

# DRAFT

## MINUTES

### FORECLOSURE PROCESS SUBCOMMITTEE MEETING FEBRUARY 7, 2008 at 2:00 pm

Members in attendance: Hon. Arthur Hiller, Atty Robert Frankel, Atty Richard Leibert, Atty Denis Caron, Atty Gene Melchionne, Atty Ronald Bender, Atty Rafie Podolsky, Atty Gary Sklaver, Atty Keith Fuller, Atty Peggy George  
The meeting was chaired by Attorney Robert Frankel in the absence of Hon. Barry Pinkus.

1. 2:10 pm Attorney Frankel called the meeting to order and welcomed the members to the meeting. Each member introduced themselves.

Handouts: Attorney Frankel submitted a list of 3 suggested proposals on behalf of Attorney Zowine and Attorney Podolsky submitted a multi-page list of changes to foreclosure procedures.

2. Goal of subcommittee: To take up ideas that come forward today. Further suggestions for changes should be emailed to Judge Pinkus and will be circulated for discussion at a later meeting.

Members discussed issues concerning motions for default for failure to appear or plead, notice of default to defendants, filing of motion for judgment and preliminary statement of debt. As a result of these discussions the members arrived at four suggestions to present to the Bench and Bar Foreclosure Committee for consideration, as follows:

A. Develop a “special statement” to be annexed to the complaint setting forth the right of parties in plain language.

B. No motion for judgment to be filed before 45 days after the return date in foreclosure actions.

C. Have as a standing order, or make a rule change, that upon the filing of a motion to open judgment which would include a statement that the committee and appraisers fees will be paid upon approval by the court, and payment of filing fee, the judgment order is automatically vacated without the need for the plaintiff to go to court.

D. That the Preliminary Statement of Debt on mortgage foreclosures be itemized by category by principal, interest, per diem, escrow advances and corporate advances.

3. Other matters: Any other issues should be emailed to the members. Suggest further meetings be scheduled from 3:00 to 5:00 pm.

Meeting adjourned at approximately 4:15 pm.