



Review Sample One (long version) and Sample TWO (short version). Modify to create a Request for Foreclosure Mediation Form (or create your own) that meets the needs and resources of your court. See notes and recommendations throughout.

NOTE: Sample TWO is located below Sample ONE.

Sample ONE (Long Version)

_____ County Court of Common Pleas

Request for Foreclosure Mediation

Case Name _____ Case Number _____

*****CAUTION*****

You have been served with a Foreclosure Complaint that could cause you to lose your property. You should consult with an attorney concerning your rights and responsibilities. To avoid having a default judgment taken against you, you **MUST** serve your written Answer or Motion for Extension of Time to Answer or Otherwise Plead upon the attorney for the Plaintiff (If the Plaintiff does not have an attorney, you must serve the Answer or Motion for Extension of Time to Answer or Otherwise Plead on the Plaintiff) **AND** file your written Answer or such Motion with the Court. Refer to the *Summons on Complaint* for additional details.

You are strongly urged to seek legal counsel. You may also be eligible for the assistance of a volunteer lawyer to represent you in the mediation. To determine your eligibility for a volunteer lawyer, call [insert legal aid office phone number or other number for this resource]. Your interests will be best protected if you seek counsel early. However, if you choose to proceed without an attorney, understand that you may seek legal advice at any time.

Mediation Request In order to process this request, all information asked on this sheet must be provided. Failure to do so may result in a delay of your request. Thank you for your cooperation!

To determine if you are eligible for mediation, please complete one form for all debtors on the loan and return it to the _____ County Court Mediation Department, _____ insert address _____.

You will receive written notice whether your case will be mediated or will continue on the trial docket. When completing this form, the word “you” means any debtor on the loan. If you need additional space, attach a separate sheet. **Do NOT file the Request for Mediation Form with the Clerk of Court’s Office.**

Questionnaire For Foreclosure Cases

Based on your mediation resources choose one of the following options (or create your own) and delete the other(s):

This form should be completed only if you are currently in your home, would like to remain and wish to have your case evaluated to determine if it is appropriate for mediation.

OR

This form should be completed if you would like your case evaluated to determine if it is appropriate for mediation.

Mediation is a free, voluntary process through which you, as the debtor, and the creditor can determine if an agreement can be reached to cure any defaults in the loan and re-negotiate the terms of the loan in a manner that could allow you to remain in your property or other terms as agreed by the parties. The Court will provide a mediator who facilitates the mediation process. The mediator will not give legal advice to either party and you are therefore urged, but not required to retain an attorney to represent you and to provide you with legal advice.

Your Name(s): _____

Attorney's Name: _____

Address: _____

Address: _____

Phone No: (____) _____ (day)

Phone No: (____) _____

(____) _____ (evening)

For Foreclosure Bankruptcy

1. ____ yes ____ no Is this property your only residence?
2. ____ yes ____ no Are you currently living in this property?
3. ____ yes ____ no Are you interested in trying to remain in this property?

If you choose to mediate foreclosure cases for borrowers who are not interested in or are unable to remain in their homes, add this additional question and adjust question numbers:

4. ____ yes ____ no If you are not interested in trying to remain, are you interested in discussing other options with your lender?

5. ____ yes ____ no Are you and/or your spouse presently employed? If yes, how long have you and/or your spouse been employed by your current employer(s)? You: _____ year(s) Spouse _____ year(s)

6. ____ yes ____ no Are you in the process of filing bankruptcy or thinking about filing bankruptcy?

7. ____ yes ____ no Have you filed an Answer or a Request for Extension of Time to Answer?

8. ____ yes ____ no Have you received financial counseling? If yes, provide details: _____

9. ____ yes ____ no Do other mortgages or liens exist on this property? Examples of other mortgages and liens are home equity loans, tax liens, child support liens, judgments from lawsuits. List them below:

Who is owed?

How much is due?

Past due? (yes/no)

10. Check all items that have made you miss your mortgage payments:

_____ Injury or illness

_____ Adjustable Rate Mortgage (ARM): a mortgage loan where the interest rate changes periodically throughout the course of the loan

_____ Balloon Payment: any repayment option under which the borrower is required to pay the entire amount of the outstanding balance of the loan as of a specified date or the end of a specified period

_____ My expenses are more than my income; Other (please describe): _____

11. _____ How many payments have you missed?

12. _____ yes _____ no Have you signed any documents or agreements regarding your mortgage? If yes, please attach them.
Documents/Agreements Attached _____ Yes; _____ No

13. _____ yes _____ no Have you filed or do you plan to file a divorce or dissolution?

14. _____ yes _____ no Is or will this property be subject to an estate action in Probate Court? If yes, identify the jurisdiction, case name and number: _____

15. \$ _____	What is the amount of your monthly payment to the lender who is foreclosing?
16. \$ _____	If your property tax and property insurance are <i>not</i> included in the payment to that lender, what is the amount of your monthly property taxes and insurance?
17. \$ _____	Total monthly mortgage, property tax, and property insurance for this loan.

18. \$ _____	How much is your current monthly NET (after taxes) income from all sources?
19. \$ _____	What are your total monthly expenses without THIS mortgage, property tax, and property insurance ? (Note: Include payments on other property liens.)
20. \$ _____	Total remaining net income (without this lien's real estate expenses)

I state that I am of lawful age, that I have personal knowledge of the information noted above and that it is true.

Homeowner (Please Sign)
Date: _____

Homeowner (Please Sign)

I do / do not approve that this form is sent to the lender. If you are not represented by legal counsel it is recommended that you seek legal counsel before answering this question:

Homeowner Signature

If the borrower approved that this form be sent to the lender, the Mediation Department should determine the best time for this exchange of information to occur.

Options:

1. The Mediation Department sends the form via the mail or fax (to save time and resources) to the lender after the lender 's questionnaire is received by the Mediation Department.

OR

2. The Mediation Department includes a copy of this form with the letter that is sent to the lender after the borrower has submitted this form to the Mediation Department which also includes the *Plaintiff/Lender's Mediation Questionnaire for Foreclosure Cases*. See Step Six of the Foreclosure Mediation Program Model.

OR

3. The form is shared with the lender at the mediation session.

IMPORTANT NOTES:

Options 1 and 2 provide the lender with an opportunity to prepare for the mediation session based on the information that has been shared by the borrower by bringing additional documents not listed in the *Plaintiff/Lender's Mediation Questionnaire for Foreclosure Cases* and staff who have the authority to negotiate and settle the case.

The *Plaintiff/Lender's Mediation Questionnaire for Foreclosure Cases* does not include express written approval by the lender for it to be sent to the borrower. If the borrower would like to have copy, the Mediation Department can determine the best time for this exchange of information to occur.



Sample TWO (Short Version)

_____ County Court of Common Pleas

Request for Foreclosure Mediation

Case Name _____ Case Number _____

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Your Name(s): _____

Address: _____

Phone No: () (day)

() (evening)

Attorney's Name: _____

Address: _____

Phone No: ()

For Foreclosure _____ Bankruptcy _____

1. ____ yes ____ no Is this property your only residence?

2. ____ yes ____ no Are you interested in trying to remain in this property?

If you choose to mediate foreclosure cases for borrowers who are not interested in or are unable to remain in their property, add this additional question and adjust the question numbers:

3. ____ yes ____ no If you are not interested in trying to remain or are unable to remain in your property, are you interested in discussing other options with your lender?

4. \$ _____ What is your current monthly income from all sources?

Homeowner (Please Sign)

Date: _____

Homeowner (Please Sign)