

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO



IN RE:

MOTIONS FOR ENTRY OF
DEFAULT & DEFAULT
JUDGMENT IN FORECLOSURE
CASES

Civil (ADC)

STANDING ORDER

The Court has observed an increasing number of mortgage foreclosure cases filed under its diversity jurisdiction. The majority of these cases end in default judgments. To streamline the process for the parties and the Court, the Court hereby institutes the following standing order:

Plaintiff(s) are hereby notified that all requests it may make in its foreclosure case for entry of default and default judgment *must* be accompanied by the following completed checklist to ensure compliance with Federal Rules of Civil Procedure 4 (service of process), 4(i) (service upon the United States both in Puerto Rico and Washington, D.C.), 55 (default); Local Civil Rules 5(g) (translations), 55 (default); and, if applicable, Puerto Rico Rule of Civil Procedure 4.6 (summons by publication). All of the documentation referenced herein that relates to a motion for entry of default must be attached to a motion for entry of default. Likewise, all of the documentation referenced herein that relates to a motion for default judgment must be attached to a motion for default judgment. Cross-references to other docket entries are insufficient. Failure to comply will preclude the entry of default / default judgment and may result in sanctions.

I. Evidence of Notice

- Evidence of thirty-day notice to the borrower(s) prior to commencement of the foreclosure action.
- Proof of proper service of process on all defendants. Exhibit # ____.
 - If the United States is a party, proof of timely service upon both the United States Attorney in Puerto Rico *and* the United States Attorney General in Washington, D.C. *See* Fed. R. Civ. P. 4(i). Exhibit # ____.
 - For service by publication, plaintiff shall submit proof of publication *and* proof of timely certified mailing to defendant(s). *See* P.R. R. Civ. P. 4.6. Exhibit # ____.
- For Motions for Entry of Default: Statement/proof that a copy of the Motion for Entry of Default was notified to the defendant(s) and/or defendant's attorney. Exhibit # ____.
- For Motions for Default Judgment: Statement/proof that a copy of the Motion for Default Judgment was notified to the defendant(s) and/or defendant's attorney. Exhibit # ____.
 - Motions for Default Judgment also require proof that 14 days have elapsed, without response, since entry of default. Exhibit # ____.
- Affidavit/Declaration Under Penalty of Perjury as to each defendant's competency and military status. If a defendant is an entity, rather than an individual person, proof of competency and military status is not required.
 - Competency and/or military status can be attested to in the verified statement of account described below. Exhibit # ____.
 - Military status may also be proven by records obtained from the SCRA. Exhibit # ____.
 - If any of the defendants are minors or otherwise not competent, they *must* be represented by a guardian. Exhibit # ____.

II. Evidence of Claim

- Verified statement of account. Exhibit # ____.

This statement must contain:


- A signature from plaintiff's authorized representative.
- An accounting of:
 - The Principal due.
 - Interest due.
 - Any other amount claimed.
- Reverse Mortgages: Pursuant to the terms of the mortgage and/or HUD guidelines, plaintiff shall include proof of authorization from the Secretary of Housing and Urban Development to pursue the foreclosure action. Exhibit # ____.
- Original/certified copies of all relevant:
 - Promissory notes. Exhibit # ____.
 - Allonges. Exhibit # ____.
 - Mortgage Deeds. Exhibit # ____.
 - Loan modifications. Exhibit # ____.
- Certification from the Puerto Rico Property Registry or a verified title search, evidencing that all of the loans sought to be foreclosed upon, including loan modifications, are duly recorded. Exhibit # ____.

III. Other Requirements

- Plaintiff certifies that all of the required documents referenced above are entirely in English or accompanied by certified English translations. Local Civ. R. 5(g).
- For Motions for Default Judgment: Plaintiff shall submit a proposed order. Exhibit # ____.

SO ORDERED.

At San Juan, Puerto Rico, on this 16th day of May, 2019.


S/AIDA M. DELGADO-COLÓN
United States District Judge