

**STATE OF VERMONT
VERMONT SUPREME COURT
DECEMBER TERM, 2008**

Order Promulgating Emergency Amendment to the Vermont Rules of Civil Procedure

Pursuant to Chapter II, Section 37, of the Vermont Constitution and 12 V.S.A. § 1, it is hereby ordered:

1. That Rule 80.1(b)(3) of the Vermont Rules of Civil Procedure be added to read as follows:

(3) Notice to be Served and Filed with Summons and Complaint. A copy of the notice appended to this paragraph must be served and filed as the top page of the summons and complaint in any action to foreclose a mortgage on a residence. If the notice is not incorporated, the clerk will not accept the complaint for filing under Rule 3, and the summons and complaint may not be served by an officer, attorney, or other authorized person under Rule 4.

NOTICE TO HOMEOWNER

**THIS IS A FORECLOSURE CASE AGAINST YOU. YOU
MAY LOSE YOUR HOME.**

THE VERMONT SUPREME COURT REQUIRES THAT THIS NOTICE BE
GIVEN TO YOU. THIS IS NOT LEGAL ADVICE.

TO BE INFORMED OF THE NEXT STEPS IN THE COURT CASE, YOU MUST GIVE THE COURT YOUR MAILING ADDRESS AS SOON AS POSSIBLE. THE COURT'S ADDRESS IS ON THE "SUMMONS" ATTACHED TO THIS NOTICE.

READ THE SUMMONS THAT IS PART OF THE PACKAGE OF PAPERS ATTACHED TO THIS NOTICE. IT EXPLAINS OTHER IMPORTANT INFORMATION ABOUT YOUR COURT CASE. YOU SHOULD ALSO TALK TO A LAWYER IF POSSIBLE.

TO GET **FREE HELP** IN WORKING WITH YOUR LENDER TO TRY TO KEEP YOUR HOME, OR IN DECIDING WHETHER YOU

CAN AFFORD TO KEEP YOUR HOME, YOU CAN CALL THE NUMBERS BELOW:

1. Vermont Homeownership Centers: (call the one closest to your residence)

Barre Office: 802-476-4493	www.cvcvt.org
Brattleboro Office: 802-246-2109	www.windhamhousingtrust.org
Burlington Office: 802-660-0642	www.getahome.org
Lyndonville Office: 802-535-3554	www.NEKHome.org
Rutland Office: 802-438-2303	www.nwwwvt.org
Springfield Office: 802-885-1856	www.raclt.org
St. Albans Office: 802-527-2361	www.getahome.org

2. Vermont Department of Banking, Insurance, Securities & Health Care Administration (BISHCA):

Tollfree Mortgage Assistance Program 1-888-568-4547

Reporters Notes—2009 Emergency Amendment

Rule 80.1(b)(3) is added as an emergency amendment to provide relief to homeowners faced with foreclosure in the present financial situation. The number of foreclosures has been increasing in Vermont as it has across the country. Resources are available through state and nonprofit agencies to assist homeowners in such cases. Most foreclosure defendants are unrepresented and may not be aware of these resources, or learn of them in time to take effective advantage of them. The amended rule will require plaintiffs filing residential foreclosure actions to include as the top page to be served with all foreclosure complaints the following notice (in the same format and font size), a copy of which must also be filed with the court. Failure to include the form will result in refusal of the summons and complaint for service and filing.

2. That this emergency amendment is prescribed and promulgated to become effective on January 1, 2009. The Reporter's Notes are advisory.

3. That the Court finds that this emergency amendment must be promulgated without resort to the notice and comment procedures set forth in Administrative Order No. 11, because it is necessary to provide relief to homeowners faced with foreclosure in the present rapidly developing financial situation. The Court's Advisory Committee on Rules for Civil Procedure is directed to consider and report to the Court pursuant to Administrative Order No. 11 by September 30, 2009, on any comments that may be received on this emergency amendment.

6. That the Chief Justice is authorized to report this emergency amendment to the General Assembly in accordance with the provisions of 12 V.S.A. § 1, as amended.

Dated in Chambers at Montpelier, Vermont, this 17th day of December, 2008.

Paul L. Reiber, Chief Justice

John A. Dooley, Associate Justice

Denise R. Johnson, Associate Justice

Marilyn S. Skoglund, Associate Justice

Brian L. Burgess, Associate Justice