

RESIDENTIAL MORTGAGE FORECLOSURE MEDIATION PROGRAM
9th Judicial Circuit Court
Orange County, Florida

HOMEOWNERS' FREQUENTLY ASKED QUESTIONS

What is foreclosure?

Foreclosure is a legal process by which the lender attempts to recover the property in question as a result of the homeowner's failure to make payments.

What is the RMFM Program?

The RMFM Program is the Residential Mortgage Foreclosure Mediation Program that has been ordered by the Florida Supreme Court in Administrative Order 09-54 and the Ninth Judicial Circuit Court Administrative Order No. 2010-11. This program mandates that all homestead foreclosure actions be sent to mediation before a final judgment is issued.

What is mediation?

Mediation is a meeting between the parties (the lender/plaintiff and the borrower/defendant), including any legal counsel they may bring, with a neutral third party – the mediator. The mediator is a Florida Supreme Court Certified Mediator who has been appointed by the court to determine whether you and the lender can work out an agreement to prevent the foreclosure of your home. The mediator helps the parties reach a fair, negotiated agreement.

How do I enter the RMFM Program?

Pursuant to the Ninth Judicial Circuit's Administrative Order, all homestead foreclosure actions filed on July 2, 2010, or later will be automatically referred to the RMFM Program. The Program Manager will contact you based on the information it receives from the lender.

Why should I mediate my mortgage problem?

Many difficulties with mortgages, either before an action is filed (such as when an ARM reset is approaching or when a homeowner is slightly behind in payments), or while a foreclosure case is pending, can be resolved through reasonable discussions. Mediation brings all parties to the table to discuss these problems with a trained mediator. An experienced mediator can help the parties find a creative solution. Because mortgage lenders do not want to own houses, they are generally willing to talk with a borrower about reasonable, practical solutions to bring the mortgage current. Mediation, which provides you and the lender to each speak privately with the mediator as well as to discuss matters together, may result in the parties reaching an agreement without the potentially stressful one-on-one negotiations you and the lender may have without a trained, neutral mediator present.

Is there a cost to me to participate in the RMFM Program?

There is no cost to the homeowner for this program. The lender or loan servicing agent pays the required fees that cover the cost of filing the action, mediation, and the financial counselor. If this does not settle the case, all or part of the managed mediation fee may be assessed against the borrower if the case proceeds to final hearing before a judge.

Who are the mediators?

The independent foreclosure mediators are trained in mediation and foreclosure law. They are certified by the Florida Supreme Court.

Will the mediator issue a decision in my case?

No. All the mediator can do is help the parties look at the dispute objectively, discuss options for working out the mortgage, listen to each side privately and together, and help the participants find a solution. A mediator does not make any decisions, judgments, or recommendations on the outcome of the mortgage dispute, nor does the mediator provide legal advice to either party.

Do I need an attorney to assist with the Mortgage Foreclosure Mediation Program?

No. You may represent yourself. However, you have the right to consult with an attorney at any time during the mediation process and the right to bring an attorney to mediation. ***An attorney will not be provided by this program.*** You may contact the Legal Aid Society of the Orange County Bar Association to see if you qualify for representation in your case or to speak with a lawyer in their foreclosure clinic. If you wish to hire a private attorney and need a referral, please contact the Orange County Bar Association's Lawyer Referral Service.

LEGAL AID SOCIETY (407) 841-8310

LAWYER REFERRAL SERVICE (407) 422-4537

Do all borrowers who signed the mortgage need to attend the mediation session?

Yes, all borrowers must be present at the mediation session. Should all parties not be able to attend, the borrower attending should bring a completed Power of Attorney for the borrower(s) who will not be able to attend (such as a parent or spouse).

Is mediation confidential?

Yes. All discussions held during mediation are confidential and may not be disclosed.

What do I need to bring to mediation?

Prior to mediation, are required to meet with a Financial Counselor; this meeting will be scheduled by the Program Manager. You will complete a Financial Disclosure form with the Financial Counselor and submit it to the Program Manager. You will need the following items for your appointment with the Financial Counselor:

- o Previous Year's Tax Return
- o Proof of Income
- o Most recent Bank Statement
- o Current Utility Bills for Property in Foreclosure
- o Copy of your Mortgage
- o Any other information that may be helpful

Where will the mediation be held?

The mediation will be held at the Orange County Courthouse. You will be notified of the address and room location prior to your mediation.

What happens if we settle?

If the lender and homeowner reach an agreement, the mediator will write a settlement agreement that both the lender and the homeowner will sign. This settlement agreement will be binding on the parties and will be filed with the court.

What happens if we cannot settle?

If the parties cannot settle at the mediation, they may agree to continue negotiating at another date and time. If the parties do not wish to continue negotiating at another time, the case will be returned to the court.

What happens if I do not attend the mediation?

If you decide not to attend the mediation, the case will be returned to the court.