

Sixth Judicial Circuit
Residential Mortgage Foreclosure Mediation Program
Fact Sheet

DETAILS: All terms used in this Fact Sheet, copies of required forms and the procedures for Residential Mortgage Foreclosure Mediation Program are explained in Sixth Judicial Circuit Administrative Order No. 2010-025 PA/PI-CIR

www.jud6.org/LegalCommunity/LegalPractice/AOSAndRules/aos/aos2010/2010-025.htm

Program Participation

- Automatic referral to mediation for cases filed on or after July 1 & meeting these conditions:
 - ✓ Homestead property (occupied by the borrower)
 - ✓ Loan subject to provisions of federal Truth in Lending Act
 - ✓ Parties have not completed qualified pre-suit mediation
 - ✓ Both lender & borrower have not agreed in writing to opt out of the program
- Cases meeting criteria & filed prior to July 1, if Motion to Participate is filed & granted

Program Manager

- Mediation Managers, Inc., 13700 58th St. North, Suite 207, Clearwater 33760
- Phone: 877-644-1217
- E-Mail: info@mediationmanagersinc.com
- Principals: Attorney/Mediators J. Richard Rahter, Jon C. Kieffer & Jack L. Townsend, Sr.
- Other information: <http://www.mediationmanagersinc.com/>

Cost of Program

- \$750 (payment of \$400 at filing & payment of \$350 when mediation scheduled)
- \$750 covers cost of administration, foreclosure counseling, first mediation session and second session (if required)
- Additional charge of \$350 if more than two mediation sessions are required
- All fees initially paid by lender to Program Manager
- Program fees may be a cost that is applied at final judgment if mediation is not successful
- Pro-rated schedule of refunds when the Foreclosure Mediation Program is not completed

Program Manager Responsibilities

- Confirm filing & receipt of a copy of Plaintiff's Certificate (Form A) showing program eligibility
- Promptly determine automatic program eligibility
- File Notices of Ineligibility (when applicable) within 10 days of determination
- Inform participating borrowers of their rights and responsibilities, including the right to consult with an attorney
- Refer participating borrowers to foreclosure counselors (on rotating basis)
- Receive borrowers' financial disclosure documents (participation requires one of three forms)
- Promptly transmit financial disclosure form to lender
- Promptly transmit borrowers' proper requests for information from lenders

- Receive information from lenders and promptly transmit such information to borrowers
- Schedule mediation within 60-120 days of filing of complaint and issue appropriate notices
- Select mediators on a rotation basis from list of certified mediators
- Refund fees according to schedule for eligible cases that do not complete program

Lender and/or Lender's Attorney Responsibilities

- File a verified foreclosure complaint
- File verified Plaintiff's Certificate (Form A)
- Submit appropriate fees
- Respond within five business days to Borrower's Request for Lender's Disclosure
- Attend mediation session with full authority to settle case

Borrower Responsibilities

- Meet with foreclosure counselor to whom they have been referred
- Complete & file required financial disclosure form
- Submit Notice of Borrower's Request for Lender's Disclosure (if desired)
- Attend mediation session (with attorney, if represented)

Attorney Liaisons

- Must be designated by attorneys representing same lender in five or more cases
- One program liaison must be an attorney
- Second program liaison must be representative of lender or lender's mortgage servicing entity
- Liaisons must be readily accessible for administrative and logistical issues

Cases Not Eligible for Managed Mediation Program

- Either party may request mediation under the Civil Mediation Program already in effect
- Non-managed mediation is encouraged, but it must be requested
- Available for pre- & post-July 1 cases involving non-homestead and commercial property
- Foreclosure Mediation Program is an "opt out" plan, and existing Circuit Civil Mediation is "opt

in"