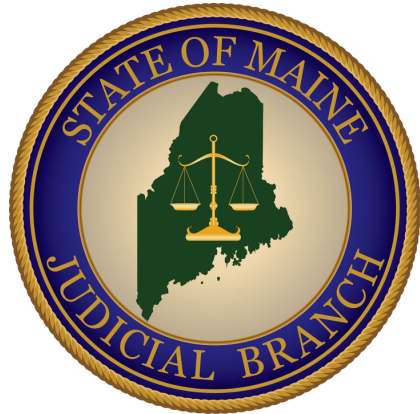


**STATE OF MAINE  
JUDICIAL BRANCH**



**FORECLOSURE DIVERSION PROGRAM**

Report to the Joint Standing Committee on  
Insurance and Financial Affairs and  
the Joint Standing Committee on Judiciary

128<sup>th</sup> Legislature

February 12, 2018

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**STATE OF MAINE  
JUDICIAL BRANCH  
FORECLOSURE DIVERSION PROGRAM**

**REPORT TO  
THE JOINT STANDING COMMITTEE  
ON INSURANCE AND FINANCIAL SERVICES  
AND  
THE JOINT STANDING COMMITTEE  
ON JUDICIARY**

**128TH LEGISLATURE**

**February 12, 2018**

**Executive Summary**

The Foreclosure Diversion Program (“FDP”) has operated statewide in the Maine courts since 2010. The FDP affords a valuable opportunity for parties in foreclosure cases to meet early in the court process to discuss possible settlement alternatives.

The FDP has provided nearly 15,000 mediation sessions in almost 9,000 foreclosure cases since 2010. To date, 59% of the cases mediated have concluded in dismissal of the action, thereby saving those homes from foreclosure.

In 2017, the need for mediation remained strong. The number of new foreclosure cases filed in Maine state courts averaged approximately 200 cases per month, for a total of 2,446 new foreclosure cases filed for the year. The FDP has met a steady demand for mediation throughout the year. It provided 1,116 mediation sessions in 836 foreclosure cases in 2017, for an average of 1.3 sessions per case.

The FDP continues to provide high quality mediation services in foreclosure actions in a fiscally responsible manner to benefit homeowners and lenders.

**Annual Report**

The Maine Judicial Branch submits this yearly report on the performance of the Foreclosure Diversion Program (“FDP”) in 2017, as required by 14 M.R.S. § 6321-A (7)(B).

**I. Introduction**

At the height of the national foreclosure crisis, the 124th Maine Legislature passed emergency legislation to establish a statewide foreclosure mediation program in the Maine courts. The goals were to preserve homeownership, to stabilize the economy, and to prevent

unnecessary foreclosures.<sup>1</sup> The FDP establishes contact between homeowners and lenders and facilitates alternative resolutions of foreclosure actions. The FDP began in 2009 and was implemented statewide in January, 2010.<sup>2</sup> Mediation is offered only in foreclosure cases that involve owner-occupied primary residences of no more than four units. 14 M.R.S. § 6321-A (2).

## II. Performance of the Program

### A. Foreclosure Filing Activity and Participation Rate in FDP

Since 2010, the FDP has provided a total of 14,599 mediation sessions in 8,701 foreclosure cases. (See Exhibit 1 attached.)<sup>3</sup>

In 2017, a total of 2,446 new foreclosure cases were filed in Maine courts in 2017. This total reflects a 13% decrease from the 2,819 new cases filed in 2016. From its inception in 2009, the Maine courts experienced a high volume of foreclosure cases filed until mid-2014, when the volume of new cases decreased temporarily.<sup>4</sup> Filing of new cases started increasing again in late 2015. Since July, 2016, the volume has remained at approximately 200 new cases per month. Case filing rates are shown in six-month increments for the years 2012 through 2017 in Exhibit 2 (see attached).

In 2017, 34% (830 cases) of new foreclosure cases filed were scheduled for the First Call docket as a result of homeowners' response to the complaint. Of the 693 cases that completed first mediation sessions, 39% (268 cases) completed mediation in one session, and a final report was submitted by the mediator. The other 61% (425 cases) were either scheduled for additional mediation or retained the option to request further mediation at a future date.

### B. Volume of Mediation and Status of Mediated Cases

In 2017, FDP mediators conducted 1,116 mediation sessions in 836 cases,<sup>5</sup> for an average of 1.3 mediation sessions per case.<sup>6</sup> After mediation takes place, cases move into one of four categories: (1) dismissed; (2) foreclosure judgment entered; (3) remaining in the FDP; or (4) returned to the civil docket for litigation. FDP data for 2017 and cumulative data on cases mediated from 2010 through 2017 are presented in Exhibit 1 (see attached).

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<sup>1</sup> P.L. 2009, ch. 402.

<sup>2</sup> The FDP is governed by 14 M.R.S. § 6321-A and Rule 93 of the Maine Rules of Civil Procedure.

<sup>3</sup> Since July, 2011, the FDP has tracked cases through a custom online database, the Alternative Dispute Resolution Information System (ADRS), which enhances the ability of the FDP to collect and analyze data.

<sup>4</sup> The decrease in new cases filed in 2014 did not reflect a decline in mortgage loan defaults. Rather, it reflected lenders' response to a court ruling about documentation required to prove a claim of foreclosure. *Bank of America, N.A., v. Greenleaf, et al.*, 2014 ME 89 (July 3, 2014). As lenders addressed those legal issues, the volume of foreclosure cases filed increased again in 2015 and 2016, and it remained steady in 2017.

<sup>5</sup> In addition to mediation statistics, the FDP is asked to report the number of homeowners who reported receiving legal advice. However, the FDP is not always aware of advice provided. In 2017, homeowners reported having received legal advice regarding their foreclosure cases in 225 instances. They reported receiving assistance (either from an attorney, a housing counselor, or another professional) in completing forms in 374 cases.

<sup>6</sup> Historically, the average number of mediation sessions per case was: Average of 1.3 sessions per case in 2015 and 2016; 1.5 sessions per case in 2013 and 2014; and 1.7 sessions per case in 2010-2012.

## 1) Cases Dismissed

When a case is dismissed, the case is closed without a foreclosure. Dismissal saves time and resources for parties and for the court. Dismissal suggests that the loan is performing again and the home has been retained, or the debt has been paid by sale of the property. Over the life of the program, 59% (5,148 cases) of the 8,701 cases mediated in the FDP have been dismissed. Over time, as more cases reach conclusion, the number of dismissals increases. The dismissal rate is higher for cases mediated in earlier years. From 2010 to 2016, 63% (5,014 cases) of the cases mediated during that time have concluded in dismissal. So far, 23% (189 cases) of the 836 cases mediated in 2017 have been dismissed. It is anticipated that more of these cases will conclude in dismissal as they move through the court process.

To the extent that FDP has an ability to track them, the underlying reasons for dismissals are presented in Exhibit 3 (see attached). Because cases are dismissed at various points in the process, many motions to dismiss are granted without a report to the FDP as to the reason. However, improved reporting in court pleadings and Mediator's Reports has enabled the FDP to report the reasons for dismissals in 72% (136 cases) of the 189 cases mediated and dismissed in 2017. Of that group of 189 cases, it is significant that 62% (118 cases) concluded in settlements that allowed homeowners to remain in their homes through loan modification, repayment plans, or reinstatement of the loan.

## 2) Foreclosure Judgments Entered

Entry of judgment for the plaintiff (lender) means that the case ended with foreclosure of the property. Like dismissals, the number of judgments increases over time as cases reach conclusion. Foreclosure judgments have been entered in 33% of cases (2,900 cases) mediated from 2010 through 2017. So far, judgments were entered in 11% (90 cases) of the 836 cases mediated in the FDP in 2017.

## 3) Cases Remaining in the FDP

Of the cases mediated in 2017, 27% (227 cases) remain in the FDP as of the date of this report. In general, mediators aim to complete mediation in no more than three mediation sessions. Even if the parties agree to extend the time and engage in multiple mediation sessions,<sup>7</sup> the FDP's goal is to conclude mediation in a case as soon as reasonably possible. A more complex case may require additional mediation sessions, either because the parties need to address numerous or complicated issues, or because there is a change of circumstances while the case is pending. Some foreclosure cases are slowed by bankruptcy proceedings involving the homeowner.

Sometimes cases are partially resolved but stay in the FDP while a temporary agreement or a trial payment plan (generally three months) is completed. Trial plans frequently lead to permanent loan modifications. Staying in the FDP provides an important protection for these cases. It assures that the parties maintain communication until a final agreement is completed or

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<sup>7</sup> When mediation extends beyond 90 days, it is by parties' agreement or found by a court to be necessitated by a plaintiff's delay. M.R.Civ.P. 93(e)(2) and (i).

a loan modification becomes permanent. It prevents any possibility that a loan servicer might impermissibly move a case toward both a foreclosure judgment and a loan modification at the same time (“dual tracking”). Providing this protection in the FDP aligns with the federal regulations against dual tracking issued by the U.S. Consumer Financial Protection Bureau (CFPB) that took effect in 2010.<sup>8</sup>

#### 4) Cases Returned to the Civil Docket

When a case returns to the foreclosure civil docket, further litigation takes place after mediation, possibly leading to trial. To date, 39% (330 cases) of the cases mediated in 2017 were returned to the civil docket following mediation. The ultimate conclusion of these cases cannot be predicted. Parties who complete mediation frequently continue to work together, and their efforts may yet result in dismissal, or the case could head to trial.

### III. Structure of the Foreclosure Diversion Program

A foreclosure case may be filed in any District or Superior Court in Maine. Foreclosure mediation services are provided by the FDP at 11 “processing courts” across the state.<sup>9</sup> To be scheduled for mediation, an eligible homeowner in foreclosure must submit a written request for mediation to the court.<sup>10</sup>

#### A. *Statewide Mediation Services*

##### 1) First Call and Subsequent Mediation

Upon receipt of a request for mediation by a homeowner (defendant) in a foreclosure case, the clerk schedules the case for the next “First Call” docket at the courthouse. The First Call system began as a pilot program to streamline FDP process in 2012, and it became statewide procedure in 2014. Rather than wait to schedule mediation until weeks after homeowners had attended an Information Session at court and tried to submit “workout” applications on their own, now the court schedules mediation on the same day as the First Call docket and Information Session. This provides an opportunity for communication between the parties sooner to facilitate solutions tailored to each case, reduces expenditure of time and travel, and helps to move cases forward. Up to 16 foreclosure cases are scheduled on one docket list. The docket begins with an Information Session at which a judge explains the FDP process in court to the group of homeowners present. A HUD-certified housing counselor also explains a variety of loan workout alternatives and how homeowners can find free assistance.

Immediately following the Information Session, mediators call the cases one at a time for initial mediation sessions in private mediation rooms. The plaintiff, plaintiff’s attorney,

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<sup>8</sup> 12 C.F.R. § 1024.41(f) and (g).

<sup>9</sup> Processing courts are established in each Judicial Region as follows: Region 1, Springvale; Region 2, Portland and Bridgton; Region 3, Lewiston and Farmington; Region 4, Augusta; Region 5, Bangor; Region 6, West Bath and Rockland; Region 7, Ellsworth; and Region 8, Caribou.

<sup>10</sup> Written requests for mediation may take the form of an answer to the complaint, appearance, or other request. 14 M.R.S. § 6321-A(6); M.R.Civ.P. 93(c)(1).

defendant, and defendant's attorney, if any, meet with a neutral mediator to explore any potential alternatives to foreclosure and to plan their next steps in the case. In many instances, homeowners who wish to remain in their homes seek to modify their mortgage loans. For example, they might seek to lower the interest rate or extend the term to repay the debt. Another option is for the homeowner to seek approval to sell the home for less than is owed at a "short sale." To apply for most loan workout options, a lender requires the homeowner to submit a "complete financial package" for review. HUD-certified housing counselors frequently attend First Call mediation sessions with homeowners to help them understand the documents that the lender asks for to complete a loan review. In situations involving submission of documents for a possible workout, the parties often agree to set a "follow-up" mediation session to discuss the results of the loan review.

If mediation concludes without a settlement, the case returns to the civil foreclosure docket for further court proceedings. A diagram of the foreclosure process in Maine, with and without mediation, is shown in Exhibit 4 (see attached).

## 2) Document Submission

The FDP developed the FDP Document Submission Worksheet (the "Worksheet") in 2013 specifically to list required documents, such as tax returns, pay stubs, and bank statements, that the lender needs from the homeowner. The list of items appears on the Worksheet with "check boxes" to be checked off, which facilitates clear, thorough discussion of the documents requested. The Worksheet has a section on deadlines for submission and review of the documents submitted, and it specifies a process for communication about any questions that might arise. (See Exhibit 5 attached.)

## 3) Mediator's Report

Any agreements of the parties are recorded in the Mediator's Report that is submitted to the court. The Mediator's Report form was last updated in June, 2017. (See Exhibit 6 attached.) The Mediator's Report includes details of agreements reached in mediation. Agreements might pertain to prospective settlement of the case or next steps the parties agree to take. Often the FDP Document Submission Worksheet is attached. Additional mediation sessions are scheduled as needed to monitor implementation of the parties' agreements if, for example, the loan is under review for a possible settlement instead of foreclosure.

### *B. FDP Staffing*

FDP positions are funded by a fee imposed on each foreclosure case filed.<sup>11</sup> Currently the FDP staff positions are: Program Manager, Administrative/Data Assistant, and three full-time foreclosure clerks in the courts. In the past, the FDP funded additional clerk positions, but those positions were reduced when the volume of foreclosure cases filed decreased temporarily in 2014. The current configuration meets the present needs of the public for FDP mediation. The

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<sup>11</sup>P.L. 2009, ch. 402, § 26.

FDP closely monitors staffing needs and is responsive to fluctuations in demand in order to be fiscally responsible while continuing to provide timely, high quality mediation services.

### *C. Mediators*

The current FDP mediation roster of 33 mediators statewide is meeting the current demand for mediation services. Mediators in the FDP are independent contractors recruited from the fields of mediation, real estate, law, and foreclosure to be included on a statewide roster to mediate foreclosure cases in the courts. In 2013 and again in 2016, responding to need for additional mediators, the FDP conducted statewide recruitment efforts in order to maintain a sufficient number of mediators for the statewide roster.

The FDP provides periodic regional meetings for the mediators for discussion of practice issues, as well as continuing education programs on relevant mediation topics and foreclosure law. In addition, to ensure high quality mediation services, the FDP Manager personally observes all mediators as they conduct mediation and provides feedback on their performance.

## **IV. FDP Meets Challenges**

The FDP continues to adjust to the needs of parties in foreclosure cases and to meet challenges successfully. Mediation helps parties establish and maintain communication and minimize delay in resolving their foreclosure disputes.

### *A. Avoid Undue Delays*

Delay in the loan review and modification process, frequently caused by failure to communicate and voluminous document collection procedures, was a major impetus for establishment of foreclosure mediation programs nationwide during the foreclosure crisis. The FDP helps to reduce delay in many ways.

The FDP minimizes delay by: (1) bringing parties together in mediation as early in the court process as possible; (2) using a detailed checklist to ensure that key issues and documents are addressed at mediation; (3) clearly capturing the parties' agreements in the Mediator's Report; and (4) ensuring court oversight of, and accountability for, the parties' performance of agreements. Clarity at initial mediation sessions helps to promote timely action and helps to move cases forward.

### *B. Improve Scheduling Follow-up Mediation*

As noted, to increase efficiency, the FDP revised its system to bring parties together for initial mediation earlier in the court process at the First Call dockets. To further streamline the mediation process, to use resources more efficiently, and to avoid scheduling conflicts for parties and counsel, the FDP is implementing a statewide plan to coordinate the scheduling of "follow-up" mediation sessions. Similar to the First Call process, follow-up mediation will be scheduled on designated days in each court where FDP mediation is held, according to a statewide calendar.

*C. Provide Up-To-Date Information to Mediators*

Mediators are required to know about the various mortgage assistance programs and principal loss mitigation and mortgage loan servicing guidelines and regulations, pursuant to 14 M.R.S. §§ 6321-A (7)(A)(3) and (5). Keeping up with changes in regulations and programs available to homeowners in foreclosure is an ongoing challenge for mediators, especially when multiple legal issues are involved, such as bankruptcy and divorce.

Amendments to several CFPB mortgage servicer regulations became effective in October, 2017, and additional amendments are due to become effective in April, 2018. The FDP plans to present a community-wide educational program in May, 2018, at which a nationally known expert in the CFPB regulations will review the amendments and their impact on loss mitigation in mortgage loans.

The FDP provides semi-annual regional meetings for mediators to address current issues and regulations and offer an opportunity for peer discussion. At the regional meetings in 2017, topics included: (1) review and use of the updated Mediator's Report form; (2) rules regarding simultaneous assumption and modification of loans for certain successors-in-interest; and (3) mediation when interpreters are involved. Many FDP mediators also attended a Judicial Branch program in 2017 on needs of litigants who experience, or have experienced, trauma.

**V. Conclusion**

Since its establishment in 2009, the FDP has provided an effective statewide opportunity for parties in foreclosure to pursue settlement of their cases. Through early mediation in foreclosure actions, the FDP facilitates parties' productive communication in an impartial court setting. The parties' agreements made at mediation and recorded in the Mediator's Report create a basis for ongoing exchange of accurate information in a timely manner, encouraging resolution of the case if possible. FDP mediation has played an instrumental role in the resolution of thousands of foreclosure cases.

Well over half (59%) of the 8,701 cases mediated in the FDP since 2010 have concluded in dismissal, which means that foreclosure was avoided. In addition, of the cases mediated and dismissed in 2017, 62% were dismissed with settlements that kept homeowners in their homes. When no alternative to foreclosure exists, mediation concludes promptly and cases return to the civil docket for trial.

The FDP will continue to provide high quality mediation services to help lenders and homeowners in Maine resolve foreclosure cases through mutually beneficial agreements.

Respectfully Submitted,

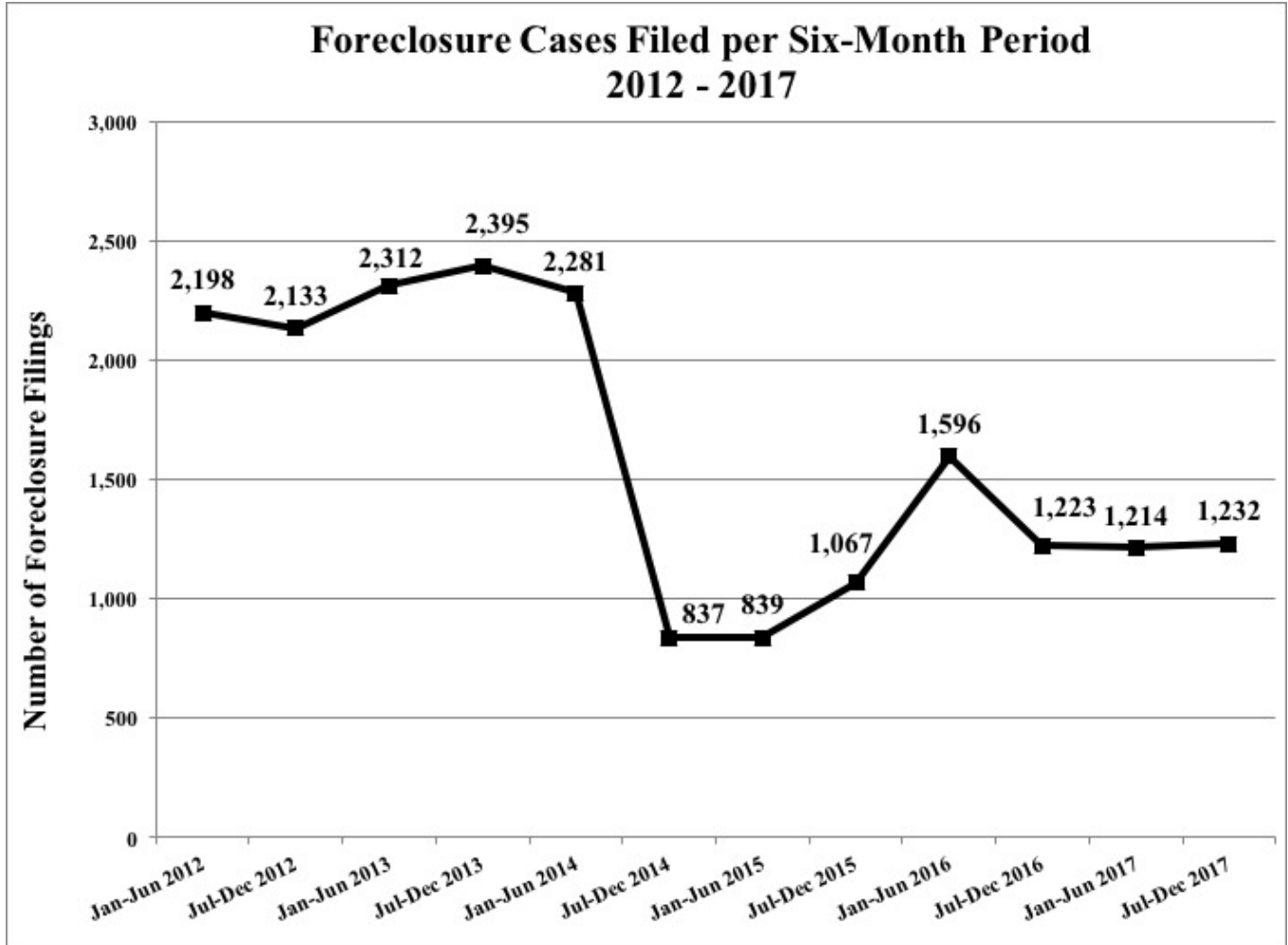
Laura S. Pearlman  
Manager, Foreclosure Diversion Program  
Maine Administrative Office of the Courts

Date: February 12, 2018



### Exhibit 1 – Status of Mediated Cases

Foreclosure Diversion Program Cases	FDP Mediation in 2017	%	FDP Mediation from 2010 - 2017	%
Total Mediation Sessions Held	1,116	-	14,599	-
Total Cases Mediated	836	-	8,701	-
Average mediation sessions per case	1.3	-	1.7	-
	Current Status	%	Current Status	%
Cases dismissed	189	23%	5,148	59%
Foreclosure judgment entered	90	11%	2,900	33%
Cases remaining in FDP	227	27%	231	3%
Cases returned to civil docket and pending	330	39%	422	5%
<b>TOTAL CASES MEDIATED</b>	<b>836</b>	<b>100%</b>	<b>8,701</b>	<b>100%</b>

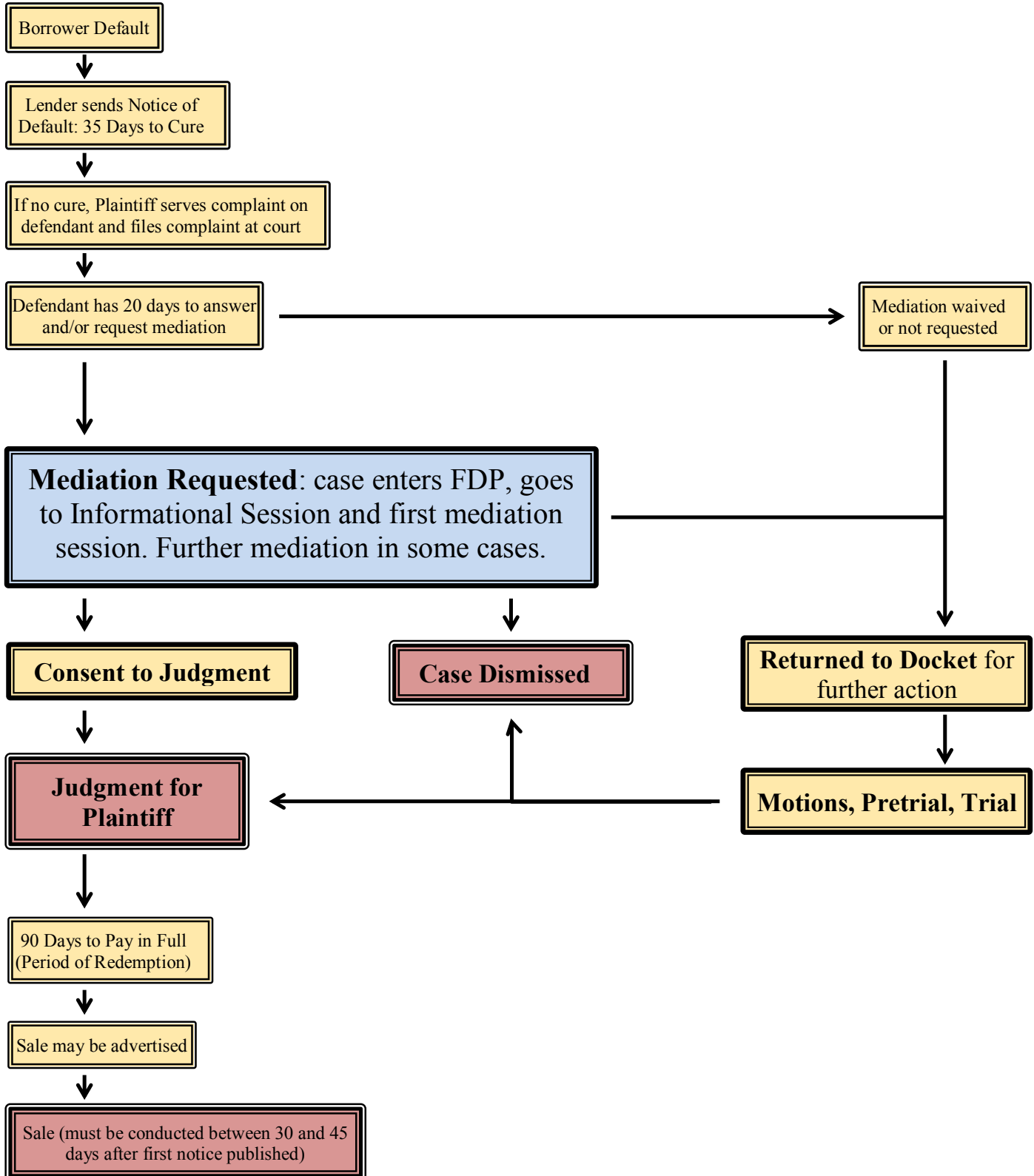


**Exhibit 3 – Types of Agreements Reached in Dismissed Cases**

Type of Agreement	Cases Mediated and Dismissed in 2017		Total Cases Mediated and Dismissed from 2010 - 2017	
Loan Modification	100	52.9%	1,216	23.6%
Reinstatement	11	5.8%	100	1.9%
Repayment/Forbearance Plan	7	3.7%	89	1.7%
Deed in Lieu of Foreclosure	3	1.6%	84	1.6%
Short Sale	8	4.2%	125	2.4%
Other	7	3.7%	433	8.4%
Unknown*	53	28.0%	3,101	60.2%
<b>TOTAL</b>	<b>189</b>	<b>100%</b>	<b>5,148</b>	<b>100%</b>

\* In many cases, the FDP does not receive information about the arrangements that result in dismissals.

## Exhibit 4 - Maine Foreclosure Process



**FDP Document Submission Worksheet**

Case: \_\_\_\_\_ v. \_\_\_\_\_ Docket No. \_\_\_\_\_  
Plaintiff Defendant(s)

**LOAN IS ELIGIBLE TO BE REVIEWED FOR THE FOLLOWING ALTERNATIVES:**

**DOCUMENTS** to be submitted by Homeowner (Check **ALL** that apply):

- ➔ **SIGN and DATE everything!**
- ➔ **Write your Loan Number** on ALL pages of ALL documents **EXCEPT IRS Form 4506-T.**

**FINANCIAL ASSISTANCE PACKAGES:**

- Request for Mortgage Assistance package (“RMA”).
- Uniform Borrower Assistance Form, also known as the “Form 710” or “UBAF.”
- Proprietary in-house financial review package.
- Dodd-Frank** certification.
- Hardship Letter:** state when and how your hardship(s) began, and when (if) the situation improved, and how circumstances are different now. (A short form for this might also be included in lender’s package.)
- Financial Worksheet: detailed list of household income and expenses.  **Lender’s** form provided.
- Most recent utility bill in **homeowner’s** name (to show that you live in the premises).

**TAX INFORMATION**

- IRS Form 4506-T. **No loan number on this document ONLY.** Fill in:  
line 5, if not pre-filled, as follows: \_\_\_\_\_;  
line 6, (1040 in most cases);  
line 6(a), check the box;  
line 9, write in, for example, 12/31/2014, 12/31/2015, 12/31/2016;  
If a non-filer, check only box 7, and provide a separate letter explaining why you do not file with the IRS.  
**Sign and date, and add phone number. No cross-outs or white-out. These result in rejection.**
- Copies of Federal Tax Returns (**all pages, all schedules**) years \_\_\_\_\_ **Sign and date** each with current date, even if filed electronically.
- IRS form W-2 for \_\_\_\_\_ for year: \_\_\_\_\_.

**INCOME INFORMATION**

- 2 most recent bank statements: **bank letterhead (not internet)**, for all accounts, all pages (even blanks).
- Pay stubs for last \_\_\_\_\_ days for (name) \_\_\_\_\_.
- Pay stubs for last \_\_\_\_\_ days for (name) \_\_\_\_\_.
- Profit & Loss Statement, showing: (1) name of the business at top, (2) time period covered, (3) difference between gross and net income, and (4) **Signature of business owner and date.**
- Social Security / VA Benefits / Food Stamps / SSDI (circle any that apply) most recent Award Letter or proof of receipt. Homeowner will also provide: \_\_\_\_\_
- Rental / Contribution income: lease or contribution agreement, signed and dated by **both homeowner and tenant / contributor.** copies of canceled checks, circled deposits on bank statements, (circle any that apply)
- Child Support, documentation needed: \_\_\_\_\_.

- Other (for example, property tax bill or proof of insurance): \_\_\_\_\_
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_

**ADDITIONAL MORTGAGES / LIENS ON PROPERTY:** Circle appropriate options where indicated.

No additional mortgages / liens require action at this time.

Liens held by the following creditors must be subordinated / discharged prior to approval of a **permanent** loan modification or acceptance of a deed in lieu of foreclosure or \_\_\_\_\_.

Defendant will provide a letter of intent to subordinate / subordination agreement / discharge of lien for:

Lienholder: \_\_\_\_\_

Lienholder: \_\_\_\_\_

Lienholder: \_\_\_\_\_

**DEADLINES:** Circle appropriate options where indicated.

**If Servicer is subject to Consumer Financial Protection Bureau (CFPB) rules with regard to this loan, all deadlines for acknowledgment, notification of missing documents or additional information needed, and review are established by CFPB requirements. Deadlines may be adjusted for purposes of the current document submission only.** Such adjustment is not intended to waive CFPB requirements regarding any future document submission or review.

1) Lender to provide to Homeowner by hand / mail / email, at \_\_\_\_\_ by \_\_\_\_\_ (date) the following forms needed to review the loan: \_\_\_\_\_

2) Homeowner to provide required documents by hand / mail / email / fax to: \_\_\_\_\_ at \_\_\_\_\_ by: \_\_\_\_\_ (date).

3) Lender to confirm receipt of document submission, by phone / by email within \_\_\_\_\_ days of receipt.

4) Lender to provide written notice of any missing or additional information needed within \_\_\_\_\_ days of receipt.

5) Homeowner may contact \_\_\_\_\_ (name) at lender at \_\_\_\_\_ (phone) with questions or for status updates.

6) Once documents are received and complete, lender will complete review within \_\_\_\_\_ days.

- \* Deadline for review is based on when lender receives last necessary document.
- \* Decision will be sent to homeowner by mail / email / fax / phone (circle).

**Homeowner(s) agree(s) to respond to reasonable requests** for additional documents that may arise during underwriter’s review of the file. Any such requests must be made in writing to Homeowner(s) with instructions as to where to send documents. Homeowner will have 10 business days from receipt to provide additional requested documents. Time limit on lender’s review is based on receipt of last required document provided.

**➔ COPIES OF ALL SUBMISSIONS ARE TO BE PROVIDED TO THE COURT.**

FORECLOSURE DIVERSION PROGRAM  
MEDIATOR’S REPORT

SUPERIOR COURT  
\_\_\_\_\_,ss

DISTRICT COURT  
Location: \_\_\_\_\_

Docket No. \_\_\_\_\_

Docket No. \_\_\_\_\_

Plaintiff \_\_\_\_\_ v. Defendant(s) \_\_\_\_\_

Mediator: \_\_\_\_\_ Session # \_\_\_\_\_ Mediation Date: \_\_\_\_\_

Loan type / Investor / Insurer: \_\_\_\_\_ Session Start Time: \_\_\_\_\_

1. COURT ACTION (Check one disposition only)

A. FINAL REPORT (Mediation Completed)

- 1. Case is Resolved,
  - a. Plaintiff’s counsel to file stipulation of dismissal/motion to dismiss on or before \_\_\_\_\_ (date). If neither is filed, case will be dismissed with/without (circle) prejudice on \_\_\_\_\_ (date).
  - b. Other: \_\_\_\_\_
- 2. Case is Unresolved,
  - a. Return to Docket, Scheduling Order to issue.
  - b. Report of Noncompliance filed, and case to remain in FDP pending judicial review.
- 3. Nonappearance of defendant(s), Scheduling Order to issue.

B. INTERIM REPORT

- 1. Mediation is Unfinished,
  - a. Next mediation scheduled: \_\_\_\_\_ (date or date parameters).
  - b. Mediation to be requested by \_\_\_\_\_ (date), or this report will become a Final Report, Scheduling Order to issue.
  - c. Report of Noncompliance filed, mediation to be scheduled after judicial review.
- 2. Case is Partially Resolved by temporary agreement. Agreed Deadline: \_\_\_\_\_

Parties have reached a temporary agreement and anticipate successful completion of the agreement and resolution of this action by the Agreed Deadline. Parties agree that if additional mediation is not requested, and no motion to terminate mediation or motion/stipulation to dismiss this action is filed, by the Agreed Deadline, the case will be:

- a. Dismissed without prejudice.
- b. Scheduled for further mediation.
- c. Returned to the docket.
- 3. Other \_\_\_\_\_

2. **PARTICIPANTS (Provide full names)**

- Mortgagee / servicer (circle):** \_\_\_\_\_
  - In person     By telephone/video    **Title:** \_\_\_\_\_
  - This participant represents having authority to agree to a proposed settlement, loan modification or dismissal.
- Mortgagee/plaintiff’s counsel:** \_\_\_\_\_
- Mortgagor/defendant(s):** \_\_\_\_\_
- Mortgagor/defendant’s counsel (if represented):** \_\_\_\_\_
- Other (specify):** \_\_\_\_\_

3. **PARTY AND/OR COUNSEL ACTION**

- Parties agree that the borrower will submit documents according to the attached FDP Document Submission Worksheet, which is incorporated into this mediator’s report by reference, and that the Lender will review the borrower’s loan for the following option(s):
  
- Other Actions:

4. **MEDIATION OUTCOME (Check one only)**

- Final settlement agreement reached during mediation.
- Temporary agreement reached during mediation.
- Temporary agreement reached before mediation.
- Agreement on some issues, but mediation did not resolve the action.
- No agreement on any issues, mediation concluded.
- Additional mediation needed after the parties file with the court and exchange more information.
- Additional mediation needed because \_\_\_\_\_(name) needs to be included in the mediation.
- Additional mediation needed for other reason. Specify reason: \_\_\_\_\_ .
- Plaintiff / Defendant(s) (circle) needs time to consider proposed agreement.
- Mediation not held because defendant(s) was not owner-occupant.
- Mediation not held because plaintiff / defendant(s) / plaintiff’s counsel / defendant’s counsel (circle) did not attend.
- Other, specify: \_\_\_\_\_ .



**5. PROGRAM REPORTING**

**A. FDIC NPV WORKSHEET (Check one only)**

- Worksheet Completed and Attached. NPV Outcome:  Pass  Not Pass
- Worksheet not completed because:
  - Final settlement reached.  Temporary trial plan agreed to; final settlement anticipated.
  - Insufficient financial information provided.  Defendant reports no income.
  - Defendant does not seek loan modification.
  - Other: \_\_\_\_\_

**B. COMMUNITY RESOURCES (Check all that apply)**

- Defendant(s) attended informational session.
- Defendant(s) received legal counseling or assistance.
- Defendant(s) received assistance in preparing forms for mediation.
  - From attorney or legal services employee.
  - From housing counselor.
  - From financial counselor.

**C. AGREEMENT DETAILS, IF APPLICABLE (Check all that apply)**

- Loan modification:
  - Temporary modification
  - Permanent modification
  - Interest rate reduction
  - ARM to fixed rate
  - Amortization extended
  - Principal reduction
- Repayment/Forbearance plan
  - Extension agreement
  - Principal Forbearance
  - Waive fees/penalties
  - Shared appreciation mortgage (SAM)
  - Deed in lieu of foreclosure
  - Short sale
  - Cash for keys
- Reinstatement of the mortgage
- Other \_\_\_\_\_

**6. BRIEF NARRATIVE OF ANY AGREEMENT(S) REACHED**

**MEDIATOR’S REPORT**

**DOCKET NO.:** \_\_\_\_\_

**TIME MEDIATION COMPLETED:** \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF MEDIATOR

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF PLAINTIFF

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF PLAINTIFF’S COUNSEL

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF DEFENDANT (1)

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF DEFENDANT (2)

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF DEFENDANT (1) COUNSEL

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF DEFENDANT (2) COUNSEL

\_\_\_\_\_  
DATE

**WHEN COMPLETE:**

**MEDIATORS FILE ORIGINAL WITH COURT**  
**SEND OR HAND COPIES TO PARTIES**  
**REPORT RESULTS TO FDP**