

CUYAHOGA COUNTY

FORECLOSURE

MEDIATION PROGRAM

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MISSION STATEMENT

MEDIATE FORECLOSURE CASES IN A TIMELY AND
COST-EFFICIENT MANNER IN ORDER TO:

- MINIMIZE CASE PROCESSING TIME
- SAVE COSTS AND EXPENSES FOR THE PARTIES IN WORKING OUT NEW MORTGAGE TERMS, WHERE POSSIBLE, OR OTHER AGREEMENTS MUTUALLY ACCEPTABLE TO BOTH PARTIES
- PREVENT THE ADVERSE SOCIAL CONSEQUENCES OF VACANT AND ABANDONED HOUSES

CUYAHOGA COUNTY
FORECLOSURE MEDIATION PROGRAM

STEP ONE:

- COMPLAINT FILED AT THE CLERK OF COURT'S OFFICE

STEP TWO:

- UPON FILING OF COMPLAINT, A POST CARD IS GENERATED BY THE COURT AND SENT TO THE HOMEOWNER
 - MEDIATION INFORMATION
 - THIS IS NOT AN EVICTION
 - LEGAL/FINANCIAL COUNSELING ASSISTANCE MAY BE AVAILABLE

STEP THREE:

- SUMMONS SENT WITH COMPLAINT TO ALL PARTIES
- INCLUDED WITH THE SUMMONS WILL BE THE MEDIATION PACKET:
 - NOTICE: SAVE THE DREAM AND CUYAHOGA COUNTY PREVENTION PROGRAM
 - REQUEST FOR MEDIATION
 - * ALL FORECLOSURE CASES; I.E., OWNER OCCUPIED, VACANT, ABANDONED
 - * DOES NOT INCLUDE TAX FORECLOSURES/
TAX CERTIFICATE FORECLOSURES
 - * AT ANY TIME DURING FORECLOSURE AND PRIOR TO JUDGMENT, A CASE MAY BE REFERRED FOR MEDIATION; I.E., REQUEST OF MAGISTRATE, PARTIES, OR COURT ORDER
- FORMS ARE USER FRIENDLY

- NOT AN EVICTION
 - SPANISH
- MAILED BY CERTIFIED OR ORDINARY MAIL
 - STAY WITHIN REQUIREMENTS OF POST OFFICE

STEP FOUR:

- MEDIATOR RECEIVES THE REQUEST FOR MEDIATION
 - REQUEST FOR MEDIATION IS REVIEWED/EVALUATED
 - MOTION PRACTICE/DISCOVERY IS STAYED
- CRITERIA FOR MEDIATION:
 - MONTHLY INCOME IS GREATER THAN MONTHLY EXPENSES FOR EXTENDED PERIOD OF TIME
 - CONSENTING TO FORECLOSURE
 - DEEDING THE PROPERTY TO THE LENDER
 - SELLING THE PROPERTY TO A THIRD PARTY
- DOES NOT MEET CRITERIA: NOTICE WILL GO OUT INFORMING PARTIES THAT THE CASE WILL CONTINUE ON THE FORECLOSURE DOCKET
- MEETS CRITERIA: STAYED FOR 60 DAYS AT THE PRE-MEDIATION CONFERENCE
- THE COURT'S MEDIATION ORDER IS MANDATORY

STEP FIVE:

- PRE-MEDIATION CONFERENCE
 - LENDER'S COUNSEL; DEFENDANT; AND COUNSEL, IF ANY, SHALL APPEAR
 - MEDIATION PROCESS EXPLAINED
 - LENDER/OWNER QUESTIONNAIRES ARE HANDED OUT (IF LENDER CHOOSES TO USE A LOSS MITIGATION FORM DIFFERENT THAN THE COURT'S, THEY MUST BRING IT TO THE CONFERENCE)

- PARTIES HAVE 30 DAYS TO RETURN QUESTIONNAIRES
- MEDIATION DATE IS SET

STEP SIX:

- MEDIATION HELD
- LENDER'S COUNSEL; REPRESENTATIVE WITH SETTLEMENT AUTHORITY; DEFENDANT; AND DEFENDANT'S COUNSEL, IF ANY, SHALL APPEAR IN PERSON. THIS IS MANDATORY
- FAILURE TO APPEAR WILL RESULT IN SANCTIONS:
 - THE LENDER'S CASE IS DISMISSED AND/OR THE HOMEOWNER'S CASE IS RETURNED TO THE FORECLOSURE DOCKET
- PURSUANT TO THE UNIFORM MEDIATION ACT R.C. 2710, A PARTY IS PERMITTED TO BRING A SUPPORT PERSON TO THE MEDIATION

STEP SEVEN:

- AGREEMENT
 - COMPLY WITH R.C. 2710.05. MEMORIALIZE SIGNED BY ALL PARTIES AND ON THE RECORD
- NO AGREEMENT
 - CASE CONTINUES ON FORECLOSURE DOCKET

STEP EIGHT:

- MEDIATOR FILES OUTCOME OF MEDIATION REPORT WITH THE COURT (R.C. 2710.06) COMMUNICATION OR DISCLOSURE BY MEDIATOR

STEP NINE:

- QUALITY ASSESSMENT ON ON-GOING BASIS: CONTINUE TO EVALUATE AND MAKE APPROPRIATE IMPROVEMENTS

- EVALUATION/SURVEYS
- STATISTICAL COMPILATION AND ANALYSIS
- REPORTING

STEP TEN:

- COMMUNITY OUTREACH