

STATE OF NEW YORK
UNIFIED COURT SYSTEM
THIRD JUDICIAL DISTRICT
2500 POND VIEW, SUITE 210
CASTLETON-ON-HUDSON, NY 12033
(518) 285-8300
FAX (518) 285-6169

LAWRENCE K. MARKS
Chief Administrative Judge

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

THOMAS A. BRESLIN
District Administrative Judge
Third Judicial District

BETH A. DIEBEL, ESQ.
District Executive

CHRISTY Q. BASS
Deputy District Executive

1.0 Applicability of These Rules

These Local Rules apply to all matters in the Foreclosure Settlement Part (“the Part”).

2.0 Communications

- A. **Contact Information.** Communications should be made via e-mail to 3JDforeclosurepart@nycourts.gov or telephone ([518] 285-8754). In Sullivan County only, communications should be made to sullivanforeclose@nycourts.gov or (845) 791-3582.#
a. Do not fax documents to the Third Judicial District office.#
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- B. **Copied Communication to Parties.** A copy of any communication to the Part must be provided to all parties.#
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- C. **Return Envelopes.** A party must submit a pre-paid, self-addressed return envelope to the Part when a party needs return of any orders, correspondence, or other documents.#
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3.0 Requests for Adjournments

ADJOURNMENTS ARE DISCOURAGED UNLESS ABSOLUTELY NECESSARY

- A. **Contact with the Part.** The requesting party should contact the Part either by email or telephone call requesting an adjournment, including a brief statement explaining why an adjournment is needed and a proposed date. The request for an adjournment should, whenever possible, be made at least one week prior to the scheduled conference date.#
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- B. **Consent.** The requesting party should state whether the opposing party consents to the potential adjournment. #
- C. **Decision on Request.** The court-attorney referee will advise the parties by e-mail of the decision on the adjournment request. #
- D. **Stipulations.** The parties cannot unilaterally stipulate to adjourn the conference and set a new date for the conference. The Part will not recognize such stipulations.
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- E. **Compliance.** The failure to comply with the adjournment process might result in the denial of your request.

4.0 Conduct at Conferences

- A. An attorney or homeowner should not engage in conduct that offends the dignity and decorum of proceedings or that is intended to or does disrupt the tribunal. #

5.0 Motions and Orders

- A. **Stipulation of Discontinuance & Notice of Cancellation Lis Pendens.** The parties should make all efforts to stipulate to discontinue and cancel lis pendens, or do so on notice where allowed by the CPLR, rather than making a motion to do so. When all parties are represented, and the case settles, the Court strongly prefers a stipulation of discontinuance and a notice of cancellation, in lieu of a motion to discontinue.
- B. **Release and Motion Due Date.** When the parties are unable to reach a settlement, the case will be released from the Part and assigned to an Individual Assignment System (“IAS”) justice. This release is conditioned on the requirement that the motion is filed by a specific date. If the lender requires additional time, they should request an adjourned date from the Part on notice to the homeowner.
- C. **Undue Delay.** Once the case is released from the Part, the lender must promptly prosecute the action to judgment. Failure to move the case forward may result in dismissal of the action.