

THE COURTS

Title 255—LOCAL COURT RULES

LAWRENCE COUNTY

Adoption of Local Rule of Civil Procedure for Establishment of the Court of Common Pleas of Lawrence County Residential Mortgage Foreclosure Conciliation Program; No. 90053 of 2018, A.D.

Administrative Order of Court

And Now, this 11th day of April, 2018, recognizing that the number of residential mortgage foreclosure actions filed in Lawrence County has expanded, the Court of Common Pleas of Lawrence County hereby establishes by Local Rule of Civil Procedure a Residential Mortgage Foreclosure Conciliation Program as follows:

Rule L1147. Court of Common Pleas of Lawrence County Residential Mortgage Foreclosure Conciliation Program.

1. Complaints in Mortgage Foreclosure presented for filing seeking foreclosure on a mortgage of a Lawrence County owner-occupied residence shall be accompanied with an additional URGENT NOTICE, a copy of which follows as Exhibit "A". Said URGENT NOTICE shall be affixed to the Complaint when presented for filing and shall also be affixed to the copy of the Complaint served upon the Defendant(s).

2. If the Defendant(s) call Housing Opportunities of Beaver County, and if the Defendant(s) attend a meeting with a Housing Opportunities Counselor, and if the Housing Opportunities Counselor makes a determination that the Defendant(s) is/are eligible to participate in the Lawrence County Mortgage Foreclosure Conciliation Program, the Housing Opportunities Counselor will secure the signature(s) of the Defendant(s) on a "Certificate of Participation"; file the same with the Prothonotary of Lawrence County; and serve a copy thereof in the Court Administration Office of Lawrence County, all within thirty (30) days following service of the Complaint and URGENT NOTICE upon the Defendant(s).

3. Upon timely filing of a completed "Certificate of Participation" from Housing Opportunities of Beaver County with the Prothonotary of the Court of Common Pleas of Lawrence County (a copy of which follows as Exhibit "B"), the case will proceed as follows:

The Court will issue the following Order in each case where the Certificate of Participation has been timely filed by Housing Opportunities of Beaver County on behalf of the Defendant(s):

ORDER OF COURT

AND NOW, this _____ day of _____, 201 __, a Certificate of Participation in the Lawrence County Residential Mortgage Conciliation Program having been timely filed by the Defendant(s) in the above-captioned matter, no further action shall be taken in this case for at least sixty (60) days from the date of this Order, except upon order of this Court.

It is hereby ORDERED and DIRECTED that a Court-Supervised Conciliation Conference is scheduled to be held on the _____ day of _____, 201 __ at _____ o'clock __ .m., in Courtroom No. _____ of the Lawrence County Courthouse, 430 Court Street, New Castle, PA, 16101.

It is further ORDERED and DIRECTED that, unless an agreement in this case has been reached prior to the scheduled Conciliation Conference, a representative of the Plaintiff/Lender/Investor who has actual authority to modify mortgages and/or enter into alternate payment agreements with the Defendant(s) or otherwise resolve the action, shall be available telephonically. Failure of the Plaintiff, or of a representative of the Plaintiff with such authority, to appear for the Conciliation Conference may result in the rescheduling of the Conciliation Conference and further postponement of any action in this matter, including timely filing of an Answer, filing of Preliminary Objections, filing of Motions for Summary Judgment and/or Judgment on the Pleadings and taking of final Judgment in the action.

Failure of the Defendant(s) to attend the Conciliation Conference shall result in the lifting of any stay.

This Order is to be docketed by the Prothonotary of Lawrence County and served upon the Defendant(s) at their address(es) as reflected on the Certificate of Participation, any attorney of record for any party at the address included on any pleading and/or appearance, and upon Housing Opportunities of Beaver County at 282 East End Avenue, Beaver, PA, 15009, all by First-Class Mail.

4. If the "Certificate of Participation" is not filed within the thirty (30) day time period set forth in Paragraph 2, the filing of an untimely "Certificate of Participation" and participation in the Residential Mortgage Foreclosure Conciliation Program shall be allowed upon leave of Court only.

5. Limited Appearance and Withdrawal forms for Pro Bono Counsel/Reduced-Fee Counsel follows as Exhibit "C" and Exhibit "D".

6. Failure of Defendant(s) to fully participate in conciliation or failure of the parties to reach an alternate settlement arrangement following conciliation shall result in entry of an Order, follows as Exhibit "E".

7. The Lawrence County District Court Administrator is directed to:

(a) File one (1) copy of this Order and the Local Rule with the Administrative Office of Pennsylvania Courts via e-mail to adminrules@pacourts.us.

(b) File two (2) paper copies of this Order and the Local Rule and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(c) Publish a copy of this Local Rule on the Lawrence County Court website at co.lawrence.pa.us and thereafter compile this Local Rule of Civil Procedure within the complete set of Local Rules no later than thirty (30) days after the Local Rule becomes effective.

(d) File one (1) copy of the Local Rule in the Office of the Prothonotary of Lawrence County and in the Lawrence County Law Library for public inspection and copying.

PRAECIPE FOR WITHDRAWAL OF LIMITED APPEARANCE

To the Prothonotary:

Kindly withdraw my limited appearance for (Name of Defendant(s)), Defendant(s) in the above-captioned matter. Withdrawal of this limited appearance is permitted pursuant to Administrative Order No. _____ of 2018, M.D. All further notices should be sent directly to (Name of Defendant(s)), Defendant(s), at (last known address set for this party).

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Name of Attorney
Attorney for Defendant(s)
Address
Telephone No.
Supreme Court ID#

Exhibit "E"

Plaintiff : IN THE COURT OF COMMON PLEAS
:
: LAWRENCE COUNTY, PENNSYLVANIA
VS. : NO.
Defendant :

ORDER OF COURT

AND NOW, this _____ day of _____, 20 __, as the (date of Conciliation Conference) Court-Supervised Conciliation Conference in this matter has not resulted in an alternate payment arrangement acceptable to both Plaintiff and Defendant(s), it is hereby ORDERED and DIRECTED as follows:

- 1. The stay issued in this matter by the (date of Order) Order is lifted.
2. Defendant(s) is/are advised that within twenty (20) days of the date of this Order (he/she/they) must act as set forth in the Notice to Defend that was attached to the Complaint in Mortgage Foreclosure that was served on (him/her/them) by Plaintiff. A copy of the Notice to Defend is attached to this Order, and Defendant's(s') attention is directed to said Notice.
3. In the event Defendant(s) fail(s) to act as set forth in the attached Notice to Defend within twenty (20) days of the date of this Order, Plaintiff shall provide the appropriate ten (10) day notice as required by Pa.R.C.P. 237.5.

BY THE COURT:

Dominick Motto, P.J.
President Judge

[Pa.B. Doc. No. 18-633. Filed for public inspection April 27, 2018, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LUZERNE COUNTY

Juvenile Restitution Fund; No. 704 MD 2009; Administrative Order 2018

And Now, this 3rd day of April, 2018, the Honorable Richard M. Hughes, III, President Judge of Luzerne County, Pennsylvania, serving the Eleventh Judicial District of Pennsylvania, hereby reauthorizes the continuation of the Luzerne County Juvenile Court Restitution Fund and hereby amends and restates the previous Order dated August 6, 2010 of the former President Judge as stated herein. The statutory authority for the creation of this Fund appears at 42 Pa.C.S. Section 6352(a)(5), The Juvenile Act, Disposition of Delinquent Children.

The purpose of the Fund is to provide a means whereby the Court may:

- a) direct children under its supervision to pay a reasonable amount of money into a common fund;
b) collect the previously-mentioned revenues and deposit same into an appropriate account that is under the supervision of the Court or its designee;
c) distribute monies received by the Fund to victims of delinquent behavior in a fair and equitable manner.

The Court hereby adopts and approves the following guidelines and operating standards for the "Luzerne County Juvenile Court Restitution Fund."

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

- 1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
3. File one (1) certified copy with the Pennsylvania Juvenile Court Procedural Rules Committee.
4. Forward one (1) copy for publication in the Luzerne Legal Register.
5. Forward one (1) copy to the Wilkes-Barre Law and Library Association.
6. Keep continuously available for public inspection copies of this Administrative Order in the Office of Court Administration, Clerk of Court's Office and Juvenile Probation Department.

This Order shall also be published on the website of the Administrative Office of Pennsylvania Courts (www.aopc.org) as well as Unified Judicial System's web site at http://ujportal.pacourts.us/localrules.ruleselection.aspx.

By the Court

RICHARD M. HUGHES, III,
President Judge

LUZERNE COUNTY JUVENILE COURT RESTITUTION FUND OPERATING GUIDELINES

The Court of Common Pleas of Luzerne County, Pennsylvania (Court), through the Luzerne County Department of Probation Service, Juvenile Division, (Probation) has established the Luzerne County Juvenile Court Restitution Fund (Fund) for the purpose of providing financial reimbursement to the victims of delinquent behavior as defined in The Juvenile Act.

The Probation Services Department shall be responsible for establishing, monitoring, maintaining and auditing the Fund in accordance with the Fund Operating Guidelines and Standards and accepted accounting practices and principles.

Name

The name of the Fund is the "Juvenile Court Restitution Fund." For clarity purposes, when referring to the Fund on documents such as an Informal Adjustment Consent, Consent Decree, an order issued by the Court, rules and conditions of probation, and all financial documents including restitution documents, judgments, etc., the Fund will be referred to as the JCR Fund.

Eligibility

For the purpose of the Fund, eligibility shall be defined as follows:

Eligible Benefactor (Juvenile)—An eligible benefactor of the Fund will be any child who is under the jurisdiction of the Court through the Probation Services Department on or after the effective start date of the Fund and whose disposition, as rendered by the Court or Probation Services Department, requires the child to pay restitution to a victim of a delinquent act. Requirements are as follows:

- juveniles (ages 10—20) who demonstrate an inability to obtain/maintain employment to be considered on a case-by-case basis;
- referred to the Probation Services Department, Juvenile Division;
- owe restitution for a property crime or a crime against person;
- final disposition heard in Luzerne County;
- juveniles may earn payments in increments of \$1,000.00 and must reapply every \$1,000.00—no cap.

Eligible Recipient (Victim)—An eligible recipient of the Fund will be any person who has a legitimate restitution claim on file with the Probation Services Department on or after the effective start date of the Fund resulting from the delinquent act(s) of an Eligible Benefactor. Insurance companies will not be considered eligible recipients for purposes of inclusion in this program. Businesses and schools can only submit for reimbursement for a deductible incurred as a result of a delinquent act by a juvenile. Requirements are as follows:

- All direct victims of property and/or personal crime, for which a written allegation to the Probation Services Department has been filed.

Fund Revenue

On and after the effective date of the creation of the Fund, it will be supported financially in the following manner:

a) The Probation Services Department shall assess a fee in the amount of \$25.00 to all juveniles who are subject to proceedings whose case results in a final disposition of warned and counseled; Informal Adjustment Consent; Consent Decree, or adjudication of delinquency and make check or money order payable to the Luzerne County Treasurer.

b) All juveniles referred for Failure to Pay Fine received from a District Justice shall be assessed the \$25.00 JRF fee and make check or money order payable to the Luzerne County Treasurer. Juveniles may be directed to pay the fine in full or ordered to complete community service hours in lieu of the fine payment.

c) The Court, at its discretion or upon the recommendation of the Probation Services Department, will make other sources of revenue payable to the Fund as the same become available.

Fund Management

The Fund receipts and expenditures shall be managed by the Probation Services Department. Any and all funds received by the Probation Services Department that may be considered revenue for the Fund shall be deposited into an account separate and apart from other accounts managed by the Probation Services Department. The sole purpose of this account will be to receive and disperse funds associated with the JCR Fund. As of the creation date of the Fund, the account(s) used by the Probation department is/are:

PNC Bank
11 West Market Street
Wilkes Barre, Pa., 18701
Acct. # XXXXX-4435

All Fund revenues shall be receipted, recorded, deposited and otherwise handled as any other revenue received by the Probation Services Department for the intended purpose of reimbursing victims of delinquent behavior.

Additionally, expenditures made from the Fund shall be forwarded to eligible recipients by checks issued from the above-mentioned checking account on an as-needed basis through the Luzerne County Treasurer.

All payments to and expenditures from the above-mentioned account shall be subject to an audit performed on an annual basis by the designee of the Luzerne County Treasurer as per the request of the Chief Juvenile Probation Officer or his/her designee.

Review Committee

An administrative review team has been established. The review team shall consist of an Administrator, the Community Liaison Probation Officer (or designee) and the assigned Probation Officer. This team will meet as needed and shall review requests made by the eligible benefactors requesting benefits from the Fund.

Fund Expenditures

Eligible benefactors of the Fund will be able to request assistance from the Fund in the following manner:

a) Probation Services Department shall prepare an application form for eligible benefactors to utilize in order to request assistance from the Fund. The application shall include the following information:

1) *Probation Clients:*

i) Descriptive information about the child including name, DOB, type of supervision, length of supervision.

ii) A statement as to the child's overall adjustment while under supervision, addressing behavior at home, school, and in the community.

iii) A statement as to the balance of restitution owed by the child.

2) *JPO Fine Program Participants:*

i) Descriptive information about the child including name, DOB.

ii) Fine program agreement.

iii) A statement as to the balance of restitution owed by the child.

b) The applicant's Probation Officer shall assist the child with completion of the application and shall forward the same to the Review Committee.

c) The Review Committee shall review the applicant's eligibility and recommend the level of expenditure and the number of community service hours in exchange for the expenditure, if any, to be made on behalf of the applicant.

d) Upon receipt of the completed community service requirement, the Review Committee will authorize the amount to be expended from the Fund and credited to the applicant's/benefactor's restitution account. The Probation Services Department will then disburse payments to all applicant's victims in a proportionate share.

e) Payments disbursed from the fund will be made on a first come, first served basis and will be made in the full amount authorized by the Review Committee.

f) The Probation Services Department shall be prohibited from disbursing payments from the Fund in excess of the Fund case reserves plus \$100.00.

g) Disbursements from the Fund shall require the signatures of a probation services administrator and a member of the administrative review team.

Fund Balance

The Fund shall maintain a minimum balance of \$100.00 at all times.

Annual Report

The Luzerne County Department of Probation Services shall provide an annual report to the President Judge at

the conclusion of each calendar year detailing the aggregate and individual data regarding payments to and disbursements from the Restitution Fund.

Audit Requirement

The fund shall be subject to an audit by the designee of the Luzerne County Treasurer's office on an annual basis.

[Pa.B. Doc. No. 18-634. Filed for public inspection April 27, 2018, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Randy McRae (# 54996), having been disbarred from the practice of law in the United States District Court for the District of Maryland, the Supreme Court of Pennsylvania issued an Order on April 13, 2018, disbaring Randy McRae from the Bar of this Commonwealth, effective May 13, 2018. 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*.

JULIA M. FRANKSTON-MORRIS, Esq.,
Secretary

[Pa.B. Doc. No. 18-635. Filed for public inspection April 27, 2018, 9:00 a.m.]
