

RULE L-1143 COMMENCEMENT OF CONSUMER CREDIT OR MORTGAGE FORECLOSURE ACTION

(a) In all consumer credit and residential mortgage foreclosure actions, the complaint shall include a "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" in the format set forth in below.

Date of Service: _____

Manner of Service: _____

By: _____

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

Plaintiff(s)

vs.

AD No. Defendant(s)

NOTICE OF CONSUMER CREDIT/RESIDENTIAL MORTGAGE FORECLOSURE DIVERSION PROGRAM PURSUANT TO BUTLER COUNTY LOCAL RULE OF CIVIL PROCEDURE L-1143 AND L3129.1

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

You may be able to participate in a court-supervised conciliation conference in an effort to resolve this matter with your lender.

If you do not have an attorney, you must take the following steps to be eligible for and to remain in the program. First, within ten (10) days of the date noted above, you must contact the Butler County Consumer Credit/Residential Mortgage Foreclosure Diversion Program information line at 724-431-0081. You must schedule and attend either group mortgage assistance program or credit assistance program, as instructed. These classes are available to you at NO CHARGE. Attendance at one of these classes is mandatory for your continued participation in the Court Conciliation program.

After attending the class, a housing or credit counselor may be available to work with you to review your finances and attempt to work with your lender to try to resolve the claims in this lawsuit. Eligibility for counseling is based upon financial guidelines, which will be discussed at the group class. If you are scheduled to meet with a counselor, you must appear and you must provide the counselor with all requested financial information so that a loan resolution proposal can be prepared on your behalf. If you are not eligible for counseling, you will receive further instructions during the class concerning your obligation to communicate with the lender.

If you are represented by a lawyer, it is not necessary for you to call the information line. However, you and your attorney are responsible to communicate with the lender in advance of the conciliation conference.

To obtain admission to the Consumer Credit/Residential Mortgage Foreclosure Diversion

Program, you or your attorney must complete a Request For Conciliation Conference form as provided at Butler County Local Rule L-1143 (b), file the same with the Prothonotary, and serve a copy of said Request, by mail to the Plaintiff's address set forth below.

* For further information you may also go to www.co.butler.pa.us or www.butlercountypabar.org/credit-crunch-program or call the Butler County Bar Association at 724-841-0130 *

IF YOU WISH TO PARTICIPATE IN THIS DIVERSION PROGRAM, YOU MUST ACT QUICKLY AND TAKE THE STEPS REQUIRED BY THIS NOTICE. THIS PROGRAM IS FREE.

Plaintiff must complete:

DISCLOSURE OF PLAINTIFF CONTACT INFORMATION

(person authorized to discuss case status and resolution options with the Defendant and/or the Defendant's representative)

Name: _____

Address: _____

Phone number: _____

Fax number: _____

Email: _____

(b) To participate in the Consumer Credit or Residential Mortgage Foreclosure Diversion Program the defendant/borrower or his/her legal counsel shall follow Butler County Local Rule of Civil Procedure 1143.1 program requirements and file a Request for Conciliation Conference in the format set forth below. The Request for Conciliation Conference shall be filed with the Prothonotary within thirty 30 days of service of the Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program and shall be served upon the plaintiff/lender.

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

Plaintiff(s)

v s .

AD No.

Defendant(s)

**REQUEST FOR CONCILIATION CONFERENCE
(Butler County Local Rule of Civil Procedure L-1143(b))**

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

1. This action involves consumer credit, or the Defendant is the owner of the residential property if this is a mortgage foreclosure action; and
2. If a residential mortgage foreclosure action, Defendant physically lives in the subject property, which is defendant's primary residence; and
3. Defendant has been served with a "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" and
 - a. If Defendant is self-represented:
 - (1) Defendant is scheduled to attend the _____ mortgage or credit assistance class

(date)
as instructed by the Butler County Consumer Credit/Residential Mortgage Foreclosure Diversion Program information line; and
 - (2) Defendant will attend any follow up conference scheduled with the credit or housing counselor after the mortgage or credit assistance class; and
 - (3) Defendant will personally attend the court conciliation conference as scheduled by the Court.
 - Or
 - b. If Defendant is represented by counsel:
 - (1) I _____ am legal counsel of record for the Defendant.

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

Signature of Defendant/Defendant's Counsel

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

Name _____

Office _____

Relationship to Defendant _____

Address _____

Phone _____

E-Mail _____

Fax # _____

(c) Upon receipt of the Request for Conciliation Conference, the Court Administrator shall issue a case management order. Conciliation conferences shall be scheduled and conducted in conformity with Butler County Local Rule of Civil Procedure L-11431.1, et seq.

(d) Service of process.

For complaints filed and served before November 2, 2009, the "Notice Of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" may be served by certified mail to the record address of the Defendant or to Defendant's legal counsel of record, if any. The date of service shall be the date when the certified mail is delivered to Defendant or Defendant's counsel. However, if original service of the complaint has not been completed, service of the Notice shall be as per Butler County Local Rule of Civil Procedure L-402.

(e) Before any matter will be scheduled for consideration before the assigned judge or for arbitration, the plaintiff/lender must file an Affidavit, which discloses: the date and manner of service of the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program"; whether or not the defendant/borrower has requested to participate in the Consumer Credit Residential Mortgage Foreclosure Diversion Program; and, whether or not there is a present, court-ordered stay in effect. The format for said Affidavit is set forth below.

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

Plaintiff(s)

vs.

AD No.

Defendant(s)

**AFFIDAVIT OF SERVICE AND STATUS OF CONSUMER CREDIT OR RESIDENTIAL
MORTGAGE FORECLOSURE DIVERSION PROGRAM
(Butler County Rule of Civil Procedure
L-1143 (e) and L-1034 (a) 1 and L-1035.2 (a) (1) and L-3129.1 (b) and L-3256)**

I, _____, counsel for Plaintiff, in the above action,

do hereby certify that on _____ the Defendant(s) was served with (date)

"Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program by

_____, and that:

(method of service and by whom)

- (1) 30 days have passed since service of the Notice;
- (2) The Defendant(s) has not filed a Request for Conciliation Conference (Butler County Local Rule of Civil Procedure L-1143b); or
- (3) If a Request for Conciliation Conference has been filed, there is no present Court ordered Stay in effect.

Respectfully submitted,

Date

Plaintiff Counsel