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June 22, 2009

Tracie K. Lindeman
Clerk of the Nevada Supreme Court
201 South Carson Street
Carson City, Nevada 89701
Via Facsimile at (775) 684-1601 and U.S. Mail

FILED

JUN 24 2009

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

Re: Comments to Foreclosure Mediation Rules

ADKT 435

Dear Ms. Lindeman:

We have the following comments to the Foreclosure Mediation Rules.

Comment 1: The rules do not establish a procedure by which a homeowner can enforce a mediator's order. Rule 5(d)(3) requires the mediator to transmit "the petition, recommendation and any other applicable document to the District Court. . . ." The rule should provide what happens next. It is meaningless for documents to be sent to district court without any further procedure. The rules should allow the homeowner to easily enforce the mediator's order, like a discovery order. Fees should be waived if homeowner has paid the \$200 for mediation. Anything less would render the mediation rules meaningless. Distressed homeowners do not have the financial means to hire an attorney to enforce the mediator's order and lenders know this.

Comment 2: Rule 5(d) requires the foreclosing party "to bring to the mediation the original or a certified copy of the deed of trust, mortgage note, and each assignment of the deed of trust and mortgage note." The rule does not define what qualifies as a "certified copy." This is a major problem if all foreclosing party has to do look at a copy of the note or deed of trust and certify that copy. At a minimum, an officer or agent of the foreclosing party should examine the original note or deed of trust and certify the copy of the original note or deed of trust.

Sincerely,

Nevada Legal Services, Inc.

RECEIVED
JUN 24 2009
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT

[Signature]
Rhea Gertken, Esq.
Directing Attorney

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LSC

09-31788