

First Call Mediation

- In Maine, homeowners of owner-occupied homes have the right to request mediation in a foreclosure case.
- Today, you are here for a presentation by homeowner advocates about what to expect and how to prepare for your mediation.
- This presentation will be followed by your first mediation.



For more detailed information and additional resources, go to the Pine Tree Legal website at www.ptla.org/foreclosure-prevention-toolkit. Or call the Maine Foreclosure Hotline at 1-888-664-2569.

Information Session

Today we will discuss



Mediation Process



Court Foreclosure Process



Options and Programs



Resources

The Mediation Process

- Mediation will be conducted by a neutral court mediator.
- Usually, the mortgage company has a lawyer attend in person and a representative from the mortgage company attend by phone.
- The discussion at mediation can be about your goals, available options or programs, documents needed to review for applicable programs, timelines, agreements, deadlines for document exchange, review of documents, and decisions on workouts.
- A Mediator's Report is signed by all parties and filed after each mediation. It is important that the report reflect the details agreed to at mediation.
- If there are to be no further mediations, a "Final Mediator's Report" will be filed and the case will be returned to the litigation process.



Good Faith

- The foreclosure mediation law requires all parties to make a good faith effort to mediate all issues.
- If it is determined that one party is not making a good faith effort in mediation, the Court can impose sanctions.
- It's important to remember that a mediator cannot impose sanctions. For such a determination about good faith to be made, the matter would have to be brought to the attention of a judge.
- To make sure you are mediating in good faith, you should attend your mediations and be timely and thorough with your document submissions.
- You should make sure any details that you agree to are included in your mediator's report so there is a record of your agreements in case there is any question later.



The Court Foreclosure Process



- Mediation is one step in the court foreclosure process.
- No foreclosure judgment can be entered against you while you're in mediation.
- The mediation puts the foreclosure litigation on hold to allow an opportunity for the two sides to work together on a resolution to the case.
- If the case is not resolved in mediation, it will go back to the litigation track.
- If a foreclosure judgment enters against you, you continue to have the right to occupy your home during your "redemption period" for 90 days. You have the right to pay off your mortgage and redeem your property during this 90 days if you have the ability to do so.

You have 21 days from today to provide any documents requested. You should file them in this court, you should send a copy to the plaintiff's attorney, and you should keep a copy for yourself.

Documents Typically Requested

- Financial forms provided by mortgage company
- Hardship letter
- Proof of income
- Federal tax return (signed)
- Utility bill
- Property tax bill
- Proof of homeowner's insurance
- Letter of explanation (signed and dated) for any document asked for that you cannot provide or to clarify any of the documents provided

Find out what type of loan you have to learn more about your options

Ask these questions at your mediation today!

- **Is my loan owned by Fannie Mae or Freddie Mac?**
 - Fannie Mae lookup: <https://www.knowyouroptions.com/loanlookup>
 - Freddie Mac lookup: <https://ww3.freddie.mac.com/corporate/>
- **Does my servicer participate in HAMP?**
 - <http://www.makinghomeaffordable.gov/get-started/contact-mortgage/Pages/default.aspx>
- **Do I have a VA loan, FHA loan, or USDA RD (or RHS) loan?**
 - Check your original loan closing documents if you are unsure
- **Is my loan owned by the Maine State Housing Authority?**
 - Check your original loan closing documents and your court paperwork if you are unsure
- **Is my loan servicer one of the following: JP Morgan Chase, Wells Fargo, Citi, Bank of America, or Ally/GMAC, and therefore subject to the National Mortgage Settlement?**

Options

If I want to keep my house by entering into a loan modification or other agreement, I should ask to be considered for:

- HAMP under the Making Home Affordable Program
- National Mortgage Settlement modification
- Specific modification programs for federally guaranteed, or insured, mortgages like FHA, VA, or USDA RD
- Specific Fannie Mae or Freddie Mac options, if applicable
- "In-house" options
- Forbearance/repayment options

If I want to leave my house and avoid a foreclosure judgment:

- Sale
- Short sale
- Deed in lieu of foreclosure
You need to be aware of any tax consequences that might result if there is a deficiency remaining when you leave your home.

Questions to Ask at Foreclosure Mediation

1. Who is the investor on this loan? _____

2. Who owns this loan? _____

3. Who is my current mortgage servicer? _____

4. Do any of the following guarantees apply to my loan?

FHA

USDA RD (RHS)

VA

5. Do I need to provide any of the documents listed here?

_____ RMA form

_____ 710 form

_____ 710A form

_____ IRS 4506-T form

Which years should be listed? _____ Which address should be provided in box 5?

_____ Most recent paystubs for last _____ days

_____ Profit and loss form if self-employed

_____ Most recent social security award letter

_____ Pension letter

_____ Food stamp award letter or proof of receipt

_____ Two most recent bank statements for months of _____

_____ Signed federal tax returns for years of _____

_____ Most recent property tax bill

_____ Proof of homeowner's insurance, such as insurance "declaration" page

_____ Recent utility bill showing the property address

_____ Other (describe)

6. If the mortgage company is supposed to provide documents to me to complete and return, how and by when will they be provided?

Directly from attorney? By email? By regular
mail? _____

Date: _____

7. These documents should be provided to:

1. Court

2. Plaintiff's attorney:

Name: _____ Phone Number: _____

Address:

8. These documents should be provided by: _____

9. How and by when will the bank confirm receipt of the documents?

Notice from attorney? By phone or
mail? _____

Date: _____

10. Which loss mitigation guidelines apply to this mortgage?

HAMP (Making Home
Affordable)

VA

Fannie Mae

FHA

Freddie Mac

DOJ Settlement Modification

USDA Rural Development

Other: (describe)

11. How and by what date will the mortgage company notify me if any additional documents are needed?

Notice from attorney? By phone or
mail? _____

Date: _____

****Once you have the answers to these questions, ask that the details be added to the Mediator's Report, especially regarding which documents are required, which guidelines apply, and any deadlines and channels of communication agreed to.**

Maine HUD-Approved Agencies Providing Foreclosure Prevention Counseling Services

Counseling Agency and Service Area	Contact Person	Phone and Email Address
Aroostook County Action Program, Inc. <i>Aroostook County</i>	Heidi Rackliffe	207-768-3721 ext. 636 hrackliffe@acap-me.org
Coastal Enterprises, Inc. <i>Statewide</i>	Jason Thomas Mechelle Nash Linda Lajoie	207- 882-5151 jthomas@ceimaine.org 207- 882-5148 min@ceimaine.org 207- 882-5150 llajoie@ceimaine.org
Community Concepts, Inc. <i>Statewide</i>	Melissa Green	Intake: 207-795-4065 homequest@community-concepts.org
Kennebec Valley Community Action Program <i>Statewide</i>	Norma Morrissey April Gagnon	207-859-1637 normam@kvcap.org 207-859-1568 aprilg@kvcap.org
MaineStream Finance <i>Penobscot, Piscataquis, Knox, and Waldo Counties</i>	Heather Massow	207-974-2403 hmassow@penquis.org
Western Maine Community Action <i>Statewide</i>	Bobbie Jo Mealey Deanna Brown	1-800-645-9636 ext. 5112 bjmealey@wmca.org 1-800-645-9636 ext. 5112 debrown@wmca.org
York County Community Action <i>York County</i>	Michael Alexandre Nicole Boutin	Intake: 207-459-2967 or 324-5762 ext 2967 michaela@yccac.org Nicole.boutin@yccac.org
Legal Resource Organizations		
Pine Tree Legal Assistance Local Offices:	Portland: 774-8211 Lewiston: 784-1558 Augusta: 622-4731	Bangor: 942-8241 Presque Isle: 764-4349 Machias: 255-8656

Other Legal Resources:

Volunteer Lawyers Project - 1-800-442-4293
 Legal Services for the Elderly - 1-800-750-5353
 Maine Lawyer Referral Service - 1-800-860-1460

Other General Resource:

Maine Bureau of Consumer Credit Protection Foreclosure Hotline: 1-888-664-2569