

***Residential Foreclosure Part***  
***TEMPORARY RULES DURING COVID-19***

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Supreme Court, Queens County  
88-11 Sutphin Boulevard  
Jamaica, NY 11435  
Room 22A  
Email: [QSCFCP@nycourts.gov](mailto:QSCFCP@nycourts.gov)  
Phone: (718) 298-1092

**CONFERENCE DAYS**

The Residential Foreclosure Part (Part FC-E) shall sit **VIRTUALLY** on Mondays, Tuesdays, and Wednesdays before a Court Attorney-Referee.

Servicer calendars (FC-S) shall sit **VIRTUALLY** on Wednesdays before a Court Attorney-Referee.

The Residential Foreclosure Part (Part FC) shall sit **VIRTUALLY** on Thursdays and Fridays before Court Attorney-Referee Daniel Gordon.

The Settlement Conference calendar will be held remotely in a Microsoft Teams meeting, **and can be accessed by clicking the following link:** [\*\*FSCPART\*\*](#)

No in-person appearance is required. Attorneys and litigants must have access to Microsoft Teams and a working microphone and camera. The camera shall be turned on during any appearance before a Judge or Court Attorney-Referee.

All appearing attorneys must be fully familiar with the facts and procedural history of the case, its present status, and authorized to dispose of the case and have immediate telephone and electronic mail access to their client to respond to case-related questions from the court during the conference.

Hearings (Tolling, Lack of Good Faith, etc.) from the Residential Foreclosure Parts will be referred to Justice Lance Evans for determination.

Administrative Order 157/20 conferences, which must be conducted prior to any further proceedings, will be scheduled when a request for the conference is submitted.

Click the following link to access the form:

**[Administrative Order 157/20 Request Form](#)**

Administrative Order 157/20 conferences will be held remotely in a Microsoft Teams meeting, **and can be accessed by clicking the following link: [AO Conf Part](#)**

Status conferences (Status Conference Part F) will be held remotely in a Microsoft Teams meeting on Tuesdays at 11:00 a.m., **and can be accessed by clicking the following link: [Status Conference-SCF](#)**

Status conferences (Foreclosure Master Status Calendar) will be held before Justice Lance Evans and will be scheduled by Justice Evans.

NON-APPEARANCE Status conferences will be calendared on Thursdays for internal clerical status updates.

**PART RULES**

These rules apply to those actions that are subject to CPLR §3408 and other residential foreclosure legislation.

1. All residential foreclosure actions that are filed should include the following language in the Complaint: whether this action involves a residential, one-to-four family, owner-occupied property upon which the mortgage is considered sub-prime, high-cost or nontraditional; whether plaintiff has served the homeowner with a ninety (90) day notice pursuant to the current legislation in effect; and that plaintiff is the holder of the Note and Mortgage, or that it has a current, valid assignment of the Note and Mortgage.
2. When applicable, upon filing the affidavit of service of the Summons and Complaint with the Queens County Clerk, plaintiff must submit a Request for Judicial Intervention (RJI) for a Settlement Conference in Residential Foreclosure Actions.
3. Pursuant to CPLR §3408, this Part shall conduct a mandatory settlement conference for the purpose of holding settlement discussions pertaining to the relative rights and obligations of the parties under the mortgage loan

documents, including, but not limited to: determining whether the parties can reach a mutually agreeable resolution to help the defendant avoid losing his or her home, evaluating the potential for a resolution in which payment schedules or amounts may be modified or other workout options may be agreed to; and for whatever other purposes the court deems appropriate.

4. **Poor Person Applications:** At the initial conference, any defendant appearing pro se shall be deemed to have made a motion to proceed as a poor person, and the court shall determine whether such permission shall be granted. If the court appoints counsel for the defendant, the court will adjourn the conference to a date certain for the appearance of counsel and settlement discussions pursuant to subdivision (a) of CPLR §3408, and otherwise proceed with the conference.
5. **Appearance by the Parties:** At any conference held pursuant to CPLR §3408, the plaintiff, until further notice, shall appear virtually, and if appearing by counsel, such counsel shall be fully authorized to dispose of the case. The defendant shall appear virtually or by counsel. If the defendant is appearing pro se, the court shall advise the defendant of the nature of the action and his or her rights and responsibilities as a defendant.
6. Defendant pro se does not waive his or her jurisdictional defenses by appearing at the foreclosure conference. Any and all statements made, whether oral or written, and any and all information exchanged at the conference, shall be solely for the purposes of resolution and settlement and shall not be deemed to be admissions of any party with respect to the underlying action.
7. Plaintiff should attend the conference prepared to discuss the servicer of the loan, loan amount, reinstatement amount, payoff amount, whether the lender is subject to the Making Homes Affordable program and whether there are any investor restrictions applicable to the loan. Plaintiff may be asked to provide evidence of the status of defendant's modification paperwork and should have telephone or virtual access to its client to address any of the Court's issues. Plaintiff should be aware that a case may be adjourned numerous times at the Court's discretion in order for plaintiff to demonstrate compliance with the above. Plaintiff must provide the court with the following information: whether the foreclosure affirmation or

certificate of merit has been filed, whether an Answer has been served on plaintiff, whether a Preliminary Conference has been held, whether an Order of Reference has been signed, whether a Judgment of Foreclosure has been signed, and whether a previous action had been filed and discontinued or dismissed relating to this loan.

8. Defendant homeowner should attend the scheduled required housing counseling meeting. Defendant homeowners are strongly encouraged to go to a housing counseling agency and/or seek legal representation prior to attending the settlement conference.
9. Defendant must appear and be prepared for the settlement conference and also be prepared to discuss the following: whether the property is residential or commercial, defendant's financial status, the cause of defendant's default in paying the mortgage, whether this is defendant's primary residence, whether defendant desires to remain in the property, and provide documentation to the Court if requested, and to plaintiff to evaluate the possibility of a loan modification.
10. **Adjournments:** Either party may request **one** (1) adjournment of a matter, which will generally be granted by the Court. After the first adjournment, all further requests are in the Court's discretion. The Part may be contacted via email [QSCFCP@nycourts.gov](mailto:QSCFCP@nycourts.gov) or by telephone (718) 298-1092 to advise that an action has been settled, discontinued or otherwise disposed of, but the matter will not be marked off unless there is consent of both parties or a signed stipulation of settlement or discontinuance. **No adjournments will be granted via telephone.**
11. If an issue arises re: tolling of interest, lack of good faith, etc. during the Residential Foreclosure Conferences, either party may make an application to the presiding Court Attorney-Referee pursuant to CPLR §3408 and request the matter be referred to Hon. Lance Evans for a determination of the issue. Upon completion, the case will be referred back to the Residential Foreclosure Conference part for further proceedings.
12. **Further Proceedings:** If the Referee deems that a matter should proceed an Order will be issued indicating that the matter has not been settled and the parties may proceed with litigation. Any subsequent motions or applications will then be made to the assigned IAS Judge and should contain as exhibits a separate statement from the moving party, detailing whether the action

does or does not fit the criteria for inclusion in the Residential Foreclosure Program as well as a copy of the Attorney Affirmation pursuant to Administrative Order 431/11 or Certificate of Merit pursuant to Administrative Order 208/13. Additionally, any application submitted to the Court involving a foreclosure action, where a mandatory settlement conference was held pursuant to CPLR §3408 should contain a copy of the Residential Foreclosure Conference Order as an exhibit. If a party wishes to obtain information with regard to the status of the case, it may contact the Foreclosure Conference Part or access the computers in the Queens County Clerk's Office, or review the Queens County Clerk records via NYSCEF.

13. **Status Calendar Part F** - Upon the release of a conference from the Residential Foreclosure Part, the Foreclosure Referee will schedule the matter either for a Status Conference or a Preliminary Conference. If the parties wish to litigate and seek significant discovery and an Answer is served, the Referee will schedule the matter for a Preliminary Conference. In all other circumstances, the Referee will direct the plaintiff to proceed with litigation and will schedule a final Status Conference for compliance with the directive. The Referee will issue an Order scheduling the matter for a final Status Conference, indicating what documents, if any, must be filed by plaintiff. If plaintiff fails to comply with the Order without good cause, the matter may be adjourned in the Judge's discretion or dismissed without prejudice.
  
14. **Settled cases-** For all cases that are settled in the Foreclosure Settlement Conference Part, the Referee will issue an Order stating the matter is settled and directing the parties to file a Stipulation of Discontinuance with the Queens County Clerk within ninety (90) days of the conference Order. Failure to file the stipulation may result in further conferences.

Any questions should be directed to the Foreclosure Conference Part by email at [QSCFCP@nycourts.gov](mailto:QSCFCP@nycourts.gov) or by telephone at 718-298-1092.