



INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY

Instructions (revised June 15, 2011)

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

As required by IC §32-30-10.5-8, as amended by Section 8 of Senate Enrolled Act No. 582, effective July 1, 2011 for mortgage foreclosures filed after June 30, 2009, creditors must take the following actions:

1. Include as the first page of 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.

2. Creditors must reproduce the Settlement Conference Notice onto single-sided pages of standard white, 8½” by 11” paper. The Settlement Conference Notice is intended to be printed in black and white.
3. Creditors must complete the blanks on the Settlement Conference Notice with the applicable information, and may not otherwise alter the Settlement Conference Notice.
4. With certain exceptions, creditors that file an action for foreclosure after June 30, 2009, but before July 1, 2011 shall include with the complaint filed with the court a copy of the Pre-Suit Notice and a Settlement Conference Notice in the form prescribed by the Authority.
5. Creditors that file a foreclosure action after June 30, 2011 must include with the complaint filed with the court a copy of the Pre-Suit Notice and the following most recent contact information for the debtor that the creditor has on file:
 - (i) All telephone numbers and electronic mail addresses for the debtor.
 - (ii) the last known mailing address of the debtor if the creditor's records indicate that the mailing address of the debtor is other than the address of the mortgaged property.The contact information provided is confidential.