



INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY

Instructions (revised December 14, 2010)

As required by IC §32-30-10.5-8, as amended by Section 3 of House Enrolled Act No. 1122, effective January 1, 2011 for mortgage foreclosures filed after June 30, 2009, creditors must take the following actions:

Pre-Suit Notice

1. Send a Pre-Suit Notice in the form prescribed by the Indiana Housing and Community Development Authority (the "Authority") and posted on www.ihcda.in.gov and www.877gethope.org to the debtor, by certified mail.
2. Creditors must reproduce the Pre-Suit Notice onto one (1) single-sided page of standard white, 8½" by 11" paper. The Pre-Suit Notice is intended to be printed in black and white.
3. Creditors must complete the blanks on the Pre-Suit Notice by inserting:
 - street address of the mortgaged property;
 - name of the debtor as it appears on the mortgage and note;
 - name of the creditor that holds the mortgage; and
 - date on which the Pre-Suit Notice was served.
4. Creditor may not alter the Pre-Suit Notice form in any other way, including removing the seal of the State of Indiana.
5. The Pre-Suit Notice must be sent to the address of the mortgaged property, or the last known mailing address of the debtor if creditor's records show the debtor's mailing address is other than the mortgaged property address.
6. The mailing containing the Pre-Suit Notice should omit any other creditor communication that might cause an "unsophisticated consumer" to be misled about the purpose of the Pre-Suit Notice or the affiliation between the creditor and the Authority.
7. With certain exceptions stated in the statute, creditors may not file an action for foreclosure on or after July 1, 2009, until at least thirty (30) days after sending the debtor the completed Pre-Suit Notice by certified mail.

Settlement Conference Notice

1. With certain exceptions, creditors that file an action for foreclosure on or after July 1, 2009, shall include with the complaint served on the debtor a Settlement Conference Notice in the form prescribed by the Authority.
2. Include with the complaint served on the debtor a Settlement Conference Notice in the form prescribed by the Authority and posted on www.ihcda.in.gov and www.877gethope.org.
3. Creditors must reproduce the Settlement Conference Notice onto one (1) single-sided page of standard white, 8½" by 11" paper. The Notice must be printed in color; provided, however, that if a court generates and mails the Settlement Conference Notice (such as in an e-filing county), the Notice need not be printed in color.

4. Creditors must complete the “Date of Notice” blank and insert the name of debtor on the “Printed Name” blank.
5. Creditor may not alter the Settlement Conference Notice form in any other way, including removing the seal of the State of Indiana.
6. The mailing containing the Settlement Conference Notice should omit any other creditor communication that might cause an “unsophisticated consumer” to be misled about the purpose of the Settlement Conference Notice or the affiliation between the creditor and the Authority.