

**SUPERIOR COURT
OF THE
STATE OF DELAWARE**

JAMES T. VAUGHN, JR.
PRESIDENT JUDGE

**KENT COUNTY COURT HOUSE
38 THE GREEN
DOVER, DELAWARE 19901**

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

NO. 2008-3

**MORTGAGE FORECLOSURE
DORMANT DOCKET**

This 27th day of October, 2008,

WHEREAS, in Fiscal Year 2008 the number of mortgage foreclosure complaints filed with the Court increased by thirty (30%) per cent over Fiscal year 2007; and

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; and

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);

NOW, THEREFORE, IT IS DIRECTED that:

1. A mortgage foreclosure dormant docket is hereby created.

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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. 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.

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

5. 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.

6. This Administrative Directive shall apply to all mortgage foreclosure

¹ Electronically filed under the LexisNexis File and Serve system.

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actions now pending or hereafter filed.

7. This Administrative Directive will expire five years from the date hereof, unless extended, or unless sooner rescinded. If not extended, or if rescinded, actions then on the dormant docket will continue to be governed by the terms of this Administrative Directive, unless otherwise directed.

/s/ James T. Vaughn, Jr.
President Judge

oc: Prothonotaries
cc: All Superior Court Judges
Superior Court Commissioners
Court Administrator
Margaret Derrickson
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