



JUD. BR. Comm: 16-16
(HOUSE)

Supreme Court - THE JUDICIARY - COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

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Miguel S. Demapan
CHIEF JUSTICE

April 27, 2009



The Honorable Arnold I. Palacios
Speaker of the House
House of Representatives
Sixteenth CNMI Legislature
P.O. Box 500586
Saipan, MP 96950

and

The Honorable Pete P. Reyes
Senate President
The Senate
Sixteenth CNMI Legislature
P.O. Box 500129
Saipan, MP 96950

RE: *Proposed Addition to the Commonwealth Rules of Civil Procedure -
Dormant Docket for Mortgage Foreclosure Proceedings*

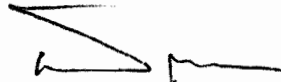
Dear Speaker Palacios and President Reyes:

With mortgage foreclosures increasing dramatically, the court would like to make some adjustments in its rules to allow extra time for parties, who so choose, to engage in negotiations and cure the default. This proposed mortgage foreclosure dormant docket rule permits the plaintiff to request that a mortgage foreclosure action be moved from the active docket to the mortgage foreclosure dormant docket where it may remain for up to twenty-four months, or more, for good cause shown. This is helpful because it frequently takes a substantial time for the process of negotiation and drafting of agreements under which the property owner may cure the alleged default and prevent foreclosure.

Pursuant to Article IV, section 9(A) of our Constitution, these proposed rules shall become effective 60 days from their submission to the Legislature, unless disapproved by a majority of either house of the legislature.

Please let me know if you have any questions or concerns regarding this proposed rule.

Sincerely,

A handwritten signature in black ink, appearing to read 'MIGUEL S. DEMAPAN', written over a horizontal line.

MIGUEL S. DEMAPAN
Chief Justice

Enclosure

xcs: Associate Justice Alexandro C. Castro
Associate Justice John A. Manglona
Presiding Judge Robert C. Naraja
Associate Judge David A. Wiseman
Associate Judge Ramona V. Manglona
Associate Judge Kenneth L. Govendo
Associate Judge Perry B. Inos
Maya Kara, President, CNMI Bar Association

Proposed Addition to the Commonwealth Rules of Civil Procedure

Rule 73. Dormant Docket for Mortgage Foreclosure Proceedings

(a) **PURPOSE.** To provide parties to a foreclosure action ample time to negotiate an agreement allowing the mortgagor to cure the alleged default and prevent full foreclosure of the subject property.

(b) **PROCESS.** A plaintiff may request by motion to the court that a foreclosure action be moved from the active docket to the mortgage foreclosure dormant docket, where it may remain for up to twenty-four (24) months.

(c) **REMOVAL TO ACTIVE DOCKET.** At any time while the action is on the mortgage foreclosure dormant docket, any party may request that the action be moved back to the active docket. If an action is moved from the mortgage foreclosure dormant docket to the active docket, it may not be transferred back to the dormant docket again unless approved by the court, upon good cause shown and on such terms and conditions as the court may establish.

(d) **DISMISSAL.** If an action has been pending on the mortgage foreclosure dormant docket for twenty-four (24) months, the court shall dismiss the action without further notice and without prejudice, unless prior to the dismissal a party seeks to extend the twenty-four (24) month period for good cause shown.

(e) **EXPIRATION.** This Rule shall expire five (5) years from the date it becomes effective, unless extended, or sooner if rescinded.