to voluntarily terminate her parental rights and alleges in her petition that the identity and/or domicile of the birth father is unknown, she shall testify, under oath, as to the circumstances of the conception including, but not limited to, a physical description of the alleged natural

father, his name, nickname or alias, his occupation or alleged occupation, his home or region or origin, and any subsequent contact with him.

(b) Notice to Unknown Father

The notice to "Unknown Father" shall, pursuant to 23 Pa.C.S.A. § 2513, include the child's name, the child's date of birth, the natural mother's name and the place of birth when the Notice is published pursuant to Pa.O.C. Rule 5.1(c). It shall be published in the county and state where, by petition, the notice is most likely to effectively notify the "Unknown Father."

(a) When the proposed adoptee has been born outside the Commonwealth of Pennsylvania, any Petition for Adoption filed with the court shall include as exhibits thereto certified copies of all orders of court or decrees issued by a court of competent jurisdiction, which orders or decrees:

(1) terminate the parental rights of the birth parents of the child proposed to be adopted;

(2) establish rights of guardianship or custody of the child proposed to be adopted in any other person or entity other than the birth parents; and/or

(3) establish or set forth any special conditions and/or considerations concerning placement, custody or guardianship and adoption of the proposed adoptee.

Rule WO302. Voluntary Relinquishment to Adult Intending to Adopt Child.

(a) Court Proceedings—Voluntary Termination of Natural Mother's Parental Rights

When the natural mother of a child petitions the court to voluntarily terminate her parental rights and alleges in her petition that the identity and/or domicile of the birth father is unknown, she shall testify, under oath, as to the circumstances of the conception including, but not limited to, a physical description of the alleged natural father, his name, nickname or alias, his occupation or alleged occupation, his home or region or origin, and any subsequent contact with him.

(b) Notice to Unknown Father

The notice to "Unknown Father" shall, pursuant to 23 Pa.C.S.A. § 2513, include the child's name, the child's date of birth, the natural mother's name and the place of birth when the Notice is published pursuant to Pa.O.C. Rule 5.1(c). It shall be published in the county and state where, by petition, the notice is most likely to effectively notify the "Unknown Father."

(c) When the proposed adoptee has been born outside the Commonwealth of Pennsylvania, any Petition for Adoption filed with the court shall include as exhibits thereto certified copies of all orders of court or decrees issued by a court of competent jurisdiction, which orders or decrees:

(1) terminate the parental rights of the birth parents of the child proposed to be adopted;

(2) establish rights of guardianship or custody of the child proposed to be adopted in any other person or entity other than the birth parents; and/or

(3) establish or set forth any special conditions and/or considerations concerning placement, custody or guardianship and adoption of the proposed adoptee.

Rule WO303. Involuntary Termination of Parental Rights.**(a) Notice to Unknown Father**

The notice to "Unknown Father" shall, pursuant to 23 Pa.C.S.A. § 2513, include the child's name, the child's date of birth, the natural mother's name and the place of birth when the Notice is published pursuant to Pa.O.C. Rule 5.1(c). It shall be published in the county and state where, by petition, the notice is most likely to effectively notify the "Unknown Father."

(b) When the proposed adoptee has been born outside the Commonwealth of Pennsylvania, any Petition for Adoption filed with the court shall include as exhibits thereto certified copies of all orders of court or decrees issued by a court of competent jurisdiction, which orders or decrees:

(1) terminate the parental rights of the birth parents of the child proposed to be adopted;

(2) establish rights of guardianship or custody of the child proposed to be adopted in any other person or entity other than the birth parents; and/or

(3) establish or set forth any special conditions and/or considerations concerning placement, custody or guardianship and adoption of the proposed adoptee.

Rule WO304. Notice; Method and Time.

Prior to attempting Notice by Publication pursuant to Pa. Orphans' Court Rule 15.6(2), the attorney or parent seeking to affect Notice by Publication must first obtain Court approval.

Rule WO305. Medical Testimony.

(a) Unless objections are filed at least 10 days prior, testimony in termination of parental rights proceedings of experts including physicians, psychologists and other medical professionals may be taken by two-way advanced communication technology including video conferencing equipment and speaker phones.

(b) All documents in a foreign language shall be translated into English. The translation shall be typed and a certificate of accurate translation shall be attached.

[Pa.B. Doc. No. 09-1830. Filed for public inspection October 2, 2009, 9:00 a.m.]