



**ORANGE COUNTY BAR ASSOCIATION
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 Foreclosure Mediation Program?

The Foreclosure Mediation program was created by the Ninth Judicial Circuit in Administrative Order No. 2012-06. The Orange County Bar Association is the court-appointed Program Manager for Orange County. This program simply gives homeowners who are in foreclosure the opportunity try to resolve the foreclosure with the lender at mediation. Homeowners who qualify for this program and "opt-in" to participate by paying the program fees are provided a chance to sit down at the mediation table and try to resolve the foreclosure with their lender.

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 if you have an attorney, your attorney must attend. No judge or jury is present.

How can I learn more about mediation and the foreclosure court process?

If you would like to get more information about this mediation program and learn more about the process of a foreclosure case, we invite you to attend our free homeowners' seminar. All homeowners who have a pending residential (homestead) foreclosure case in Orange County qualify to attend the weekly seminar presented by the Orange County Bar Association. The Housing Specialist attorney from the Legal Aid Society of the Orange County Bar Association conducts this live seminar. The attorney explains the court foreclosure process, options homeowners may explore to resolve a foreclosure, and details of the foreclosure mediation program.

To attend, simply call us at **407-649-1833** to schedule your time and date. Attendance is by appointment only. *Homeowners may attend this seminar AT NO CHARGE and with no obligation to participate in mediation.*

Why should I mediate my mortgage problem?

With reasonable discussion, many difficulties with mortgages can be resolved 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. Mediation brings all parties to the table to discuss these problems with a trained, experienced mediator. The 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 participate in the Foreclosure Mediation Program?

To participate in the mediation program, you are required to contact the Program Manager at 407-649-1833 and pay a \$250 fee before the mediation deadline for your case deadline expires. You must contact the Program Manager quickly if you are interested in mediation as there are very strict deadlines for this program. The Program Manager can tell you your exact deadline for participation, but in most cases you only have 40 days from the time the complaint is filed. You may receive phone calls from the Program Manager, who will try to reach you and ask whether you plan to participate. If you opt out of the program or if the Program Manager is unable to reach you before your deadline expires, the Program Manager must file a notice with the court that your participation in the program has ended.

What does the mediation fee cover?

If you decide to participate and pay the \$250 fee, your lender will pay the other half of the \$500 total Mediation Program fee. Fees cover assistance with the collection and transmittal of financial documents with your lender, scheduling costs, and the fee for the mediator. Once you pay the \$250 fee, the Program Manager will assist you in the preparation required for a meaningful mediation.

Who are the mediators?

The independent foreclosure mediators are certified by the Florida Supreme Court as Circuit Civil mediators and have been specially trained to conduct foreclosure mediations.

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 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 the mediation if you wish.*

How can I get an attorney to represent me with my foreclosure case?

An attorney will not be provided by this program. You may contact the Legal Aid Society of the OCBA at 407-841-8310 and ask whether you qualify for their services. If you wish to hire a private attorney and need a referral, please contact the Orange County Bar Association's Lawyer Referral Service at 407-422-4537. If at any time you hire an attorney to represent you in this matter, please let the Program Manager know as we need to be in contact with your attorney.

LEGAL AID SOCIETY- 407-841-8310

LAWYER REFERRAL SERVICE - 407-422-4537

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

Yes, all borrowers who signed the promissory note must attend mediation. 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 Annex A building of the Orange County Courthouse at 435 North Orange Avenue, Suite 102A, Orlando, FL 32801.

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 continues with the court process.

What happens if I do not attend the mediation?

If you decide not to attend the mediation, the case continues with the court process.

Can I participate in this program if I have an Orange County residential (homestead) foreclosure case that was filed before April 23, 2012?

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.

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

Yes. You may request to participate in this program. To make this request, complete the Borrowers Request to Participate form. 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.

Where can I get more information regarding the mediation and the foreclosure process?

The Orange County Bar Association, as Program Manager, provides weekly workshops for homeowners participating in this program. You are invited to attend one of these workshops (at no charge or further obligation) to learn more about mediation and the foreclosure process. To attend, simply contact the Program Manager at **407-649-1833** to reserve your seat at the workshop.