

IN THE
SUPREME COURT
OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS



E-FILED
CNMI SUPREME COURT
E-filed: Jul 6 2009 1:57PM
Clerk Review: Jul 07, 2009
Filing ID: 25953077
Case No.: ADM-Administrative Orders
Jocelyn Castro Park

IN RE:
COMMONWEALTH RULES OF CIVIL PROCEDURE –
DORMANT DOCKET FOR MORTGAGE FORECLOSURE PROCEEDINGS

2009-ADM-0003-RUL

ADMINISTRATIVE ORDER

On April 27, 2009, the Chief Justice submitted the attached proposed rule of civil procedure entitled Dormant Docket for Mortgage Foreclosure Proceedings to the Commonwealth legislature for consideration. Pursuant to Article IV, § 9 of the Commonwealth Constitution, a proposed rule “shall become effective sixty (60) days after submission unless disapproved by a majority of the members of either house of the legislature.” Sixty days have elapsed since submission and neither house of the legislature has disapproved of the proposed rule. Accordingly, the proposed rule shall become effective immediately.

SO ORDERED this 6th day of July, 2009.

/s/

MIGUEL S. DEMAPAN
Chief Justice

/s/

ALEXANDRO C. CASTRO
Associate Justice

/s/

JOHN A. MANGLONA
Associate Justice

Proposed Addition to the Commonwealth Rules of



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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.