

SUPREME COURT SUFFOLK COUNTY
Foreclosure Settlement Conference Part

NOTICE TO DEFENDANTS

This notice is directed to defendants in residential mortgage foreclosure actions.

You have received a letter from the Court directing you to appear here in the Foreclosure Settlement Conference Part in order to participate in a conference for the purpose of determining whether a settlement may be reached, and if so, upon what terms. The goal, if possible, is to reach a settlement -usually in the form of a loan modification - and to dispose of the action without a foreclosure.

The conference will be presided over by a Court Referee, designated by the Court for this purpose. The conference will also be attended by an attorney for the plaintiff - your adversary in this matter. The Court Referee may give instructions to the parties as each particular case requires. The conference may be adjourned one or more times at the discretion of the Court Referee in order to ensure that settlement possibilities are fully explored.

The settlement conference is not a forum for litigating the foreclosure action nor for making legal determinations about the merits of plaintiff's action or your defenses to it, if any.

You have likely been served with a summons and complaint by the plaintiff. You may or may not have served an answer to the complaint upon plaintiff and filed a copy with the Court. Failure to answer the complaint in a timely manner may have significant legal consequences. Your appearance at the settlement conference does not constitute an answer to the complaint. Please see the attached materials for details about serving and filing an answer.

As long as the action remains in the Foreclosure Settlement Conference Part, plaintiff may not move forward with the action against you. In the event the action cannot be settled here, or if you fail to follow instructions from the Court Referee, the action will be released from the Foreclosure Settlement Conference Part and will be assigned to a Supreme Court Judge. The foreclosure action may then move forward in the normal course.

You may ask the Court Referee questions about the process outlined here. The Court Referee may explain court rules and procedures to you. However, the Court Referee cannot provide you with legal advice.