



TEL 702.489.6575 FAX 702.489.6576
8430 WEST LAKE MEAD BOULEVARD, SUITE 106 LAS VEGAS NEVADA 89128

Tracie Lindeman
Clerk of the Supreme Court
201 South Carson St.
Carson City, NV89701

FILED

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TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ADKT 0435

Re: Proposed Amendment to the Rules Governing the Foreclosure Mediation Program

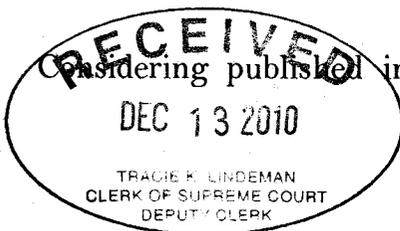
The primary purpose of this written submission is to briefly comment whether the proposed amendment to the Foreclosure Mediation Rules, specifically Rule 4(2), affects the ability of a Mediator to represent homeowners at foreclosure mediation.

Falcon Credit Management (Falcon Credit) is a Covered Service Provider licensed by the State of Nevada Division of Mortgage Lending pursuant to NRS 645F.310. Damian Falcone is the founder of Falcon Credit and holds an associated license under the company. Damian Falcone is not a mediator and though this would add to the number of service providers Mr. Falcone would compete with for business he believes experienced representatives would be in the benefit of the program.

Falcon Credit has consulted with many homeowners regarding foreclosure mediation following the homeowners' negative experience with an unprepared and/or inexperienced representative. Based on these evaluations and our understanding of the purpose of the Foreclosure Mediation Program we believe homeowners would benefit from an increase in the number of available, experienced representatives. Additionally, we do not believe there is any violation of lenders' privileged information due to:

1. There is a long history of lenders using the published loss mitigation evaluations of the entity with the most experience with loss mitigation. Previously this was Fannie Mae and the Single-Family Servicing Guide. Presently the HAMP modification program has published their eligibility requirements, Standard Waterfall calculation and Net Present Value Calculation including more than 50 pages of equations;
2. Homeowners are required to provide documentation verifying their financial situation.

Considering published information privileged would indicate, what we have



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witnessed, that many representatives are not aware and/or not using this published information in the representation of their clients.

Foreclosure Mediation Program.

It appears as though the most recent proposed amendment attempts to address who is able to assist a homeowner at mediation. Proposed Rule 4(2) states:

A mediator who has a personal or past or present significant professional relationship with any of the parties or a financial interest in the matter of the mediation shall immediately recuse himself or herself as a mediator in the particular case. For purposes of these rules a present significant professional relationship shall include representation of homeowners or lenders at mediations.

Unfortunately it has been evident that some mediators and borrower representatives are not aware this information is published. Knowledge of a bank's customized methodology for internal modifications would still leave a homeowner's representative comparing apples to oranges in claiming the bank's representative was acting in bad faith by not offering a modification they had previously witnessed.

Sincerely,



Damian Falcone
Falcon Credit Management