

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY,
PENNSYLVANIA

In re: LOCAL RULES OF CIVIL COURT

MsD No. 09-40262

ADMINISTRATIVE ORDER OF COURT

AND NOW, this 15th day of September, 2009, it is hereby ordered and decreed that Local Rules of Court listed below pertaining to Civil Court, adopted March 12, 2008 are hereby amended:

- L 205.2 (b) Cover Sheet
- L 1034 (a) Motion for Judgment on the Pleadings
- L 1035 (a) Motion for Summary Judgment

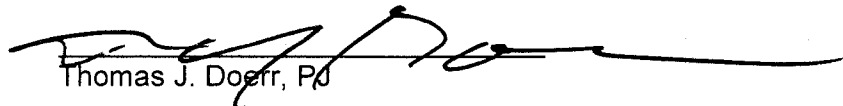
These amendments are effective thirty days after publication of this notice and the within Amendments to Local Rules in the Pennsylvania Bulletin.

It is further ordered and directed new Local Rules L 205.2(c), 402, 1141 (b), 1143, 1143.1, 3129.1 and 3256 are hereby *Adopted*. These Local Rules shall be effective thirty days after publication of this notice and the within Local Rules of Civil Procedure in the Pennsylvania Bulletin.

The Court directs the Court Administrator to:

1. File seven (7) certified copies of this Administrative Order and the within Local Rules of Civil Procedure with the Administrative Office of the Pennsylvania Courts.
2. File two (2) certified copies of this Administrative Order and the within Local Rules of Civil Procedure and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*
3. File one (1) certified copy of this Administrative Order and the within Local Rules of Civil Procedure with the Domestic Relations Procedural Rules Committee.
4. Forward one (1) copy of this Administrative Order and the within Local Rules of Civil Procedure to the administrative office of the *Butler County Legal Journal for publication*.
5. Forward one (1) copy of this Administrative Order and the within Local Rules of Civil Procedure to the Butler County Law Library.
6. Keep continuously available for public inspection copies of this Administrative Order of Court and the within Local Rules of Court in the Office of the Butler County Prothonotary, the Butler County Domestic Relations Section and the Office of the Court Administrator.

By the Court


Thomas J. Doerr, PJ

PROTHONOTARY'S
OFFICE - BUTLER CO.
CASE NO. 09-40262
FILED

2009 SEP 16 PM 2:57



BUTLER COUNTY LOCAL RULES OF CIVIL PROCEDURE

Rule L205.2 (b) COVER SHEET

Every pleading and other legal papers of two (2) or more pages shall have a cover sheet in substantially the following format:

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA CIVIL ACTION

PLAINTIFF
vs.
DEFENDANT

Case No.

Type of Document: _____

If this is a Complaint, designate whether the case is subject to Compulsory Arbitration (jurisdictional amount \$35,000) or not.

_____ amount in controversy does not exceed \$35,000

_____ amount in controversy exceeds \$35,000

_____ issues in case are not subject to Compulsory Arbitration

Does this complaint involve consumer credit card collection _____ Y _____ N

Does this complaint involve residential mortgage foreclosure proceedings _____ Y _____ N

Filed on behalf of _____ (Plaintiff / Defendant)

Counsel of record for this party _____ (Name of attorney primarily responsible)

Supreme Court I.D. No. _____

_____ (Firm Name, if any)

_____ (Address)

_____ (Phone)

_____ (Fax Number)

_____ (E-Mail Address)

RULE L205.2 (c) COVER SHEET

For all consumer credit collection cases and residential mortgage foreclosure proceedings, as designated on the civil cover sheet, no summons, complaint, pleading or other document used to commence a new residential mortgage foreclosure civil action or consumer credit collection action will be accepted for filing by the court of judicial records unless it is accompanied by a Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Form in the format set forth in the format following:

Date of Service: _____

Manner of Service: _____

By: _____

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

Plaintiff(s)

vs.

AD No.

Defendant(s)

**NOTICE OF CONSUMER CREDIT/RESIDENTIAL MORTGAGE
FORECLOSURE DIVERSION PROGRAM PURSUANT TO BUTLER COUNTY
LOCAL RULE OF CIVIL PROCEDURE L205.2 (b) AND L3129.1**

A Complaint in Consumer Credit or Mortgage Foreclosure has been filed with the Court that could cause you to lose your assets or home.

You may be able to participate in a court-supervised conciliation conference in an effort to resolve this matter with your lender.

If you do not have an attorney, you must take the following steps to be eligible for a conciliation conference. First, within ten (10) days of the date noted above, you must contact a counselor at phone number 888-511-2227, extension 108. The counselor is available to you AT NO CHARGE. The counselor will work with you to review your finances and attempt to work with your lender to try to resolve the claims in this lawsuit. Once you call this number, the counselor will schedule an appointment to meet with you to discuss your finances and credit situation. During that meeting you must appear, and you must provide the counselor with all requested financial information so that a loan resolution proposal can be prepared on your behalf. If you take these steps, the counselor will help you prepare and file a Request for Conciliation Conference with the Prothonotary. The request must be filed within thirty (30) days of the date as noted above. If you do so and a conciliation conference is scheduled, you must appear, and you will have an opportunity to meet with a representative of your lender in an attempt to work out reasonable arrangements with your lender before the lawsuit proceeds forward.

If you are represented by a lawyer, it is not necessary for you to contact one of the counseling agencies. However, you and your attorney must complete a financial worksheet in the format approved by the Court and available through the office of the Prothonotary or Court Administration or Butler County Website, www.co.butler.pa.us, so that you will be able to submit a loan resolution proposal to your lender. If you and your lawyer complete the financial worksheet within twenty (20) days of the date noted above, your lawyer will be able to file a Request for Conciliation Conference with the Prothonotary on your behalf so that a conciliation conference can be scheduled. The request must be filed within thirty (30) days of the date as noted above. At that time, you and your lawyer will meet with a representative of your lender in an effort to work out reasonable arrangements with your lender.

IF YOU WISH TO PARTICIPATE IN THIS DIVERSION PROGRAM, YOU MUST ACT QUICKLY AND TAKE THE STEPS REQUIRED BY THIS NOTICE. THIS PROGRAM IS FREE.

Respectfully submitted:

Date

(Signature of Counsel for Plaintiff)

RULE L-402 SERVICE OF NOTICE

Upon the filing of a residential foreclosure action, in addition to providing the Sheriff with a certified copy of the civil action to be served, the plaintiff shall also provide the Sheriff with a copy of the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program ". The Sheriff shall serve both the writ or complaint and the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" upon the defendants named in the litigation in accordance with Pennsylvania Rule of Civil Procedure 402 for service of original process. If the case involves a residential mortgage foreclosure action, in the event the Sheriff is unable to personally serve the defendants with the civil action papers and the Notice, the Sheriff shall post the residential mortgaged property, which is the subject of the residential mortgage proceeding, with the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program ". The Sheriff's return shall reflect the date and manner of posting said Notice on the property. For residential mortgage foreclosure actions, the posting of Notice on the residential property shall constitute service of said "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" upon the defendants for purposes of compliance with these local rules concerning the Consumer Credit or Residential Mortgage Foreclosure Diversion Program.

RULE L1034 (a) MOTION FOR JUDGMENT ON THE PLEADINGS.

(Italicized paragraph indicates amendment to existing local rule.)

(1) A motion for judgment on the pleadings shall be filed with the Prothonotary. A brief in support of the motion shall be filed at the same time as the motion for judgment on the pleadings is filed. Briefs for the non-moving parties shall be filed and served one (1) week prior to the scheduled submission or argument date.

As a condition precedent to the scheduling of a motion for judgment on the pleadings for court action in a consumer credit or residential mortgage foreclosure action involving a residential property, which serves as the primary residence of the defendant/borrower, the plaintiff/lender must file an Affidavit of Service indicating the manner and date of service of said notice upon the defendant/borrower. (form follows local rule L-1143(e))

(2) Upon the filing of motion for judgment on the pleadings, oral argument or submission without oral argument will be scheduled by the court. Any party may submit a request for argument on their motion for judgment on the pleadings. Upon receipt of a request for argument, a time for argument will be assigned for the scheduled submission date.

RULE L1035.2 (a) MOTION FOR SUMMARY JUDGMENT.

(Italicized paragraph indicates amendment to existing local rule.)

(1) A motion for summary judgment shall be filed with the Prothonotary. A brief in support of the motion shall be filed at the same time as the motion for summary judgment is filed. Briefs for the non-moving parties shall be filed and served no later than one (1) week prior to the scheduled submission or argument date.

As a condition precedent to the scheduling of a motion for summary judgment for court action in a consumer credit or residential mortgage foreclosure action involving a residential property, which serves as the primary residence of the defendant/borrower, the plaintiff/lender must file an Affidavit of Service indicating the manner and date of service of said notice upon the defendant/borrower. (form follows local rule L-1143(e))

(2) Upon the filing of motion for summary judgment, oral argument or submission without oral argument will be scheduled by the court. Any party may submit a request for argument on their motion for summary judgment. Upon receipt of a request for argument, a time for argument will be assigned for the scheduled submission date.

RULE L-1141 (b) CONSUMER CREDIT OR RESIDENTIAL MORTGAGE FORECLOSURE PROGRAM

In consumer credit or residential mortgage foreclosure proceedings, local procedural requirements shall apply to accomplish the implementation of the Consumer Credit or Residential Mortgage Foreclosure Diversion Program. Local rules affected in relation to residential mortgage foreclosure proceedings are as follows:

L205.2 (b)(c)

L1143 (a)(b)(c)(d)(e)

L402 (c)

L1143.1 (a)(b)(c)(d)(e)

L1034 (a)

L3129.1 (a)(b)(c)

L1035.2(a)

L3256

RULE L1143 COMMENCEMENT OF CONSUMER CREDIT OR MORTGAGE FORECLOSURE ACTION

(a) In all consumer credit and residential mortgage foreclosure actions involving a residential property, which serves as the primary residence of the defendant/borrower, the complaint must include a civil cover sheet which reports that the case involves a consumer credit or residential mortgage foreclosure action. In addition to the cover sheet bearing such indication, the complaint shall include a "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" in the format set forth in Local Rule 205.2

(b). Service of the complaint in such a consumer credit or mortgage foreclosure action shall include the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" form advising the defendant/borrower of the action to be taken by the defendant/borrower in order to participate in a court-supervised conciliation conference pursuant to local rules of court.

(b) If the defendant/borrower in a consumer credit or residential mortgage foreclosure action has taken the affirmative steps identified in the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" to be eligible to participate in a court-supervised conciliation conference under Butler County Local Rule of Civil Procedure (L.R.C.P. 1143.1), the defendant/borrower shall file a Request for Conciliation Conference in the format set forth below. The Request for Conciliation Conference shall be filed with the Prothonotary within thirty 30 days of service of the Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program and shall be served upon counsel for the plaintiff/lender. A copy of the Request for Conciliation Conference shall also be served upon the Court Administrator.

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

Plaintiff(s)

v s .

AD No.

Defendant(s)

REQUEST FOR CONCILIATION CONFERENCE

Pursuant to the local rules governing the Butler County Consumer Credit or Residential Mortgage Foreclosure Diversion Program, the undersigned hereby certifies as follows:

1. This action involves consumer credit, or the Defendant is the owner of the residential property if this is mortgage foreclosure action;
2. If a residential mortgage foreclosure action, Defendant lives in the subject property, which is defendant's primary residence;
3. Defendant has been served with a "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" and has taken all of the steps required in that Notice to be eligible to participate in a court-supervised conciliation conference under Butler County L.R.C.P. 1143.1.

The undersigned verifies that the statements made herein are true and correct. I understand that false statements are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Signature of Defendant/Defendant's Counsel

Date

Person who Plaintiff should contact to discuss status of case and options to resolve:

Name _____

Office _____

Relationship to Defendant _____

Address _____

Phone _____

E-Mail _____

Fax # _____

(c) Upon receipt of the Request for Conciliation Conference, the Court Administrator shall issue a case management order as required by Butler County Rule Civil Procedure L-1143.1 (c). Conciliation conferences shall be scheduled and conducted in conformity with Butler County Rule of Civil Procedure L-11431.1, et seq.

(d) Service of process.

1. Upon the filing of a consumer credit or residential mortgage foreclosure action, in addition to providing the Sheriff with a certified copy of the civil action to be served, the Plaintiff shall also provide the Sheriff with a copy of the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program ". The Sheriff shall serve both the writ or complaint and the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" upon the defendants named in the litigation. If the case involves a residential mortgage foreclosure action, in the event the Sheriff is unable to personally serve the defendants with the civil action papers and the Notice, the Sheriff shall post the residential mortgaged property, which is the subject of the residential mortgage foreclosure proceeding, with the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program". The Sheriff's return shall reflect the date and posting of said Notice on the property. For residential mortgage foreclosure actions, the posting of Notice on the residential property shall constitute service of said "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program" upon the defendants for purposes of compliance with the local rules concerning the Consumer Credit or Residential Mortgage Foreclosure Diversion Program.

2. For cases filed prior to the effective date of this rule where original service of the complaint has been previously completed, the notice may be served by certified mail to the record address of the Defendant or to Defendant's counsel of record, if any. The date of service shall be the date when the certified mail is delivered to Defendant or Defendant counsel: If no original service of the complaint has been completed, service of the notice shall be as per L1143(d)(1).

(e) Before action will be scheduled for consideration before the assigned judge or for arbitration, the plaintiff/lender must file an Affidavit which discloses the date and manner of service of the "Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program"; whether or not the defendant/borrower has opted to participate in the Consumer Credit Residential Mortgage Foreclosure Diversion Program; and if the defendant/borrower has opted to participate in a court-supervised conciliation program, whether or not any Case Management Order proceedings or conciliation conferences are pending, and whether or not there is a present court-ordered stay in effect. The format for said affidavit is as follows:

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

Plaintiff(s)

vs.

AD No.

Defendant(s)

**AFFIDAVIT OF SERVICE AND STATUS PURSUANT TO
BUTLER COUNTY RULE OF CIVIL PROCEDURE
L-1143 (e) AND L-1034 (a) 1 AND L-1035.2 (a) (1) AND L-3129.1 (b) AND L-3256
STATUS OF CONSUMER CREDIT OR RESIDENTIAL MORTGAGE
FORECLOSURE DIVERSION PROGRAM**

I, _____, counsel for Plaintiff, in the above action,
(name)

do hereby certify that on _____ the Defendant(s) were served with
(date)

"Notice of Consumer Credit or Residential Mortgage Foreclosure Diversion Program by
_____, and that:
(method of service and by whom)

- (1) 30 days have passed since service of the Notice;
- (2) The Defendant(s) have not filed a Request for Conciliation Conference (Butler County Rule of Civil Procedure L-1143); or
- (3) If a Request for Conciliation Conference has been filed, no Case Management Order proceeding or conciliation conferences are pending, and there is no present Court ordered Stay in effect.

Respectfully submitted,

(date)

(counsel)