

THIRTEENTH JUDICIAL DISTRICT
SUPREME COURT RICHMOND COUNTY
FORECLOSURE CONFERENCE PART RULES

Foreclosure conferences are governed by CPLR § 3408, and in Richmond County, the following rules:

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. Settlement conferences are held every Tuesday and Wednesday at 2:30 p.m. and Fridays at 10:00 a.m. at 18 Richmond Terrace in Room 210. Adjournments will only be granted on consent and with prior approval of the Court.
3. All actions in the Foreclosure Conference Part (FCP) shall remain there until this Court directs otherwise.
4. Plaintiff's counsel attending the conference must be fully authorized to dispose of the case, bring a foreclosure conference package listing the required document submissions, including but not limited to, current payoff and reinstatement figures.
5. Plaintiff's counsel shall provide a status of the borrower's application for a loan modification, etc., and/or a written list of any missing/further documents necessary to complete the application process. Parties will be required to respond within the time restrictions set by the Court.
6. Plaintiff's counsel shall also be present with direct contact information where a

servicing agent with settlement authority can be reached and where defendants can submit their documents.

7. If directed by the Court, plaintiff shall have a representative with settlement authority available in person during the settlement conference to participate in negotiation and settlement discussions.
8. If a borrower appears without counsel at the initial conference and requests counsel, the Court may adjourn the conference, at its discretion, for the borrower to obtain legal representation.
9. Borrowers shall bring to every FCP conference, copies of their two most recent pay stubs or other proof of income, most recent tax returns, most recent property tax statements and utility bills. In addition, borrowers must bring photocopies of all documentation sent to the plaintiff's counsel and/or lenders at every FCP appearance.
10. Borrowers must update their financial documents at least every 60 days while applications for loan modifications, repayment plans or other workout options are under review, unless otherwise directed by the Court.
11. A borrower's repeated inability to provide a completed and updated financial package to the bank may result in release from FCP, in this Court's discretion.
12. All foreclosure actions in which the plaintiff and borrower have agreed to a trial modification, whether under the Home Affordable Modification Program (HAMP) or otherwise, shall be given a control date in FCP coinciding with the end of the trial modification period as directed by the Court.
13. Plaintiff's 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.

14. Any application for the tolling of interest, sanctions, or a bad faith review, shall be heard by the Presiding Judge on Fridays at 2:30 p.m. Application for such relief must be noticed to all sides, in writing, at least two weeks prior to the requested date. Prior court approval must be obtained.
15. Any motions to proceed with the foreclosure action shall be held in abeyance pending completion of the settlement conference and any adjourned dates.
16. 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 finds that a loan modification or other loss mitigation options are not available to the borrower
17. Any foreclosure action transferred from FCP to a Differentiated Case Management Part will not return to FCP.
18. Any questions should be directed to the Foreclosure Conference Part at 718-675-8573.