

## Notice of Availability of Mediation

### **What is the foreclosure mediation program?**

Waukesha County's foreclosure mediation program is administered by the Metro Milwaukee Mediation Program and is part of the Wisconsin Foreclosure Mediation Network. This Network receives funding from the Wisconsin Department of Justice and support from your local courts.

The Program is available to assist homeowners facing a mortgage foreclosure action in Waukesha County. Mediation is a confidential and voluntary process where you and the lender seeking to foreclose on your home may discuss ways to resolve your foreclosure case, including reinstatement of the loan and possible modification of the loan terms.

The Program is available to parties to a first or second mortgage foreclosure action involving a one-four family residential property. You need not reside in the property, but you may not own more than four other rental properties. In addition, the action must be pending in Waukesha County. Vacation properties or "seasonal homes" are not eligible, nor are homes under bankruptcy protection.

### **How does the homeowner request foreclosure mediation?**

Along with this notice, you have also received the Mediation Request Form. This form is also available through the Court's website at <http://www.waukeshacounty.gov/CourtDivisions> and the Metro Milwaukee Foreclosure Mediation website at <http://www.mediatemilwaukee.com>. You should complete and send your request form to the program within 20 days of being served the summons and complaint. A late mediation request may be considered.

Within two business days of receiving the Request Form, the Program Administrator will refer a housing counseling agency to you via mail or email. Your second step is to contact your housing counselor to set up a meeting for the purpose of compiling a complete loan modification application. The housing counselor sends the loan modification application directly to the Program Administrator. Your third step is to pay the mediation fee of \$400 by check, money order or credit card payment.

After you have completed all three mediation request steps, the Program Administrator will notify your lender to request their participation, seeking a response within 10 business days. Your Lender's non-refundable mediation fee of \$600 is due at the time of their consent.

### **Is participation in mediation required?**

Participation is voluntary for the homeowner/borrower and lender. Sometimes, lenders will choose not to participate in mediation. Some reasons lenders may not participate include situations when prior refinances or modifications didn't work out.

While entry into the Foreclosure Mediation Program is voluntary for both parties, by consenting, the parties agree to abide by the process set forth in the court's local rules or directives.

If the Lender declines the invitation to mediate, the Program Administrator will refund \$350 of your mediation fee. The remaining \$50 is non-refundable and used to off-set program administrative costs.

### **How can the Housing Counselor help?**

In order to increase the chance of success at mediation, you are matched with a housing counselor in your area. Housing Counselors are specially trained and certified to go over financial information with you, and to discuss programs that may be available to avoid foreclosure. If you do not take this step, the mediation cannot proceed. **It is crucial that you provide them all the items they request.**

### **What does mediation cost?**

There is no cost to request mediation or to work with a housing counselor. You and your lender must pay a non-refundable mediation fee before the case can be scheduled for mediation. You pay \$400 and your lender pays \$600. Credit card payments are accepted by telephone at 414-939-8800 or you may mail a check or money order to the Metro Milwaukee Foreclosure Mediation Program at P.O. Box 633, Milwaukee, WI 53201.

### **Does the foreclosure stop during the mediation process?**

Even after applying for mediation, you are required to comply with all mandatory deadlines set by the court, including the time to answer the complaint. Please read the summons and complaint *carefully* and make sure you understand your rights and the time period for filing an answer or responsive pleading. If you do not file an answer or responsive pleading, the court may grant judgment against you and you may lose your right to object to anything that you disagree with in the complaint.

### **Do you need a lawyer to participate in the mediation program?**

While everyone is always strongly encouraged to consult with an attorney, you are not required to be represented by an attorney. You may contact the statewide Lawyer Referral and Information Service at (800) 362-9082 or the local Legal Aid Society of Milwaukee, 414- 727-5373, to obtain the names of attorneys who may be able to assist you. If you are working with a lawyer, please notify the Program Administrator of their name and contact information.

### **Who must attend the mediation session?**

The mediation session must be attended in person by all homeowners who signed the note. All attorneys must also attend in person or by video conference, if available. The loan servicer will attend by telephone. Either party may have other support persons such as attorneys, loan officers and tax advisers attend or available by phone.

### **Where can I find additional foreclosure resources?**

More information on resources for homeowners facing foreclosure is available at [www.mediatewisconsin.com](http://www.mediatewisconsin.com).

