

Table of Contents

CHAPTER 1. OVERVIEW OF MORTGAGE FORECLOSURE LAW IN PENNSYLVANIA

- § 1:2 History in Pennsylvania and foreclosure at law
- § 1:3 Action on the note and confession of judgment in Pennsylvania
- § 1:4 Right to possession, right to deficiency judgment, and foreclosure in equity
- § 1:5 Arrangements designed to avoid judicial mortgage foreclosure
- § 1:6 Types of mortgages: some definitions

CHAPTER 2. PENNSYLVANIA RULES OF CIVIL PRACTICE GOVERNING THE ACTION OF MORTGAGE FORECLOSURE (RULES 1141 THROUGH 1150)

- § 2:1 Definition; conformity to civil action
- § 2:2 Venue
- § 2:3 Commencement of action
- § 2:4 Parties; release of liability
- § 2:6 Pleading more than one cause of action
- § 2:7 Complaint
- § 2:8 Counterclaim
- § 2:9 Judgment; execution

CHAPTER 3. “ACT VI”—USURY AND CONSUMER PROTECTION

- § 3:2 Definitions
- § 3:3 Usury
- § 3:4 Residential mortgage interest rates and variable rate mortgages
- § 3:5 Statutory provisions affording special protection to residential mortgage borrowers—§§ 401 and 402
- § 3:6 Statutory provisions affording special protection to residential mortgage borrowers—§§ 403 and 404
- § 3:8 Attorney’s fees—§ 406
- § 3:13 New steps to provide consumer protection for residential mortgage borrowers [*New*]

CHAPTER 4. DEFENSES

- § 4:4 Statute of limitations defense
- § 4:5 Statute of frauds defense
- § 4:6 Other defenses
- § 4:8 Substantive defenses, including validity of instrument

- § 4:10 Bankruptcy
- § 4:11 Relief for those in military service
- § 4:12 Marital property
- § 4:13 Federally insured or guaranteed mortgages
- § 4:14 Counterclaims and set-offs
- § 4:15 Miscellaneous procedures and defenses

CHAPTER 5. EXECUTION OF JUDGMENT AND SHERIFF'S SALES

- § 5:1 Introduction: judgment; execution
- § 5:2 Conformity to rules governing money judgments
- § 5:4 Stay of execution; setting aside execution

CHAPTER 6. DEFICIENCY JUDGMENTS AND SATISFACTION OF JUDGMENT

- § 6:1 History
- § 6:2 Deficiency judgment act
- § 6:3 Section 8103(a)—General rule

CHAPTER 7. OTHER TYPES OF “FORECLOSURE”

- § 7:2 Actions of ejectment; quiet title proceedings
- § 7:6 Confession of judgment for money—Methods of proceeding
- § 7:7 Confession of judgment for money—Complaint
- § 7:10 Confession of judgment for money—Format
- § 7:11 Confession of judgment for money—Entry of judgment
- § 7:12 Confession of judgment for money—Amounts claimed

CHAPTER 8. PLANNING TO AVOID FORECLOSURE (DEVICES DESIGNED TO PROTECT THE LENDER BEFORE DISASTER STRIKES)

- § 8:1 Problems with deeds in lieu of foreclosure and forbearance agreements
- § 8:2 Wrap-around mortgages
- § 8:3 Acceleration and default
- § 8:4 Distinction between purchaser “assuming” mortgage from original borrower as opposed to “taking subject to” mortgage
- § 8:6 Prepayment
- § 8:8 Compulsory assignments
- § 8:9 Spectre of bankruptcy and defense afforded by automatic stay
- § 8:10 Assignment of rents (including in praesenti assignment)
- § 8:11 Subordination agreements
- § 8:13 Duties of mortgagor-borrower (and incidentally of lender)

TABLE OF CONTENTS

**CHAPTER 9. RECORDING; PRIORITY OF
LIENS; ASSIGNMENT OF MORTGAGES;
DISCHARGE AND SATISFACTION;
MARSHALLING**

- § 9:1 Recording
- § 9:3 Lien priorities
- § 9:4 Assignments
- § 9:5 Discharge, release, and satisfaction

**CHAPTER 10. “ACT XCI”—HOMEOWNER’S
EMERGENCY ASSISTANCE**

- § 10:1 Generally
- § 10:3 Notice
- § 10:4 Eligibility for assistance

CHAPTER 11. FORMS

- § 11:10 Writ of execution; mortgage foreclosure
- § 11:11 Confession of judgment where action commenced by complaint
- § 11:12 Praecipe for writ of execution; certification
- § 11:24 Form of satisfaction piece required by § 721-5 *[New]*
- § 11:25 Notice to record Mortgage Satisfaction Piece to avoid penalty
[New]
- § 11:26 Settlement Officer Satisfaction *[New]*

Appendices

- Appendix B. Act VI—Definitions
- Appendix E-1. Amended Act XCI *[New]*
- Appendix E-2. Homeowner Assistance Settlement Act *[New]*
- Appendix J. Mortgage Loan Industry Licensing and Consumer
Protection Act, 7 P.S. §§ 6101-6153 *[New]*

Table of Laws and Rules

Table of Cases

Index