

**Foreclosure Certification Addendum to Policy Approval Form**

I hereby certify to Stewart Title Insurance Company that I have read and understand Bulletins NY000371, NY000372, NY000460 and NY000461 and NY000465 and, in addition, have reviewed the full foreclosure action and all documents therein, and state that, to the best of my knowledge, this transaction is in full compliance with the said bulletins. Accordingly I verify as follows:

**Please initial verification**

I verify that all foreclosure requirements have been complied with \_\_\_\_\_.

I verify that all necessary parties have been named and served in the foreclosure. \_\_\_\_\_

I verify that the primary obligor(s) of the foreclosed mortgage have been personally served. \_\_\_\_\_

I verify that the foreclosing lender has record standing to pursue foreclosure. \_\_\_\_\_

I verify that the lender is not currently pursuing a deficiency judgment against the mortgagors. \_\_\_\_\_

I verify that the mortgagor subject to the foreclosure is not in possession of the property. \_\_\_\_\_

I verify that no governmental authority in the state in which the property is located has issued a demand or commenced litigation to halt foreclosures. \_\_\_\_\_

I verify that no class action suits seeking to overturn/enjoin foreclosures or REO sales have been commenced which may affect the instant transaction. \_\_\_\_\_

Title Number: \_\_\_\_\_

Agency Name: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

**FORECLOSURE REVIEW CHECKLIST**

**LIS PENDENS – Index No.** \_\_\_\_\_

Dated: \_\_\_\_\_ Filed: \_\_\_\_\_ (CPLR 650 and RPAPL 1331)

Supreme Court \_\_\_\_\_ County \_\_\_\_\_

Plaintiff \_\_\_\_\_ (Is plaintiff same as mortgagee of record or last assignee?)

\_\_\_\_ YES \_\_\_\_ NO (If NO, raise standing issues)

Metes and bounds same as mortgage \_\_\_\_ YES \_\_\_\_ NO

Was one of the owners served no later than 30 days following the filing of the Notice of Pendency? \_\_\_\_ Yes \_\_\_\_ No (CPLR 6512)

Were all defendants served within 120 days? \_\_\_\_ Yes \_\_\_\_ No

Was lis pendens extended by court order or new LP filed after three years? Date: \_\_\_\_\_ Date: \_\_\_\_\_ Date: \_\_\_\_\_

**SUMMONS AND COMPLAINT**

Dated: \_\_\_\_\_ Filed: \_\_\_\_\_

To Foreclose Mortgage? \_\_\_\_ Yes \_\_\_\_ No

Description same as LP? \_\_\_\_ Yes \_\_\_\_ No

Defaults? \_\_\_\_ Yes \_\_\_\_ No

Whole principal called due? \_\_\_\_ Yes \_\_\_\_ No

Does Summons contain notice required by RPAPL 1320? (1-3 family) \_\_\_\_ Yes \_\_\_\_ No (actions after 8/1/07)

Was notice on colored paper included with the summons (RPAPL 1303) (1-4 family was changed to residential property as of 1/14/10) \_\_\_\_ Yes \_\_\_\_ No (actions started on or after 5/5/10) (1-4 family)

Does the Complaint contain the certification regarding authority to foreclose and compliance with Banking Law section six-1, six-m, 595-a and RPAPL 1304? (RPAPL 1302) \_\_\_\_ Yes \_\_\_\_ No (actions after 9/1/08 for high cost or subprime loans)

Does the complaint contain an affirmative allegation that the plaintiff complied with RPAPL 1306? \_\_\_\_ Yes \_\_\_\_ No

Was the certificate of merit filed with the complaint? \_\_\_\_ Yes \_\_\_\_ No (CPLR 3012-b: residential foreclosure actions after 8/29/2013)

**AFFIDAVIT OF REGULARITY**

Dated: \_\_\_\_\_ Filed: \_\_\_\_\_

Shows no answer except: \_\_\_\_\_

Are any defendants an infant, incompetent or absentee? \_\_\_\_ Yes \_\_\_\_ No

**ORDER OF REFERENCE**

Dated: \_\_\_\_\_ Filed: \_\_\_\_\_

Ordered that \_\_\_\_\_ be appointed referee.

Directs that referee take proof of facts and circumstances in the Complaint? \_\_\_\_ Yes \_\_\_\_ No

**REFEREES REPORT OF AMOUNT DUE**

Finds amount due of \$ \_\_\_\_\_

Is proof of facts and circumstances taken? \_\_\_\_ Yes \_\_\_\_ No

**JUDGMENT OF FORECLOSURE AND SALE (RPAPL 1351)**

Dated: \_\_\_\_\_ Filed: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

Was Lis Pendens effective at least 20 days prior to judgment? \_\_\_\_ Yes \_\_\_\_ No (RPAPL 1331)

Directs Sale by: \_\_\_\_\_ (Same as referee? \_\_\_\_ Yes \_\_\_\_ No)

At \_\_\_\_\_ (Location of Sale)

Description same as LP? \_\_\_\_ Yes \_\_\_\_ No

Bars all defendants? \_\_\_\_ Yes \_\_\_\_ No

Directs notice of sale published in \_\_\_\_\_

Was a copy of Summons and Complaint mailed to defendant at his place of residence at least 20 days prior to entry of the default judgment CPLR 3215(g)(3)(iii)? \_\_\_\_ Yes \_\_\_\_ No

Judgment subject to following terms and conditions: \_\_\_\_\_

**REFEREE'S REPORT OF SALE**

Dated: \_\_\_\_\_ Filed: \_\_\_\_\_  
Premises sold to: \_\_\_\_\_ on \_\_\_\_\_ for \$ \_\_\_\_\_  
Assignment of Bid?  Yes  No Assigned to: \_\_\_\_\_  
Deficiency/Surplus: \$ \_\_\_\_\_  
Sale subject to: \_\_\_\_\_ (Should match JFS)

**NOTICE OF SALE**

Dated: \_\_\_\_\_ Filed: \_\_\_\_\_  
Served on all attorneys/defendants?  Yes  No  
Are descriptions correct?  Yes  No  
Date and time of sale: \_\_\_\_\_

**PROOF OF PUBLICATION (RPAPL 231)**

Newspaper \_\_\_\_\_ 4 weeks commencing \_\_\_\_\_  
Did the sale occur between the 28<sup>th</sup> and 35<sup>th</sup> day after the 1<sup>st</sup> publication?  Yes  No

OR

Newspaper \_\_\_\_\_ 3 weeks commencing \_\_\_\_\_  
Did the sale take place between the 21<sup>st</sup> and 28<sup>th</sup> day after 1<sup>st</sup> publication?  Yes  No

**PROOF OF POSTING (Property located wholly outside a city or incorporated village)**

3 public places in the Town of \_\_\_\_\_ Date Posted: \_\_\_\_\_  
Did the posting occur at least 28 days prior to the date fixed for sale?  Yes  No  
Additional Posting: If Auction held at courthouse in different Town from Property:  
3 public places in the Town of \_\_\_\_\_ Date Posted: \_\_\_\_\_  
Did the posting occur at least 28 days prior to the date fixed for sale?  Yes  No

**MISCELLANEOUS NOTES:**