

**RESIDENTIAL MORTGAGE FORECLOSURE MEDIATION PROGRAM**  
**Ninth 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. 2010-11-02. 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). You will meet with a neutral third person – the mediator. The mediator helps the parties reach a fair, negotiated agreement. The lender will have an attorney present, and you may have an attorney present if you are represented by an attorney. No judge or jury is present.

**Why should I mediate my mortgage problem?**

Many difficulties with mortgages, either before an action is filed (such as when an adjustable rate mortgage 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 an opportunity 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.

**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. You will receive a letter and phone call from the Residential Mortgage Foreclosure Mediation Program (RMFMP) so that you may begin the process. A Financial Counselor will contact you to collect your financial information and provide it to the mediator who will be working with you and the lender to help resolve the issue.

**What information will the Financial Counselor need from me?**

Prior to mediation, you are required to meet with a Financial Counselor. You will complete a Financial Disclosure form with the Financial Counselor and submit it to the Program Manager. You will send the following items to the Program Manager after you complete counseling:

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

Most homeowners meet with the Financial Counselor by phone, although homeowners may meet in person for counseling if they wish.

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

There is no cost to the homeowner to participate in 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. All or part of the managed mediation fee may be assessed against the borrower if the case proceeds to final hearing before a judge or may be included as part of a settlement agreement between the parties.

**Who are the mediators?**

The independent foreclosure mediators are trained in mediation and foreclosure law. They are Florida Supreme Court Certified Mediators who have been appointed by the court to determine whether you and the lender can work out an agreement to prevent the foreclosure of your home.

**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 foreclosure case, including the mediation process. You have the right to bring an attorney to mediation. This program will not provide an attorney. 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.

**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.

**Can I participate in this program if I have an Orange County residential (homestead) foreclosure case that was filed before July 2, 2010?**

Yes. You may request to participate in this program. To make this request, complete the Borrowers Request to Participate. You must complete the form, file it with the court and mail copies to all parties. The Borrower's Request to Participate form can be found at [http://www.orangecountybar.org/foreclosure\\_program.asp](http://www.orangecountybar.org/foreclosure_program.asp).

**Can I participate in this program if I have a residential foreclosure case that is not a homestead property?**

You may request to participate in this program by filing a written request with the court and mailing a copy of your request to all of the parties.