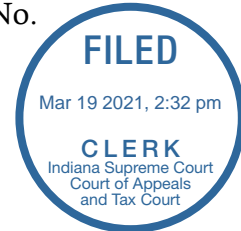


In the Indiana Supreme Court

In the Matter of Administrative Rule 17
Emergency Relief for Indiana Trial Courts
Relating to the 2019 Novel Coronavirus
(COVID-19).

Supreme Court Case No.
20S-CB-123



Order

In emergency orders issued under Indiana Administrative Rule 17 from March 23 through May 29, 2020, this Court directed that, among other things, “no interest shall be due or charged during [a] tolled period” spanning March 23 through August 14, 2020.

The Federal National Mortgage Association (“Fannie Mae”) and the Federal Home Loan Mortgage Corporation (“Freddie Mac”) have petitioned for clarification of those orders, joined by a supporting brief from several mortgage and banking associations. Broadly, Petitioners assert that to avoid several constitutional concerns, our orders should be understood to apply only “where Court action . . . establishes the right to interest and the amount thereof”—and not “to curtail the accrual of interest provided by Petitioners’ private mortgage contracts.” The petition further alleges that trial courts in four mortgage-foreclosure cases have, contrary to Petitioners’ interpretation, prohibited recovery of interest due under mortgage contracts during the tolled period.

At bottom, Petitioners are impermissibly seeking to bypass the regular appellate process by invoking our non-adjudicative authority “to supervise the administration of all courts of this state” on which our emergency orders were based. Admin. R. 17. One “cardinal principle of the judicial function is that courts should not issue advisory opinions,” *Snyder v. King*, 958 N.E.2d 764, 786 (Ind. 2011)—particularly when not all affected parties are before the Court with opportunity to be heard. *City of Indianapolis v. Indiana State Bd. of Tax Comm’rs*, 261 Ind. 635, 638, 308 N.E.2d 868, 870 (1974), quoting *Brewington v. Lowe*, 1 Ind. 21, 24 (1848). Any of the four complained-of cases are (or were) opportunities to adjudicate this issue on appeal; we see no reason that remedy is inadequate here.

Being duly advised, the Court DENIES the “Petition Requesting Clarification and Confirmation Regarding Administrative Rule 17 Emergency Relief Orders’ Scope of Interest Curtailment.”

Done at Indianapolis, Indiana, on 3/19/2021.

A handwritten signature in black ink that reads "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana

All Justices concur.