

**IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA  
SECOND JUDICIAL DISTRICT**

In re:	:	No. A.D. <u>27-2021</u>
Lancaster County	:	
Residential Mortgage Foreclosure	:	
Diversion Program	:	Supreme Court Docket No. 44 MM 2020

**ADMINISTRATIVE ORDER**

AND NOW, this 1<sup>st</sup> day of June, 2021, upon consideration of the Pennsylvania Supreme Court's May 27, 2020, Order specifically empowering President Judges to continue to exercise emergency powers under Rule 1952(B)(2) of the Rules of Judicial Administration in order to facilitate the prompt and efficient administration of justice, and recognizing that residential mortgage foreclosure case filings will increase significantly as a result of the current economic downturn from the COVID-19 pandemic, and that this increase will require the expenditure of substantial Court resources and will have dire consequences for the homeowners, neighborhoods, and municipalities in the Second Judicial District, the Court hereby establishes the Lancaster County Residential Mortgage Foreclosure Diversion Program as follows:

1. 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 conciliation as contemplated by this Administrative Order, at the discretion of the presiding judge, as specified in the paragraphs below.

CLERK OF COURTS

2. On or after August 1, 2021, the paper filing of all complaints for residential mortgage foreclosure shall be mandatory.

3. On or after August 1, 2021, all complaints for residential mortgage foreclosure shall be accompanied by the following:

- a. one copy of the complaint for the plaintiff and one copy for each defendant homeowner;
- b. 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;
- c. two self-addressed, stamped envelopes;
- d. the "Sheriff Service Process Receipt and Affidavit of Return" form;
- e. a "Certification Cover Sheet" regarding the status of the foreclosed premises, in the form attached hereto as Exhibit "1," or such later court-approved form, certifying the real estate location, delineating the eligibility requirements for the Foreclosure Diversion Program, designating the eligibility of the foreclosed premises, notifying the defendant homeowner of the right to challenge that designation, and notifying the defendant homeowner of the contact information, including the name, physical mailing address, telephone number (including extension) and e-mail address of the representative of the lending institution, which shall be provided to the Prothonotary and filed with the complaint; plaintiff's counsel shall not respond to the Certification Cover Sheet with "unknown," "unsure," "not applicable," or similar nonresponsive statements;

- f. for actions certified as eligible for the Foreclosure Diversion Program, an “Urgent Notice,” in the form attached hereto as Exhibit “2,” or such later court-approved form, 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;
- g. for actions certified as ineligible for the Foreclosure Diversion Program, an “Urgent Notice,” in the form attached hereto as Exhibit “3,” or such later court-approved form, 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; and
- h. a “Certificate of Service,” in the form attached hereto as Exhibit “4,” or such later court-approved form, stating that the complaint, Certification Cover Sheet, and applicable Urgent Notice were mailed to the address of the premises subject to foreclosure, to counsel of record, if any, and to the owner(s) of the noted premises, if any owner is not also a defendant homeowner, via first class mail.

4. Within one business day after the complaint, Certification Cover Sheet and Certificate of Service are filed with the Prothonotary, counsel for the plaintiff shall also submit a copy of the Certification Cover Sheet to the Diversion Program Coordinator and shall include

contact information for each defendant homeowner. The contact information must include, at a minimum, the last known physical mailing address, telephone number and e-mail address, if any, for each defendant homeowner.

5. Upon the filing of a Foreclosure Diversion Program-eligible residential mortgage foreclosure complaint, the Court shall issue a "Case Management Order," substantially in the form attached hereto as Exhibit "5," or such later court-approved form. The Prothonotary shall serve a copy of said filed and docketed Order on the plaintiff's attorney and on the defendant homeowner. The Prothonotary is hereby authorized to effect service of the Order on the defendant homeowner via the Sheriff's Office and shall ensure that said Order is served along with original process. Said Order shall:

- a. notify the defendant homeowner of the option to opt-out of the Foreclosure Diversion Program using the "Notice of Homeowner Nonparticipation," in the form attached hereto as Exhibit "6," or such later court-approved form;
- b. schedule a conciliation conference for no sooner than 90 days and no later than 120 days from the date of the Order;
- c. direct the defendant homeowner to telephone, within ten days of the service of the complaint and Case Management Order, the Diversion Program Coordinator, or designee, who will conduct an initial intake interview of the defendant homeowner, confirm the defendant homeowner's eligibility for the Foreclosure Diversion Program, obtain relevant information, and refer the defendant homeowner to group and/or individual foreclosure counseling with an approved Housing and Urban

Development (HUD) and Pennsylvania Housing Finance Agency (PHFA) housing counseling agency;

- d. direct the plaintiff to provide to the Diversion Program Coordinator, within 20 days of the service of the Case Management Order, an "Amount Due Schedule," in the form attached hereto as Exhibit "7," or such later court-approved form;
- e. direct the defendant homeowner to participate FREE OF CHARGE in group and/or individual foreclosure counseling with the assigned housing counseling agency within 30 days of the initial intake interview with the Diversion Program Coordinator, or designee;
- f. direct the defendant homeowner to submit to the Diversion Program Coordinator, no later than 30 days prior to the date of the scheduled conciliation conference, a financial worksheet (a comprehensive outline of the defendant homeowner's income, obligations, and expenses) and a workout proposal for addressing the mortgage delinquency, in the form provided by the housing counseling agency, and all supporting financial and employment documentation;
- g. advise the defendant homeowner that failure to submit a financial worksheet and a workout proposal within the required time frame will result in the removal of the case from the conciliation conference schedule and the termination of the temporary stay of proceedings;
- h. require the plaintiff to provide to the Diversion Program Coordinator a written response to the defendant homeowner's workout proposal no later

than ten days before the date of the conciliation conference;

- i. require the attendance at the conciliation conference of the defendant homeowner and a representative of the plaintiff who has actual authority to resolve the action;
- j. provide that further proceedings in the action will be stayed pending the conclusion of the conciliation process, unless the defendant homeowner or Diversion Program Coordinator files a Notice of Homeowner Nonparticipation, or the case is removed from the Foreclosure Diversion Program by further order of Court;
- k. advise the defendant homeowner of the right to consult with an attorney at any time and to bring an attorney to the conciliation conference, as well as provide contact information for local legal services and *pro bono* attorney programs; and
- l. provide such other terms as may be necessary and appropriate.

6. The Lancaster County Sheriff shall file a return of service which shall indicate the service of the Certification Cover Sheet, the Urgent Notice, and the Case Management Order along with the service of the complaint. The Certification Cover Sheet, the Urgent Notice and the Case Management Order shall accompany any complaint to be served by deputized service. 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, the Urgent Notice, and the Case Management Order shall be posted on the property and served via mail if such service of the complaint is authorized by the court order authorizing alternate service.

7. If the Certification Cover Sheet indicates that the residential foreclosure action is not eligible for the Foreclosure Diversion Program, the remaining procedures in this Administrative Order 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 hereto as Exhibit "8," or such later court-approved form. 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.

8. For actions eligible for the Foreclosure Diversion Program, service of the complaint, the Certification Cover Sheet, the Urgent Notice, and the Case Management Order upon the defendant homeowner shall result in an automatic stay of any further proceedings 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 or Diversion Program Coordinator 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.

9. Within ten days of service of the complaint and Case Management Order, the defendant homeowner shall call the Diversion Program Coordinator, or designee, who will conduct an initial intake interview of the defendant homeowner, confirm the defendant homeowner's eligibility for the Foreclosure Diversion Program, ascertain the defendant homeowner's willingness to participate in the Program, and refer the defendant homeowner to group and/or individual foreclosure counseling with an approved HUD and PHFA 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.

10. The defendant homeowner's group and/or individual foreclosure counseling with the housing counseling agency shall occur within 30 days of the initial intake interview with the Diversion Program Coordinator, or designee. 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 financial worksheet and the workout proposal.

11. Within 20 days of service of the Case Management Order, the plaintiff shall submit to the Diversion Program Coordinator the Amount Due Schedule, in the form attached hereto as Exhibit "7," or such later court-approved form, which shall set forth the note and mortgage information, a statement of unpaid principal balance, interest, accumulated late charges, details of any advancements, and a calculation of the total amount due. If the Amount Due Schedule is not submitted, the Diversion Program Coordinator shall serve the Court and the parties with a "Notice of Noncompliance by Plaintiff," in the form attached hereto as Exhibit "9," or such later court-approved form, advising the plaintiff of the need to comply

with the Program requirement within ten days and that sanctions will be imposed for continued noncompliance. The plaintiff shall timely submit an "Affidavit of Compliance," in the form attached hereto as Exhibit "10," or such later court-approved form, with the Diversion Program Coordinator after the required action is taken. If the plaintiff fails to comply with the Notice, the Court shall enter an order dismissing the mortgage foreclosure complaint without prejudice and imposing sanctions, if appropriate, for noncompliance with the Foreclosure Diversion Program.

12. 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 and will assist the parties in reaching an agreement.

13. No later than 30 days prior to the scheduled conciliation conference, the defendant homeowner, with the assistance of the housing counselor, shall submit to the Diversion Program Coordinator the financial worksheet and the workout proposal, together with all supporting financial and employment documentation. The Diversion Program Coordinator will forward the required documents to the plaintiff's attorney.

If the financial worksheet and the workout proposal are not submitted within the time frame set forth herein or such other date as agreed upon by the parties in writing or ordered by the Court, the Diversion Program Coordinator shall serve the Court and the parties with a "Notice of Noncompliance by Defendant," in the form attached hereto as Exhibit "11," or such later court-approved form, advising the defendant of the need to comply with the Program requirement within 15 days and that sanctions will be imposed for continued noncompliance. If the defendant homeowner fails to comply with the Notice, the Court shall enter an order removing the action from the Foreclosure Diversion Program, lifting the automatic stay, and directing the defendant homeowner to file an answer to the mortgage foreclosure complaint.

14. No later than two weeks prior to the scheduled conciliation conference, the plaintiff shall provide to the Diversion Program Coordinator a written response to the defendant homeowner's workout proposal. If the plaintiff fails to submit a written response, the Diversion Program Coordinator may serve the Court and the parties with a Notice of Noncompliance by Plaintiff, in the form attached hereto as Exhibit "9," or such later court-approved form, advising the plaintiff of the need to comply with this Program requirement within ten days and that sanctions will be imposed for continued noncompliance. The plaintiff shall timely submit an Affidavit of Compliance, in the form attached hereto as Exhibit "10," or such later court-approved form, with the Diversion Program Coordinator after the required action is taken. If the plaintiff fails to comply with the Notice, 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.

15. 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 or the defendant homeowner's attorney, if any, the Diversion Program Coordinator may serve the Court and the parties with a Notice of Noncompliance by Plaintiff, in the form attached hereto as Exhibit "9," or such later court-approved form, advising the plaintiff of the need to comply with the Program requirement within ten days and that sanctions will be imposed for continued noncompliance. The plaintiff shall timely submit an Affidavit of Compliance, in the form attached hereto as Exhibit "10," or such later court-approved form, with the Diversion Program Coordinator after the required action is

taken. If the plaintiff fails to comply with the Notice, 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.

16. If the defendant homeowner does not want to participate in the Foreclosure Diversion Program, or if the defendant homeowner fails or refuses to cooperate with the Diversion Program Coordinator and/or the housing counseling agency, or if the Program Coordinator is unable to contact the defendant homeowner within 30 days of the filing of the mortgage foreclosure complaint, or the case is later determined to be ineligible for the Program, the Diversion Program Coordinator shall file a Notice of Homeowner Nonparticipation, in the form attached hereto as Exhibit "6," or such later court-approved form, and shall serve a copy on the parties.

17. 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 canceled, and (c) withdraw the mortgage foreclosure complaint. If no agreement is reached through negotiations, the case shall proceed to the scheduled conciliation conference, in which case the Diversion Program Coordinator will provide a copy of the workout proposal to the conciliation conference officer no later than five business days prior to the scheduled conciliation conference.

18. 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 financial worksheet and the workout proposal

to the plaintiff, with a copy to the Diversion Program Coordinator, within the time deadlines set forth herein.

19. 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, 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. "Praecipe for Entry of Limited Appearance" and "Praecipe for Withdrawal of Limited Appearance" forms for volunteer *pro bono* counsel are attached hereto as Exhibits "12" and "13," respectively, and shall be filed with the Prothonotary, with copies to the attorney for the plaintiff and the Diversion Program Coordinator. 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 submit a copy to the Diversion Program Coordinator and shall attend the conciliation conference in lieu of the assigned housing counselor.

20. At any time up to 20 days before the scheduled conciliation conference, the defendant homeowner may make a written request to the plaintiff, with a copy to the Diversion

Program Coordinator, 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. The plaintiff shall respond to such request within ten days by providing copies of the requested documents to the Diversion Program Coordinator, who will forward them to the defendant homeowner and the housing counselor or the defendant homeowner's attorney.

21. If, at any time prior to the date on which a conciliation conference is scheduled, 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, then the plaintiff must contact the defendant homeowner, the housing counselor or the defendant homeowner's attorney, and the Diversion Program Coordinator, in writing, to request a continuance of the conciliation conference. Any failure of the plaintiff to comply with the specific terms of this paragraph may result in the imposition of sanctions.

22. All financial and personal information to be provided to the Diversion Program Coordinator to advance the conciliation process shall be submitted via encryption software or a secure dedicated e-mail address, which will later be identified on the Foreclosure Diversion Program page on the Court's website at <https://court.co.lancaster.pa.us/>.

23. 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 in person 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, or may be available by telephone or by use of advanced communication technology if the plaintiff files and serves at least five days prior to the scheduled conciliation conference a "Notice that Plaintiff's Representative Will Appear Through Telephonic Means or Advanced Communication Technology and Designation of Authority to Sign Settlement Agreement," in the form attached hereto as Exhibit "14," or such later court-approved form. The plaintiff's counsel may be designated as the person with full authority to sign the settlement agreement.

No later than five days prior to the conciliation conference, the Certification Cover Sheet may be amended to change the designated plaintiff's representative and must be filed with the Court. All amended Certification Cover Sheets must be transmitted to the Diversion Program Coordinator no later than one business day after being filed with the Prothonotary.

24. At the time that the conciliation conference is scheduled to physically commence, but prior to the commencement of the conference, and prior to any discussion of the case in the presence of the conciliation conference officer, the Diversion Program Coordinator, or designee, shall take a written roll consisting of the signature and printed name of each party present. That written roll is a determination of the presence of (a) the defendant homeowner, (b) the defendant homeowner's counsel of record, if any, (c) the housing counselor, if the

defendant homeowner is proceeding *pro se*, (d) the plaintiff's attorney, and (e) the plaintiff's representative with full authority to settle.

Determination of the plaintiff's representative's full authority to settle shall be verified through completion of a certificate affirming said representative has full authority to settle. The Diversion Program Coordinator shall provide a "Certificate of Settlement Authority," in the form attached hereto as Exhibit "15," or such later court-approved form, at the conciliation conference for execution by the plaintiff's counsel in consultation with the lender representative appearing via telephonic means or advanced communication technology, or in person. By signing the Certificate of Settlement Authority on behalf of the lender representative appearing in person or by telephonic means or advanced communication technology, plaintiff's counsel is representing that the lender representative has (a) full settlement authority to negotiate a settlement with the defendant homeowner without further consultation, and (b) has fully reviewed all documents for the case. If the plaintiff's counsel cannot ensure the lender representative's full settlement authority by signing the Certificate of Settlement Authority on the lender representative's behalf, then the Diversion Program Coordinator must not allow the conciliation conference to begin and must reschedule the conference at the plaintiff's expense in the amount of \$200.00, which penalty may not be assessed against the defendant homeowner.

If the Diversion Program Coordinator determines that the plaintiff's representative present does not have full authority to settle, it shall be reported on the written roll that the plaintiff's representative did not appear with full settlement authority as required by this Administrative Order. If a party appears via telephonic means or advanced communication technology, that should be noted on the written roll.

THE RIGHT TO APPEAR VIA TELEPHONIC MEANS OR ADVANCED COMMUNICATION TECHNOLOGY WILL 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 THAT IS UTILIZING APPEARANCE VIA TELEPHONIC MEANS OR ADVANCED COMMUNICATION TECHNOLOGY.

The authorization by this Order for the plaintiff's representative to appear via telephonic means or advanced communication technology is pursuant to Administrative Order No. 20-2021, filed April 1, 2021, continuing the judicial emergency in the Second Judicial District, and in recognition of the emergency situation created by the number of residential mortgage foreclosure cases anticipated to be filed in this Judicial District as a result of the COVID-19 pandemic, and the impracticality of requiring physical attendance of a plaintiff's representative at every conciliation conference. Additional reasons for authorizing appearance by telephonic means or advanced communication technology for mortgage foreclosure conciliation include several protective factors that do not exist in other civil cases, namely the administration of the Diversion Program by a court-appointed Program Coordinator and the required disclosure of information prior to the conciliation conference.

If the plaintiff's representative attends the conciliation conference by telephonic means or advanced communication technology, the person authorized by the plaintiff to sign a settlement agreement must be physically present at the conference. If the plaintiff's representative attends the conciliation conference by telephonic means or advanced communication technology, the plaintiff's representative must remain on the communication equipment at all times during the entire conciliation conference. If the plaintiff's representative

attending via telephonic means or advanced communication technology does not participate in the conciliation conference for the entire time of the conference once he or she has been reached, the Diversion Program Coordinator may report the conciliation conference as a "no show" conference as to the plaintiff representative's attendance and the failure to fully participate shall be grounds to impose sanctions against the plaintiff including requiring the physical appearance of the plaintiff's representative at a second conference, taxation of the costs of a second conference to the plaintiff, and dismissal of the action.

25. 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 with or without prejudice, the rescheduling of the conciliation conference and/or further postponement of any action in the matter, the imposition of attorney's fees and costs, or the imposition of such other sanctions as the Court deems appropriate.

26. Failure of the defendant homeowner or defendant homeowner's counsel of record to attend the conciliation conference, absent good cause shown, shall result in the lifting of the automatic stay and in the matter proceeding to judicial disposition, whether by default judgment, trial, or sheriff's sale, and may further result in the imposition of sanctions as the Court deems appropriate, including, but not limited to, attorney's fees and costs.

27. 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 without limitation, 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.

28. If an agreement is reached at the conciliation conference, the plaintiff shall prepare any documents necessary to implement the agreement and shall withdraw the mortgage foreclosure complaint within 30 days of the date of the conciliation conference. 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.

29. At the conclusion of each conciliation conference, the Diversion Program Coordinator or the conciliation conference officer shall complete a conciliation report and shall provide copies to those parties present at the conciliation conference. Where the conciliation process is continuing, or where the foreclosure action is not permitted to proceed to judgment because an agreement has been reached or otherwise, a "Continuing Conciliation Report" shall be submitted to the Court, substantially in the form attached hereto as Exhibit "16," or such later court-approved form. Where the conciliation process is complete and the foreclosure action may proceed, or where the foreclosure action is not suitable for conciliation,

a "Final Conciliation Report" shall be submitted to the Court, substantially in the form attached hereto as Exhibit "17," or such later court-approved form.

The Diversion Program Coordinator or the conciliation conference officer shall sign the Conciliation Report. Each party present at the conciliation conference shall also sign the Report. If one or more of the parties present at the conciliation conference does not sign the Report, the Diversion Program Coordinator or the conciliation conference officer shall note on the Report that the conciliation process was unsuccessful or such other recommendations as the Program Coordinator or conciliation conference officer deems appropriate and cause the Report to be submitted to the presiding judge notwithstanding the missing signature.

30. 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 one additional conciliation conference, imposing sanctions for a violation of the Case Management Order or as deemed appropriate by the Diversion Program Coordinator or the conciliation conference officer if a party does not act in good faith during the conciliation conference, or any other action the Court deems appropriate.

31. Conciliation must be completed within 30 days of the conciliation conference, unless extended by order of the Court or by stipulation of the parties.

32. Absent good cause, as determined by the Court, conciliation must be completed within 160 days after suit is filed. If conciliation fails to be completed within 160 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 Foreclosure Diversion Program, or impose such other sanctions as the Court deems appropriate.

33. Any plaintiff who has annually filed five or more foreclosure actions in the Second Judicial District in each of the past three years or does annually file five or more foreclosure actions while this Administrative Order is in effect, shall appoint two Foreclosure Diversion Program liaisons, one of whom shall be an attorney and the other a representative of the entity servicing the plaintiff's mortgages, if any, and, if none, a representative of the plaintiff. The plaintiff's counsel shall provide written notice of the name, telephone number (including extension), e-mail address, and physical mailing address of both liaisons to the President Judge and to the Diversion Program Coordinator within 45 days after the effective date of this Administrative Order, and on the first Monday of each August thereafter while this Order is in effect.

The liaisons shall be informed of the requirements of this Administrative Order and shall be capable of answering questions concerning the administrative status of pending cases and the party's internal procedures relating to the processing of foreclosure cases and will be readily accessible to discuss administrative and logistical issues affecting the progress of the plaintiff's cases through the Foreclosure Diversion Program. The plaintiff's counsel shall promptly notify the President Judge and the Diversion Program Coordinator of any changes in designation of the liaisons and the contact information of the liaisons. The liaisons shall act as the Court's point of contact in the event the plaintiff fails to comply with this Order on multiple occasions and there is a need to communicate with the plaintiff concerning administrative matters of mutual interest.

34. 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 "Certification Regarding Eligibility of Foreclosed Premises and Notice of Residential Mortgage Foreclosure Diversion Program," in the form attached hereto as Exhibit "18," or such later court-approved form, giving the defendant homeowner in that pending action notice of the availability of the Foreclosure Diversion Program. A subsequent praecipe for default judgment in such cases shall include a statement of compliance with this requirement. 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 hereto as Exhibit "19," or such later court-approved form, requesting placement in the Program and a stay of proceedings.

35. 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 hereto as Exhibit "20," or such later court-approved form, requesting placement in the Program and a stay of sheriff's sale.

36. 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 a copy of the Certification Regarding Eligibility of Foreclosed Premises and Notice of Foreclosure Diversion Program, in the form attached hereto as Exhibit "18," together with the motion being filed, giving the defendant homeowner in that pending action notice of the availability of the Foreclosure Diversion Program. The defendant homeowner may seek participation in the Diversion Program by filing with the Court an Application for Entry, substantially in the form attached hereto as Exhibit "19," requesting placement in the Program and a stay of proceedings.

37. At the discretion of the presiding judge, compliance with this Administrative Order may be required any time prior to a scheduled sheriff's sale for 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.

38. At the discretion of the presiding judge, a defendant homeowner who was removed from the Foreclosure Diversion Program may request re-entry into the Program by filing with the Court an "Application for Re-Entry," substantially in the form attached hereto as Exhibit "21," or such later court-approved form, and providing a copy to the Diversion Program Coordinator. After a case is reinstated, the defendant homeowner has ten days to contact the Diversion Program Coordinator, who will assign a housing counselor and will schedule a conciliation conference. The defendant homeowner will have 90 days from the date of the reinstatement to complete conciliation. The Diversion Program Coordinator may file a Notice of Nonparticipation if the defendant homeowner fails to comply with these deadlines.

39. 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 by any party.

40. All communications occurring as a result of this Administrative Order 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.

41. The Program Coordinator may assist with enforcing compliance with this Administrative Order.


42. This Administrative Order shall remain in effect until further order of the Court.

BY THE COURT:



DAVID L. ASHWORTH  
PRESIDENT JUDGE

ATTEST:



Copies to: Lancaster County Board of Judges  
Lancaster County Magisterial District Judges  
Lancaster County District Court Administrator  
Lancaster County Prothonotary  
Lancaster County Sheriff  
Lancaster County Board of Commissioners  
Lancaster County Solicitor

## ADMINISTRATIVE ORDER EXHIBIT LIST

1. Certification Cover Sheet – Status of Residential Foreclosed Premises
2. Urgent Notice – Eligible Property
3. Urgent Notice – Ineligible Property
4. Certificate of Service
5. Case Management Order
6. Notice of Homeowner Nonparticipation
7. Amount Due Schedule
8. Objection to Plaintiff's Certification Cover Sheet & Request for Stay
9. Notice of Noncompliance by Plaintiff
10. Affidavit of Compliance by Plaintiff
11. Notice of Noncompliance by Defendant
12. Praecipe of Entry of Limited Appearance by *Pro Bono* Counsel
13. Praecipe for Withdrawal of Appearance by *Pro Bono* Counsel
14. Notice that Plaintiff's Representative Will Appear Through Use of A.C.T.
15. Certificate of Settlement Authority
16. Continuing Conciliation Report
17. Final Conciliation Report
18. Certification re Eligibility of Foreclosed Premises and Notice of Program
19. Application for Placement & Stay of Proceedings -- Sheriff's Sale Not Scheduled
20. Application for Placement & Stay of Proceedings -- Sheriff's Sale Scheduled
21. Application for Re-Entry in Foreclosure Diversion Program

# EXHIBIT 1

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

[CAPTION]

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

**STATUS OF RESIDENTIAL FORECLOSED PREMISES**

Pursuant to the Administrative Order dated June 1, 2021, establishing the Residential Mortgage Foreclosure Diversion Program, A.D. No. 27-2021, and all related Orders entered thereafter, 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
3. If Program eligible, the name, address, and telephone number of a representative of the lending institution with authority to bind the plaintiff to a stipulation: \_\_\_\_\_
4. This Certification Cover Sheet and the applicable Urgent Notice are being served upon the defendant homeowner 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.A. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_ Signature of Plaintiff/Counsel \_\_\_\_\_  
Address of Plaintiff/Counsel \_\_\_\_\_  
Tel. No. of Plaintiff/Counsel \_\_\_\_\_

**DEFENDANT MAY CHALLENGE THIS CERTIFICATION IF DEFENDANT BELIEVES THE PROPERTY IS ELIGIBLE FOR THE DIVERSION PROGRAM BY FILING WITH THE COURT AN "OBJECTION TO PLAINTIFF'S CERTIFICATION AND REQUEST FOR STAY" FOUND ON THE COURT'S WEBSITE AT <https://court.co.lancaster.pa.us/> OR BY CONTACTING THE PROGRAM MANAGER AT (717) 209-3290.**

**DEMANDADO PUEDE DESAFIAR ESTA CERTIFICACIÓN SI DEMANDADO CREE QUE LA PROPIEDAD ES ELEGIBLE PARA EL PROGRAMA DE DESVIACIÓN ARCHIVANDO CON EL TRIBUNAL "UNA OBJECCIÓN A LA CERTIFICACIÓN DEL DEMANDANTE Y PETICIÓN DE PERMANENCIA" ENCONTRADO EN EL SITIO WEB DEL TRIBUNAL EN <https://court.co.lancaster.pa.us/> O POR PONERSE EN CONTACTO CON EL DIRECTOR DE PROGRAMA EN (717) 209-3290.**

# EXHIBIT 2

# 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**

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 get this help you must call the Court at the number above **within the next TEN (10) days** and you will be instructed in what to do next.

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.

**MAKE THIS CALL TO SAVE YOUR HOME!**  
**THIS PROGRAM IS FREE!**

For Additional Information about the Residential Mortgage Foreclosure Diversion Program go to the Court's website at <https://court.co.lancaster.pa.us/> or email [consumerdebtdiversionprograms@co.lancaster.pa.us](mailto:consumerdebtdiversionprograms@co.lancaster.pa.us)

# EXHIBIT 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 this new Program.

To be eligible, you must own and live in the home, it must be 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 **file the form attached to this Notice**, "Certification That Premises Are Residential and Owner Occupied and Request for Conciliation Conference," **within 20 days after service of the complaint** on you.

The form must be submitted to the Program Coordinator at [consumerdebtdiversionprograms@co.lancaster.pa.us](mailto:consumerdebtdiversionprograms@co.lancaster.pa.us) or filed in the Prothonotary's Office at the Courthouse at 50 N. Duke St., Lancaster City.

For help, or if you have questions, call:

**717-209-3290**

Monday through Friday 8:30 a.m. to 4:00 p.m.

OR e-mail [consumerdebtdiversionprograms@co.lancaster.pa.us](mailto:consumerdebtdiversionprograms@co.lancaster.pa.us)

# EXHIBIT 4

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

[caption]

**CERTIFICATE OF SERVICE**

The undersigned verifies, subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities, that the attached Certification Cover Sheet and Urgent Notice were mailed to the address of the premises subject to foreclosure, and to counsel of record, if any, and to the owner(s) of the noted premises, if any owner is not also a defendant, via first class mail, as noted below:

**NAME(S)**

**ADDRESS(ES)**


\_\_\_\_\_  
Date

\_\_\_\_\_  
Counsel for Plaintiff  
[Address, Telephone Number]

# EXHIBIT 5

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

[CAPTION]

**CASE MANAGEMENT ORDER**

AND NOW, this     day of     , 202x, a complaint having been filed to foreclose upon a residential mortgage, and the case having been deemed eligible for participation in the Lancaster County Residential Mortgage Foreclosure Diversion Program, it is hereby ORDERED as follows:

1. Pending further order of Court, all proceedings in this matter are paused until completion of the conciliation process, and no judgment in foreclosure may be entered by default or otherwise, or sheriff's sale scheduled or held until and unless the case is removed from the Foreclosure Diversion Program by further order of Court.

2. Within ten days of the service of this Order, Defendant is directed to telephone the Diversion Program Coordinator at (717) 209-3290, who will conduct an intake interview and will assign an approved Housing and Urban Development (HUD) and Pennsylvania Housing Finance Agency (PHFA) housing counseling agency to assist Defendant through this conciliation process. The services and assistance of the housing counseling agency are FREE OF CHARGE to Defendant.

3. A court-supervised conciliation conference is scheduled on \_\_\_\_\_ at the Lancaster County Courthouse, 50 North Duke Street, Lancaster. **ALL PARTIES AND THEIR COUNSEL OR REPRESENTATIVES ARE DIRECTED TO APPEAR.** Notice of the exact time and place of the hearing will be provided approximately two weeks prior to the conference date.

4. Within 20 days of the service of this Order, Plaintiff shall submit to the Diversion Program Coordinator an "Amount Due Schedule," in the form attached hereto as Exhibit "A."

5. Within 30 days of the service of this Order, Defendant shall participate in group and/or individual foreclosure counseling with the assigned housing counseling agency, at which time they will explore all available resolution options to avoid foreclosure.

6. No later than 30 days prior to the scheduled conciliation conference, Defendant and the housing counseling agency or Defendant's attorney, if any, shall prepare and submit to the Program Coordinator a financial worksheet and a workout proposal for addressing the mortgage delinquency, and all supporting financial and employment documentation. **Upon notice to the Court of Defendant's failure to serve the completed financial worksheet and workout proposal within the time frame set forth herein or such other date as agreed upon by the parties in writing or ordered by the Court, the case shall be removed from the conciliation conference schedule and the temporary stay of proceedings shall be terminated, and Defendant will be directed to file an answer to the mortgage foreclosure complaint.**

7. No later than ten days prior to the scheduled conciliation conference, Plaintiff shall provide a written response to Defendant's workout proposal to the Diversion Program Coordinator, or to Defendant's attorney of record, if any.

8. If an agreement is reached through negotiations prior to the scheduled conciliation conference, Plaintiff shall (a) prepare any documents necessary to implement the agreement, (b) immediately notify the Court of the agreement so the conciliation conference may be canceled, and (c) withdraw the mortgage foreclosure complaint. If no agreement is reached through negotiations, the case shall proceed to the scheduled court-supervised conciliation conference.

9. At any time up to 20 days before the scheduled conciliation conference, Defendant may request any of the following information and documents from Plaintiff: (a) documentary evidence that 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 Defendant 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's account; (d) the payment dates, purpose of payment and recipient of all escrow items charged to Defendant's account; (e) a statement of Plaintiff's position on the present net value of the mortgage loan; and (f) the most current appraisal of the property available to Plaintiff. Plaintiff shall respond to such request within ten days by providing copies of the requested documents to the Diversion Program Coordinator, who will forward them to Defendant and the housing counselor, or to Defendant's attorney of record.

10. Unless an agreement has been reached prior to the conciliation conference, a representative of Plaintiff who has actual authority to modify the mortgage, enter into an alternative payment agreement or otherwise resolve the action must be present at the conciliation conference, or available by telephone or by use of advanced communication technology if Plaintiff notifies the parties at least five days prior to the conciliation conference. The failure of a duly authorized representative of Plaintiff to be available in person or by telephone or by use of advanced communication technology during the conciliation conference, absent good cause shown, may result in the dismissal of the action without prejudice, the rescheduling of the conciliation conference and further postponement of any action in this matter, the imposition of attorney's fees for counsel for Defendant, or the imposition of such other sanctions as the Court deems appropriate.

11. The failure of Defendant to attend the conciliation conference, absent good cause shown, shall result in the lifting of the stay, and in the matter proceeding to judicial disposition, and may further result in the imposition of sanctions as the Court deems appropriate.

12. Although an attorney is not required, Defendant may work with an attorney to prepare the case for conciliation. If Defendant does not have an attorney, Defendant may contact the Diversion Program Coordinator by calling 717-209-3290, for a list of volunteer *pro bono* attorneys who have agreed to provide free limited representation at the conciliation conference through the Foreclosure Diversion Program, or may contact MidPenn Legal Services by calling 717-299-0971 to determine eligibility, or may contact the Lancaster Bar Association Lawyer Referral by calling 717-393-0737.

13. Defendant shall have the option to withdraw from the Foreclosure Diversion Program at any time by filing with the Court a "Notice of Homeowner Nonparticipation," in the form attached hereto as Exhibit "B."

BY THE COURT:

\_\_\_\_\_, J.

ATTEST:

Encls:       Exhibit "A" -- Amount Due Schedule  
              Exhibit "B" -- Notice of Homeowner Nonparticipation

Copies to:   [Plaintiff/Counsel for Plaintiff]  
              [Defendant(s)/Counsel for Defendant(s)]  
              [Program Coordinator]

# EXHIBIT A

**RESIDENTIAL MORTGAGE FORECLOSURE DIVERSION PROGRAM  
AMOUNT DUE SCHEDULE**

Note and Mortgage Dated: \_\_\_\_\_ Loan #: \_\_\_\_\_  
Recorded on \_\_\_\_\_, in Lancaster County, in Book \_\_\_\_\_ at Page \_\_\_\_\_  
Property Address: \_\_\_\_\_  
Mortgage Holder(s): \_\_\_\_\_  
Mortgage Investor: \_\_\_\_\_  
Investor Loan #: \_\_\_\_\_  
Mortgage Insurance Company: \_\_\_\_\_

Fill in all that apply:

**Loan Payment Information:**

Current Interest Rate	_____ %
Monthly Principal & Interest Payment	\$ _____
Monthly Escrow Payment	\$ _____
Total Monthly Mortgage Payment	\$ _____

**Amount of Arrears:**

Due for (earliest unpaid installment)	\$ _____
Late Charges Due (\$ ____/mo. x ____ months)	\$ _____
Foreclosure Fees & Costs Due (itemize charges)	\$ _____
Other Unpaid Charges (specify)	\$ _____
Balance in Suspense Account	\$ _____
TOTAL ARREARS (as of _____)	\$ _____

**Advances:**

Real Estate Taxes	\$ _____
Homeowners Insurance Premiums	\$ _____
Mortgage Insurance Premiums	\$ _____
Inspections	\$ _____
Winterizing/Securing	\$ _____
Sub-Total of Advances	\$ _____
Less Escrow Monies	(\$ _____)
NET ADVANCES (as of _____)	\$ _____
Interest on Advances from _____ to _____	\$ _____

**Total Balance Due on Loan:**

Unpaid Principal Balance	_____
Past Due Interest (\$ ____ per day x ____ days):	_____
Unpaid Escrow:	_____

**TOTAL AMOUNT DUE (PAY OFF)** (as of \_\_\_\_\_) \$ \_\_\_\_\_

Per Diem Interest: \_\_\_\_\_

Date of Most Recent Broker's Price Opinion (BPO) Appraisal: \_\_\_\_\_ Value: \_\_\_\_\_

\_\_\_\_\_  
Type or Print Name of Lender's or Servicing Agent's Employee

\_\_\_\_\_  
Signature of Lender's or Servicing Agent's Employee

Date: \_\_\_\_\_

# EXHIBIT B

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

[CAPTION]

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

The Program Coordinator for the Lancaster County Residential Mortgage Foreclosure Diversion Program hereby gives notice to the Court and the parties that this case will not be participating and/or is removed from the Program for the following reason(s):

- [ ] the real property subject to foreclosure does not qualify for the Program.  
*Upon the filing of a Court order removing this case from the Program, this foreclosure action may go forward, and the plaintiff may be permitted to seek judgment against you if you do not file a responsive pleading with the Court, such as an answer to the Complaint.*  
If you have questions about why you received this Notice, you may contact the Program Coordinator at 717-209-3290 or [consumerdebtdiversionprograms@co.lancaster.pa.us](mailto:consumerdebtdiversionprograms@co.lancaster.pa.us).
- [ ] the real property subject to foreclosure does meet the criteria/qualify for the Program; however, the defendant homeowner elects not to 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 you if you have not filed a responsive pleading with the Court, such as an answer to the Complaint.
- [ ] the real property subject to foreclosure does meet the criteria/qualify for the Program; however, the defendant homeowner has failed or refused to comply with the Program requirements.
- [ ] the Foreclosure Diversion Program Coordinator has been unable to contact all homeowners.  
*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 [consumerdebtdiversionprograms@co.lancaster.pa.us](mailto:consumerdebtdiversionprograms@co.lancaster.pa.us). 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 Conciliation Reinstatement Notice.

\_\_\_\_\_  
Program Coordinator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Co-Coordinator

\_\_\_\_\_  
Date

# EXHIBIT 6

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

[CAPTION]

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

The Program Coordinator for the Lancaster County Residential Mortgage Foreclosure Diversion Program hereby gives notice to the Court and the parties that this case will not be participating and/or is removed from the Program for the following reason(s):

- [ ] the real property subject to foreclosure does not qualify for the Program.  
*Upon the filing of a Court order removing this case from the Program, this foreclosure action may go forward, and the plaintiff may be permitted to seek judgment against you if you do not file a responsive pleading with the Court, such as an answer to the Complaint.*  
If you have questions about why you received this Notice, you may contact the Program Coordinator at 717-209-3290 or [consumerdebtdiversionprograms@co.lancaster.pa.us](mailto:consumerdebtdiversionprograms@co.lancaster.pa.us).
- [ ] the real property subject to foreclosure does meet the criteria/qualify for the Program; however, the defendant homeowner elects not to 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 you if you have not filed a responsive pleading with the Court, such as an answer to the Complaint.
- [ ] the real property subject to foreclosure does meet the criteria/qualify for the Program; however, the defendant homeowner has failed or refused to comply with the Program requirements.
- [ ] the Foreclosure Diversion Program Coordinator has been unable to contact all homeowners.  
*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 [consumerdebtdiversionprograms@co.lancaster.pa.us](mailto:consumerdebtdiversionprograms@co.lancaster.pa.us). 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 Conciliation Reinstatement Notice.

\_\_\_\_\_  
Program Coordinator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Co-Defendant

\_\_\_\_\_  
Date

# EXHIBIT 7

**RESIDENTIAL MORTGAGE FORECLOSURE DIVERSION PROGRAM  
AMOUNT DUE SCHEDULE**

Note and Mortgage Dated: \_\_\_\_\_ Loan #: \_\_\_\_\_  
Recorded on \_\_\_\_\_, in Lancaster County, in Book \_\_\_\_\_ at Page \_\_\_\_\_  
Property Address: \_\_\_\_\_  
Mortgage Holder(s): \_\_\_\_\_  
Mortgage Investor: \_\_\_\_\_  
Investor Loan #: \_\_\_\_\_  
Mortgage Insurance Company: \_\_\_\_\_

Fill in all that apply:

**Loan Payment Information:**

Current Interest Rate	_____ %
Monthly Principal & Interest Payment	\$ _____
Monthly Escrow Payment	\$ _____
Total Monthly Mortgage Payment	\$ _____

**Amount of Arrears:**

Due for (earliest unpaid installment)	\$ _____
Late Charges Due (\$ ____/mo. x ____ months)	\$ _____
Foreclosure Fees & Costs Due (itemize charges)	\$ _____
Other Unpaid Charges (specify)	\$ _____
Balance in Suspense Account	\$ _____
TOTAL ARREARS (as of _____)	\$ _____

**Advances:**

Real Estate Taxes	\$ _____
Homeowners Insurance Premiums	\$ _____
Mortgage Insurance Premiums	\$ _____
Inspections	\$ _____
Winterizing/Securing	\$ _____
Sub-Total of Advances	\$ _____
Less Escrow Monies	(\$ _____)
NET ADVANCES (as of _____)	\$ _____
Interest on Advances from _____ to _____	\$ _____

**Total Balance Due on Loan:**

Unpaid Principal Balance	_____
Past Due Interest (\$ ____ per day x ____ days):	_____
Unpaid Escrow:	_____

**TOTAL AMOUNT DUE (PAY OFF) (as of \_\_\_\_\_)** \$ \_\_\_\_\_

Per Diem Interest: \_\_\_\_\_

Date of Most Recent Broker's Price Opinion (BPO) Appraisal: \_\_\_\_\_ Value: \_\_\_\_\_

\_\_\_\_\_  
Type or Print Name of Lender's or Servicing Agent's Employee

\_\_\_\_\_  
Signature of Lender's or Servicing Agent's Employee

Date: \_\_\_\_\_

# EXHIBIT 8

**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: Mobile \_\_\_\_\_ Home \_\_\_\_\_  
Defendant's Email Address: \_\_\_\_\_  
Co-Defendant's Phone Number: Mobile \_\_\_\_\_ Home \_\_\_\_\_  
Co-Defendant's Email Address: \_\_\_\_\_

# EXHIBIT 9

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

[CAPTION]

**RESIDENTIAL MORTGAGE FORECLOSURE DIVERSION PROGRAM  
NOTICE OF NONCOMPLIANCE BY PLAINTIFF**

The Program Coordinator for the Lancaster County Residential Mortgage Foreclosure Diversion Program hereby gives notice to the Court and the parties that Plaintiff was served with a copy of the Case Management Order and that:

- [ ] more than 20 days have elapsed since the service of that Order and Plaintiff has failed to provide to the Program Coordinator an Amount Due Schedule as required by the Diversion Program in an effort to resolve this matter
- [ ] more than 20 days have elapsed since Plaintiff was provided with the financial worksheet and workout proposal and Plaintiff and/or Plaintiff's representative has failed to participate in good-faith negotiations with Defendant, the housing counselor and/or counsel for Defendant to resolve the mortgage default.

Plaintiff shall have ten days from the date of this Notice to comply with this Program requirement. Continued noncompliance shall result in dismissal of the mortgage foreclosure complaint without prejudice and the imposition of sanctions, if appropriate.

Plaintiff shall timely submit an Affidavit of Compliance with the Diversion Program Coordinator after the required action is taken.

---

Diversion Program Coordinator

---

Date

# EXHIBIT 10

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

[CAPTION]

**RESIDENTIAL MORTGAGE FORECLOSURE DIVERSION PROGRAM  
AFFIDAVIT OF COMPLIANCE BY PLAINTIFF**

The undersigned hereby affirms that:

- ☐ an Amount Due Schedule was submitted to the Diversion Program Coordinator on \_\_\_\_\_ as required by the Foreclosure Diversion Program
- ☐ a written response to Defendant's workout proposal was submitted to the Diversion Program Coordinator on \_\_\_\_\_ as required by the Foreclosure Diversion Program
- ☐ good-faith negotiations to resolve the mortgage default in this case are continuing

\_\_\_\_\_  
Date

\_\_\_\_\_  
Counsel for Plaintiff

[Address, Telephone Number]

# EXHIBIT 11

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

[CAPTION]

**RESIDENTIAL MORTGAGE FORECLOSURE DIVERSION PROGRAM  
NOTICE OF NONCOMPLIANCE BY DEFENDANT**

The Program Coordinator for the Lancaster County Residential Mortgage Foreclosure Diversion Program hereby gives notice to the Court and the parties that:

- [ ] Defendant or counsel for Defendant was served with a copy of the Case Management Order and that the scheduled conciliation conference is scheduled for less than 30 days from the date of this Notice and Defendant has failed to submit the financial worksheet and workout proposal, together with all supporting financial and employment documentation, as required by the Foreclosure Diversion Program in an effort to resolve this matter
- [ ] Defendant has failed to participate in good-faith negotiations with Plaintiff and/or Plaintiff's representative or Plaintiff's counsel to resolve the mortgage default.

Defendant shall have 15 days from the date of this Notice to comply with the Program requirement. Continued noncompliance shall result in removal of this case from the Program, the lifting of the automatic stay of proceedings, and the imposition of sanctions, if appropriate.

---

Program Coordinator

---

Date

# EXHIBIT 12

**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 Administrative Order No. 27-2021 (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]

# EXHIBIT 13

**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 Administrative Order No. 27-2021 (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]

# EXHIBIT 14

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

[CAPTION]

**NOTICE THAT PLAINTIFF'S REPRESENTATIVE WILL APPEAR  
THROUGH USE OF TELEPHONE OR ADVANCED COMMUNICATION TECHNOLOGY  
AND DESIGNATION OF AUTHORITY TO SIGN SETTLEMENT AGREEMENT**

Plaintiff gives notice of exercising the option to allow Plaintiff's representative designated in the Certification Cover Sheet filed in this case to attend the conciliation conference through the use of telephone or advanced communication technology and designates *[name of person]* as the person who will be physically present at the conciliation conference with full authority on behalf of Plaintiff to sign any settlement agreement reached at the conference. Plaintiff's full authority to settle shall include the ability to negotiate and agree to both retention and disposition options which shall include, but shall not be 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 refinancing, agreeing to vacate in the near future in exchange for not contesting the matter, offering 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, waiver of deficiencies, and consenting to other workout options. On the date of the conciliation conference, if appearing by telephonic means, Plaintiff's representative can be reached by calling the following telephone number: *[telephone number, with area code and extension]*.

[Name of Plaintiff]

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

[Certificate of Service by Plaintiff's Counsel]

# EXHIBIT 15

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

[CAPTION]

**RESIDENTIAL MORTGAGE FORECLOSURE DIVERSION PROGRAM  
CERTIFICATE OF SETTLEMENT AUTHORITY**

The undersigned counsel, as counsel of record in this case and as an officer of the Court, pursuant to Administrative Order No. 27-2021 (as may be amended), does hereby certify as follows:

1. The name of the Lender representative is \_\_\_\_\_.
2. The job title of the Lender representative is \_\_\_\_\_.
3. The Lender representative is appearing for this conciliation conference:  
\_\_\_\_\_ by personal appearance  
\_\_\_\_\_ by telephone at \_\_\_\_\_ (number)  
\_\_\_\_\_ by LifeSize Video Conferencing
4. The undersigned attorney for Plaintiff has personally spoken today with the above designated representative and has confirmed that the lender representative has full settlement authority to negotiate a settlement with the homeowner without further consultation.
5. The undersigned attorney for Plaintiff has personally spoken today with the above designated representative and has confirmed that the lender representative has fully reviewed all documents provided by the Diversion Program Coordinator for the above case to the Plaintiff's legal counsel.

Signature: \_\_\_\_\_

Attorney for Plaintiff (Print Name): \_\_\_\_\_

PA Supreme Court ID No.: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_

# EXHIBIT 16

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

[CAPTION]

**RESIDENTIAL MORTGAGE FORECLOSURE DIVERSION PROGRAM  
CONTINUING CONCILIATION CONFERENCE REPORT**

Pursuant to the Court's Order, an \_\_\_ initial \_\_\_ continuing Conciliation Conference in the above-reference foreclosure action, subject to the Residential Mortgage Foreclosure Diversion Program, was conducted on \_\_\_\_\_, 202x.

The following were physically present at the Conciliation Conference:

\_\_\_\_\_  
Plaintiff's Attorney

\_\_\_\_\_  
Plaintiff's Representative

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Defendant's Attorney/Housing Counselor

Others physically present: \_\_\_\_\_

Plaintiff's Representative present by advanced communication technology: \_\_\_\_\_

The Conciliation Conference Officer, pursuant to Administrative Order No. 27-2021, hereby finds and recommends that (check all that apply):

- ☐ The parties agree that the scheduled conciliation conference shall be cancelled and rescheduled for the date and time stated below.
- ☐ \_\_\_ Defendant / \_\_\_ Plaintiff / \_\_\_ Both Defendant and Plaintiff failed to appear and the Court may impose sanctions and/or allow an additional conciliation conference be scheduled
- ☐ The parties have agreed to schedule a new or additional conciliation conference. (See below for date and time)
- ☐ The parties have reached a mutually agreeable resolution. The essential terms of the agreement have been memorialized in writing and each party has a copy of that writing. A copy is attached hereto. Plaintiff agrees that no entry of judgment will be sought pending the execution of documents memorializing the agreement.
  - ☐ Plaintiff will seek to dismiss the foreclosure action upon execution of such documents by filing a notice or stipulation of dismissal or by moving the Court for dismissal, as appropriate, no later than 45 days from the date of such execution.
  - ☐ The parties have agreed to a trial mortgage modification, which must be verified before any judgment. Plaintiff will seek to dismiss the foreclosure action upon the conversion of the trial modification to a permanent modification by filing a notice or stipulation of dismissal or by moving the Court for dismissal, as appropriate, no later than 45 days from the date of such conversion.
  - ☐ The Plaintiff agrees to: \_\_\_\_\_.
- ☐ An additional conciliation conference has been scheduled for this matter. This conciliation conference will be held on \_\_\_\_\_, 201\_ at \_\_\_\_\_ AM/PM.
- ☐ Conciliation is placed on hold because a bankruptcy petition has been filed. Upon termination of the automatic stay, Plaintiff shall request that an additional conciliation conference be scheduled.

*[please complete second page]*

Plaintiff's Counsel's Comments:

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[Check to continue on Reverse: ☐

The Conciliation Conference Officer makes the following additional recommendations:

---

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[Check to continue on Reverse: ☐

☐ Defendant / ☐ Plaintiff has refused to sign this Conciliation Conference Record. The stated reason for not signing is:

---

Signatures:

Plaintiff: \_\_\_\_\_ Defendant \_\_\_\_\_

The following result is expected \_\_\_\_\_ as a result of this conciliation conference \_\_\_\_\_ as a result of the parties' efforts outside the conciliation conference:

- ☐ Ongoing Conciliation      ☐ Loan has been paid in full      ☐ Foreclosure will proceed  
☐ Short-Sale      ☐ Deed-in-Lieu      ☐ Cash-for-Keys  
☐ Defendant will stay in home and pay a lower mortgage payment as a result of ☐ lower interest ☐ reduced principal

This is a: ☐ Home Affordable Loan Modification ☐ Traditional Loan Modification

☐ Loan has been brought current by:

- ☐ Repayment Agreement      ☐ Forbearance Agreement      ☐ Full Arrears Payment  
☐ Defendant will stay in home and pay rent  
☐ Other: \_\_\_\_\_

\_\_\_\_\_  
Conciliation Conference Officer

\_\_\_\_\_  
Date

[A copy of the most recently filed Certification Cover Sheet is attached to this report for the Court's use.]

# EXHIBIT 17

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

[CAPTION]

**RESIDENTIAL MORTGAGE FORECLOSURE DIVERSION PROGRAM  
FINAL CONCILIATION CONFERENCE REPORT**

Pursuant to the Court's Order, an \_\_\_ initial \_\_\_ continuing Conciliation Conference in the above-reference foreclosure action, subject to the Residential Mortgage Foreclosure Diversion Program, was conducted on \_\_\_\_\_, 202x.

The following were physically present at the Conciliation Conference:

\_\_\_\_\_  
Plaintiff's Attorney

\_\_\_\_\_  
Plaintiff's Representative

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Defendant's Attorney/Housing Counselor

Others physically present: \_\_\_\_\_

Plaintiff's Representative present by advanced communication technology: \_\_\_\_\_

The Conciliation Conference Officer, pursuant to Administrative Order No. 27-2021, hereby finds and recommends that (check all that apply):

- ☐ The parties have agreed that the scheduled conciliation conference is not necessary and shall be cancelled. The foreclosure action may proceed.
- ☐ Defendant failed to appear and the conciliation process is complete. The foreclosure action may proceed.
- ☐ Plaintiff failed to appear. The case may be dismissed due to Plaintiff's failure to appear for two successive conciliation conferences.
- ☐ The conciliation process was unsuccessful because the parties failed to come to agreement. The foreclosure action may proceed. This failure was because: \_\_\_\_\_
- ☐ The foreclosure action may proceed because the case is not suitable for conciliation for the following reason:
- ☐ The subject property is not an owner-occupied one-to-four family primary residence. The foreclosure action is not subject to the Foreclosure Diversion Program and may proceed.
- ☐ \_\_\_\_\_
- ☐ The parties agree that Plaintiff shall not seek default judgment before: \_\_\_\_\_, 202\_\_.
- ☐ The parties agree that the subject property shall be sold at Sheriff's Sale no earlier than: \_\_\_\_\_, 202\_\_.

☐ Plaintiff's Counsel's Comments:

\_\_\_\_\_  
\_\_\_\_\_  
[Check to continue on Reverse: \_\_\_]

☐ The Conciliation Conference Officer makes the following additional recommendations:

\_\_\_\_\_  
\_\_\_\_\_  
[Check to continue on Reverse: \_\_\_]

[please complete second page]

☐ \_\_Defendant / \_\_Plaintiff has refused to sign this Conciliation Conference Record. The stated reason for not signing is:

---

Signatures:

Plaintiff: \_\_\_\_\_ Defendant \_\_\_\_\_

The following result is expected \_\_\_\_\_ as a result of this conciliation conference \_\_\_\_\_ as a result of the parties' efforts outside the conciliation conference:

- ☐ Ongoing Conciliation      ☐ Loan has been paid in full      ☐ Foreclosure will proceed  
☐ Short-Sale      ☐ Deed-in-Lieu      ☐ Cash-for-Keys  
☐ Defendant will stay in home and pay a lower mortgage payment as a result of \_\_lower interest \_\_reduced principal

This is a: ☐ Home Affordable Loan Modification ☐ Traditional Loan Modification

☐ Loan has been brought current by:

- ☐ Repayment Agreement      ☐ Forbearance Agreement      ☐ Full Arrears Payment  
☐ Defendant will stay in home and pay rent  
☐ Other: \_\_\_\_\_

\_\_\_\_\_  
Conciliation Conference Officer

\_\_\_\_\_  
Date

[A copy of the most recently filed Certification Cover Sheet is attached to this report for the Court's use.]

# EXHIBIT 18

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

[CAPTION]

**CERTIFICATION REGARDING ELIGIBILITY OF RESIDENTIAL FORECLOSED PREMISES  
and NOTICE OF RESIDENTIAL MORTGAGE FORECLOSURE DIVERSION PROGRAM**

**CERTIFICATION**

Pursuant to the Administrative Order dated June 1, 2021, establishing the Residential Mortgage Foreclosure Diversion Program, A.D. No. 27-2021, and all related Orders entered thereafter, I hereby certify that:

1. This residential foreclosure action was commenced on \_\_\_\_\_.
2. The subject property is known and numbered as \_\_\_\_\_.
3. Had this action been commenced on or after July 30, 2021, the effective date of the Administrative Order, the subject property would have been eligible for the Foreclosure Diversion Program as the property satisfies the following requirements:
  - a. an owner-occupied residential property with four residential units or less;
  - b. the primary residence of the defendant;
  - c. a remaining mortgage balance of \$400,000 or less; and
  - d. not the subject of bankruptcy, divorce or estate proceedings.
4. This Certification and Notice is being served upon the defendant along with the
  - ☐ Important Notice (the ten-day notice required by Pa.R.C.P. No. 237.1(a)(2))
  - ☐ Motion for Summary Judgment or Motion for Judgment on the Pleadings

**NOTICE**

**Defendant Homeowner may seek participation in the Foreclosure Diversion Program by filing with the Court an "Application for Entry," attached hereto, requesting placement in the Program and a stay of proceedings. If your application is granted by the Court,**

- **Legal proceedings will be paused**
- **You will receive a Court Order outlining the Program requirements and what you must do to save your home**
- **You will be put in touch with a housing counselor who will help you FREE OF CHARGE prepare a proposal to send to your mortgage company to try to save your home**
- **You MUST attend the Conciliation Conference as scheduled in the Order you receive**

**\*\*\*If you do not appear, your house could be lost to foreclosure\*\*\***

For Additional Information about the Residential Mortgage Foreclosure Diversion Program go to  
<http://court.co.lancaster.pa.us/> or call 717-209-3290 or email [consumerdebtdiversionprograms@co.lancaster.pa.us](mailto:consumerdebtdiversionprograms@co.lancaster.pa.us)

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: \_\_\_\_\_

Signature of Plaintiff/Counsel \_\_\_\_\_

Address of Plaintiff/Counsel \_\_\_\_\_

Tel. No. of Plaintiff/Counsel \_\_\_\_\_

# EXHIBIT 19

**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: \_\_\_\_\_

# EXHIBIT 20

**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 \$400,00 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: \_\_\_\_\_

# EXHIBIT 21

**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 said property as of the date of the filing of the mortgage foreclosure complaint as set forth in Paragraph 1.
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: \_\_\_\_\_