

**STATE OF VERMONT
VERMONT SUPREME COURT
DECEMBER TERM, 2011**

**Order Extending or Making Permanent Emergency Amendments to the
Vermont Rules of Civil Procedure**

Pursuant to the Vermont Constitution, Chapter II, Section 37, and 12 V.S.A. § 1, it is hereby ordered:

1. That Rule 80.1(b)(3) of the Vermont Rules of Civil Procedure, promulgated as an emergency amendment on December 17, 2008, effective January 1, 2009, and extended for two years until December 31, 2011, by order of December 10, 2009, effective January 1, 2010, be extended for an additional two years until December 31, 2013.

Reporter's Notes—2012 Amendment

The emergency amendment to Rule 80.1(b)(3) was promulgated on December 17, 2008, effective January 1, 2009, with a direction that the Advisory Committee report on any comments received by September 30, 2009, and was extended for two years until December 31, 2011, by order of December 10, 2009, effective January 1, 2010. The amendment requires a notice informing defendants in residential foreclosure cases of free resources available to assist them in trying to arrange to keep their homes, or, where appropriate, make the most favorable arrangements for selling the homes and paying off the debt. The rule continues to be beneficial in the current home mortgage foreclosure situation and is thus extended for two more years.

2. That Rule 80.1(g)(2) of the Vermont Rules of Civil Procedure, promulgated as an emergency amendment on December 21, 2010, effective on that date, be made permanent.

Reporter's Notes—2012 Amendment

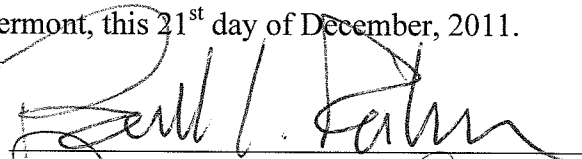
Rule 80.1(g)(2), promulgated as an emergency amendment on December 21, 2010, effective on that date, to provide additional protections for foreclosure defendants, is now made permanent. See Reporter's Notes to 2010 emergency amendment. The Civil Rules Committee was asked to report to the Court by September 30, 2011, on any comments received on this amendment. No public comments were received, but the continued issues concerning inaccuracies in the work of mortgage lenders and servicers in foreclosure cases that have been reported make it appropriate to adopt a permanent rule.

3. That the Court finds that the extension of the emergency amendment of Rule 80.1(b)(3) without resort to the notice and comment procedures set forth in Administrative Order No. 11 is necessary in order to continue to provide relief to homeowners faced with foreclosure in the present financial situation. The Court's Advisory Committee on Rules of Civil Procedure is directed to recommend to the Court by September 30, 2013, whether the amendment should be further extended.


4. That Rule 80.1(b)(3) as extended is prescribed and promulgated to take effect January 1, 2012. That the order making Rule 80.1(g)(2) permanent is prescribed and promulgated effective February 20, 2012. The Reporter's Notes are advisory.

5. That the Chief Justice is authorized to report these amendments to the General Assembly in accordance with the provisions of 12 V.S.A. § 1, as amended.


Dated in Chambers at Montpelier, Vermont, this 21st day of December, 2011.



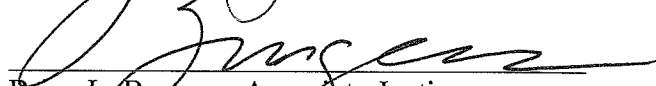
Raul L. Reiber, Chief Justice




John A. Dooley, Associate Justice



Marilyn S. Skoglund, Associate Justice



Brian L. Burgess, Associate Justice



Beth Robinson, Associate Justice