

**MINUTES**  
**SUPPLEMENTAL JUDGMENT SUBCOMMITTEE**  
**MAY 7, 2008 at 3:00 pm**

Members in attendance: Hon. Douglas Mintz, Atty Sarah Poriss, Atty Geoffrey Milne, Atty Therese Servas, Atty Peggy George

At 3:12 pm Judge Mintz called the meeting to order. Handout: Document listing items to exclude from debt calculation and documents needed for debt calculation.

**I. Requirements of Supplemental Judgment**

**A. Debt Calculation –**

Committee members discussed items to be included and excluded from the calculation of the debt. The items should be standardized. It was suggested that real estate taxes and insurance premiums be prorated and that the judge read into the record the interest rate from the note and what the interest rate is if it is adjusted. It was also suggested that any affidavit regarding attorneys' fees include the amount of time being billed. Other items that may or may not be included in the debt calculation are the over-night mail fee, the property inspection fee and the pre-payment penalty.

**B. Documents needed for debt calculations and verification:**

Committee members discussed the need for a copy of the note and an updated affidavit of debt. It was suggested that these documents be required by the standing orders.

**II. Preparation of Supplemental Judgment**

Attorneys submit a proposed supplemental judgment with the motion for supplemental judgment which often requires changes at the time the court enters the judgment. It was suggested that in addition to the proposed judgment that is submitted with the motion, that counsel submit an electronic version that could be corrected by the clerk at the time of entry of judgment. It was also noted that the judgment must include the addresses of all the parties; therefore, the standing orders should require that the addresses be submitted to the court.

**III. Universal Motions for Supplemental Judgment**

Plaintiff needs to have Supplemental Judgment that takes care of all money deposited with the court before the money will be disbursed. Committee members discussed whether it is the plaintiff's responsibility, and whether there could be a notice that lienors have to appear and claim the amount of their debt or waive it within thirty days. Attorney Milne will report on this issue to the Bench – Bar Foreclosure Committee at the upcoming meeting.

As a result of the subcommittee discussions, the Supplemental Judgment Subcommittee will recommend to the Bench and Bar Foreclosure Committee that the items as set forth in the handout be part of the standard procedures for supplemental judgment.

Meeting adjourned at 4:32 p.m.

Exclusions from Debt calculations: Supplemental Judgments

No credit line maintenance

No BPO

Only prepaid real estate taxes up until the committee closing

Only prepaid insurance premiums up to the date of the committee sale

Other exclusions:

Documents needed for debt calculation/verification by Clerk

Copy of note

Updated affidavit of debt that clearly lists:

- interest rate - annual and per diem
- per diem \$ amount of interest
- number of days in calculation from date of judgment of fcl/sale to 20 days after date of supplemental judgment (state date span)
- **principal** amount of debt (not the judgment amount entered at the judgment of foreclosure by sale)
- date of the **Committee's closing** (not the auction sale date)
- if insurance premium reimbursement is claimed, need doc re amount of premium and dates of coverage
- if tax reimbursement is claimed, need doc re amount of taxes paid and term covered by that payment

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Supplemental judgment (or Further Supplemental Judgment) doc that can be electronically corrected

Addresses of all parties as listed in the complaint (not agents for service)

The Motion for Supplemental Judgment should address all parties that may be eligible for payment on disbursement. Ideally, no money should be left behind. Documentation regarding the defendants that are due payments and/or are not eligible should be submitted at the first motion.