

STATE OF INDIANA            )  
  )  
COUNTY OF MARION        )  
  )  
In Re Local Criminal Rules)

MARION CIRCUIT AND SUPERIOR  
COURTS

**Notice of Proposed New Local Rule, Finding Good Cause to Deviate from the Schedule for Amending Local Court Rules, and Requesting Comments**

The Judges of the Marion County Courts, pursuant to Trial Rule 81(D), now find that good cause exists to deviate from the schedule established by the Division of State Court Administration for the publishing of proposed new local rules and propose that the following new local court rule at LR49-TR85-231 be adopted in compliance with the provisions of Trial Rule 81. Accordingly, the Court issues the following proposed new local court rule and asks for comment from the bar and the public. Underlining indicates proposed additions and striking through indicates deletions.

Comments to this proposed local rule will be received through 4:30 PM on Friday, February 20, 2009 with an effective date of February 23, 2009. Comments to these proposed Local Rules should be e-mailed to the Office of the Court Administrator, c/o Glenn Lawrence, at [Glawrenc@indygov.org](mailto:Glawrenc@indygov.org), or mailed to:

Glenn Lawrence  
Office of the Court Administrator  
Marion County Circuit and Superior Courts  
200 East Washington St., Ste. T-1221  
Indianapolis, IN 46204.

All of the above is so ORDERED this 22nd day of January, 2009.

/s/ Robert R. Altice, Jr.\*  
Judge Robert R. Altice, Jr.  
Presiding Judge

\* Original signature on file with the Court.

**LR 49-TR 85 231**

**Mandatory Settlement Conferences in Mortgage Foreclosure Cases**

**1. Mandatory Settlement Conferences**

Pursuant to ADR Rule 1.1, in all owner-occupied residential mortgage foreclosure cases where service of process has been perfected, a settlement conference is mandatory. The settlement conference is to be completed within 90 days of the date service of process. An automatic stay of the proceedings shall be in effect, unless the settlement conference is vacated for good cause shown. Objections to the settlement conference shall be made in writing by any party within 15 days of the receipt of the Notice scheduling the conference. Notice shall be provided by the Court on the approved form of Notice as said Notice appears in Appendix A.

a. The conference shall be conducted in the county courthouse or at such other location as the parties may agree and attended either in person or by telephone. The conference may be facilitated by a judicial officer but the parties may proceed without a judicial presence. The Court shall provide adequate facilities for the parties to conduct such settlement conferences.

b. The homeowner or primary borrower shall attend the conference in person or by telephone. The lender's attorney shall mail the Court's notice of settlement conference and approved financial declaration form to the homeowner or primary borrower who shall complete the financial declaration form and mail it to the lender's attorney at least 7 days prior to the conference.

c. Both the lender's attorney and a lender representative with ultimate settlement authority shall attend the conference in person or shall be available by telephone if the conference is to be conducted by telephone.

d. The results of the settlement conference shall be reported to the Court, in writing, no later than 5 days after the completion of the conference. If no settlement conference takes place, lender's attorney shall file a statement indicating why it was not held.

e. Subordinate lien holders shall not be required to attend the settlement conference, but shall be notified of the outcome of the conference by regular mail within 5 days of the completion of the conference.

f. If no conference is conducted prior to the end of the 90 day period or if the homeowner or primary borrower fails to appear or agrees to waive the conference, the stay shall expire and the case shall proceed to disposition.

**LR49-84-231 232. EFFECTIVE DATE**

The effective date of these rules shall be March 1, 1999.