

THIRTEENTH JUDICIAL DISTRICT
SUPREME COURT RICHMOND COUNTY
FORECLOSURE CONFERENCE PART RULES

To the extent dictated by the Covid19 Pandemic and Court Protocol thereto, until further notice, while all judges and staff are working in the courthouse in-person, appearances by attorneys and litigants for general proceedings regarding conferences, motions, etc in Parts 5, FCP and RFP, will take place remotely via Microsoft Teams unless an in-person appearance is directed by the judge.

Kindly direct Queries/Questions related to scheduling of specific cases and or the calendars to the clerk at 718 675-8632. For Email: RichRFP@nycourts.gov

Foreclosure conferences are governed by CPLR § 3408. The following are the Foreclosure Conference Part (FCP) Rules for Richmond County:

1. Settlement conferences will be conducted to assist the parties in the negotiation and implementation of loan modifications, repayment plans, short sales or deeds *in lieu* of foreclosure in accordance with CPLR § 3408 and in this Court's discretion.
2. Initial settlement conferences shall be held on designated Tuesday mornings at 9:30 a.m. at 26 Central Avenue in Room 440. There shall be NO ADJOURNMENTS of the initial settlement conference.
3. Subsequent settlement conferences are held every Tuesday at 2:30 p.m. and Thursdays at 9:30 a.m. at 26 Central Avenue in Room 440. Adjournments will only be granted **with prior approval of the Court and** on consent of all parties.
4. All actions in the Foreclosure Conference Part (FCP) shall remain there until this Court directs otherwise.
5. Plaintiff's counsel attending the conference must be fully familiar with the matter,

prepared to discuss all settlement options, and authorized to dispose of the case.

6. Plaintiff's counsel shall bring the loan payment history, an itemization of the amounts needed to cure and pay off the loan, the mortgage and note or copies of the same. If the Plaintiff is not the owner of the mortgage and note, the Plaintiff's counsel shall provide the name, address and telephone number of the legal owner of the mortgage and note.
7. Plaintiff's counsel MUST bring a foreclosure conference package listing the required documents for submission, as well as ALL documents relevant to the Borrower's settlement options, i.e. written copies of investor restrictions, pooling and servicing agreements.
8. Plaintiff's counsel shall provide the status of the Borrower's application for a loan modification at each and every conference, AND a **written** list, for the Court to review, of any missing/further documents necessary to complete the application process.
9. Plaintiff's counsel shall also provide direct contact information where a servicing agent with final settlement authority can be reached and where Borrowers can submit their documents. Plaintiff's counsel must be prepared to accept documents for submission at the court conference.
10. If directed by the Court, Plaintiff shall have a representative with final settlement authority available in person during the settlement conference to participate in negotiation and settlement discussions.
11. Borrowers shall bring to every FCP conference copies of all documentation sent to the Plaintiff's counsel and/or lenders, including but not limited to current

income tax returns, expenses, property taxes and previously submitted applications for loss mitigation; benefits information; rental agreements or proof of rental income; and any other documentation relevant to the proceeding including, but not limited to, proof of current income.

12. Borrowers must update, as directed by the Court, their financial documents while applications for loan modifications, repayment plans or other workout options are under review.
13. Parties will be required to respond within the time restrictions set by the Court.
14. A Borrower's repeated inability to provide a completed and updated financial package to the Plaintiff may result in release from FCP, in this Court's discretion.
15. If the modification(s) is denied, Plaintiff's counsel shall bring to the conference, for the Court's review, a denial letter AND any other document explaining the reason(s) for denial and the data input fields and values used in the evaluation. If the modification was denied on the basis of an investor restriction, the Plaintiff's counsel shall bring the documentary evidence which provides the basis for the denial.
16. All foreclosure actions in which the Plaintiff and Borrower have agreed to a trial modification shall be given a control date in FCP coinciding with the end of the trial modification period as directed by the Court.
17. Plaintiff's counsel shall provide a complete counter-signed copy of the permanent loan modification to the Borrower upon successful completion of a trial period and acceptance of the permanent modification by all sides within 30 days or as ordered by the Court.

18. Any motions made in FCP not related to party's compliance or the implementing of CPLR § 3408 shall be denied with leave to renew at the discretion of the Court pending completion of the settlement conferences and any adjourned dates.
19. Foreclosure actions will be released from FCP when:
 - a. The Borrower has failed to appear on two successive conferences upon due notice thereof, and/or;
 - b. The Court determines that a loan modification or other loss mitigation options are not available to or possible for the borrower, and/or;
 - c. The Plaintiff proves a property is vacant and abandoned per the requirements of S8159. In such cases, Plaintiffs shall service and maintain vacant and abandoned properties in accordance with all New York State Laws; and/or
 - d. The action has been in FCP for one year without settlement.
 - e. It is determined that the property is not owner occupied.
20. Any foreclosure action transferred from FCP to a Differentiated Case Management Part or the Residential Foreclosure Part will not return to FCP.
21. Where the parties reach a settlement and the loan is modified the plaintiff shall file either 1) Stipulation of Discontinuance; or 2) a Motion for Discontinuance within 60 days of the case being marked settled. Where the plaintiff fails to discontinue the action within 60 days this Court will deem the case abandoned under CPLR § 3404 from the date the settlement was reported to the Court.
22. Any questions should be directed to the Foreclosure Conference Part at 718-675-8632.