ADMINISTRATIVE DIRECTIVE
OF THE
PRESIDENT JUDGE OF THE SUPERIOR COURT
OF THE STATE OF DELAWARE

NO. 2019-3

MORTGAGE FORECLOSURE
DORMANT DOCKET

This 5th day of November 2019,

WHEREAS, on October 27, 2008 this Court created a mortgage foreclosure dormant docket through Administrative Directive 2008-3 due to a thirty (30%) percent increase in the number of mortgage foreclosure complaints filed in Fiscal year 2008 over Fiscal year 2007;

WHEREAS, after a mortgage complaint is filed, the plaintiff and the defendant(s) sometimes engage in negotiations with a view toward arriving at an agreement under which the defendant(s) may cure the alleged default;

WHEREAS, the process of negotiating and performing such agreements may exceed the period during which an action may be pending without any proceedings having been taken therein under Superior Court Civil Rule 41(e); and

WHEREAS, on October 10, 2013, Administrative Directive 2013-4 was issued superseding Administrative Directive 2008-3 by amending and restating the creation of the mortgage foreclosure dormant docket and the placement or removal of an action on that docket in full;

NOW, THEREFORE, IT IS DIRECTED that Administrative Directive 2019-3 supersedes Administrative Directive 2013-4, which is hereby amended and

restated in full, as follows:

1.   A mortgage foreclosure dormant docket is hereby created.

2.   At any time after a mortgage foreclosure complaint is served, and the time for filing of answers by all defendants has passed, the plaintiff may request that the action be moved from the active docket to the mortgage foreclosure dormant docket. Such request may be in letter-style form addressed to the Prothonotary.[1] Upon receiving such a request, the Prothonotary shall move the action from the active docket to the dormant docket. The date of filing of the request for removal shall be deemed the date of removal.

3.   With respect to cases subject to Administrative Directive 2019-2, Automatic Residential Mortgage Foreclosure Mediation Program, a case shall not be moved to the dormant docket until after the time for filing an answer to the complaint has expired.

4.   At any time while an action is on the dormant docket, any party may request that the action be moved back to the active docket. Upon receiving such a request, the Prothonotary shall move the action from the dormant docket to the active docket. The date of filing of the request for removal from the dormant docket to the active docket shall be deemed the date of removal.

5.   After an action has been pending twenty-four months on the dormant docket, it will be dismissed without further notice, without prejudice, unless prior to

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[1] Electronically filed through the Superior Court's e-File system.

the expiration of the twenty-four month period, a party seeks to extend the twenty-four month period for good cause shown.

6.   If an action is moved from the dormant docket to the active docket, it may not be removed again from the active docket to the dormant docket, unless approved by the Court upon good cause shown and upon such terms and conditions as the Court may establish.

7.   This Administrative Directive shall apply to all mortgage foreclosure actions now pending or hereafter filed.

/s/   Jan R. Jurden
President Judge

oc: Prothonotaries
cc: Superior Court Judges
       Superior Court Commissioners
       Kathleen M. Jennings, Attorney General
       J. Brendan O'Neill, Public Defender
       Court Administrators
       Law Libraries
       File