

## **FORECLOSURE MEDIATION PROGRAM ADJOURNMENT POLICY**

The adjournment policy for the Foreclosure Mediation Program is as follows:

### **A. GENERAL REQUIREMENTS**

1. The party requesting an adjournment of a foreclosure mediation session must notify all participants (homeowner/borrower, HUD/NJHMFA-certified housing counselor and legal counsel to the parties) to a foreclosure mediation session of the request for an adjournment. The lender's attorney is responsible to communicate notice of a request for an adjournment and any adjournment granted to the lender or lender's servicer.
2. All adjournment requests must be in writing. If the consent of all participants cannot be obtained, the written adjournment request must explain why consents could not be obtained and whether a conference call was held with the requesting party and the party whose consent was not obtained.
3. A written request for adjournment of a scheduled foreclosure mediation session must state:
  - a. which party is requesting the adjournment;
  - b. the reason for it; and
  - c. three suggested dates that counsel, the homeowner and housing counselor are available for a re-scheduled the foreclosure mediation session.
4. Adjournment requests are to be mailed, faxed or hand delivered to the vicinage Civil CDR Point Person whose name, address and telephone number appear on the notice scheduling foreclosure mediation.
5. All adjournment requests require the vicinage General Equity judge's, or his or her designee's, approval.
6. Barring exceptional circumstances, foreclosure mediation sessions will not be adjourned because of a lender's loss mitigation representative's unavailability. When a case is reached for foreclosure mediation session, the lender's loss mitigation representative must appear either in person or by telephone.

### **B. FIRST SCHEDULED FORECLOSURE MEDIATION SESSION WITH NO PENDING SHERIFF'S SALE OR EXTANT STAY OF SHERIFF'S SALE**

7. The vicinage Civil CDR Point Person is designated to act for the vicinage General Equity judge to handle first scheduled foreclosure mediation sessions adjournment requests and may grant an adjournment of the first scheduled foreclosure mediation session for a period not exceeding one (1) month from the originally scheduled date.
8. Requests for adjournment should be made as soon as the need is known, but in no event, absent exceptional circumstances, shall a request for adjournment be made later than four business days prior to the scheduled foreclosure mediation session date.

9. At the time a foreclosure mediation session is adjourned, the mediation session must be rescheduled for a specific date and time.

10. The homeowner/borrower, attorneys and housing counselor must call the vicinage Civil CDR Point person at least two business days prior to the scheduled foreclosure mediation session to confirm whether or not the adjournment was granted. Homeowners/borrowers, attorneys and housing counselors should not assume that the adjournment will be granted. The Civil CDR Point person is not responsible to make this confirming telephone call.

**C. SECOND SCHEDULED FORECLOSURE MEDIATION SESSION WITH NO PENDING SHERIFF'S SALE OR EXTANT STAY OF SHERIFF'S SALE**

11. Section B paragraphs 8, 9 and 10 are repeated and restated.

12. All second adjournment requests require the vicinage General Equity judge's approval. Requests for second adjournments shall be communicated to the General Equity judge through the Civil CDR Point Person.

**D. FORECLOSURE MEDIATION SESSION WITH PENDING SCHEDULED SHERIFF'S SALE OR WITH EXTANT STAY OF SHERIFF'S SALE ORDER**

13. Section B paragraphs 8, 9 and 10 are repeated and restated.

14. All such adjournment requests require the vicinage General Equity judge's approval.

15. Homeowners/Borrowers are responsible to obtain any stays of the sheriff's sale necessary to participate in the foreclosure mediation program in the event a scheduled or re-scheduled foreclosure mediation session is set later than the adjourned sheriff's sale date. Homeowner/borrowers must request the two statutory stays that Sheriffs are authorized to make before requesting a judicial stay from a General Equity judge.

16. When a homeowner/borrower requires a sheriff's sale adjournment to (1) allow a scheduled foreclosure mediation session, or (2) allow an adjourned foreclosure mediation session, or (3) allow a further adjournment of a foreclosure mediation session, the sheriff's sale stay may, when both parties agree, be arranged by a consent order staying the sale (without any supporting pleadings) rather than by a notice of motion.

17. Absent a consent order, the homeowner/borrower must apply for a stay by notice of motion after requesting and obtaining two permitted statutory stays from the sheriff.

**E. EMERGENCY SITUATIONS**

18. Emergency situations will be handled on a case by case basis.

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