

Certificate of Readiness

[Rev. 12-10-04]

Case Caption _____ Case Number _____

I, having reviewed the above referenced case file, hereby certify each of the following 18 items:

- 1A. That I have compared the legal descriptions in the mortgage/complaint or cross-claim and the preliminary judicial report and both legal descriptions make sense (i.e. describe contiguous and connecting series of dimensions; identify the proper state city and county, etc.) **AND** both legal descriptions are substantially identical; **OR**
 - 1B. The legal description in the mortgage is incorrect and I have asserted a count for reformation of the mortgage; **OR**
 - 1C. The legal description in the preliminary judicial report is incorrect **AND** I have filed an endorsement correcting the error; **OR**
 - 1D. (Applicable only in cases where at least one party has not answered movant's claims) I will file an endorsement correcting the error and present it at the default hearing.
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- 2A. That I have reviewed the complaint or cross-claim and with regard to the promissory note and any loan modification there is a full legible copy of the promissory note and loan modification, if any, attached; **OR**
 - 2B. The reason for the omission is stated in the pleading and I have filed a sufficient affidavit of lost note and lost loan modification, if any; **OR**
 - 2C. (Applicable only in cases where at least one party has not answered movant's claims) The reason for the omission is stated in the pleading and I will file a sufficient affidavit of lost note and lost loan modification, if any, and will present it at the default hearing; **OR**
 - 2D. My client's claim does not involve a promissory note.
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- 3A. With regard to the interest rate of the promissory note, the note is a fixed rate note; **OR**
- 3B. The note is a variable rate note **AND** I have filed an up-to-date affidavit that details the interest rate changes during the relevant time period; **OR**

- 3C. (Applicable only in cases where at least one party has not answered movant's claims) I will file an up-to-date affidavit that details the interest rate changes during the relevant time period and present it at the default hearing; **OR**
 - 3D. During the relevant time period, the note has been at its minimum rate and no affidavit is necessary; **OR**
 - 3E. During the relevant time period, the interest rate has changed but my client seeks only the minimum rate and no affidavit is necessary; **OR**
 - 3F. My client's claim does not involve a promissory note.
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- 4A. With regard to the mortgage, there is a full recorded copy of the mortgage attached; **OR**
 - 4B. (Applicable only in cases where at least one party has not answered movant's claims) There is an unrecorded copy of the mortgage attached and I will present a full recorded copy at the default hearing; **OR**
 - 4C. There is an unrecorded copy of the mortgage attached and I have separately filed a full recorded copy of the mortgage, **OR**
 - 4D. My client's claim does not involve a mortgage.
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- 5A. With regard to the amount claimed to be due, the amount due that is pleaded in the complaint or cross-claim makes sense (i.e. the principal balance pleaded does not exceed the original principal balance; the principal balance pleaded reflects an appropriate decrease from the original principal balance of the loan if not a first payment default, etc.); **OR**
 - 5B. I have filed an affidavit that explains the pleaded amount due; **OR**
 - 5C. (Applicable only in cases where at least one party has not answered movant's claims) I will file an affidavit that explains the pleaded amount due and submit it at the default hearing.
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- 6. With regard to the parties named in the complaint or cross-claim, I have joined all parties with an interest in the property of which I am aware.
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- 7A. With regard to minor or incompetent parties, to the best of my knowledge none of the defendants in the case is a minor or incompetent; **OR**
 - 7B. Any minor or incompetent party has answered movant's claims; **OR**
 - 7C. A Guardian Ad Litem has been appointed for any minor or incompetent party.
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- 8A. With regard to the party seeking judgment:
- 1. That the party seeking judgment as named in the complaint or cross-claim is the holder of the note, holder of the loan modification, if any and the holder of record of the mortgage; **AND**
 - 2. Proof that the party seeking judgment is the current holder of the note is in the file; **AND**
 - 3. Proof that the party seeking judgment is the current record holder of the mortgage is in the file; **AND**

 - 4. Proof that the party seeking judgment is the current holder of the loan modification, if any, is in the file; **OR**
- 8B. (Applicable only in cases where at least one party has not answered movant's claims) Proof that the party seeking judgment is the current holder of the note, the current holder of the loan modification, if any, and the record holder of the mortgage will be submitted at the default hearing. **OR**
- 8C. I have filed a properly supported motion to substitute plaintiff/defendant; **OR**
- 8D. My claim does not involve a promissory note, loan modification, or mortgage.

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- 9A. I have examined the judicial reports that have been prepared for this case and the preliminary judicial report:
- 1. Has been filed; **AND**
 - 2. Has a proper monetary guaranty (i.e. at least for the first mortgage amount); **AND**
 - 3. Has proper conveyance information (i.e. details the last transfer); **AND**
 - 4. Lists debtors and creditors for each judgment lien; **AND**
 - 5. Consistently and correctly identifies the permanent parcel number of the subject property; **AND**
 - 6. Consistently and correctly identifies the address of the subject property; **AND**
 - 7. Has been signed by an appropriate officer of the title company; **OR**
- 9B. I have filed an endorsement to the title work to correct any deficiencies; **OR**
- 9C. (Applicable only in cases where at least one party has not answered movant's claims) I will file an endorsement to the title work to correct any deficiencies and present it at the default hearing;

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- 10A. Any final judicial reports;
 - 1. Have been filed; **AND**
 - 2. Have a start date that matches the previous report's end date; **AND**
 - 3. Cover the lis pendens date; **AND**
 - 4. Have an effective date within six months of the date of the default hearing in cases where at least one party has not answered movant's claims or within six months of the date a response is due to the motion for summary judgment in cases where all parties have answered movant's claims; **AND**
 - 5. Consistently and correctly identify the permanent parcel number of the subject property; **AND**
 - 6. Consistently and correctly identify the address of the subject property; **AND**
 - 7. List debtors and creditors for each judgment lien; **AND**
 - 8. Have been signed by an appropriate officer of the title company; **AND**
 - 9. Show the final disposition of any cases other than the present case that appear on earlier title reports unless those earlier title reports show the final disposition of said cases; **OR**
 - 10B. I have filed an endorsement to the title work, have filed amended final judicial reports, or have filed supplemental final judicial reports to correct any deficiencies; **OR**
 - 10C. (Applicable only in cases where at least one party has not answered movant's claims) I will file an endorsement to the title work, have filed amended final judicial reports, or have filed supplemental final judicial reports to correct any deficiencies and present them at the default hearing;

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- 11. I have examined the service returns in the case file; and
 - A. Service has been perfected on all named defendants; **AND**
 - B. Except for parties served by publication, the "case parties" portion of the docket reflects a proper address for all parties or, if counsel has entered an appearance for a party, reflects a proper address for that party's counsel; **AND**
 - C. Except for parties served by publication, I have served all filings subsequent to the service of the complaint at a proper address for all parties or, if counsel has entered an appearance for a party, a proper address for that party's counsel.

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- 12A. No defendants have contested the allegations of the complaint; **OR**
 - 12B. I have filed a properly supported motion for summary judgment that addresses all of my client's claims or the contested claims are being otherwise litigated;
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13A. A motion for default judgment has been filed against all of the parties who are in default; **OR**

13B. All parties have answered movant's claims and no motion for default judgment is necessary.

14A. I have reviewed the bankruptcy records and there are no bankruptcies related to this case; **OR**

14B. A Chapter 7 or 13 bankruptcy has been filed and closed; **AND** proof that the bankruptcy has been closed **either** has been filed in this case; **or** (applicable only in cases where at least one party has not answered movant's claims) will be presented at the default hearing; **OR**

14C. A Chapter 13 bankruptcy has been filed and relief from stay has been granted to the party seeking judgment; **AND** proof that relief from stay has been granted **either** has been filed in this case; **or** (applicable only in cases where at least one party has not answered movant's claims) will be presented at the default hearing; **OR**

14D. A Chapter 7 bankruptcy has been filed and;

1. Relief from stay has been granted to the party seeking judgment or the debtor has been discharged; **AND**

2. The trustee has abandoned the property subject to this case; **AND**

3. Proof that relief from stay has been granted or the debtor has been discharged, and that the trustee has abandoned the property **either** has been filed in this case **or** (applicable only in cases where at least one party has not answered movant's claims) will be presented at the default hearing;

15. Service has not been perfected during a bankruptcy stay;

16. The case has not been filed during a bankruptcy stay.

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- 17A. For all parties who have not entered an appearance and are capable of serving in the United States Armed Forces, I have filed an affidavit that complies with 50 U.S.C. Appx. Section 521 (the Servicemembers' Civil Relief Act); **OR**
- 17B. (Applicable only in cases where at least one party has not answered movant's claims) For all parties who have not entered an appearance and are capable of serving in the United States Armed Forces I will file an affidavit that complies with 50 U.S.C. Appx. Section 521 (the Servicemembers' Civil Relief Act) and submit it at the default hearing; **OR**
- 17C. All parties have entered an appearance and no affidavit that complies with 50 U.S.C. Appx. Section 521 (the Servicemembers' Civil Relief Act) is necessary.
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18. Any dispositive motions were filed while the case was on the active docket of this court and do not violate any bankruptcy stays.
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I understand that if any of the above 18 requirements are not met as of the date of the default hearing in cases where at least one party has not answered my client's claims or as of the date a response is due to the motion for summary judgment in cases where all parties have answered my client's claims, my case will be dismissed without prejudice at my client's costs. I further understand that the above list does not contemplate all situations that may arise in all cases. Accordingly, I understand that even if all of the above 18 requirements are met, the case may not be ready for judgment.

Attorney for Party Seeking Judgment

Attorney's Printed Name and Bar Number

Order of reference in Foreclosure cases 1460

IT IS ORDERED BY THE COURT THAT THIS CAUSE BE REFERRED TO THE COURT MAGISTRATE TO TRY THE ISSUES OF LAW AND FACT ARISING THEREIN AND REPORT WITHOUT UNNECESSARY DELAY.

A PARTY SEEKING A DEFAULT OR SUMMARY JUDGMENT ON A CLAIM FOR FORECLOSURE MUST FILE A COMPLETED "CERTIFICATE OF READINESS" ALONG WITH THE PARTY'S MOTION FOR DEFAULT OR SUMMARY JUDGMENT. IF ANY OF THE REQUIREMENTS OF THE CERTIFICATE OF READINESS ARE NOT MET AS OF THE DATE OF THE DEFAULT HEARING IN CASES WHERE AT LEAST ONE PARTY HAS NOT ANSWERED MOVANT'S CLAIMS OR AS OF THE DATE A RESPONSE IS DUE TO THE MOTION FOR SUMMARY JUDGMENT IN CASES WHERE ALL PARTIES HAVE ANSWERED MOVANT'S CLAIMS, THE CASE WILL BE DISMISSED WITHOUT PREJUDICE. "CERTIFICATE OF READINESS" FORMS ARE AVAILABLE FROM THE MAGISTRATES' DEPARTMENT ON THE 10TH FLOOR OF THE JUSTICE CENTER.