

ENDORSED
First Judicial District Court

JUL 13 2009

Santa Fe, Rio Arriba &
Los Alamos Counties
PO Box 2268
Santa Fe, NM 87504-2268



First Judicial District Court
State of New Mexico
Counties of Los Alamos, Rio Arriba, and Santa Fe

No. D-0101-CV-77-52749

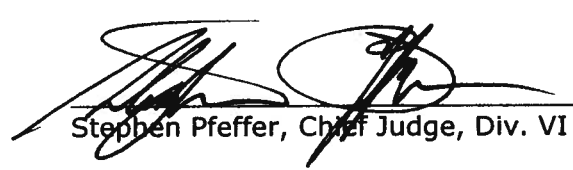
IN THE MATTER OF A FORECLOSURE MEDIATION ADR OPTION

ADMINISTRATIVE ORDER No. 2009-00001

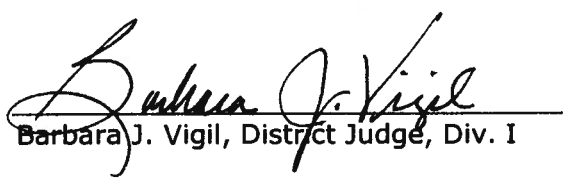
The District Judges of the First Judicial District Court hereby adopt the following order authorizing the establishment of a Foreclosure Mediation Option in the Court's Alternative Dispute Resolution Program Pilot Project.

This Administrative Order may be modified by a majority of judges in a monthly judges meeting, as recorded in the meeting minutes without a need for another Administrative Order.

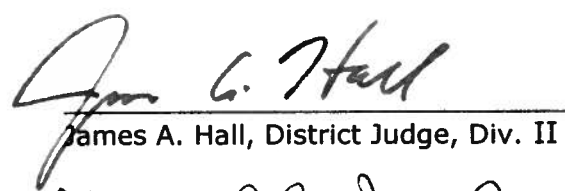
This Administrative Order became effective on April 30, 2009, and was modified on July 8, 2009.



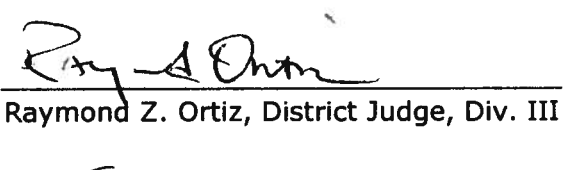
Stephen Pfeffer, Chief Judge, Div. VI



Barbara J. Vigil, District Judge, Div. I



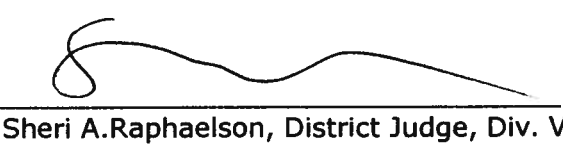
James A. Hall, District Judge, Div. II



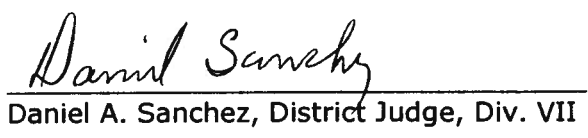
Raymond Z. Ortiz, District Judge, Div. III



Michael E. Vigil, District Judge, Div. IV



Sheri A. Raphaelson, District Judge, Div. V



Daniel A. Sanchez, District Judge, Div. VII

FORECLOSURE MEDIATION OPTION of the ALTERNATIVE DISPUTE RESOLUTION PROGRAM

1. Purpose. The purpose of this Administrative Order is to establish a pilot project to authorize and systematize the mediation of home mortgage foreclosure cases in a timely and cost efficient manner in order to minimize case processing time, save costs and expense for the parties, and assist the parties in resolving the issues by working out new mortgage terms where possible or other agreements mutually acceptable to both parties.

2. Administration. This program shall be administered by the Court Constituent Services Director, as part of the Alternative Dispute Resolution Program Pilot Project and following the procedures thereof. The court may appoint standing or ad hoc committees of judges, lawyers and others to provide guidance and assistance.

A) Foreclosure mediators shall be settlement facilitators on the ADR Program list who have completed subject matter training approved by the Court or who have prior experience representing clients in foreclosure actions.

3. Application. This order applies to mortgage foreclosure actions involving one to four unit residences in which the owner(s) occupies at least one unit ("owner-occupied residence") as their principal residence, which actions are properly before the First Judicial District court. Nothing in this order prevents parties to any other foreclosure action properly before the First Judicial District court from availing themselves of this program.

4. Notice required. The plaintiff in any mortgage foreclosure action brought against the owner of an owner-occupied residence must notify the defendant homeowner(s) of the availability of the foreclosure mediation program by serving a copy of the attached Notice (Attachment A) with the Complaint and Summons in the case.

5. Procedure. All procedures described in the Administrative Order authorizing the Alternative Dispute Resolution Program Pilot Project shall apply to foreclosure mediation, except as such procedures may be modified herein.

(A) Any party may file a Request for Referral to Foreclosure Mediation using the form available from the court. A copy of the filed Request must be provided to the court's ADR Program.

(B) A mediator who is an attorney on the court's list of qualified foreclosure mediators shall be appointed, and an Order of Referral to Foreclosure Mediation shall be entered.

(C) The parties shall consult with the mediator to schedule a mediation session, which mediation session shall be convened not later than 60 days after entry of the Referral Order.

(D) The plaintiff shall designate a person who has the authority to negotiate settlement of the case and provide complete, current contact information for that person including mailing address, direct telephone number, fax number and email address, to the defendant homeowner not later than 10 working days before the scheduled date of the mediation.

(E) The defendant homeowner shall provide complete, current contact information including mailing address, direct telephone number(s), fax number if any and email address if any, to the plaintiff's attorney not later than 10 working days after entry of the Referral Order.

(F) Each party shall provide the information required in paragraph 6 below to the other party(ies) and to the foreclosure mediator. If the plaintiff also requires a loss mitigation application from the defendant homeowner in order to engage in meaningful settlement negotiations, the plaintiff's attorney shall provide such application to the defendant homeowner not less than 10 working days after entry of the Referral Order. The defendant homeowner shall return the completed loss mitigation application to the plaintiff's attorney not less than 10 working days before the scheduled date of the mediation.

(G) Parties who do not reside or maintain a business presence in New Mexico may attend the mediation session telephonically.

6. Preparation. The parties and their counsel, if any, shall be prepared to negotiate in a mutual effort to reach a fair and reasonable settlement.

(A) The plaintiff shall provide to the defendant homeowner(s) and the mediator not less than 10 working days before the scheduled date of the mediation:

- (1) copies of the note and mortgage if not already provided;
- (2) a listing of all payments made under the note; and
- (3) a reinstatement amount if applicable that includes a list of the specific fees and costs that comprise the reinstatement amount, not including fees or costs that have not been incurred on the date the information is provided.

(B) The defendant homeowner(s) shall consult with a counselor from a HUD-certified housing counseling agency not less than 20 working days before the scheduled date of the mediation.

(C) Each party shall complete the appropriate information response and provide it to the mediator and the other parties not later than 10 working days before the scheduled date of the mediation. The information responses shall NOT be filed.

7. Attendance. The plaintiff or its representative or agent with settlement authority designated in accordance with paragraph 5D herein, the defendant homeowner(s), and any other defendants shall attend every scheduled mediation session, along with any attorney who has appeared on their behalf. The parties may also be accompanied by any other advisor or counselor.

8. Sanctions. Violation of the Administrative Order or the referral Order, including but not limited to failure to provide the required information and failure to schedule and attend a scheduled mediation session, may result in imposition of sanctions, including but not limited to denial of remedies both equitable and/or legal, monetary penalties, assessment of costs, preclusion of evidence, dismissal, or default. Lack of settlement authority is not a defense to the imposition of sanctions for failure to negotiate.

What can you do when you receive notice that your home is in FORECLOSURE?

GET HELP RIGHT AWAY.

The United South Broadway Corp. 1- 866-227-5114 is a HUD-approved housing counseling agency that offers **FREE help statewide** through counselors based in Albuquerque. They may also be able to refer you to a lawyer who will help you at no charge.

Consult a HUD-approved housing counselor for **FREE help**. Call 1.800.569.4287 to find one in your area. Consumer Credit Counseling Services is the only HUD-approved housing counseling agency with an office in the First Judicial District (Santa Fe, Rio Arriba, and Los Alamos Counties). It offers **FREE help** by calling 505-984-8707 (in Santa Fe) or 1-886-331-2227 (statewide).

To avoid having a default judgment entered against you, you **MUST** file a written response to the Complaint for Foreclosure with the Court **AND** serve your written response upon the Plaintiff or the Plaintiff's attorney within **30 days of receiving the Complaint**.

You can also file a Request for Mortgage Foreclosure Mediation to ask the Court to assign a mediator to help you and the lender work out an agreement. You can get forms and other information at the Court's Self Help Center or at www.firstdistrictcourt.com (Forms).

YOU HAVE THE RIGHT TO REMAIN IN YOUR HOME until the Court approves a foreclosure sale. You are responsible for your house until the time the home is sold at the foreclosure sale, if any, even if the foreclosure case is closed.

The federal government may be able to help through its Making Home Affordable program. Go to www.makinghomeaffordable.gov for more info.

Beware of Foreclosure Rescue Scams - Help Is Free!

(from www.makinghomeaffordable.gov)

- There is **NEVER A FEE** to get assistance or information about Making Home Affordable from your lender or a HUD-approved housing counselor.
- **BEWARE** of **ANY** person or organization that asks you to pay a fee in exchange for housing counseling services or modification of a delinquent loan. **DO NOT PAY - WALK AWAY!**
- **BEWARE-** of **ANYONE** who says they can "save" your home if you sign or transfer over the deed to your house. **Do not sign** over the deed to your property to any organization or individual unless you are working directly with your mortgage company to forgive your debt.
- **NEVER** make your mortgage payments to anyone other than your mortgage company without their written approval.

DON'T IGNORE IT - GET HELP TODAY.

CAUTION: This Notice is not intended as legal advice, and does not substitute for seeking independent legal or other professional advice as to the handling of this lawsuit, or related legal or financial matters.