NOTICE TO THE BAR

RESIDENTIAL MORTGAGE FORECLOSURES – (1) COMMENTS SOUGHT ON DECEMBER 20, 2010 EMERGENT RULE AMENDMENTS; (2) SUSPENSION OF DEADLINES FOR FILING CERTIFICATIONS OF DILIGENT INQUIRY IN PENDING CASES

The Supreme Court in its January 31, 2011 order published with this notice seeks public comment on the emergent amendments to Rules 1:5-6, 4:64-1 and 4:64-2 that the Court adopted by order dated December 20, 2010. The Court adopted those amendments in light of irregularities in the residential foreclosure practice as reported in sworn testimony before Congress and in depositions in New Jersey and other states, which were presented to the Court in a submission by Legal Services of New Jersey. While the emergent nature of those amendments did not provide the opportunity for public comment prior to the Court's action, the Court now is seeking public comment on those rule amendments.

Any written comments on the December 20, 2010 rule amendments should submitted by **February 28, 2011** and should be directed to the following address: Hon. Glenn A. Grant, Acting Administrative Director of the Courts, Comments on Mortgage Foreclosure Rule Amendments, Hughes Justice Complex, P.O. Box 037, Trenton, New Jersey 08625-0037. Comments also may be submitted by e-mail to Comments.mailbox@judiciary.state.nj.us.

The Court's December 20, 2010 order also required (a) with regard to uncontested residential mortgage foreclosure cases pending judgment as of that date that plaintiff's counsel within sixty days file a certification of diligent inquiry as specified therein, and (b) with regard to uncontested residential mortgage foreclosure cases in which judgment was entered but no sale of the property had occurred as of that date that plaintiff's counsel within forty-five days file a certification of diligent inquiry as specified therein. The Court has determined to extend those two deadlines for filing certifications of diligent inquiry pending this comment period and the Court's consideration of any comments received. This extension also is set forth in the Court's order of January 31, 2011, which accompanies this Notice. The Court's order notes, however, that such certifications of diligent inquiry are still required to be filed in order for pending actions to proceed to judgment or sale and therefore are to be filed in such instances notwithstanding the indefinite extension of the time limits. Additionally, the requirements to include a certification of diligent inquiry with new residential mortgage foreclosure complaints, pursuant to Rule 4:64-1(a)(2), and with new motions to enter judgment in residential mortgage foreclosure complaints, pursuant to Rule 4:64-2(d), are not affected by the Court's order.

Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: January 31, 2011

SUPREME COURT OF NEW JERSEY

The Supreme Court by Order dated December 20, 2010 adopted emergent amendments to Rules 1:5-6, 4:64-1 and 4:64-2, with those amendments effective as of that date. The Court took that action in light of irregularities in the residential foreclosure practice as reported in sworn testimony before Congress and in depositions in New Jersey and other states, which were presented in a submission by Legal Services of New Jersey. The emergent nature of those amendments did not provide the opportunity for public comment on the amendments prior to the Court's action. The Court is now seeking public comment on those amendments consistent with the ordinary rule adoption process.

The December 20, 2010 rule amendments require inclusion of a certification of diligent inquiry with new residential mortgage foreclosure complaints, pursuant to Rule 4:64-1(a)(2), and with new motions to enter judgment in residential mortgage foreclosure actions, pursuant to Rule 4:64-2(d). Those requirements are not affected by the provisions of this Order.

In light of the public comment period, it is ORDERED that (a) the sixty-day time limit for plaintiff's counsel to file a certification of diligent inquiry in all uncontested residential mortgage foreclosure cases pending entry of judgment as of December 20, 2010, as set forth in the Court's Order of that date, is extended until further order, and (b) the forty-five day time limit for plaintiff's counsel to file a certification of diligent inquiry in all uncontested residential mortgage foreclosure cases in which judgment was entered but no sale of the property had occurred as of December 20, 2010, as set forth in that Order, is also extended until further order. As stated previously, certifications of diligent inquiry are still required to be filed in order for pending actions to proceed to judgment or sale and therefore are to be filed in such instances notwithstanding the above extension of time limits.

For the Court,

Chief Justice

Dated: January 31, 2011