



STATE OF NEW YORK
UNIFIED COURT SYSTEM
EIGHTH JUDICIAL DISTRICT

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ANN PFAU
Chief Administrative Judge

MICHAEL V. COCCOMA
Deputy Chief Administrative Judge
Courts Outside New York City

PAULA L. FEROLETO
District Administrative Judge
Eighth Judicial District

ANDREW B. ISENBERG, ESQ.
District Executive

July 22, 2010

Dear Counselor:

It has been six months since the enactment of the amended foreclosure legislation, the issuance of my administrative order directing the preparation of an affirmation if a case is not eligible for a settlement conference, and the issuance of the Settlement Conference RJI. We are continuing to observe a number of issues with the motion papers submitted, which delays the processing of applications and, in some cases, results in unnecessary conferences. Please review and address the list of concerns below. **Any new foreclosure RJI's received after August 15, 2010 which do not meet the standards of this Court will be returned for correction before the matters will proceed.**

- The Settlement Conference RJI indicates that the matter is settlement conference eligible, but the affirmation of counsel indicates it is not. If a case is not settlement conference eligible, the standard RJI should be used.

- The Affirmation is vague as to why a case is not settlement conference eligible. The Affirmation must provide a specific reason (i.e. mortgagor is deceased/estate, tax or mechanic's lien foreclosure, commercial property, vacant property, empty lot, rental property, not intended to be homeowner occupied, etc.). If the reason is that the premises are not owner occupied, the Affirmation must also state the efforts that were taken to determine same. The mere fact that the homeowner was served at a location other than the property address is not sufficient.

- The Settlement Conference RJI indicates that the loan is subprime, non-traditional or high-cost; however, the underlying papers indicate a traditional loan. The Settlement Conference RJI loan type must reflect the same loan as indicated in the underlying documents.

- Settlement Conference RJI's are being submitted without the underlying papers. Please include the underlying documents so that the Court can review and prepare prior to the conference.

Thank you for your continued cooperation as we work through this process.

Very truly yours,

A handwritten signature in black ink that reads "Paula L. Feroleto".

HON. PAULA L. FEROLETO
District Administrative Judge
Eighth Judicial District

PLF/lmc
Enc.



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PAULA L. FEROLETO
District Administrative Judge
Eighth Judicial District

ANDREW B. ISENBERG, ESQ.
Executive Assistant

ADMINISTRATIVE ORDER

Pursuant to the authority vested in me as Administrative Judge of the Eighth Judicial District, I hereby order that any Request for Judicial Intervention involving a Residential Mortgage Foreclosure Action that is not eligible for a settlement conference required by CPLR 3408, must be accompanied by an affirmation stating the reasons said action is not subject to the provisions of the Banking Law, Real Property Actions and Proceeding Law and Civil Practice Law and Rules providing for the conduct of such conferences.

This Order is effective immediately.

HON. PAULA L. FEROLETO
Administrative Judge
Eighth Judicial District

DATED: March 3, 2010

cc: Eighth Judicial District Supreme and County Chief Clerks
Eighth Judicial District County Clerks