

Florida



Residential Mortgage
Foreclosure Mediation Program

THE AMERICAN ARBITRATION ASSOCIATION®

Advanced Foreclosure Mediation, Processes, and Ethics

presented by Rebecca Storrow storrowr@adr.org

with guest mediator facilitators

Craig Steinberg, Esq. and Jodi Cason, Esq.

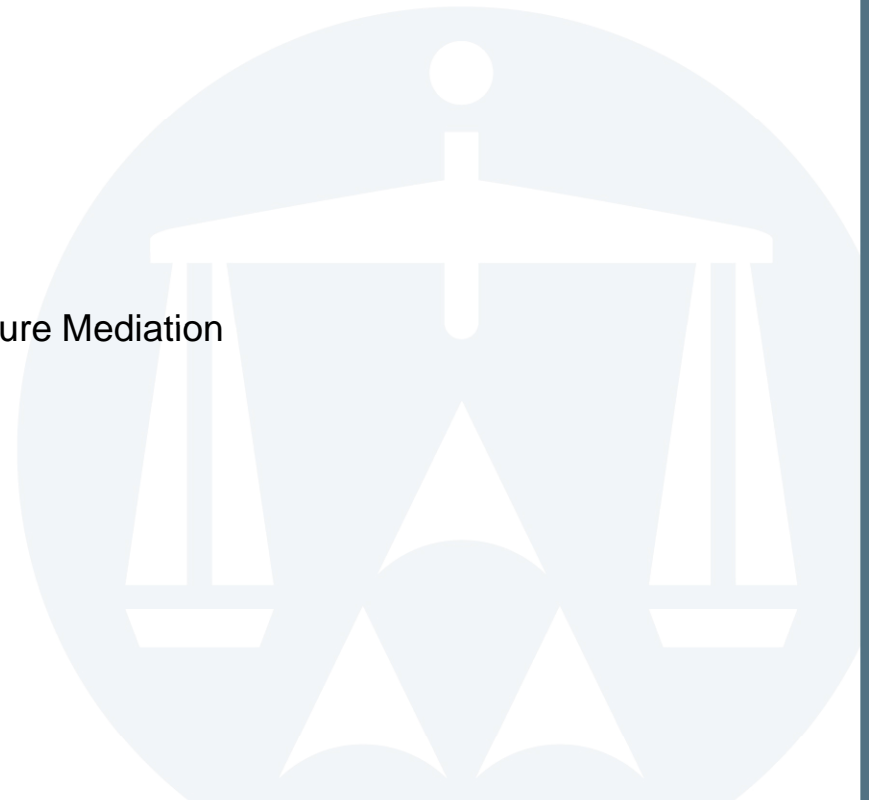
Mediator Training

September 20 & 21, 2010

12:00 to 1:00pm

"Happiness is not the absence of conflict, but the ability to
cope with it" (unknown author)

- Rebecca Storrow – Process and Technology
E Center
Process – Scheduling, Sign In Sheet
Forms
 - Notice of Appointment
 - Mediation Agreement
 - Survey
 - Stats Report
 - Mediation Report
- Craig Steinberg – Strategy and Advanced Foreclosure Mediation
Strategy
Financial Roadblocks
HAMP
Settlement
- Jodi Cason – Ethics in Foreclosure Mediation
Confidentiality
Mediator Bias
Power Balancing



Mortgage Mediation Services

by the American Arbitration Association

or register

Need Help? [Contact Us](#)

► [Lenders - File a Case](#)

► [Mediator/Counselor Case Management](#)

Effective and efficient resolution of mortgage disputes.



Mortgage Foreclosure Mediation in Florida

Select Program...

As a result of the 2009 Florida Supreme Court Administrative Order, homeowners and lenders and mediators in the state of Florida may attempt mortgage foreclosure claims resolution through the AAA. Please select from the listed counties currently participating.

Non-Binding Resolution of Mortgage Claims through the American Arbitration Association

► [Overview of Non-Binding Services](#)

The AAA offers mediation and non-binding arbitration, which are processes that help parties to settle their mortgage claims. Settlement can help to reduce the total cost of resolution and provides flexibility.



NEUTRALS *e* CENTER

Want to become an AAA NEUTRAL?

The AAA's National Roster of Arbitrators and Mediators consists of accomplished and respected experts from the legal and business communities. Learn more about qualifications and procedures for becoming an AAA neutral.

- ▶ Reality vs. Myth: The Truth About Management of the AAA Commercial Roster
- ▶ Qualification Criteria for Admittance to the AAA Panel of Arbitrators
- ▶ Qualification Criteria for Admittance to the AAA Panel of Mediators
- ▶ Qualification Criteria for Admittance to the AAA Labor Panel
- ▶ Qualification Criteria for Admittance to the ICDR International Roster of Neutrals

Are you currently AN AAA NEUTRAL?

As an AAA Neutral, you may access a variety of resources, manage your cases, communicate with clients and colleagues in a secure environment, and take training courses online.

If you are an AAA Neutral already, please log in below.

User ID

Password

LOG IN

- ▶ [Forgot your User ID? Click here for help.](#)
- ▶ [Forgot your Password? Click here for help.](#)

Neutral News

DISPUTE RESOLUTION TIMES

The Dispute Resolution Times is the AAA's source for news and information from the ADR community. Who's doing what and why? News as it happens.

[more](#) ▶





American Arbitration Association

Dispute Resolution Services Worldwide

[DATA](#) [SEARCH](#) [RESUME](#) [UPDATE PROFILE](#) [CALENDARS](#) [PAYMENTS](#) [TRAINING](#) [HELP](#) [HOME](#) [LOG OUT](#)

[EVENTS](#)

[HEARINGS AND AWARDS](#)

NEUTRALS eCENTER

Welcome to Your Neutrals eCenter.

Neutrals eCenter is a personalized online service provided to the AAA panel of neutrals.

ADMINISTRATION

The Administration module allows members to update their profile and resume, view past and present cases, access an online calendar, and track compensation and payments.

TRAINING

Access courses designed to strengthen knowledge and build skills. Courses are mandatory for commercial arbitrators.

RESOURCES

Printed resources pertinent to serving on the AAA's National Roster are available here.

DISPUTE RESOLUTION SERVICES

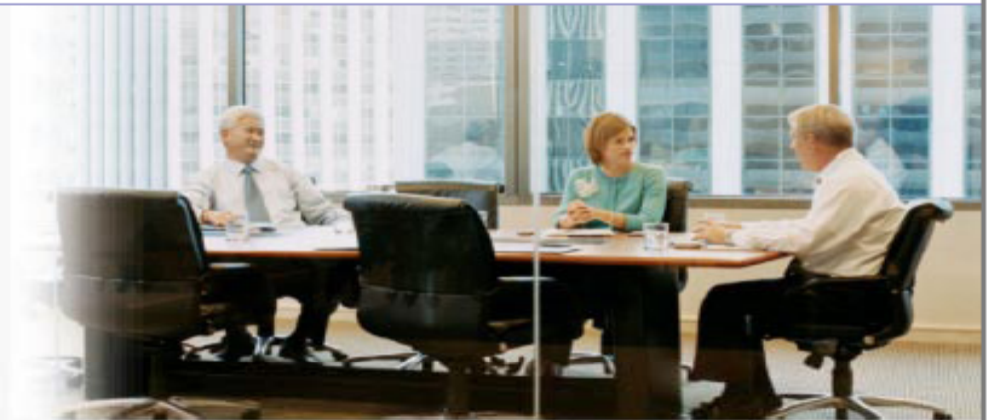
Access information about AAA services, including Case Management and AAA Rules and Procedures.

Neutral News

SEE DISPUTE RESOLUTION TIMES FOR NEUTRALS

The Dispute Resolution Times is the AAA's source for news and information from the ADR community. Who's doing what and why? News as it happens.

[more](#)



[AAA MISSION & PRINCIPLES](#) [PRIVACY POLICY](#) [TERMS OF USE](#) [TECHNICAL RECOMMENDATIONS](#)

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American Arbitration Association

Dispute Resolution Services Worldwide

DATA SEARCH RESUME UPDATE PROFILE CALENDARS PAYMENTS TRAINING HELP HOME LOG OUT

EVENTS

HEARINGS AND AWARDS

delete Available Time or Personal Event.

This calendar shows hearings (scheduled by AAA) for certain caseloads. If you do not see your hearings listed here, select "Hearings and Awards Calendar" from the Calendar menu above instead. Contact your AAA case manager with any questions.

August 2010						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31	1	2	3	4

Today is August 25, 2010

☐ Available
☒ Unavailable

☒ AAA Hearings
☒ Partially Available
☒ Holiday

Need more help? [Click here](#)

Please note that not all options are available for this caseload. If you have any questions in this regard please contact your case manager or their

WEDNESDAY AUGUST 25, 2010

08:00AM
08:30AM
09:00AM
09:30AM
10:00AM
10:30AM
11:00AM
11:30AM
12:00PM
12:30PM
01:00PM
01:30PM
02:00PM
02:30PM
03:00PM
03:30PM
04:00PM
04:30PM
05:00PM
05:30PM
06:00PM
06:30PM
07:00PM



American Arbitration Association

Dispute Resolution Services Worldwide

DATA SEARCH RESUME UPDATE PROFILE CALENDARS PAYMENTS TRAINING HELP HOME LOG OUT

◀ August ▼ 2010 ▼ GO ▶

EVENTS

HEARINGS AND AWARDS

Today is August 25, 2010

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31	1	2	3	4



SELECT EVENT TYPE

WOULD YOU LIKE TO SPECIFY:

[AVAILABILITY](#)

[UNAVAILABILITY](#)

[CANCEL](#)



ADD UNAVAILABILITY

Start Date: (mm/dd/yyyy) Repeat Until Date: (mm/dd/yyyy)
Start Time: End Time:
Description:

SAVE

CANCEL



American Arbitration Association

Dispute Resolution Services Worldwide

DATA SEARCH RESUME UPDATE PROFILE CALENDARS PAYMENTS TRAINING HELP HOME LOG OUT

This calendar shows hearings (scheduled by AAA) for certain caseloads. If you do not see your hearings listed here, select "Hearings and Awards Calendar" from the Calendar menu above instead. Contact your AAA case manager with any questions.

◀ August ▶ 2010 ▶						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31	1	2	3	4

Today is August 25, 2010

☐ Available

☒ Unavailable

☒ AAA Hearings

☒ Partially Available

☒ Holiday

Need more help? [Click here](#)

Please note that not all options are available for this caseload. If you have any questions in this regard please contact your case manager or their

Click on any time to add or delete Available Time or Personal Event.

THURSDAY AUGUST 26, 2010

08:00AM	
08:30AM	
09:00AM	Edit Mediation
09:30AM	
10:00AM	
10:30AM	
11:00AM	
11:30AM	
12:00PM	
12:30PM	
01:00PM	
01:30PM	
02:00PM	
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04:30PM	
05:00PM	
05:30PM	
06:00PM	
06:30PM	
07:00PM	



American Arbitration Association

Dispute Resolution Services Worldwide

DATA SEARCH RESUME UPDATE PROFILE CALENDARS PAYMENTS TRAINING HELP HOME LOG OUT

EVENTS

HEARINGS AND AWARDS

delete Available Time or Personal Event.

This calendar shows hearings (scheduled by AAA) for certain caseloads. If you do not see your hearings listed here, select "Hearings and Awards Calendar" from the Calendar menu above instead. Contact your AAA case manager with any questions.

◀ August ▶ 2010 ▶

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31	1	2	3	4

Today is August 25, 2010

☐ Available
☐ Unavailable

☐ AAA Hearings
☐ Partially Available
☐ Holiday

Need more help? [Click here](#)

Please note that not all options are available for this caseload. If you have any questions in this regard please contact your case manager or their

FRIDAY AUGUST 27, 2010

08:00AM
08:30AM
09:00AM
09:30AM
10:00AM
10:30AM
11:00AM
11:30AM
12:00PM
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06:30PM
07:00PM



MODIFY UNAVAILABILITY

Start Date: 08/26/2010

Start Time: 09 00 AM End Time: 05 00 PM

Description: Mediation

UPDATE

DELETE

CANCEL



SCHEDULED HEARINGS

Start Date:  End Date:  (mm/dd/yyyy)

SEARCH

Note: The search might take a long time if there are many hearings scheduled between the specified dates. To expedite the search, select a small period of time, for example a week or few days.

Date	Case Number	Start Time	End Time	Place	Status
09/17/2010	36-560-000038-10	09:00 AM	11:00 AM	AAA	Active
	Claimant: Dave Willey/Globe Theatres Dave Willey (Globe Theatres) Jack Vincer (Bank of America) john smith (ABC Corp) Respondent: Test Test Test Test				
	36-560-000052-10	09:00 AM	11:00 AM	AAA	Active
	Claimant: John Smith/General Motors Corp John Smith (JC Penney) Respondent: Albert Orosa/ Albert Orosa				
09/23/2010	36-560-000099-10	09:00 AM	11:00 AM	AAA	Active
	Claimant: John Smith/General Motors Corp John Smith (JP Morgan Chase) Respondent: Donna Defendant Donna Defendant				
09/30/2010	36-560-000095-10	09:00 AM	11:00 AM	AAA	Active

The list of scheduled hearings won't be 'your' cases only, but all cases scheduled on a day, by site. You have to refer to your notices from us about your scheduled days. This list is to show you the cases that will be going on the day you are mediating.

CASE NUMBER: 36-560-000045-10

Claimant: Bank of America Filing Date: 06/23/2010
Respondent: Jim White Case Manager: Case Manager Circuit 17

SUMMARY | **CLAIMS** | **PARTIES** | **HEARINGS** | **DOCUMENTS**

Statistical Worksheet

Compensation Deposits and Disbursements

Case Name: Bank of America AND Jim White AND Jim White

Status: Active

Number of Neutrals: 1

APPOINTED NEUTRAL(S)

Name	Type	Appointed By
Bruce E Chapin	Mediator	Administrative
Bill C Hammer	Financial Counselor	Administrative

TASKS

Task Description	Due Date	Date Completed
Award Due	08/17/2010	08/17/2010

Foreclosure Statistical Worksheet

Mediators: This is for statistical purposes only and should not contain any personal information of your parties such as the name of the borrower, lender, or case number. Please complete and return to the Office manager immediately upon conclusion of the mediation session.

IN ORDER FOR YOU TO RECEIVE PAYMENT, THIS FORM MUST BE SUBMITTED TO THE OFFICE MANAGER NO MORE THAN 5 DAYS AFTER YOUR MEDIATION SESSION. Thank you.

Mediator Name : Sheila S Cole

Court Case Number : CACE08037039

AAA Case Number : 36-300-000001-04

Section A.

Month (number) 09 Year 2010 County Broward (Broward, Brevard, Alachua, Baker, Bradford, Gilchrist, Levy, Union)

Section B.

- ☐ Mediated Settlement Agreement
- ☐ Plan of Action
- ☐ Partial Agreement
- ☐ Impasse
- ☐ Mediation was Terminated
- ☒ Adjournment
- ☐ Mediation could not proceed due to nonappearance
 - ☐ Nonappearance on behalf of both Parties
 - ☐ Nonappearance by Plaintiff Representative
 - ☐ Nonappearance by Plaintiff's Attorney
 - ☐ Nonappearance by Defendant
 - ☐ Nonappearance by Defendant's Attorney

Section C.

In the event a settlement was reached, please indicate the type of workout option by checking appropriate box(s):

1.	<input type="checkbox"/>	Short Sale: Sale of the property to a third party in which the lender agrees to accept the proceeds of the sale as full satisfaction for the outstanding balance on the loan, even though the sale price is less than the loan balance.
2.	<input type="checkbox"/>	Deed in Lieu of Foreclosure: The home owner voluntarily relinquishes the home to the lender after default to avoid foreclosure.
3.	<input type="checkbox"/>	Mortgage Assumption: Another person transfers the loan into their name and is responsible for the mortgage payment.
4.	<input type="checkbox"/>	Partial Claim: A Partial Claim involves HUD granting a junior mortgage loan to the Borrower in the amount of any areas (not including late fees or foreclosure costs).
5.	<input type="checkbox"/>	Repayment Agreement: An agreement to give the homeowner a fixed period of time to cure a default usually by paying the regular monthly payment plus an additional amount to cure the delinquency.
6.	<input type="checkbox"/>	Temporary Rate Reduction.
7.	<input type="checkbox"/>	Foreclosure Followed by Leaseback and Option to Purchase: Parties agree to go to foreclosure so that the lender takes title to the property back from Borrower and "forecloses" all other interests, such as 2nd and 3rd mortgages.
8.	<input type="checkbox"/>	Waiver of Late Fees
9.	<input type="checkbox"/>	Blended Equity Mortgage: Lender takes part ownership (a percentage) in the property and reduces the mortgage by the same amount.
10.	<input type="checkbox"/>	Forbearance: A type of repayment plan that permits a period of time for suspended or reduced monthly payments, or regular payments before requiring additional amounts to repay the mortgage.
11.	<input type="checkbox"/>	Loan Modification: A loss mitigation tool that involves a permanent change in the terms of the loan that results in a lower loan payment that the Borrower is able to afford. It might be called an "in-house refinance" meaning that the consumer's current lender provides a different(modified) loan.
12.	<input type="checkbox"/>	Transition Strategies: Technically not a workout that seeks to save the home, but a plan to ease the homeowner into a different, more affordable housing situation with the least amount of distress.
13.	<input type="checkbox"/>	Options in the Context of Bankruptcy
14.	<input checked="" type="checkbox"/>	Other Reason Text


CASE NUMBER: 36-300-000001-04

Claimant: Sasha Smith /nnn Bank of America
Respondent: Bank of America

Filing Date: 06/01/2010
Case Manager: Monique Brown - **phone:** 888 320 6570

[SUMMARY](#) | [CLAIMS](#) | [PARTIES](#) | [HEARINGS](#) | [DOCUMENTS](#)

Download All

To download a [zip](#)  file containing all documents associated with the current case, click on the Download All button.

Document types within source [Document types](#)

To view a list of documents for a document type, click on a Document Type link.

Source	Document Type	Number of Documents	New
Arbitrator/Mediator/FC	Mediator Statistical Worksheet	1	X

CASE NUMBER: 36-300-000001-04

Claimant: Sasha Smith /nnn Bank of America
Respondent: Bank of America

Filing Date: 06/01/2010
Case Manager: Monique Brown - phone: 888 320 6570

[SUMMARY](#) | [CLAIMS](#) | [PARTIES](#) | [HEARINGS](#) | [DOCUMENTS](#)

Back to document list

To view a document, click on a link in the Description column.

To download one or more documents in a zip file, select the associated checkboxes and click the "Download Selected" button.

SELECT ALL

DESELECT ALL

DOWNLOAD SELECTED

		Source	Description	Timestamp	Pages	New
1	<input type="checkbox"/>	Arbitrator/Mediator/FC	Statistical Worksheet	09/13/2010 04:48:51 PM	2	X

CASE NUMBER: 36-560-000168-10

Claimant: HSBC Filing Date: 08/02/2010
Respondent: Gladstone Law Group Case Manager: Case Manager Circuit 17

[SUMMARY](#) | [CLAIMS](#) | [PARTIES](#) | [HEARINGS](#) | [DOCUMENTS](#)

UPLOAD DOCUMENT**File:****Document type:****Description:**

Borrower's Request For Plaintiff's Disclosure For Mediation
Mediator Statistical Worksheet
Most Current Appraisal Of Property Available To Plaintiff
Notice of Borrower's Nonparticipation

The upload time r

The maximum size of a file you can upload is 8MB. If you have a file with greater size, split it into parts.

You can only upload files with the following extensions:

bmp, csv, doc, docx, gif, htm, html, jpeg, jpg, msw, pdf, ppt, rtf, tif, tiff, txt, wpd, xls

[More ...](#)

Mediator Help Access

- Technology RMFMOperations@adr.org
- Application Process foreclosuremediation@adr.org

Training

- Broward County Library offers an array of classes and programs at locations throughout the county.
- <http://www.broward.org/Library/ClassesPrograms/Pages/ComputerBranches.aspx>
- <http://www.broward.org/Library/ClassesPrograms/Pages/ComputerInternet.aspx>
- **Introductory Courses at Broward Community College**
- <http://www.broward.edu/ied/ied/ce/ComputerCourses/page9775.html#office>
- <http://www.broward.edu/index.jsp>

Process and Forms — Rebecca Storrow

■ **Process**

- Scheduling
- Circuits – 17th (4/day), 18th (2/day), 8th (local)
- Sign In Sheet

■ **Forms**

- Notice of Appointment – completed on site
- Mediation Agreement – completed on site
 - copies of signed agreement given to all parties;
 - original given to either party if they want to file with clerk
- Exit Survey – completed on site or online
- Foreclosure Statistical Worksheet – completed at site until online version on E-Center
- Mediation Report – completed on site
 - copies to all parties and original to site manager for filing with clerk;
 - Site manager can assist you to upload or fax to 877-395-1389

Florida



Residential Mortgage Foreclosure Mediation Program

Forms: Notice of Appointment

Florida



Residential Mortgage Foreclosure Mediation Program

IN THE CIRCUIT COURT OF THE JUDICIAL
CIRCUIT IN AND FOR COUNTY, FLORIDA
CASE NO.

PLAINTIFF
VS.
DEFENDANT

NOTICE OF APPOINTMENT

To:

You should have already completed the Mediation Panel Application Form inquiring about any previous employment by a mortgage lender and the RMFM Program Mediator Acknowledgment and Disclosure Form inquiring about current or prior, within the last five years, personal or professional relationships and contacts with mortgage lenders.

However, the Florida Rules for Certified & Court-Appointed Mediators state that "[t]he burden of disclosure of any potential conflict of interest rests on the mediator" and requires that "[d]isclosure shall be made as soon as practical after the mediator becomes aware of the interests or relationship giving rise to the potential conflict of interest." Therefore, based on the conflict of interest standards contained in the Florida Rules and the AAA/ABA Models Standards of Conduct for Mediators, please complete the following checklist of conflicts. Please note that an affirmative response to any of the following questions does not operate to automatically disqualify you from serving as a mediator in the above-captioned case. However, this completed Notice of Appointment will be shared with the parties who will be permitted to raise any additional questions or concerns they may have regarding your disclosures. You will not be able to begin the mediation session until a duly executed Notice of Appointment is completed, shared with the parties and returned to the Program Manager:

1. Have you had any personal or professional banking relationships with any of the companies involved in this mediation?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

2. Do you or your law firm presently represent any party that is involved in the mediation?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

3. Are you aware of any professional or social relationship you have had with: counsel for any party in this proceeding; the firms for which they work; or any parties or witnesses identified to date in this proceeding or the entities for which they work?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

8/27/2010

4. Have you ever served as a mediator or arbitrator in a proceeding in which any of the party representatives, law firms, or parties appeared before you or gave testimony?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

5. Have you or any member of your family, or any close social or business associate been involved in the last five years in a dispute involving the subject matter of this mediation?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

6. Have you ever sued or been sued by either party or its representative?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

7. Do you or your spouse own significant stock in any of the companies involved in this mediation that you are aware of?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

8. Are there any additional disclosures you would like to make that are not otherwise covered by the above questions?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

Should the answer to any question be "Yes", or if you are aware of any other information that may lead to a justifiable doubt as to your impartiality or independence or create a potential conflict of interest, then describe the nature of the potential conflict(s) on an attached page.

MEDIATOR'S ACKNOWLEDGEMENT

I hereby affirm that the above information is true and accurate to the best of my knowledge, information and belief and further attest that I will faithfully and fairly serve as the mediator in this matter in accordance with the Florida Rules for Certified & Court-Appointed Mediators.

Dated:

Signed:

Printed Name:

8/27/2010

Florida



Residential Mortgage Foreclosure Mediation Program

Forms: Exit Survey

AAA Residential Mortgage Foreclosure Mediation Program Mediation Exit Survey
Circle Judicial Circuit: 17th 18th 8th Month____/2010

Name of Mediator _____

The AAA RMFM Program is dedicated to providing the highest quality of service. In order to evaluate our effectiveness, we ask that you complete this anonymous questionnaire, fold, and return to the front desk. *For each statement please circle the answer that most closely fits your mediation experience.*

1. The surroundings provided a comfortable, suitable environment for the mediation.

Strongly Agree Agree Neutral Disagree Strongly Disagree

2. The mediator was effective in making me feel comfortable enough to openly discuss and express my issues and feelings.

Strongly Agree Agree Neutral Disagree Strongly Disagree

3. The mediator did not take sides.

Strongly Agree Agree Neutral Disagree Strongly Disagree

4. The mediation process and my rights and responsibilities were clearly explained.

Strongly Agree Agree Neutral Disagree Strongly Disagree

5. My issues were given a fair amount of time and attention during mediation.

Strongly Agree Agree Neutral Disagree Strongly Disagree

6. The mediator helped clarify issues that were confusing.

Strongly Agree Agree Neutral Disagree Strongly Disagree

7. The mediator communicated with me in a respectful way.

Strongly Agree Agree Neutral Disagree Strongly Disagree

8. The mediator did not pressure me, allowing me to make my own decision.

Strongly Agree Agree Neutral Disagree Strongly Disagree

9. I am satisfied with the results of my mediation session(s).

Strongly Agree Agree Neutral Disagree Strongly Disagree

10. I would recommend mediation to other people.

Strongly Agree Agree Neutral Disagree Strongly Disagree

11. What did we do well? What could we improve? Your comments and ideas are appreciated.

AAA RMFM 2010

Florida



Residential Mortgage
Foreclosure Mediation Program

Forms: Foreclosure Statistical Worksheet



Foreclosure Statistical Worksheet

Mediators: This form is for statistical purposes only and should not contain any personal information of your parties such as the name of the borrower, lender, or case number. Please complete and return to the Office manager immediately upon conclusion of the mediation session.

IN ORDER FOR YOU TO RECEIVE PAYMENT, THIS FORM MUST BE SUBMITTED TO THE OFFICE MANAGER NO MORE THAN 5 DAYS AFTER YOUR MEDIATION SESSION. *Thank you.*

Mediator Name: _____ Case Number: _____

Section A.

Month ____ Day ____ Year 10 County (number) ____ 1. Broward, 2. Brevard, 3. Alachua, 4. Baker, 5. Bay, 6. Collier, 7. Duval, 8. Escambia, 9. Franklin, 10. Gadsden, 11. Hardee, 12. Hernando, 13. Hillsborough, 14. Indian River, 15. Jackson, 16. Jefferson, 17. Leon, 18. Levy, 19. Manatee, 20. Marion, 21. Miami-Dade, 22. Monroe, 23. Nassau, 24. Oklawaha, 25. Orange, 26. Osceola, 27. Palm Beach, 28. Pinellas, 29. Polk, 30. Putnam, 31. St. Johns, 32. St. Lucie, 33. Suwannee, 34. Taylor, 35. Volusia, 36. Washington, 37. Walton, 38. Wayne, 39. Alameda, 40. Butte, 41. Calaveras, 42. Colusa, 43. Contra Costa, 44. El Dorado, 45. Fresno, 46. Inyo, 47. Kern, 48. Kings, 49. Lake, 50. Madera, 51. Maricopa, 52. Maricopa, 53. Merced, 54. Modoc, 55. Mono, 56. Monterey, 57. Nevada, 58. Placer, 59. Plumas, 60. San Bernardino, 61. San Diego, 62. San Francisco, 63. Santa Clara, 64. Santa Cruz, 65. Stanislaus, 66. Sutter, 67. Tehama, 68. Tulare, 69. Yuba

Section B.

- ☐ Mediated Settlement Agreement
- ☐ Plan of Action
- ☐ Partial Agreement
- ☐ Adjournment
- ☐ Impasse
- ☐ Mediation was Terminated
- ☐ No Show

Mediation could not proceed due to nonappearance

- ☐ Nonappearance on behalf of both Parties
- ☐ Nonappearance by Plaintiff Representative
- ☐ Nonappearance by Plaintiff's Attorney
- ☐ Nonappearance by Defendant
- ☐ Nonappearance by Defendant's Attorney

Section C.

In the event a settlement was reached, please indicate the type of workout option by checking the appropriate box(es):

1.	<input type="checkbox"/>	Short Sale: Sale of the property to a third party in which the lender agrees to accept the proceeds of the sale as full satisfaction for the outstanding balance on the loan, even though the sale price is less than the loan balance.
2.	<input type="checkbox"/>	Deed in Lieu of Foreclosure: The home owner voluntarily relinquishes the home to the lender after default to avoid foreclosure.
3.	<input type="checkbox"/>	Mortgage Assumption: Another person transfers the loan into their name and is responsible for the mortgage payment.
4.	<input type="checkbox"/>	Partial Claim: A Partial Claim involves HUD granting a junior mortgage loan to the Borrower in the amount of any arrears (not including late fees or foreclosure costs).
5.	<input type="checkbox"/>	Repayment Agreement: An agreement to give the homeowner's fixed period of time to cure a default usually by paying the regular monthly payment plus an additional amount to cure the delinquency.
6.	<input type="checkbox"/>	Temporary Rate Reduction
7.	<input type="checkbox"/>	Foreclosure Followed by Leaseback and Option to Purchase: Parties agree to go to foreclosure so that the lender takes title to the property back from the Borrower and "forecloses" all other interests, such as 2 nd and 3 rd mortgages.
8.	<input type="checkbox"/>	Waiver of Late Fees
9.	<input type="checkbox"/>	Blended Equity Mortgage: Lender takes part ownership (a percentage) in the property and reduces the mortgage by the same amount.
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12.	<input type="checkbox"/>	Transition Strategies: Technically not a workout that seeks to save the home, but a plan to ease the homeowner into a different, more affordable housing situation with the least amount of distress.
13.	<input type="checkbox"/>	Options in the Context of Bankruptcy
14.	<input type="checkbox"/>	Other:

Florida



Residential Mortgage
Foreclosure Mediation Program

Forms: Mediation Report

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

Case No(s): _____

Plaintiff(s),

vs.

Defendant(s).

MEDIATION REPORT (RMFM Program)

Pursuant to the Court's Order, a Mediation Conference was conducted by
_____, Florida Supreme Court Certified Circuit Civil Mediator, on _____.

1. The following were present:

a) The Plaintiff's Representative, _____, and Plaintiff's attorney, _____.

b) The Defendant(s), _____, and his/her/their attorney(s), _____.

2. The result of the Mediation Conference is as follows (*Mediator selects only one*):

_____ A signed **SETTLEMENT AGREEMENT** was reached during this Conference.

_____ The parties have reached a total **IMPASSE**.

_____ The parties have agreed to **ADJOURN** the mediation to _____.

_____ Mediation has been **TERMINATED**.

As required by Administrative Order _____ a copy of the most recently filed Form A is
attached.

Mediator
Certification #: _____

The original of the mediation report has been furnished to:
Clerk of Court

Copies furnished to:

- ☐ Plaintiff
- ☐ Plaintiff's Attorney
- ☐ Defendant
- ☐ Defendant's Attorney

Strategy and Advanced Foreclosure Mediation – Craig Steinberg

■ Strategies

- Create an environment on cooperation
- Do not lose the participants along the way
- Do some PR
- Realize that in the Blizzard of Foreclosures each Snow Flake (mediation) is different up close



■ HAMP



- The 31% Rule (realities and myths)
- NPV (fail or pass), (realities and myths)
- Documents (what is needed and what they look like)
- Waterfall (term extension, deferred accounts, etc.)



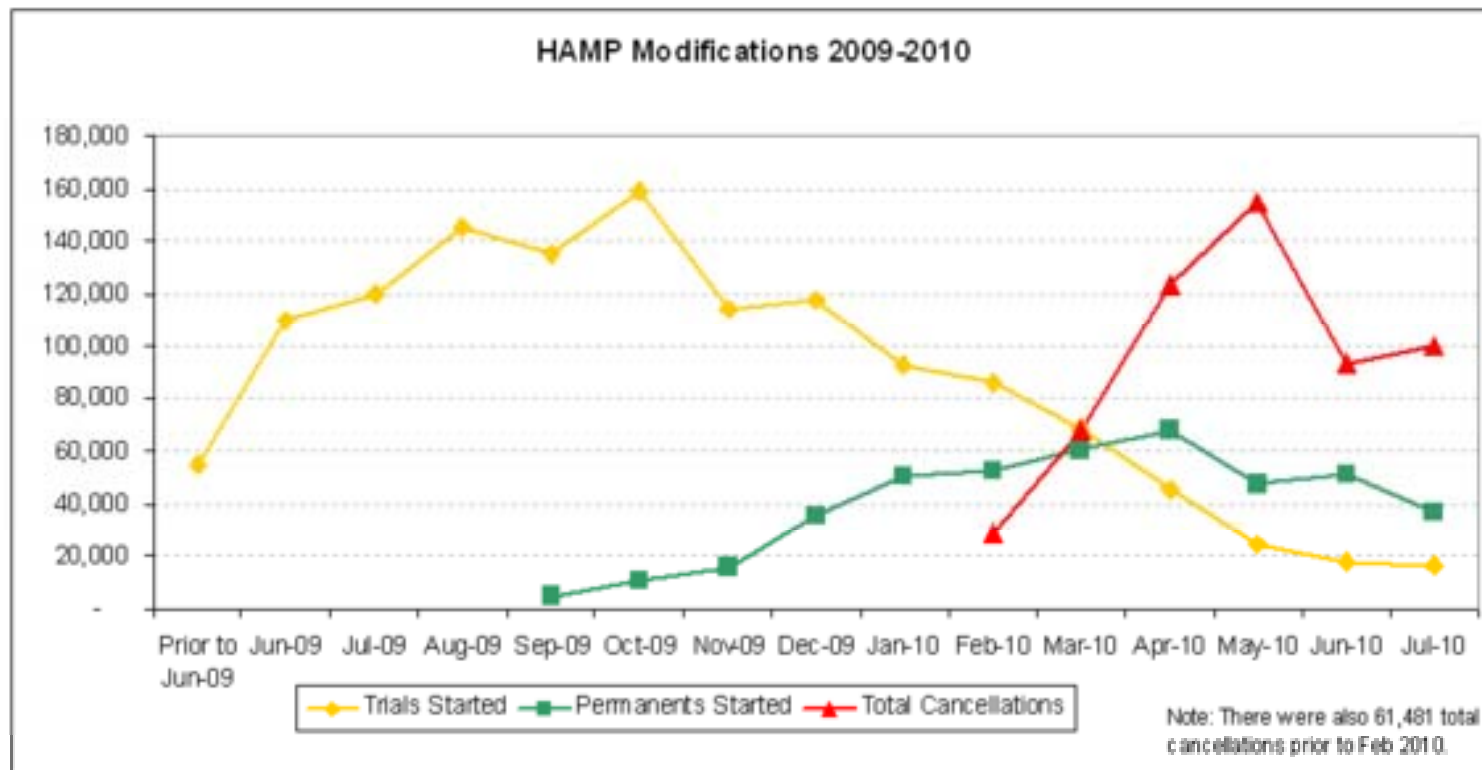
Florida



Residential Mortgage
Foreclosure Mediation Program

Strategy and Advanced Foreclosure Mediation – Craig Steinberg

HAMP MODIFICATIONS 2009-2010



Strategy and Advanced Foreclosure Mediation – Craig Steinberg

■ HAFA

- Life after HAMP
 - Short Sales
 - Deeds in Lieu
- Homeowner must be considered within 30 days by Servicer
- Homeowner Must Apply for it within 14 days of being notified that they may qualify
- Requires lender to suspend all collection and legal proceedings while homeowner is being considered for HAFA
- Deficiency may be waived if permitted by law Homeowner must vacate within 30 days after Deed in lieu is signed



Incentives to the Parties

- Bank incentives – the banks get \$1,000 servicing bonus
- Displaced Homeowners gets \$1,500
- Lender pays all closing cost and admin costs

HAFA Youtube Video : <http://www.youtube.com/watch?v=8TXx8rKy-Ow>

Strategy and Advanced Foreclosure Mediation – Craig Steinberg

- Financial Roadblocks

- Homeowner does not disclose all income or financials
- Lack of proper Documents
- Not enough income
- Bank didn't review the Documents before the Mediation
- Different perception of the income and expense presented



- Settlement

- Creative (rent property, alternate payment options, etc.)
- Cooperative alternatives
- Financial Incentives





- CONFIDENTIALITY (RULE 10.360) (FL. STAT. 44.405 EXCEPTIONS)
 1. REPORTING REQUIREMENTS REQUIRED IN ADMINISTRATIVE ORDER. VARIES BY CIRCUIT.
 - A. APPEARANCE OF PARTIES WITH AUTHORITY TO SETTLE
 - B. APPEARANCE BY PARTY LISTED ON FORM A
 - C. MANDATORY DISCLOSURES
 - D. REQUIREMENTS FOR TELEPHONIC APPEARANCE AND REQUIREMENT TO STAY ON THE PHONE FOR COMPLETE MEDIATION
 - E. APPEARANCE OF NON-PARTIES AT MEDIATION
 - F. DISCLOSURE FOR PROFESSIONAL MISCONDUCT OR MALPRACTICE FL. STAT. 44.405(4) & (6)

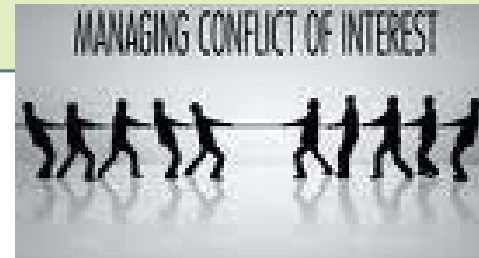
- POWER BALANCING V. OBLIGATION TO REMAIN NEUTRAL (RULE 10.410 BALANCED PROCESS)
 1. UNREPRESENTED UNSOPHISTICATED DEFENDANTS V. REPRESENTED SOPHISTICATED PLAINTIFFS
 2. KEEPING DEFENDANTS INFORMED (RULE 10.370-PROVIDING INFORMATION)
 3. EXPLAINING DEFINITIONS AND PROCESSES



- MEDIATOR BIAS (RULE 10.330-IMPARTIALITY)
 1. PERSONAL FEELINGS FOR OR AGAINST A PARTY
 2. BEING A PROACTIVE MEDIATOR
 3. UNCONSCIONABLE/ILLEGAL/UNFAIR AGREEMENTS (RULE 10.370-ADVICE, OPINIONS, OR INFORMATION) VS. RULE 10.320 NON-PARTICIPATING PERSONS AND RULE 10.420(4)

Bias

- CONFLICTS OF INTEREST



1. MEDIATOR/LAWYERS IN ACTIVE LITIGATION
(RULE 10.340-PROHIBITS “UNDISCLOSED”
CONFLICTS)
2. TWO HOUR TIME LIMIT
3. DRAFTING AGREEMENT