

**MINUTES OF THE
BENCH – BAR FORECLOSURE COMMITTEE MEETING
FRIDAY, MAY 14, 2010**

Handouts to Committee Members: Agenda; Draft of Minutes of September 30, 2009 meeting; copy of Committee Report form JD-CV-75 with addition re conveyance tax; copy of Attorney Bendett's proposed Standing Order; Standing Order forms (JD-CV-79 and JD-CV-104); Legal Services Memo dated May 12, 2010 re RRR.

Members in attendance: Hon. Douglas C. Mintz, Chair, Hon. Salvatore Agati, Attorney Ronald M. Bender, Attorney Adam L. Bendett, Attorney Jessica L. Braus, Attorney Denis R. Caron, Attorney Thomas J. Farrell, Attorney Robert F. Frankel, Attorney Keith Fuller, Attorney Jeffrey S. Gentes, Attorney Peggy George, Attorney Richard M. Leibert, Attorney Geoffrey Kent Milne, Hon. Barry Pinkus, Attorney Raphael L. Podolsky, Attorney Sarah Poriss, Attorney Thomas W. Witherspoon, Attorney Louis C. Zowine.

The Hon. Douglas C. Mintz, Chair called the meeting to order at 2:02 p.m.

1. Approval of Minutes of September 30, 2009 Meeting - Motion to approve the minutes of the September 30, 2009 meeting was made and the minutes were approved.

2. Guest Speaker – US Attorney Julie Turbert – IRS Liens and Discharge Procedures

Attorney Turbert provided the committee members with IRS Publication 783 (Rev. 3-2005) regarding the procedures for obtaining a Certificate of Discharge of Property from Federal Tax Lien. She reviewed the process and the benefits of obtaining the discharge. A brief question and answer session followed her presentation.

3. Amendment of Committee Report to include calculation of conveyance tax

A copy of the Committee Report, as revised to include the calculation of the conveyance tax, was provided to the committee members. Discussion ensued regarding various problems in calculating the tax. It was suggested that a checkbox be added to the form for indicating that the buyer is exempt from the conveyance tax.

4. Discussion of Foreclosure Mediation Program

Roberta Palmer, Manager of the Foreclosure Mediation Program began a discussion of concerns surrounding the mediation sessions. Various concerns include the obtaining of information from homeowners for lenders in a timely manner and the need to update that information at a later time, privacy laws regarding reinstatement figures, length of time it takes to mediate, interpretation of the mediation standing orders and filing of motion to terminate the mediation. Members were given Roberta Palmer's phone number so that any problems can be discussed directly with her. It was noted that the Foreclosure Mediation Program figures indicate that 60% of the homeowners going through the mediation process are staying in their homes.

Standing Orders Discussed

Adam Bendett addressed the issue of notice to a non-appearing first mortgagee in a condo foreclosure action. He provided the members with a re-draft of the proposed standing order. After a brief discussion a motion was made to table this issue. All were in favor.

5. Status conferences via telephone

There was a request that status conferences concerning foreclosure cases be by telephone. After a brief discussion it was determined that the cases referred to were older cases that the various courts were checking on the status of the proceedings. Therefore, it was determined that whether this could be done by phone or not was up to each particular court; however, a hearing on the record is probably required.

6. Motion for Supplemental Judgment Form

A motion was made to table this issue. All were in favor.

7. Foreclosure Advertising on the Judicial Website

Comments regarding the advertising were solicited from the members. It was suggested that the committees should be encouraged to upload pictures to the advertisements and that the courts should authorize the committee to go to the property to take a picture. It was noted that the costs for advertising in the newspapers has decreased. It was also suggested that we look into having different language available for the posting of an ad for partition actions.

8. USPS Electronic Signature on Return Receipt

A copy of a Legal Services memo regarding various statutes and practice book rules that refer to "return receipt requested" was provided to the committee

members. The interpretation of these statutes and rules is within the discretion of the judicial authority.

A motion was made that the meeting be adjourned. The motion was seconded and passed. Meeting adjourned at 3:52 P.M.