

THE COURTS

Title 255—LOCAL COURT RULES

CARBON COUNTY

Revision of Local Rule of Criminal Procedure 117—Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail; No. CP-13-AD-000004-2006 (Old No. 103 MI 00)

Administrative Order No. 10-2012

And Now, this 17th day of April, 2012, pursuant to Pa.R.Crim.P. 117, it is hereby

Ordered and Decreed, that effective June 1, 2012, the Carbon County Court of Common Pleas *Revises* Local Rule of Criminal Procedure CARB.R.Crim.P. 117 governing coverage for issuing warrants, conducting preliminary arraignments and summary trials and setting and accepting bail.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File one (1) certified copy of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies, one (1) computer diskette and a copy of the written notification received from the Criminal Procedural Rules Committee with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish a copy of this Administrative Order on the Unified Judicial System's website at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Order in the Clerk of Courts' Office.

By the Court

ROGER N. NANOVIC,
President Judge

Rule 117. Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail.

1. Each Magisterial District Court Office shall be open for regular business on Mondays through Fridays, excluding holidays, from 8:30 A.M. to 4:30 P.M., prevailing time, which times may be modified with the approval of the President Judge to meet the needs of the public and the Court.

2. A Magisterial District Judge shall be available on-call at all times of all days without unreasonable delay to provide continuous coverage for the issuance of search warrants and arrest warrants, for the setting and acceptance of bail, and for the issuance of emergency orders under the Protection From Abuse Act and the Older Adult Protective Services Act. This rule shall be satisfied by number 3 and 4 below.

3. The President Judge shall establish the schedule of assignment of Magisterial District Judges to on-call duty for availability on a rotating basis pursuant to a semi-annual/annual schedule prepared by the District Court Administrator. When a Magisterial District Judge who has jurisdiction over a particular matter is unavailable during regular business hours, authority to act is transferred to other Magisterial District Judges in the 56th Judicial District pursuant to the aforesaid assignment to on-call duty stated above.

4. Magisterial District Judges during regular business hours, an on-call Magisterial District Judge while on-call, the Clerk of Courts during business hours and the Warden, or in his absence, the Deputy Warden or Sergeant in charge of the Carbon County Correctional Facility, shall be authorized to accept bail in accordance with the provisions, and subject to the limitations of the Pennsylvania Rules of Criminal Procedure.

5. A Magisterial District Judge assigned to on-call duty shall be available for preliminary arraignments in accordance with the following schedule:

A. For arrests occurring after the close of regular business hours but before 10:00 P.M., and for arrests occurring on weekends or holidays between 8:00 A.M. and 10:00 P.M., the Magisterial District Judge shall respond to the call and conduct a preliminary arraignment utilizing the on-screen video arraignment connection between the police station and the Magisterial District Court prior to detention at the Carbon County Correctional Facility. Scheduling of the arraignment shall be initiated by the arresting officer contacting the Comm. Center by telephone and requesting an arraignment. Arraignments shall be scheduled whenever:

1. The defendant is arrested pursuant to a warrant, and

2. In those circumstances where an arrest has been made without a warrant and for which the defendant is to be afforded a preliminary arraignment without unnecessary delay, (See Pa.R.Crim.P. 519), after the completion of the criminal complaint.

B. For arrests occurring after 10:00 P.M. but before 8:00 A.M. on weekends or holidays, and before 8:30 A.M. on weekdays, preliminary arraignments shall be scheduled as follows:

1. For arrests pursuant to a warrant and those arrests requiring preliminary arraignment pursuant to Pennsylvania Rule of Criminal Procedure 519, the arresting agency, including the state police, municipal police or sheriff, is authorized to detain the prisoner at the Carbon County Correctional Facility until 8:30 A.M. the following morning. For Defendants so detained, the on-call Magisterial District Judge shall appear in person or by advanced communication technology at the Carbon County Correctional Facility at 8:30 A.M. to preside at the Preliminary Arraignment. The arresting officer shall be responsible to notify the Communication Center of any temporary detentions on holidays and weekends by 7:30 A.M. The Communication Center shall notify the on-call Magisterial District Judge between 7:30 A.M. and 8:00 A.M. of said temporary detentions.

2. Prior to detaining a prisoner at the Carbon County Correctional Facility under this Rule, the arresting agency shall contact the facility to ascertain that adequate detention facilities are available for temporary

detention in accordance with this Rule. If no detention facilities are available at the facility, the arresting agency shall notify the on-call Magisterial District Judge through the Communication Center of that fact and a preliminary arraignment shall be required prior to detention or commitment to Prison.

3. The arresting agency detaining the Defendant shall provide the Magisterial District Judge with copies of the Criminal Complaint, of the Affidavit of Probable Cause in support thereof, and a copy of the Bail Information Sheet for Overnight Arraignments regarding the defendant's criminal record and flight risk, and the officer's bail recommendation, by depositing the same at the Carbon County Correctional Facility and faxing copies to the Magisterial District Court Office. The arresting agency shall be responsible to deliver or mail within twenty-four (24) hours all original documents to the Magisterial District Court office who issued the warrant or within whose jurisdiction the offense occurred.

4. The arresting officer(s) need not appear at the Preliminary Arraignment provided the documents identified in paragraph (B)(3) are provided. In the alternative, the arresting officer may appear at the Preliminary Arraignment in lieu of prior submission of these documents; however, no person shall be detained under this rule without the completion and submission of a completed criminal Complaint and Affidavit of Probable Cause. A copy shall be delivered to the Carbon County Correctional Facility and a copy faxed to the Magisterial District Court office for the Judge's use.

5. The provisions of this Rule allowing for temporary detention of prisoners shall not apply to the performance of any other duties of the on-duty Magisterial District Judge during the hours of 10:00 P.M. to 8:00 A.M.

6. The Carbon County Correctional Facility shall identify a detention area for prisoners so detained in accordance with the Standard Operating Procedures of the Carbon County Correctional Facility for temporary detention of individuals at the Prison.

7. The Carbon County Correctional Facility is directed to make available to the on-duty Magisterial District Judge appropriate space or advanced communication technology availability between the hours of 8:30 A.M. and 9:00 A.M. to perform the Preliminary Arraignment at the Prison.

8. Upon completion of the Preliminary Arraignment, the detention authorized by this Rule shall terminate and the person detained shall be processed in accordance with the Orders of the Magisterial District Judge at the Preliminary Arraignment or, if no Preliminary Arraignment has been done, the person shall be released from detention and the arresting agency shall arrange for the Preliminary Arraignment of the person otherwise in accordance with the Rules of Criminal Procedure.

9. If the Preliminary Arraignment is conducted by advanced communication technology, upon completion of the Preliminary Arraignment, copies of all commitment orders, bail orders, etc. shall be faxed from the Magisterial District Judge to the Carbon County Correctional Facility and the originals mailed to the Carbon County Correctional Facility on the next regular business day. If the Preliminary Arraignment is conducted at the Correctional Facility, original documents shall be provided to the Carbon County Correctional Facility at the time of the Preliminary Arraignment.

C. Nothing in this Rule shall alter the requirements of Carbon County Local Criminal Rules of Procedure 202

regarding approval of search warrant application by attorney for the Commonwealth and Rule 507 regarding approval of police complaints and arrest warrant affidavits by the Attorney for the Commonwealth.

[Pa.B. Doc. No. 12-800. Filed for public inspection May 4, 2012, 9:00 a.m.]

CARBON COUNTY

Revision of Preliminary Arraignment—Policy and Procedures; No. CP-13-AD-000002-2011

Administrative Order No. 11-2012

And Now, this 17th day of April, 2012, in order to create systematic procedures for preliminary arraignments during normal business hours and outside normal business hours utilizing video conferencing as indicated, it is hereby

Ordered and Decreed, that effective June 1, 2012, the Carbon County Court of Common Pleas *Revises* the following policy and procedures for Preliminary Arraignment for every adult person arrested.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File one (1) certified copy of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies, one (1) computer diskette and a copy of the written notification received from the Criminal Procedural Rules Committee with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish a copy of this Administrative Order on the Unified Judicial System's website at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.
4. Forward one (1) copy for publication in the *Carbon County Law Journal*.
5. Forward one (1) copy to the Carbon County Law Library.
6. Keep continuously available for public inspection copies of the Order in the Clerk of Courts' Office.

By the Court

ROGER N. NANOVIC,
President Judge

Carbon County Arrest and Central Booking Policy and Procedures

1. Preliminary Arraignment Procedures

A. During Normal Office Hours

1. If the criminal complaint is completed so that the defendant may be arraigned by the Magisterial District Judge (MDJ) during their normal operating hours of 8:30 A.M. to 12:00 noon and 1:00 PM to 4:30 PM Monday through Friday, exclusive of holidays, the arresting officer shall either proceed to the office of the MDJ who issued the warrant or within whose jurisdiction the offense occurred or shall conduct a video arraignment from the police station for preliminary arraignment. The method used for the preliminary arraignment shall be at the sole discretion of the Magisterial District Judge.

B. Outside Normal Business Hours

1. Between the hours of 4:30 P.M. and 10:00 P.M. Monday through Friday and on weekends and holidays from 8:00 A.M. to 10:00 P.M., the police officer shall contact the on-call MDJ through the Communications Center (Comm. Center) to conduct a preliminary arraignment. Scheduling of the arraignment shall be initiated by the arresting officer who shall contact the Comm. Center by telephone to request an arraignment. Arraignments shall be scheduled whenever:

a. The defendant is arrested pursuant to a warrant, and

b. In those circumstances where an arrest has been made without a warrant and for which the defendant is to be afforded a preliminary arraignment without unnecessary delay, (See Pa.R.Crim.P. 519), after the completion of the criminal complaint.

2. An information sheet for a public defender should be given to the defendant. The MDJ will go over this form with the defendant.

3. The arresting officer shall conduct a video arraignment from the police station during the hours of 4:30 P.M. and 10:00 P.M. Monday through Friday and on weekends and holidays from 8:00 A.M. to 10:00 P.M. unless the Magisterial District Judge requests an in court arraignment or the arrest occurs within the same municipality as the Magisterial District Court. Prior to the arraignment the arresting officer shall fax the following paperwork to the MDJ location:

a. Criminal complaint and Affidavit of Probable Cause; and

b. Copy of the Bail Information Sheet for Overnight Arraignments regarding the defendant's criminal record and flight risk, and the officer's bail recommendation for the MDJ.

4. When the MDJ is ready for the arraignment to begin, he will notify the police officer and fax any necessary paperwork back.

5. The police officer will then utilize the on-screen video arraignment connection from the police station and the MDJ will announce the beginning of the proceedings before the court and to the defendant.

6. It is the duty and obligation of the police officer to assure that the defendant being arraigned can clearly see and hear the actions of the Magisterial District Judge before him/her and be sure that all background noises are to a minimum. The MDJ will also confirm same.

7. Upon completion of the arraignment, the police officer shall speak to the MDJ and be notified of the disposition of the defendant. (Bail, ROR or incarceration) The MDJ will also notify the defendant of his/her disposition.

8. The MDJ will fax back the necessary paperwork as follows:

a. In the event of incarceration:

1. Signed criminal complaint;
2. Signed affidavit of probable cause;
3. Notice of preliminary arraignment;
4. Notice of preliminary hearing;
5. Commitment;
6. Release of Prisoner;
7. Bail conditions;

8. Bail bond;

9. Surety;

10. Public Defender application; and

11. Fingerprint Order.

b. In the event of bail release:

1. Signed criminal complaint;
2. Signed affidavit of probable cause;
3. Notice of preliminary arraignment;
4. Notice of preliminary hearing;
5. Bail bond;
6. Bail Conditions, if any;
7. Surety;
8. Public Defender application
9. Fingerprint Order.

9. Bail bond must be signed by the defendant. The form must be faxed back to the arraignment MDJ.

10. Surety information page will be signed by the defendant in the event of unsecured bail. This form must be faxed back to the arraignment MDJ.

11. The defendant shall receive a copy of all paperwork.

12. A copy of all paperwork shall be given to the Magisterial District Court for distribution.

13. All original documents are to be delivered or mailed within twenty-four (24) hours by the police officer to the Magisterial District Judge's office who has jurisdiction over the matter.

14. In the event of incarceration, a copy of the commitment, bail information, surety information, police criminal complaint and probable cause affidavit shall be given to the Carbon County Correctional Facility.

15. The arresting police department shall receive a copy of the arrest warrant, criminal complaint, probable cause affidavit, notice of preliminary arraignment, notice of preliminary hearing, commitment, release of prisoner, bail conditions, bail bond, and surety information page.

16. The police officer will be responsible to fax all pertinent paperwork back to the MDJ. The MDJ's office will be responsible for making copies and distributing the paperwork to the proper persons. Booking center files will be kept and maintained by the Carbon County Correctional Facility.

17. Once the preliminary arraignment is completed by the MDJ, the defendant shall be provided with the opportunity to post bail with the office of the MDJ or the Carbon County Correctional Facility. The defendant's opportunity to post bail prior to being incarcerated shall be a reasonable time determined by the MDJ.

18. If the defendant posts bail, he/she shall be released immediately and provided with the following information:

a. If the defendant posts bail, the MDJ shall verbally advise the defendant of the requirement to appear at the Carbon County Correctional Facility or Pennsylvania State Police Barracks prior to his/her preliminary hearing for fingerprinting.

b. The MDJ shall also issue a fingerprint order, AOPC Form 405-05, which shall order the defendant to call the

Carbon County Correctional Facility or appear at the Pennsylvania State Police Barracks for electronic fingerprinting and photos.

c. A receipt for bail shall be issued to the defendant or bail poster.

d. Arresting officer shall remain with the defendant until the bail is posted at the MDJ office.

19. If the defendant was arraigned at the MDJ's office or by video-arraignment procedures and fails to post bail, the arresting officer shall transport the defendant to the Carbon County Correctional Facility for booking.

20. Preliminary Arraignments for arrests made between 10:00 P.M. and 8:00 A.M. will be pursuant to Carbon County Local Rule of Criminal Procedure 117.

Preliminary Hearings

A. Prior to the commencement of the preliminary hearing, the defendant must be processed through Livescan/CPIN.

B. If the defendant appears at the preliminary hearing after having failed to be processed through Livescan/CPIN as he/she was advised to do at the preliminary arraignment, the MDJ shall have the following options:

1. Require that the defendant submit to Livescan/CPIN processing prior to the commencement of the preliminary hearing at the Magisterial District Court; or

2. Continue the preliminary hearing and order the defendant to be processed through Livescan/CPIN at a specific time and date prior to the continued preliminary hearing.

3. Conduct the preliminary hearing and set bail conditions to ensure compliance with Livescan/CPIN processing prior to the next scheduled Common Pleas Court event.

C. Each defendant shall be assessed a fee of \$100.00 for Livescan/CPIN processing as required by 42 Pa.C.S.A. 1725.5 unless the defendant prepays the Livescan/CPIN processing fee of \$75.00.

[Pa.B. Doc. No. 12-801. Filed for public inspection May 4, 2012, 9:00 a.m.]

MONROE COUNTY

Residential Mortgage Foreclosure Program; No. 2012-PJ; 5 CV 12; Admin No. 34

Order

And Now, this 28th day of March, 2012, recognizing that some changes are necessary for the efficient functioning of the Monroe County Residential Mortgage Foreclosure Diversion Program *It Is Hereby Ordered* that:

1. All complaints for mortgage foreclosure filed with the Monroe County Prothonotary will be given a dedicated filing designation of RM for mortgage foreclosures on owner-occupied residential properties containing less than five residential units and CM for other mortgage foreclosures. Mortgage foreclosure complaints shall have a specific cover sheet attached at time of filing, an example of which follows in Exhibit "A," certifying real estate location, occupancy status, and contact information, including the name, address and telephone number of the representative of the lending institution.

2. An "Urgent Notice" in substantially the form as follows in Exhibit "B" and a "Certificate of Participation" in substantially the form as follows in Exhibit "C" shall also be affixed to the complaint and the copy of the complaint to be served upon the defendant(s). The defendant(s) in cases involving owner-occupied residential properties with fewer than five units may then request to participate in the Residential Mortgage Foreclosure Diversion Program, by signing and filing the Certificate of Participation form as follows in Exhibit "C." The Prothonotary will not accept a residential mortgage complaint for filing without the cover sheet, Urgent Notice and Certificate of Participation.

3. In the event that the Sheriff is unable to personally serve the defendant(s) with the complaint, Urgent Notice and Certificate of Participation, the Sheriff shall post the subject property with the Complaint, Urgent Notice and Certificate of Participation. The Sheriff's return shall reflect the date and manner of posting the property.

4. When the defendant files a written request for a conciliation conference under this program, an order will be entered substantially in the form as follows in Exhibit "D." The order will provide that further proceedings in the action other than service of process will be stayed pending the result of the conciliation conference.

5. The order will refer the matter to a conciliation conference before a conciliator appointed for that purpose by the court. The borrower will submit an application and a proposal to resolve the mortgage foreclosure action to the lender's counsel and the Court Administrator at least 60 days before the scheduled conference. The lender's counsel or other representative must have the authority at the conference to specifically address the proposal made by the borrower to settle the matter, and the conciliator will work with the parties to achieve a settlement. The conciliator will submit his or her recommendation for further action to the court following the conference, which may include lifting the stay if the parties are unable to come to an agreement, maintaining the stay while the parties engage in further negotiations or attempt a modification of the mortgage, a stipulation for judgment, a deed in lieu of foreclosure, a "cash for keys" arrangement or other settlement options. The court will then act upon the conciliator's recommendation.

6. Plaintiff's counsel shall serve a copy of the Urgent Notice and the Certificate of Participation on the defendant(s) at the time of service of a:

- 1) Motion for judgment on the pleadings, or
- 2) Motion for summary judgment,

if the defendant(s) was not served with them at the time of service of the original complaint. Service shall not be required if the defendant(s) has already had the opportunity to participate in the Monroe County Residential Foreclosure Program.

The Court in its discretion may also refer other pending mortgage foreclosure cases to the Residential Mortgage Foreclosure Diversion Program on motion of an interested party.

By the Court

MARGHERITA PATTI WORTHINGTON,
President Judge

Exhibit "A"

IN THE COURT OF COMMON PLEAS OF MONROE COUNTY, PENNSYLVANIA CIVIL

Plaintiff, : No. ____ Civil 20__
v. :
: Mortgage Foreclosure
Defendant, :

MONROE COUNTY MORTGAGE FORECLOSURE COVER SHEET

Pursuant to the Administrative Order dated 2010, pertaining to the Residential Mortgage Foreclosure Diversion Program, I hereby certify that:

1. The property in this case is known and numbered as:

Property Address: _____

2. The property is:

A. ___ Owner-occupied residential

B. ___ Non-owner occupied residential

___ four units or less

___ over four units

C. ___ Commercial

D. ___ Other (explain) _____

3. If owner-occupied residential, the name, address and telephone number of a representative of the lending institution with authority to bind the plaintiff to a stipulation:

_____ .
_____ .

4. That the URGENT NOTICE and CERTIFICATE OF PARTICIPATION are being served upon the defendant(s) along with the complaint in mortgage foreclosure.

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.

Date: _____
Signature of Plaintiff or Counsel for Plaintiff
Address: _____

Exhibit "B"

URGENT NOTICE

IMPORTANT NOTICE TO DEFENDANT(S) YOU MAY RECEIVE HELP THAT MIGHT SAVE YOUR HOME MONROE COUNTY RESIDENTIAL MORTGAGE FORECLOSURE DIVERSION PROGRAM

You have been sued. The Plaintiff alleges you have defaulted on your mortgage.

The Court has a program that may help save your home from foreclosure if: 1) you are an owner (or an heir to a deceased owner) of the property, 2) you live in the property and 3) the property is your principal residence.

You must complete and return the attached Certificate of Participation to the Prothonotary (3rd Floor, Monroe County Courthouse, Stroudsburg, PA 18360) immediately. When you file this form, an order staying the mortgage foreclosure case against you will be entered by the court.

A conciliation conference before the court will be scheduled with you, your attorney if you have one, and a representative of your lender.

You will be required to submit a complete, written application and proposal for modification of your mortgage, along with supporting financial and employment documentation to the Plaintiff's attorney and to Court Administration (Monroe County Courthouse, 610 Monroe Street, Stroudsburg, PA 18360, tel. (570) 517-3888), no later than sixty (60) days before the Conciliation/Case Management Conference. Further information about the application package may be found at www.co.monroe.pa.us under the Monroe County Residential Mortgage Diversion Program sub-heading. Any question about the use of these forms and the borrower's rights should be referred to an attorney as the court does not give legal advice.

You may have an attorney of your choosing assist you in making your application and proposal to your lender. If you do not have an attorney, you may contact the Monroe County Bar Association ((570) 424-7288, www.monroebar.org for a list of attorneys who will represent homeowners in the Monroe County Residential Foreclosure Diversion program for a fee.

You may also call a housing counselor for assistance. The U.S. Department of Housing and Urban Development maintains a list of agency-approved housing counselors in Pennsylvania at the website www.hud.gov. The HUD approved housing counselor in Monroe County is CCCS of Northeastern Pennsylvania, 411 Main Street, Suite 102, Stroudsburg, Pennsylvania. Their telephone number is (570) 420-8980. Their services are at no cost to you. Neither the Court nor the County of Monroe endorse any particular housing counselor or program.

Exhibit "C"

IN THE COURT OF COMMON PLEAS OF MONROE COUNTY FORTY-THIRD JUDICIAL DISTRICT COMMONWEALTH OF PENNSYLVANIA CIVIL DIVISION

: No. Civil 201__
Plaintiff, :
vs. :
Defendant(s). : Mortgage Foreclosure

CERTIFICATION OF PARTICIPATION

I wish to participate in the Monroe County Residential Mortgage Foreclosure Diversion Program.

I am the owner of the property listed below:

Premises Address: _____
_____, Monroe County, PA

This property is my primary residence. It is the subject of foreclosure, and I would like to try to save my residence from foreclosure.

At least sixty (60) days before the date of my Conciliation/Case Management Conference, (to be scheduled by the court) I will submit, a complete, written application and proposal for modification of my mortgage to the Plaintiff's counsel (the lawyer for my mortgage lender) and to Court Administration, Monroe County Courthouse, 610 Monroe Street, Stroudsburg, PA 18360, tel. (570) 517-3888.

Further information about the application package may be found at www.co.monroe.pa.us under the Monroe County Residential Mortgage Diversion Program sub-heading. Any question about the use of these forms and the borrower's rights should be referred to an attorney as the court does not give legal advice.

I understand that I may have an attorney of my choosing assist me in submitting this plan to my lender and that if I do not have an attorney, the Monroe County Bar Association (570) 424-7288, www.monroebar.org, has a list of attorneys who will represent mortgage borrowers in the Monroe County Mortgage Foreclosure Diversion Program for a fee.

I also understand that I may seek the assistance of a housing counselor. The U.S. Department of Housing and Urban Development maintains a list of agency-approved housing counselors in Pennsylvania at the website www.hud.gov. The HUD approved housing counselor in Monroe County is CCCS of Northeastern Pennsylvania, 411 Main Street, Suite 102, Stroudsburg, Pennsylvania 18360. Their telephone number is (570) 420-8980. Their services are at no cost to you.

Neither the Court nor the County of Monroe endorse any particular housing counselor or program.

Signature Date: _____

Printed Name

Signature Date: _____

Printed Name

Mailing Address

Telephone number

This form must be filed to obtain a stay of this mortgage foreclosure action and a Conciliation/Case Management Conference under the Monroe County Mortgage Foreclosure Diversion Program. This certification is only for Defendants with a case caption of 2011 or later. For those with captions before 2011, a Petition must be filed with the court requesting inclusion in the program, explaining the reasons why participation may lead to a successful modification of the mortgage without undue delay of a foreclosure.

File this form with:

GEORGE J. WARDEN, PROTHONOTARY
THIRD FLOOR
MONROE COUNTY COURTHOUSE
STROUDSBURG, PA 18360
(570) 517-3370

Exhibit "D"
**IN THE COURT OF COMMON PLEAS OF
MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA
CIVIL DIVISION**

Plaintiff, : No. Civil 201____
: :
: :
vs. : :
: :
Defendant(s). : Residential Mortgage
Foreclosure

CONCILIATION/CASE MANAGEMENT ORDER

AND NOW, this ____ day of _____, 20____, a complaint having been filed to foreclose upon a residential mortgage, and the defendant(s) having opted into the Monroe County Residential Mortgage Diversion Program, IT IS ORDERED pursuant to Pa.R.C.P. 212.3 and 1141:

1. A Conciliation/Case Management Conference is scheduled for _____, 20____, at _____ a.m./p.m. in Hearing Room No. ____, Monroe County Courthouse, Stroudsburg, PA 18360. Counsel for the Plaintiff must be present and either (i) have actual authority to modify the mortgage, enter into an alternative payment agreement or otherwise resolve the action, or (ii) must have a designated agent of the Plaintiff who has such authority present in person or by telephone. Following the initial conference, the conciliator may require the designated agent to be present in person at future conferences. Defendant(s) are also required to attend the Conciliation/Case Management Conference.

2. The Defendant(s) shall, no later than sixty (60) days before the Conciliation/Case Management Conference, complete a written proposal to modify their mortgage, along with supporting financial and employment information and documentation. This written proposal and accompanying documentation must be submitted to the Plaintiff's counsel and to Court Administration (Monroe County Courthouse, 610 Monroe Street, Stroudsburg, Pa. 18360). Defendant(s) who need help in preparing this proposal should promptly contact an attorney or obtain other assistance so that their written proposal to the Plaintiff is not delayed. Forms which may be useful in making an application for modification to a lender may be found at www.co.monroe.pa.us under the Monroe County Residential Mortgage Diversion Program sub-heading. Any question about the use of these forms and the borrower's rights should be referred to an attorney as the court does not give legal advice.

3. Although an attorney is not required, the Defendant(s) may work with an attorney of their choosing to prepare their case for conciliation. If the Defendant(s) do not have an attorney, a list of attorneys who have agreed to provide assistance for a fee is available from the Monroe County Bar Association, (570) 424-7288, www.monroebar.org.

4. Housing counselors may also assist the Defendant(s) in addressing their mortgage delinquency. The U.S. Department of Housing and Urban Development maintains a list of agency-approved housing counselors in Pennsylvania at the website www.hud.gov. The HUD approved housing counselor in Monroe County is CCCS of Northeastern Pennsylvania, 411 Main Street, Suite 102, Stroudsburg, Pennsylvania. Their telephone number is

(570) 420-8980. Their services are at no cost to you. The court does not endorse any particular housing counselor or program.

4) PENDING FURTHER ORDER OF COURT, ALL PROCEEDINGS ARE STAYED EXCEPT FOR SERVICE OF ORIGINAL PROCESS; DEFENDANT(S) NEED NOT FILE AN ANSWER TO THE COMPLAINT; AND NO DEFAULT JUDGMENT MAY BE TAKEN OR SHERIFF'S SALE SCHEDULED OR HELD.

5) Failure to Comply with this order may result in the cancellation of the Conciliation/Case Management Conference; an order lifting the stay of proceedings and allowing the case to proceed to judicial disposition, including the taking of a default judgment or Sheriff's sale; or the scheduling of a subsequent Conciliation/Case Management Conference.

BY THE COURT:

J.

[Pa.B. Doc. No. 12-802. Filed for public inspection May 4, 2012, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that John Milton Merritt having been disbarred from the practice of law in the State of Oklahoma by Order of the Supreme Court of Oklahoma dated June 27, 2011, the Supreme Court of Pennsylvania issued an Order on April 18, 2012, disbaring John Milton Merritt from the Bar of this Commonwealth, effective May 18, 2012. 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. 12-803. Filed for public inspection May 4, 2012, 9:00 a.m.]
