

RULE 205.2(c) Lancaster County Residential Mortgage Foreclosure Diversion Program (“Foreclosure Diversion Program”)

- A. All actions filed on or after August 1, 2021, for mortgage foreclosure of residential owner-occupied properties, with four or fewer residential units, which serve as the primary residence of the defendant homeowner, for which the remaining mortgage balance is \$400,000.00 or less, and which are not the subject of bankruptcy, divorce, or estate proceedings, shall be automatically enrolled in the Foreclosure Diversion Program, unless the plaintiff and the defendant homeowner agree in writing otherwise. Certain other foreclosure cases may be referred to and entered into the Foreclosure Diversion Program at the discretion of the presiding judge.
- B. All complaints for residential mortgage foreclosure actions eligible for participation in the Foreclosure Diversion Program shall be accompanied by a \$35 fee payable to the Lancaster County Prothonotary. This fee is nonrefundable.
- C. On or after March 21, 2022, complaints filed for residential mortgage foreclosure actions may be paper filed or filed electronically. For purposes of this Program, the Lancaster County Prothonotary may maintain all documents in electronic format and does not need to maintain a paper file for each case.
- D. **Urgent Notice:** Every complaint for residential mortgage foreclosure shall include the appropriate “Urgent Notice” to the defendant, **either** the “eligible” version of the notice **OR** the “ineligible” version of the notice as follows:
 - 1. for actions certified as **eligible** for the Foreclosure Diversion Program, an “Urgent Notice,” in the form attached as Form “2” advising the defendant homeowner of the Foreclosure Diversion Program, and of the automatic stay of any further proceedings in the case until the conclusion of the conciliation process, shall be

affixed to any complaint when presented for filing and shall also be affixed to the copy of the complaint to be served upon the defendant homeowner; **OR**

2. for actions certified as **ineligible** for the Foreclosure Diversion Program, an “Urgent Notice,” in the form attached as Form “3” advising the defendant homeowner of the Foreclosure Diversion Program, of the lender’s ineligibility claim, and of the defendant homeowner’s right to challenge that claim, shall be affixed to any complaint when presented for filing and shall also be affixed to the copy of the complaint to be served upon the defendant homeowner.

E. **Electronic Filing:** Any electronically filed complaint shall be submitted as follows:

1. The Plaintiff shall file the complaint electronically through Teleosoft, or any other such program as utilized by the Lancaster County Prothonotary for the electronic filing of documents;
2. Such complaint shall include a “Certification Cover Sheet” regarding the status of the foreclosed premises, in the form attached as Form “1” and the appropriate Urgent Notice as specified in Paragraph 4 above.
3. The Plaintiff shall pay the appropriate civil action filing fee and any additional fees for e-filing as set forth by the Lancaster County Prothonotary;
4. Within three (3) business days of the filing of the complaint in mortgage foreclosure electronically, the Plaintiff shall provide (1) a check made payable to the Lancaster County Sheriff’s Office for the civil process fee; (2) a paper copy of the filed complaint with the Certification Cover Sheet and the appropriate Urgent Notice as specified in Paragraph 4 above; and (3) the “Sheriff Service Process Receipt and Affidavit of Return” form.

F. **Paper Filing:** If paper filed, complaints for residential mortgage foreclosure shall be accompanied by the following:

1. one copy of the complaint for the plaintiff and one copy for each defendant homeowner;
 2. one check made payable to the Lancaster County Prothonotary for the applicable filing fee, and one check made payable to the Lancaster County Sheriff's Office for the civil process fee;
 3. two self-addressed, stamped envelopes;
 4. the "Sheriff Service Process Receipt and Affidavit of Return" form;
 5. a "Certification Cover Sheet" regarding the status of the foreclosed premises, in the form attached as Form "1";
 6. The appropriate Urgent Notice as specified in Paragraph 4 above.
- G. **Notice to Non-Defendant Homeowners:** If any owner to the subject property is not also a defendant to the action, Plaintiff must also mail a copy of the complaint, Certification Cover Sheet, and applicable Urgent Notice to any additional non-defendant homeowners.
- H. **Service:** The Lancaster County Sheriff shall file a return of service which shall indicate the service of the Certification Cover Sheet and the Urgent Notice along with the service of the complaint. The return of service shall also indicate service of the initial stay Order, if applicable. The Certification Cover Sheet and the Urgent Notice shall accompany any complaint to be served by deputized service. The initial stay Order, if applicable, shall also accompany any complaint to be served by deputized service, and the return of service shall indicate that this Order was served. If service of the complaint is to be effectuated by alternate service as provided by Pa.R.C.P. No. 410 and Pa.R.C.P. No. 430, the Certification Cover Sheet and the Urgent Notice shall be posted on the property along with the initial stay Order, if

applicable, and served via mail if such service of the complaint is authorized by the court order authorizing alternate service.

- I. If the Certification Cover Sheet indicates that the residential foreclosure action is **not** eligible for the Foreclosure Diversion Program, the Court may choose to enter the case marked ineligible into the diversion program at its discretion notwithstanding Plaintiff's determination of eligibility. If the Court does not enter a case deemed ineligible into the diversion program, the remaining procedures in this Rule shall not be applicable, and the plaintiff may proceed as per the Pennsylvania Rules of Civil Procedure without any further requirement to attend conciliation. If the defendant homeowner believes that the action is eligible for the Foreclosure Diversion Program, the defendant homeowner shall have 20 days after service of the complaint to file with the Court an "Objection to Plaintiff's Certification Cover Sheet and Request for Stay," in the form attached as Form "6." The filing of the Objection shall result in a temporary stay of any further proceedings until further Order of Court. Within ten days of the filing of the defendant homeowner's Objection, the Court shall, in consideration of both the plaintiff's designation of ineligibility and the defendant homeowner's Objection, issue an order ruling on the foreclosure action's eligibility for the Foreclosure Diversion Program.
- J. **Automatic Stay:** For actions deemed eligible for the Foreclosure Diversion Program, the issuance of the initial stay Order shall result in an automatic stay of any further proceedings and suspend pleading deadlines at the onset of the case to afford the parties an opportunity to participate in and complete the court-supervised conciliation process. No answer shall be required, no judgment in foreclosure may be entered by default or otherwise, and no sheriff's sale may be scheduled or held prior to the completion of the conciliation process, unless the defendant homeowner

files a Notice of Homeowner Nonparticipation, or the case is removed from the Foreclosure Diversion Program by further Order of Court. Within ten days of the filing of the Notice of Homeowner Nonparticipation, the Court shall issue an order canceling the conciliation conference, lifting the stay on the action, and directing the defendant homeowner to file an answer to the mortgage foreclosure complaint.

- K. **Initial Stay Order:** Upon the filing of a Foreclosure Diversion Program-eligible residential mortgage foreclosure complaint, the Court shall issue an initial stay order directing the defendant homeowner to participate in an intake process with the Court by phone, mail, email, or by other methods prescribed so that the defendant may be assigned to an approved HUD and PFHA housing counseling agency. The foreclosure services and the assistance of the housing counseling agency through this Program are FREE OF CHARGE to the defendant homeowner. Once the defendant homeowner completes the court intake process, the Court shall issue a Case Management and Scheduling Order which shall schedule a date for conciliation, direct the Defendant to promptly contact the assigned housing counseling agency for an intake appointment, and direct the Plaintiff to complete "Mortgage Information for Housing Counselor" with supporting documentation, attached as Form "5."
- L. **Housing Counseling:** The defendant homeowner is expected to participate in group and/or individual foreclosure counseling with the housing counseling agency as scheduled by the housing counseling agency. The defendant homeowner shall bring to the counseling session all requested financial and employment information to enable the housing counselor to assist in the completion of the loss mitigation package and workout proposal. If the Diversion Program Coordinator determines at the intake that a Defendant may proceed **without** the assistance of a housing

counseling agency, Defendant will be directed to continue in good faith loss mitigation efforts with the Plaintiff in order to remain in the Residential Mortgage Foreclosure Diversion Program. Defendant may subsequently opt in for free assistance from a housing counseling agency by notifying the Diversion Program Coordinator at cddp@lanastercountypa.gov or by calling 717.209.3290.

- M. Within 20 days of filing of the Case Management and Scheduling Order, the plaintiff shall submit to the Diversion Program Coordinator a completed "Mortgage Information for Housing Counselor" form with supporting documentation by **secure** email method, and to the assigned housing counselor, if any, using the form attached as Form "5."
- N. **Conciliation Conferences:** The conciliation conference will be held before the Diversion Program Coordinator, or a court-appointed representative who will serve as the conciliation conference hearing officer, who will assist the parties in reaching an agreement. Conciliation conferences may be held utilizing Advanced Communication Technology.
- O. In preparation for the conciliation conference, the Court expects that no later than 14 days prior to the scheduled conciliation conference, the defendant homeowner, with the assistance of the housing counselor, will have submitted to the Plaintiff and/or Plaintiff's attorney, a **complete** loss mitigation package with all supporting financial and employment documentation. If this does not occur, Defendant shall be required to provide good cause for not completing and submitting a complete loss mitigation package by the date of the first conciliation for the Court to consider allowing more time in diversion for the package to be completed and submitted.

- P. The defendant homeowner and the housing counselor, or the defendant homeowner's attorney, if any, shall attempt to negotiate, prior to the conciliation conference, a resolution of the mortgage default with the plaintiff or the plaintiff's representative. If the plaintiff or the plaintiff's representative fails to participate in good-faith negotiations with the defendant homeowner and/or the housing counselor and/or the defendant homeowner's attorney, the Court will issue an order directing the plaintiff to comply with the Foreclosure Diversion Program requirements otherwise sanctions will be imposed for continued noncompliance. If the plaintiff continues to fail to comply with Program requirements, the Court may issue an order dismissing the mortgage foreclosure complaint without prejudice and imposing sanctions, if appropriate, for noncompliance with the Foreclosure Diversion Program.
- Q. If the defendant homeowner does not want to participate in the Foreclosure Diversion Program, they may file a "Notice of Defendant Nonparticipation" in the form attached hereto as Form "4." If the defendant files a "Notice of Defendant Nonparticipation" or if the defendant homeowner fails or refuses to cooperate with the Diversion Program Coordinator and/or the housing counseling agency, if the Diversion Program Coordinator is unable to contact the defendant homeowner within 30 days of the service of the mortgage foreclosure complaint, or the case is later determined to be ineligible for the Program, the Court will issue an order removing the case from the Foreclosure Diversion Program.
- R. If an agreement is reached through negotiations prior to the scheduled conciliation conference, the plaintiff shall (a) prepare any documents necessary to implement the agreement, (b) immediately notify the Diversion Program Coordinator of the agreement so the conciliation conference may be cancelled,

- and (c) take the necessary action to ensure the record reflects the resolution of the matter. If no agreement is reached through negotiations, the case shall proceed to the scheduled conciliation conference.
- S. If the defendant homeowner is represented by counsel in the mortgage foreclosure action, the defendant homeowner need not contact a housing counselor but, instead, counsel for the defendant homeowner shall notify the Diversion Program Coordinator of the legal representation and shall provide the loss mitigation package and workout proposal to the plaintiff, with a copy to the Diversion Program Coordinator, within the time deadlines set forth herein.
- T. Any unrepresented defendant homeowner will be advised by the Court, the Diversion Program Coordinator, and the assigned housing counselor of the right to consult with an attorney at any time during the conciliation process and to bring an attorney to the conciliation conference. The defendant homeowner will also be advised that the defendant homeowner may apply for a *pro bono* attorney through the Foreclosure Diversion Program, if any help of that kind is available, or through programs run by the lawyer referral, legal services, and legal aid programs as may exist within the Second Judicial District. If the defendant homeowner obtains a volunteer *pro bono* attorney through the Foreclosure Diversion Program, that attorney's appearance will be limited to representation only to assist the defendant homeowner with conciliation through the Foreclosure Diversion Program. Once appointed, pro bono counsel shall file with the Prothonotary a "Praecipe for Entry of Limited Appearance" and "Praecipe for Withdrawal of Limited Appearance", attached as Forms "7" and "8," respectively.

The appearance by a volunteer *pro bono* attorney at the conciliation conference shall not be deemed to be an entry of appearance in the underlying mortgage foreclosure action. If a defendant homeowner secures the paid legal services of an attorney, counsel of record must file a notice of appearance and shall attend the conciliation conference in lieu of the assigned housing counselor.

- U. At any time during the conciliation conference, the defendant homeowner may make a written request to the plaintiff for any of the following information and documents: (a) documentary evidence that the plaintiff is the owner and the holder in due course of the note and mortgage sued upon; (b) a complete history showing the application of all payments by the defendant homeowner during the life of the loan; (c) the payment dates, purpose of payment and recipient of any and all foreclosure fees and costs that have been charged to defendant homeowner's account; (d) the payment dates, purpose of payment and recipient of all escrow items charged to the defendant homeowner's account; (e) a statement of the plaintiff's position on the present net value of the mortgage loan; and (f) the most current appraisal of the property available to the plaintiff.
- V. Unless an agreement is reached prior to the scheduled conciliation conference, the plaintiff's attorney, the defendant homeowner, and the defendant homeowner's housing counselor or attorney, if the defendant homeowner is represented, shall appear at the conciliation conference. A representative of the plaintiff who has actual authority to modify mortgages, and/or to enter into alternate payment agreements with the defendant homeowner, or to otherwise resolve the action, must be present at the conciliation conference by telephone or by use of advanced communication technology.

- W. The right to appear via telephonic means or advanced communication technology may be terminated as to any and all plaintiffs who fail to secure participation by a representative with full authority to negotiate for any conciliation conference.
- X. Failure of the plaintiff's counsel or the plaintiff's representative to attend the conciliation conference, absent good cause shown, or failure to participate in the conciliation in good faith may result in the dismissal of the action, the rescheduling of the conciliation conference, the imposition of attorney's fees and costs, or the imposition of such other sanctions as the Court deems appropriate.
- Y. Failure of the defendant homeowner or defendant homeowner's counsel of record to attend the conciliation conference, absent good cause shown, may result in the removal from the Foreclosure Diversion Program, lifting of the automatic stay, and the matter proceeding to judicial disposition.
- Z. At the conciliation conference, the parties and their representatives and/or counsel shall be prepared to discuss and explore all applicable loss mitigation programs offered by the plaintiff for which the defendant homeowner could be eligible, along with other potential resolution options that may allow the defendant homeowner to own the property or otherwise avoid a foreclosure judgment or sheriff's sale, including but not limited to: 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, consenting to homeowner refinancing, agreeing 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, reducing principal, agreeing to a pre-

foreclosure sale/short sale, paying the mortgage default over 60 months, consenting to judgment, and instituting bankruptcy proceedings.

- AA. If an agreement is reached at the conciliation conference, the plaintiff shall prepare any documents necessary to implement the agreement and shall take the necessary action to ensure the record reflects the resolution of the matter. After reaching an agreement in principle, if either party fails to execute documents reflecting that agreement, or if the material terms of the agreement are not fully met, then either party may contact the Diversion Program Coordinator to request a new conciliation conference. The Diversion Program Coordinator will schedule a conference as soon as reasonably practicable.
- BB. At the conclusion of each conciliation conference, the Diversion Program Coordinator or the conciliation conference officer shall complete a conciliation report which shall be submitted to the Court. After review by the Court of the conciliation report with recommendations, an appropriate order shall issue, which may include lifting the automatic stay if the parties are unable to come to an agreement, continuing the stay for a reasonable time to allow for further voluntary negotiations and the preparation and execution of documents to implement any agreement, scheduling an additional conciliation conference, imposing sanctions for a violation of Program requirements, or any other action the Court deems appropriate.
- CC. **Continuance Requests:** If, at any time prior to a scheduled conciliation conference, the plaintiff becomes aware that it will be unable to proceed to the conference due to the need for more time to review the documents provided by the defendant homeowner or the defendant requires an additional 30 days to complete housing counseling, the plaintiff or defendant may submit to the

Diversion Program Coordinator a “Request for Continuance of Conciliation Conference” in the form attached hereto at Form “9.”

- DD. Absent good cause, as determined by the Court, conciliation must be completed within 180 days after suit is filed. If conciliation fails to be completed within 180 days after suit is filed, and the Court makes the determination that such failure is attributable to either party, and that party is unable to show good cause as to why conciliation could not be completed within the specified time, the Court may dismiss the action without prejudice, enter an order removing the action from the Program, or impose such other sanctions as the Court deems appropriate.
- EE. In any residential mortgage foreclosure action which was commenced on or before July 31, 2021, and which would be an eligible action for the Foreclosure Diversion Program if it had been filed after that date, but in which no default judgment has been entered or in which an Important Notice (the ten-day notice required by Pa.R.C.P. No. 237.1(a)(2)) has not yet been sent to the defendant homeowner, the Important Notice shall be accompanied by the Urgent Notice substantially in the form attached as Form “2.” The defendant homeowner may seek participation in the Foreclosure Diversion Program by filing with the Court an “Application for Entry”, substantially in the form attached as Form “10”, requesting placement in the Program and a stay of proceedings.
- FF. If a judgment has been entered against a defendant homeowner or if a sheriff’s sale has been scheduled in a residential mortgage foreclosure action which was commenced on or before July 31, 2021, and which would be an eligible action for the Foreclosure Diversion Program if it had been filed after that date, the defendant homeowner may seek participation in the Program by filing with the

Court an “Application for Entry,” substantially in the form attached as Form “11”, requesting placement in the Program and a stay of sheriff’s sale.

- GG. Any plaintiff lender who files a motion for summary judgment or a motion for judgment on the pleadings in any residential mortgage foreclosure case which was commenced on or before July 31, 2021, and which would be an eligible action for the Foreclosure Diversion Program if it had been filed after that date, must also serve on the defendant homeowner the Urgent Notice substantially in the form attached as Form “2.” The defendant homeowner may seek participation in the Foreclosure Diversion Program by filing with the Court an Application for Entry, substantially in the form attached as Form “10”, requesting placement in the Program and a stay of proceedings. However, the Court may require a disposition of the motion for summary judgment or motion for judgment on the pleadings to be made prior to placing a stay on the proceedings and scheduling a conciliation conference.
- HH. At the discretion of the presiding judge, a defendant homeowner who was removed from the Foreclosure Diversion Program may be granted re-entry into the Program by filing with the Court an “Application for Re-Entry,” substantially in the form attached as Form “12” and by providing a courtesy copy to the Diversion Program Coordinator by email to: cddp@lancastercountypa.gov. If a case is granted re-entry into the foreclosure diversion program, the Court will issue a Case Management and Scheduling Order to schedule the case for conciliation and direct the Defendant to work with an assigned housing counseling agency.
- II. Sanctions may be imposed by the Court at any time for lack of good faith participation and/or noncompliance with any aspect of the Foreclosure Diversion Program on any party.

- JJ. All communications occurring as a result of Local Rule 205.2(c) regarding the Foreclosure Diversion Program, including information submitted to the Diversion Program Coordinator and/or the conciliation conference officer that is not filed with the Court, shall be confidential and inadmissible in any subsequent legal proceeding, unless otherwise provided by law.
- KK. The Program Coordinator may assist with enforcing compliance with Local Rule 205.2(c).
- LL. Local Rule 205.2(c) shall remain in effect until further order of the Court.

FORM LIST

1. Certification Cover Sheet – Status of Residential Foreclosed Premises
2. Urgent Notice – Eligible Property
3. Urgent Notice – Ineligible Property
4. Notice of Homeowner Nonparticipation
5. Mortgage Information for Housing Counselor
6. Objection to Plaintiff's Certification Cover Sheet & Request for Stay
7. Praeceptum of Entry of Limited Appearance by *Pro Bono* Counsel
8. Praeceptum for Withdrawal of Appearance by *Pro Bono* Counsel
9. Request for Continuance of Conciliation Conference
10. Application for Placement & Stay of Proceedings -- Sheriff's Sale Not Scheduled
11. Application for Placement & Stay of Proceedings -- Sheriff's Sale Scheduled
12. Application for Re-Entry in Foreclosure Diversion Program

FORM 1

**IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION**

[CAPTION]

**RESIDENTIAL MORTGAGE FORECLOSURE DIVERSION PROGRAM
CERTIFICATION COVER SHEET**

Pursuant to Local Rule 205.2(c), establishing the Residential Mortgage Foreclosure Diversion Program, I hereby certify that:

1. The property is known and numbered as _____
2. The property is: ____ eligible for the Program OR ____ ineligible for the Program: (check appropriate boxes)
 - a. ____ an owner-occupied residential property
 - b. ____ property has four units or less
 - c. ____ the primary residence of the defendant
 - d. ____ has a remaining mortgage balance of \$400,000 or less
 - e. ____ not the subject of bankruptcy, divorce, or estate proceedings
 - f. ____ plaintiff files this foreclosure action to collect a mortgage debt

Please note if the following special conditions apply:

- a. ____ the foreclosure action is not to collect on a residential mortgage, such as condominium fees, HOA fees, or liens attached to real property
 - b. ____ the homeowner is deceased
 - c. ____ the mortgage is a reverse mortgage
3. If Program eligible, the name, email address, and telephone number of the Plaintiff's loss mitigation department: _____

4. This Certification Cover Sheet and the applicable Urgent Notice are being served upon the defendant homeowner along with the complaint in mortgage foreclosure.

Signature of Plaintiff/Counsel _____

Email Address of Plaintiff/Counsel _____

Tel. No. of Plaintiff/Counsel _____

Any questions regarding the completion of this form can be directed to the Program Coordinator at: (717) 209-3290 or cddp@lancastercountypa.gov

FORM 2

URGENT NOTICE

You have been enrolled in the Lancaster County Court of Common Pleas Residential Mortgage Foreclosure Diversion Program

To participate in the Program and get help with your working with Mortgage Company

You must call the Program Coordinator at 717-209-3290

You will be referred to a non-profit housing counselor who will help you try to work out arrangements with your mortgage company **FREE OF CHARGE.**

You will be required to go to a conference under the Court's supervision to determine whether a reasonable work out can be arranged.

To remain in the Program, you must call the Court at the number above **within the next TEN (10) days.**

Do not move out of your home!

Call the Court **immediately at 717-209-3290.** If you do not call, you will not be able to get help to save your home using this Program.

THIS PROGRAM IS FREE!

For Additional Information about the Residential Mortgage Foreclosure Diversion Program go to the Court's website at www.court.co.lancaster.pa.us/RMFDP or email cddp@lancastercountypa.gov

FORM 3

URGENT NOTICE

Under the Lancaster County Court of Common Pleas
Residential Mortgage Foreclosure Diversion Program
You May Be Able to Get Help With Your Mortgage

CALL THE COURT NOW at 717-209-3290 TO LEARN MORE

A Mortgage Foreclosure action has been filed against you. The plaintiff has alleged that the case filed against you does NOT qualify for the Program.

To be eligible, you must own and live in the home as your primary residence, it must have four or fewer residential units, the remaining mortgage balance must be \$400,000 or less, and the property must not be the subject of bankruptcy, divorce or estate proceedings.

If your home does qualify for the Program, you may be able to participate if you **contact the Program Coordinator.**

For help, or if you have questions, call:

717-209-3290

Monday through Friday 9:00 a.m. to 4:00 p.m.

OR e-mail cddp@lancastercountypa.gov

FORM 4

**IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION**

[CAPTION]

**NOTICE OF HOMEOWNER NONPARTICIPATION IN THE
RESIDENTIAL MORTGAGE FORECLOSURE DIVERSION PROGRAM**

I, the undersigned defendant homeowner, hereby give notice to the Court and the parties that this case will not be participating in the Foreclosure Diversion Program. I elect to not participate in the Program with the knowledge and understanding that the stay of proceedings will be lifted, the foreclosure action will go forward, and the plaintiff may be permitted to seek judgment against me if I do not file a responsive pleading with the Court, such as an answer to the Complaint.

Prior to the entry of judgment, you have the right to request that the Program Coordinator reinstate conciliation. To make such a request, contact the Program Coordinator at 717-209-3290 or at cddp@lancastercountypa.gov. The Program Coordinator may schedule a new conciliation conference but will only do so if judgment has not yet been entered. If the Program Coordinator schedules a new conciliation conference pursuant to this paragraph, you will receive a Court Order which reinstates the case to the Foreclosure Diversion Program and schedules a conciliation conference date.

Signature of Defendant

Date

Signature of Co-Defendant

Date

FORM 5

**RESIDENTIAL MORTGAGE FORECLOSURE DIVERSION PROGRAM
MORTGAGE INFORMATION FOR HOUSING COUNSELOR**

Plaintiff: _____

Defendant: _____

Case number: _____

Note and Mortgage Dated: _____ Loan #: _____

Recorded on _____ First Lien Position: Yes / No

Property Address: _____

Mortgage Holder(s): _____

Mortgage Investor: _____

Investor Loan #: _____

Please provide to the Program Coordinator, along with this form, the following documents related to the mortgage/loss mitigation:

1. The most recent escrow account breakdown/analysis
2. A detailed payoff schedule
3. The current reinstatement amount
4. a PDF version of the lender's loss mitigation package

Contact information for the loss mitigation department of the servicer including phone number, email address, and the web address for any online loss mitigation portals:

Any questions regarding the completion of this form can be directed to the Program Coordinator at:

Call: (717) 209-3290 or Email: cddp@lanastercountypa.gov

FORM 6

**IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION**

[CAPTION]

**DEFENDANT’S OBJECTION TO PLAINTIFF’S CERTIFICATION COVER SHEET AND REQUEST FOR
STAY PURSUANT TO RESIDENTIAL MORTGAGE FORECLOSURE DIVERSION PROGRAM**

I, the undersigned, object to Plaintiff’s Certification Cover Sheet and in support thereof I certify that:

1. I am the owner or an owner of the property identified above;
2. The property has four or fewer units;
3. I live in the property described above;
4. The property is my principal residential property;
5. The remaining balance of the mortgage on my property is \$400,000 or less;
6. The property is not the subject of bankruptcy, divorce or estate proceedings; and
7. This foreclosure action was filed against me to collect a mortgage debt on my home.

I request that further action on the above premises be stayed so that I can take part in the Residential Mortgage Foreclosure Diversion Program.

I verify 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.A. § 4904 relating to unsworn falsification to authorities.

Date: _____ Signature of Defendant: _____
Signature of Co-Defendant: _____
Address of Defendant(s): _____
Defendant’s Phone Number: _____
Defendant’s Email Address: _____

FORM 7

**IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION**

[CAPTION]

**PRAECIPE FOR ENTRY OF LIMITED APPEARANCE IN ACTION PURSUANT TO
RESIDENTIAL MORTGAGE FORECLOSURE DIVERSION PROGRAM**

To the Prothonotary:

Pursuant to Local Rule 205.2(c), (as may be amended), kindly enter my limited appearance as counsel for [name of defendant(s)] in the above-captioned matter with regard only to the conciliation conference pending in the above-captioned mortgage foreclosure action. I am providing free representation to Defendant(s).

Name of Attorney
Address _____

Telephone No. _____
PA Supreme Court ID # _____

ATTEST:

Copies to: [Plaintiff
Defendant
Program Coordinator]

FORM 8

**IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION**

[CAPTION]

**PRAECIPE FOR WITHDRAWAL OF LIMITED APPEARANCE IN ACTION PURSUANT TO
RESIDENTIAL MORTGAGE FORECLOSURE DIVERSION PROGRAM**

To the Prothonotary:

Kindly withdrawal my limited appearance for (name of defendant(s)) in the above-captioned matter. Withdrawal of this limited appearance is permitted pursuant to Local Rule 205.2(c), (as may be amended). All further notices should be sent directly to [name of defendant(s)], at [set forth last known address for this party].

Name of Attorney

Address _____

Telephone No. _____

PA Supreme Court ID # _____

ATTEST:

Copies to: [Plaintiff
Defendant
Program Coordinator]

FORM 9

**IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION**

[CAPTION]

REQUEST FOR CONTINUANCE OF CONCILIATION CONFERENCE

A conciliation conference in this matter has been scheduled for _____
at _____ a.m./p.m. before the conciliation conference officer. I request a thirty-day
continuance in this matter due to:

The lender requires more time to review defendant's loss mitigation package before conciliation.

The defendant requires a brief extension of time to complete housing counseling and submit a
loss mitigation package to the lender.

Other: _____

I verify 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.A. § 4904 relating to unsworn falsification to authorities.

Date: _____ Signature of Requestor: _____
Phone Number: _____
Email Address: _____

**This request must be filed with the Lancaster County Prothonotary with copies sent to
all parties/attorneys to this action and a copy submitted to the Program Coordinator via
email at cddp@lancastercountypa.gov**

FORM 10

**IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION**

[CAPTION]

**APPLICATION FOR ENTRY INTO THE LANCASTER COUNTY
RESIDENTIAL MORTGAGE FORECLOSURE DIVERSION PROGRAM**

I, _____, wish to participate in the Lancaster County Residential Mortgage Foreclosure Diversion Program.

I am the owner of the property with a physical address of _____, Lancaster County, Pennsylvania.

I live in this property, it is my primary residence, and it has four or fewer residential units.

My remaining mortgage balance is \$400,000 or less.

This property is not the subject of bankruptcy, divorce, or estate proceedings.

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

The reasons why participation in the Foreclosure Diversion Program may lead to a successful modification of my mortgage without undue delay of a foreclosure are:

I understand the following:

1. If I am accepted into the Program, this mortgage foreclosure action will be paused;
2. WITHIN THIRTY (30) DAYS OF THE DATE OF THE COURT ORDER SCHEDULING MY CONCILIATION CONFERENCE, I will submit a written proposal for modification of my mortgage to the plaintiff's counsel (the lawyer for my mortgage lender);
3. I may have an attorney assist me in submitting this plan to my lender and that if I do not have an attorney, the Program Coordinator has a list of attorneys who will represent mortgage borrowers in the Foreclosure Diversion Program for no fee or a reduced fee; and
4. I may seek the FREE assistance of a counselor from one of the approved housing counseling agencies in Lancaster. I understand that their services are at no cost to me.

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.A. § 4904 relating to unsworn falsification to authorities.

Date: _____ Name [Printed]: _____

Signature: _____

Mailing Address: _____

Telephone Number: _____ Email Address: _____

FORM 11

**IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION**

[CAPTION]

**APPLICATION FOR ENTRY INTO THE LANCASTER COUNTY
RESIDENTIAL MORTGAGE FORECLOSURE DIVERSION PROGRAM AND
REQUEST FOR STAY OF SHERIFF'S SALE**

I, _____, wish to participate in the Lancaster County Residential Mortgage Foreclosure Diversion Program.

I am the owner of the property with a physical address of _____, Lancaster County, Pennsylvania.

I live in this property, it is my primary residence, and it has four or fewer residential units.

My remaining mortgage balance is \$400,000.00 or less.

This property is not the subject of bankruptcy, divorce, or estate proceedings.

The judgment entered against me in this case was entered against me to collect a mortgage debt on my home.

My home is scheduled for a sheriff's sale on _____.

I request that the Court postpone the sheriff's sale and that a conciliation conference be scheduled.

I understand the following:

1. If I am accepted into the Diversion Program, a stay of the sheriff's sale will be entered;
2. WITHIN THIRTY (30) DAYS OF THE DATE OF THE COURT ORDER SCHEDULING MY CONCILIATION CONFERENCE, I will submit a written proposal for modification of my mortgage to the plaintiff's counsel (the lawyer for my mortgage lender);
3. I may have an attorney assist me in submitting this plan to my lender and that if I do not have an attorney, the Program Coordinator has a list of attorneys who will represent mortgage borrowers in the Foreclosure Diversion Program for no fee or a reduced fee; and
4. I may seek the FREE assistance of a counselor from one of the approved housing counseling agencies in Lancaster. I understand that these services are at no cost to me.

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.A. § 4904 relating to unsworn falsification to authorities.

Date: _____ Name [Printed]: _____

Signature: _____

Mailing Address: _____

Tel. No.: _____ Email Address: _____

FORM 12

**IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION**

[CAPTION]

**APPLICATION FOR RE-ENTRY INTO THE LANCASTER COUNTY RESIDENTIAL MORTGAGE
FORECLOSURE DIVERSION PROGRAM**

1. Plaintiff filed a mortgage foreclosure cause of action against Defendant on _____.
 2. Defendant participated in the Foreclosure Diversion Program and was removed from the Program on _____.
 3. Defendant's housing counselor/*pro bono* attorney is _____.
 4. Defendant desires to be readmitted into the Foreclosure Diversion Program.
 5. Defendant's residence has not been sold at a sheriff's sale as of the date of this application.
 6. Defendant is requesting re-entry into the Diversion Program due to: (check all that apply)
 _____ change in economic circumstances
 _____ change of employment status
 _____ finalization of divorce or divorce settlement
 _____ other (explain): _____
-
7. Defendant was not removed from the Foreclosure Diversion Program as a result of failure to participate in the Program.
 8. Defendant resides in the residential property that is subject to the foreclosure action as of the date of the filing of this application and resided at the property on the date of the filing of the foreclosure complaint.
 9. Defendant agrees that if the Court permits Defendant to re-enter the Foreclosure Diversion Program, Defendant will continue to work with a housing counselor or a private attorney.

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.A. § 4904 relating to unsworn falsification to authorities.

Date: _____ Name [Printed]: _____

Signature: _____

Mailing Address: _____

Tel. No.: _____ Email Address: _____

