

**** URGENT—THIS MAY BE A CHANCE TO**
SAVE YOUR HOME! **

FORECLOSURE MEDIATION SERVICES

c/o Darren Miller, Esq., Clermont County Common Pleas Magistrate & Mediator
270 E. Main Street
Batavia, OH 45202
(513) 732-7134

ARE YOU FACING FORECLOSURE?

As indicated by the attached summons and Complaint, you have been made a defendant to foreclosure proceedings regarding your mortgaged property. If your lender is successful in this case, the property could be sold at a sheriff's sale and you could lose your legal interest in it. If you live at the property, you could be ordered to move at the end of the case.

The Clermont County Court of Common Pleas has recently approved a voluntary mediation program which may prevent the loss of your home and allow you to more easily repay any amounts you may owe. Information regarding this program follows below.

WHAT SHOULD I DO NOW?

**YOU MUST DO ONE OF THE FOLLOWING WITHIN TWENTY-EIGHT (28)
DAYS OR RISK LOSING YOUR HOME**

- 1. You may request, at no cost to you, an opportunity to participate in the Court's Mediation Program. To be considered for the Court's mediation program, you must call the Legal Aid Society of Greater Cincinnati as soon as possible and let Legal Aid know that a foreclosure suit has been filed against you, and that you want to participate in the Mediation Program. The number to call is: 513-241-9400.**

You may be eligible for the assistance of a volunteer lawyer to represent you in the mediation.

Mediation will provide you and your attorney an opportunity to meet with an attorney for the lender in an effort to keep you in your home while using a neutral third party mediator. More details about mediation are set out below.

Legal Aid will send a document to you that you must sign and bring to the Court within twenty-eight (28) days after you receive the Complaint. This document is a Motion for an Extension of Time and will allow you

~~additional time to see whether you can resolve the matter through mediation.~~ **The Motion must be filed with the Clermont County Court of Common Pleas, 270 Main Street, Second Floor, Batavia, Ohio 45103.**

If you are not eligible for Legal Aid services, you will be advised by Legal Aid to contact the Court to obtain the Motion for an Extension of Time, and to see whether the Court can obtain a lawyer to assist you.

OR

2. If you do not wish to participate in mediation, you are required to serve upon the Plaintiff(s) attorney, or the Plaintiff if the Plaintiff has no attorney of record, a copy of your Answer to the Complaint within twenty-eight (28) days after service of this summons upon you, exclusive of the day of service. Your Answer also must be filed with this Court within three (3) days after you send it to the Plaintiff's attorney. The Answer must be filed with the Clermont County Court of Common Pleas, 270 Main Street, Second Floor, Batavia, Ohio 45103.

You have the right to seek legal counsel. If you cannot afford an attorney, you may contact The Legal Aid Society of Greater Cincinnati and let them know you need an attorney. The number to call is: 513-241-9400.

You may also contact the Lawyers Referral Service (LRS) at 513-732-2050

The LRS is managed by the Clermont County Bar Association. They will give you the names of attorneys who agree that no fee will be charged for the first thirty (30) minutes of the initial meeting.

IF YOU DO NOT FILE A WRITTEN ANSWER OR MOTION FOR AN EXTENSION OF TIME TO ANSWER WITHIN TWENTY-EIGHT (28) DAYS OF THE SERVICE OF THE SUMMONS UPON YOU, AN ORDER/JUDGMENT MAY BE TAKEN AGAINST YOU AND YOUR PROPERTY MAY BE SOLD AT A FORECLOSURE SALE.

DON'T DELAY----ACT NOW

If you do nothing you will lose your home and your good credit rating

PLEASE READ FOR ADDITIONAL DETAILS ABOUT THE COURT'S VOLUNTARY MEDIATION PROGRAM

- **What is mediation?** Mediation is a court-approved process that involves the use of a neutral third-party, or a mediator, to assist both you and your lender. The goal of the process is to reach an agreement acceptable to each side that allows you to remain in your home if possible and make repayment easier for you. It is not the mediator's job to make a decision on your case or personally represent either you or your lender. Instead, the mediator makes suggestions to each side and works to bring you and your lender towards an agreement. While the mediation process is effective in opening the lines of communication between lenders and borrowers and often brings results, there are no guarantees.
- **Am I required to participate in mediation?** No. You do not have to participate in the mediation process, but if you do not choose to participate in mediation, it is important for you to review the "Summons on Complaint" form you recently received and follow its instructions to file an Answer on time and prevent a default judgment against you.
- **What should I do if I do not want to participate in mediation?** If you have not already done so, you should respond to your lender's Complaint by sending an Answer (response) to the Clermont County Clerk of Courts (with a copy to the attorney for the lender) as soon as possible, but no later than twenty-eight (28) days after you received the Complaint. The only way for you to defend yourself against the lawsuit is to file an Answer on time. Failure to file an Answer within 28 days may result in a default judgment against you, which is an order from the Court allowing the lender to take your house and possibly collect additional money from you.
- **Does participating in mediation stop the foreclosure case already filed against me?** No. The foreclosure action will continue until you and your lender reach a final agreement through mediation and your lender dismisses the foreclosure case from the Court. You or your attorney must file a Motion for an Extension of Time within 28 days of the day you received the Complaint to allow you to delay the case while you attempt to mediate.
- Because you have been served with legal documents, it may be a good idea to contact an attorney to discuss your rights and responsibilities. If you have low income, you may qualify for assistance from the Legal Aid Society of Greater Cincinnati, (513) 241-9400, or (800) 582-2682. In some cases, volunteer attorney assistance may be obtained through the Ohio State Bar Association, (800) 282-6556.
- **Do I need an attorney for mediation?** No, you can request mediation without an attorney, but you may want legal assistance while preparing for and participating in mediation. A number of local attorneys have agreed to assist this program by donating their services free of charge. If you would like free legal help during the mediation, call the Legal Aid Society of Greater Cincinnati and tell them you are from Clermont County and you have been sued in foreclosure. The number for Legal

Aid is: (513) 241-9400 or (800) 582-2682. If you are eligible for Legal Aid's services, Legal Aid will try to find an attorney to represent you in the mediation. If you are not eligible for Legal Aid services, or if Legal Aid cannot find an attorney for you, you should call the Court at (513) 732-7134 and request assistance. *Please note that these legal services are donated for the **MEDIATION ONLY**, and do **NOT** create an attorney-client relationship for the foreclosure action filed against you. For more information on the scope of these free—but limited—services, see the enclosed "Volunteer Lawyer Information" sheet.*

- **If you want Legal Aid or the Court to find an attorney to represent you in mediation, you should call Legal Aid as soon as you get this letter.** If you wait to call, it may be too late for Legal Aid or the Court to find an attorney to help you.
- *Please note that responding to this form or participating in the mediation program does **NOT** mean that you have filed an answer in your foreclosure case.*
- **How can I schedule a mediation session with my lender?** By participating in this program, your lender already has shown that it is willing to engage in the mediation process and explore options other than foreclosure. If you have an attorney, he or she will contact the Court to schedule a mediation session.
- **If you do not have an attorney and want to schedule a mediation session with your lender, you may call the Court Mediation Office at (513)732-7134 to schedule the mediation.**
- **Mediations** are held at the Clermont County Court of Common Pleas, 270 East Main Street, Batavia, Ohio 45202. Time slots are available Tuesday and Friday afternoons at 1:00pm, 2:00pm, 3:00pm and 4:00pm. A representative of the lender filing the foreclosure action will be available at the scheduled time in person or by telephone. You can also call this number if you have any questions about the mediation process.
- **What are the possible outcomes of mediation?** While everyone's individual situation varies, the following alternatives may be available to you and your lender:
 - **Repayment Plan:** The amount past due on your loan would be spread out over a certain time period.
 - **Loan Modification/Refinance:** Your terms of your current loan could be permanently changed by written agreement.
 - **Deed in Lieu of Foreclosure:** You would transfer ownership of your home to the lender and be given a short period of time to move. In exchange, your debt to the lender would be fully or mostly released.
 - **Reinstatement of your Loan:** You would bring your loan current by paying the total amount past due in one lump sum.
 - **Agreed Sale:** You and your lender agree to try and sell your home for an agreed price, which could result in excess proceeds for you in some cases.
 - **Consent Judgment in Exchange for Waiver of Deficiency:** You agree to resolve the foreclosure action in your lender's favor, and your lender agrees not to seek any amounts you may still owe after your home is sold.

- **Forbearance:** Your lender agrees to stop foreclosure proceedings for a period of time to allow you to repay past due amounts.
- **Conditional Judgment Entry:** You and your lender agree to an entry of foreclosure with the Court that may later be vacated if you repay past due amounts.
- **Any Variation or Combination of the Above:** These are just examples. The mediation process may result in any one of these or other solutions which benefit both you and your lender.
- **What information will I need to bring to the mediation and be prepared to share with my lender?** Because every foreclosure situation is different, the willingness of the parties to share information is the key to a successful mediation. While some of the information you may be required to share is personal, such matters must be explored to provide the best opportunity for agreement with your lender. You should be prepared to bring the information on the enclosed checklist with you to the mediation and to share it with your attorney and lender before the mediation.

THE MEDIATION SERVICE IS PROVIDED BY THE CLERMONT COUNTY COURT OF COMMON PLEAS. IT IS NOT PROVIDED BY A DEBT COLLECTOR AND IS NOT AN EFFORT TO COLLECT A DEBT. HOWEVER, THE CLERMONT COUNTY COURT OF COMMON PLEAS CANNOT GUARANTEE THAT INFORMATION PROVIDED TO LENDERS DURING THE MEDIATION PROCESS WILL NOT LATER BE USED FOR DEBT COLLECTION PURPOSES.

MEDIATION INFORMATION CHECKLIST

You will need to bring **ALL** of the following information to your scheduled mediation. If you have an attorney, you will need to give this information to your attorney as soon as possible to help your attorney prepare for the mediation. Your lender may also request this information beforehand to learn more about your unique situation and prepare alternatives to foreclosure to discuss with you during the mediation.

- ✓ The original loan documents between you and your lender, along with the amount of your current monthly mortgage payment.
- ✓ Your payment history on your home loan, including the number of payments you have missed.
- ✓ Information about any other liens on the property, including the name of the creditor, date of the lien, and the amount owed.
- ✓ Your employment situation and number of years you have held your current position.
- ✓ Your current monthly gross income from all sources.
- ✓ A list of your total monthly expenses.
- ✓ Whether you have filed for bankruptcy or are considering filing for bankruptcy.
- ✓ Any previous foreclosure actions filed against you.
- ✓ Whether you currently live in the home subject to foreclosure and are interested in keeping the home if possible.
- ✓ Whether you are currently in the process of a divorce or dissolution, or considering filing for divorce or dissolution.
- ✓ Whether the home subject to foreclosure is the object of an estate lawsuit in probate court.
- ✓ Whether your inability to make payments has been caused by an increased interest rate in an adjustable rate mortgage (ARM).
- ✓ Whether your inability to make payments has been caused by a balloon payment.
- ✓ Whether your inability to make payments has been caused by an injury or illness to you or your spouse resulting in an inability to work.