

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ADOPTION  
OF RULES FOR FORECLOSURE  
MEDIATION

ADKT No. 435

**FILED**

AUG 19 2009

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

ORDER SCHEDULING PUBLIC HEARING

On June 30, 2009, this court adopted rules in order to implement the foreclosure mediation program established by Assembly Bill 149. This court has determined that it is necessary to consider technical amendments to the rules and the proposed forms to be used in the implementation of the program. The proposed amendments are attached as Exhibit A and the proposed forms are attached as Exhibit B.

The Nevada Supreme Court will conduct a public hearing on the proposed amendments and forms. The hearing will be held on Tuesday, September 1, 2009, at 4:00 p.m. in the Nevada Supreme Court Courtroom, 201 S. Carson Street, Carson City, Nevada. The hearing will be videoconferenced to the Nevada Supreme Court Courtroom in the Regional Justice Center in Las Vegas, Nevada.

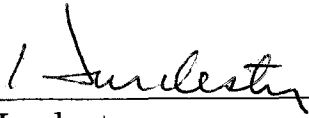
Further, this court invites written comment from the bench, bar and public regarding the proposed rule amendments and forms. An original and 8 copies of written comments are to be submitted to: Tracie K. Lindeman, Clerk of the Supreme Court, 201 South Carson Street, Carson City, Nevada 89701 by 5:00 p.m., August 28, 2009. Persons

interested in participating in the hearing must notify the Clerk no later than August 28, 2009.

**Hearing date:** September 1, 2009, at 4:00 p.m.  
Supreme Court Courtroom  
201 S. Carson Street  
Carson City, Nevada

**Comment deadline:** August 28, 2009, at 5:00 p.m.  
Supreme Court Clerk's Office  
201 South Carson Street  
Carson City, Nevada 89701

DATED this 19<sup>th</sup> day of August, 2009.

  
\_\_\_\_\_, C. J.  
Hardesty

cc: Hon. Jim Gibbons, Governor  
Senator Steven Horsford  
Senator William Raggio  
Assemblywoman Barbara Buckley  
Assemblywoman Heidi Gansert  
All District Court Judges  
Bruce Beesley, President, State Bar of Nevada  
Kimberly Farmer, Executive Director, State Bar of Nevada  
Board of Governors, State Bar of Nevada  
Clark County Bar Association  
Washoe County Bar Association  
First Judicial District Bar Association  
Nevada Justice Association  
Legal Aid Center of Southern Nevada  
Nevada Legal Services  
Washoe Legal Services  
Volunteer Attorneys for Rural Nevadans  
Nevada Association of Counties  
Nevada Bankers Association  
Nevada Land Title Association  
Administrative Office of the Courts

## EXHIBIT A

### FORECLOSURE MEDIATION RULES

#### I. SCOPE OF RULES

\* \* \* \*

**Rule 3. Presiding Mediator.** A foreclosure mediation may be conducted by either a senior judge, Supreme Court settlement conference judge, or other person designated by the Supreme Court.

1. *Assignment of presiding mediator.* No later than 10 days after receipt of ~~[notification of an election for foreclosure mediation]~~ the Election for Mediation, as provided in Rule 5(4)(b), the Administrator or designee shall randomly select and assign from the applicable geographic area a mediator to preside over the mediation. ~~[The Administrator shall notify the selected mediator and the parties to the mediation of the mediator's appointment.]~~ The assigned mediator will have 2 days after receiving the assignment to determine and notify the Administrator of a conflict requiring his or her recusal. Upon such notification, the Administrator shall immediately and randomly select another mediator to conduct the mediation. The Administrator may direct a mediator to cluster several mediations for a lender. Upon final selection of a mediator, the Administrator shall send notice of the assignment to the parties.

2. *Panel of mediators.* The Administrator shall maintain a list of mediators by geographic area available to hear foreclosure mediations. The list shall include all senior judges, Supreme Court settlement conference judges, and other designees who are appointed by the Court to serve as presiding mediators in the Foreclosure Mediation Program and are qualified pursuant to subsection 3.

3. *Mediator qualifications.*

(a) Mediators must meet the following minimum qualifications:

(1) Be authorized to practice law in the State of Nevada; or

(2) Be an experienced mediator. For purposes of subsection 3, an experienced mediator shall mean an individual who has participated in a mediation training program consisting of at least 40 hours of classroom and role playing and has conducted 10 mediations as a co-mediator or sole mediator.

(b) Additionally, all mediators must participate in a training program of at least 4 hours consisting of education in mortgages, deeds of trust, promissory notes, loan modifications, Nevada foreclosure laws, and such other topics as determined necessary by the Court.

(c) The Court, for good cause shown, may waive the minimum requirements set forth herein.

4. *Appointment of mediators.*

(a) The Administrator, or designee, shall solicit and provide the Court with the names and qualifications of persons who have applied to become mediators. The Court shall review the qualifications and approve, deny, or continue the applicant's request to serve as a mediator. The term of appointment shall be 1 year.

(b) The Administrator shall receive all affidavits and issue all certificates as may be required herein. The list of court-approved mediators shall be maintained by the Administrator.

5. *Authority.* The presiding mediator shall have all requisite authority to conduct a foreclosure mediation. The mediator shall timely schedule a mediation and notify the Administrator of the outcome of each mediation.

#### **Rule 4. Conduct, Disqualification, and Recusal.**

1. Any mediator appointed pursuant to these rules is subject to Canons 1, 2, 3(B)2-6, 3(B)12, 3(C) and 3(D) of the Nevada Code of Judicial Conduct as adopted or amended by the Supreme Court of Nevada.

2. A mediator who ~~[would be disqualified for any reason that would disqualify a judge under the Nevada Code of Judicial Conduct]~~ has a personal or past or present 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.

## **II. PARTICIPATION IN THE FORECLOSURE MEDIATION PROGRAM**

#### **Rule 5. Eligibility for the Foreclosure Mediation Program.**

1. The program applies to any grantor or person who holds the title of record and is the owner-occupant of a residence as to which a notice of default and election to sell has been recorded on or after July 1, 2009.

2. Owner-occupied housing means housing that is occupied by an owner as his or her primary residence. This term does not include any time-share or other property regulated under NRS Chapter 119A.

3. All grantors or persons who hold the title of record who have timely elected to participate in the program may do so and are herein referenced as the eligible participants, except where:

(a) The grantor or the person who holds title of record has previously surrendered the real property that is the subject of the foreclosure proceedings, as evidenced by a letter signed by the grantor or the person who holds title of record confirming the surrender or delivery of the keys to the property to the trustee, the beneficiary of the deed of trust, or the mortgagee, or an authorized agent of any of these recipients; or

(b) A petition in bankruptcy under Chapters 7, 11, 12, or 13 of Title 11 of the United States Code has been filed with respect to the grantor or the person who holds title of record on or after July 1, 2009, and the bankruptcy court has not entered an order closing or dismissing the case, or granting relief from the automatic stay of the foreclosure.

4. Any trustee or other person presenting a notice of default and election to sell for recording in the Office of a County Recorder shall, no later than ten (10) days from presenting the Notice of Default for filing:

(a) mail to the grantor or person who holds title of record of an owner-occupied residence, two copies of the Election of Mediation and instructions, on a form provided by the Administrator and the other pre-addressed to the Trustee, in addition to the documents required to be sent to the homeowner under NRS 107.080; and

(b) mail or submit to the Administrator a copy of the notice of default and election to sell and a copy of the Trustee's Information on a form provided by the Administrator.

5. The mediation process under these rules shall be initiated by the preparation and delivery of an Election of Mediation by a grantor or person who holds title of record of an owner-occupied residence on a form provided by the Administrator and payment of the fee required by Rule 14 herein.

(a) The eligible participant shall, not later than 30 days after the service upon him or her in the manner required by NRS 107.080 of the notice of default and election to sell, complete the Election/Waiver of Mediation Form and deliver the form to the trustee, by certified mail, return receipt requested. The eligible participant shall also mail a copy of the Election/Waiver of Mediation to the Administrator.

(b) The trustee shall, within 10 days of the receipt of the Election of Mediation, deposit with the Administrator ~~[a Consent to Mediation on a form provided by the Administrator,]~~ the signed Election of Mediation together with the fees required in Rule 14 herein. Any delay by the trustee in notifying the Administrator of an Election of Mediation shall extend the time for mediation set forth in Rule 1(2).

~~[5.]~~ 6. Failure by any eligible participant to timely deliver an Election of Mediation to the trustee or to attend and participate at a mediation scheduled under these rules shall result in the Administrator issuing a certificate stating no mediation is required.

~~[6.]~~ 7. All beneficiaries of a deed of trust sought to be foreclosed against an eligible participant who has timely delivered an Election of Mediation shall participate in the Foreclosure Mediation Program, be represented at all times during a mediation by a person or persons who have the authority to modify the loan secured by the deed of trust sought to be foreclosed, and bring to the mediation the original or a certified copy of the deed of trust, the mortgage note, and each assignment of the deed of trust and the mortgage note.

(a) The eligible participant and lender representatives with authority to modify the underlying loan shall be physically present or, if approved by the mediator for good cause shown, may participate in the mediation by phone.

(b) Unless extended by the presiding mediator, the mediation shall be conducted within 90 days of the recording of the notice of default and election to

sell. Upon the completion of the mediation, the mediator shall prepare the Mediator's Statement in accordance with Rule 12 herein.

(c) For purposes of this rule, a certified copy of the original mortgage note, deed of trust, and each assignment of the deed of trust and mortgage note is only satisfied when the mediator receives a statement under oath signed before a notary public that must include:

(1) The name, address, capacity, and authority of the person making the certification;

(2) The person making the certification is in actual possession of the original mortgage note, deed of trust, and each assignment of the mortgage note and deed of trust; and

(3) The attached copy of the mortgage note, deed of trust, and each assignment of the mortgage note and deed of trust are a true and correct copy of the original mortgage note, deed of trust, and assignment of the deed of trust in the possession of the person making the certification.

(d) In the event of the loss or destruction of the original mortgage note, deed of trust, or assignment of the mortgage note or deed of trust, the mediator shall recognize a judicial order entered pursuant to NRS 104.3309 providing for the enforcement of a lost, destroyed, or stolen instrument.

(e) A party to the mediation may file a petition for judicial review with the district court in the county where the notice of default was properly recorded seeking a determination of bad faith participation and sanctions pursuant to NRS Chapter 107 as amended. All such petitions shall be reviewed by the district court in accordance with the Nevada Rules of Civil Procedure and NRS Chapter 107.

**Rule 6. Option for Inclusion.** For any owner-occupied property located in Nevada where a Notice of Default is recorded prior to July 1, 2009, the grantor or person who holds the title of record (eligible participant) and the beneficiary of the deed of trust may agree in writing to enter the Foreclosure Mediation Program governed by NRS Chapter 107 and these rules. Notice and a copy of the agreement must be provided to the Administrator. If the Administrator, in its discretion, accepts the stipulation for mediation the Administrator will notify the parties who shall, within 10 days, forward the fees required in Rule 14 herein to the Administrator. Subject to the approval of the Administrator, the mediation process shall be conducted with the appointment of a mediator within 10 days of the Administrator's acceptance of the parties agreement to mediate and receipt of the required fees.

### III. MEDIATION PROCEDURES

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**Rule 9. Calendaring.** Unless otherwise stipulated by the parties and approved by the presiding mediator, or for good cause shown, a mediation will be calendared to commence no later than 10 days prior to the 90th day following the [service] recording of the notice of default, pursuant to NRS 107.080.

**Rule 10. Continuances.** No request for a continuance of a mediation scheduled in the Foreclosure Mediation Program may be granted, except upon a showing of extraordinary circumstances. A motion for a continuance must be in writing, served on the presiding mediator and opposing party, and set forth the extraordinary circumstances with particularity. A ruling by the presiding mediator granting a continuance must state the nature of the extraordinary circumstances and provide at least 3 dates within the ensuing 10 days when the parties can conduct the mediation. The presiding mediator will then calendar the case for mediation on one of the specified dates and provide the Administrator with notice of the new mediation date and the reasons for the granting of the continuance. Conflicts in the schedule of counsel shall not constitute extraordinary circumstances.

**Rule 11. Location of Mediation.** The presiding mediator shall designate the location, time, and place for the mediation in coordination with the parties and shall ~~[notify the Administrator of the same]~~ forward a copy of the Mediation Scheduling Notice to the Administrator. Upon request from the presiding mediator, the Administrator shall assist in designating a location for the mediation.

\* \* \* \*

**Rule 14. Fees for Presiding Mediators.** Mediators shall be compensated in the amount of \$400, paid equally by the parties unless otherwise stipulated. Each party must pay its respective fee (\$200) at the entry point into the Foreclosure Mediation Program. Payment by the homeowner must occur by cashier check, money order, or, when available, electronic payment, or from an attorney's trust account. The payment is nonrefundable.

\* \* \* \*



STATE OF NEVADA  
FORECLOSURE MEDIATION PROGRAM

TRUSTEE INFORMATION FORM

ASSESSOR PARCEL NUMBER (APN) \_\_\_\_\_

PROPERTY ADDRESS \_\_\_\_\_ TS # \_\_\_\_\_  
\_\_\_\_\_ DoT \_\_\_\_\_ Book/Inst \_\_\_\_\_

County in which the Property is located: \_\_\_\_\_

INSTRUCTIONS

Any Trustee filing a Notice of Default for recording with a County Recorder on any property in Nevada on or after July 1, 2009, must submit a copy of this form together with a copy of the Notice of Default *and all other documents required under the State of Nevada Foreclosure Mediation Program to be served on the Homeowner* to the Administrative Office of the Courts at the address listed below within ten (10) days of filing the Notice of Default for recording.

State of Nevada Foreclosure Mediation Program  
Administrative Office of the Courts  
201 S. Carson Street, Suite 109  
Carson City, NV 89701

Trustee's Name(s): \_\_\_\_\_  
Mailing Address: \_\_\_\_\_

DoT Beneficiary's Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_

Phone No: ( ) \_\_\_\_\_ (telephone)  
( ) \_\_\_\_\_ (cellular)  
Email: \_\_\_\_\_

Phone No: ( ) \_\_\_\_\_ (telephone)  
( ) \_\_\_\_\_ (cellular)  
Email: \_\_\_\_\_

Homeowner's Name(s): \_\_\_\_\_  
Mailing address: \_\_\_\_\_

DATE THE NOTICE OF DEFAULT WAS SUBMITTED TO THE COUNTY RECORDER FOR FILING:

\_\_\_\_\_

Further information concerning the Foreclosure Mediation Program, together with all necessary forms, can be located at:  
[www.nevadajudiciary.us](http://www.nevadajudiciary.us)

STATE OF NEVADA  
FORECLOSURE MEDIATION PROGRAM

**ELECTION/WAIVER OF MEDIATION FORM**

<i>(To be filled out by Trustee)</i>		
ASSESSOR PARCEL NUMBER (APN) _____	TS # _____	
PROPERTY ADDRESS _____	_____	
TRUSTEE _____	DoT _____	Book/Inst _____

**\*\*\*ATTENTION—YOU MUST ACT WITHIN THIRTY (30) DAYS\*\*\*  
IF NO ACTION IS TAKEN, THE FORECLOSURE MAY PROCEED**

You have been served with a Notice of Default and Election to Sell, a copy of which is enclosed, that could result in the loss of your home. You may want to consult with an attorney concerning your rights and responsibilities.

The State of Nevada has created a mediation program for homeowners whose owner-occupied, primary residence is subject to foreclosure. Mediation is a process through which you and the lender meet with a neutral mediator to determine whether an agreement can be reached to cure any defaults in the loan or modify the terms of the loan to enable you to remain in your home. The mediator will be appointed by the Foreclosure Mediation Program Administrator. The mediator will not provide legal advice to either party. If you feel the need for legal representation, it is recommended that you retain an attorney to assist you in the mediation. [Use additional paper if needed].

Property Owner's Name: _____	Co-owner's Name: _____
Mailing Address: _____	Mailing Address: _____
_____	_____
Phone No: (    ) _____ (telephone)	Phone No: (    ) _____ (telephone)
(    ) _____ (cellular)	(    ) _____ (cellular)
Email: _____	Email: _____

PLEASE SELECT ONE OF THE CHOICES BELOW AND RETURN COPIES IN ENCLOSED ENVELOPES.

\_\_\_\_\_ ELECTION OF MEDIATION    The undersigned hereby request[s] that mediation be scheduled to attempt to work out a resolution of the loan. (\$200.00 Money Order or Cashier's Check Applies – See Below)  
Do you have an open Bankruptcy proceeding? \_\_\_\_\_ If so, date filed? \_\_\_\_\_

\_\_\_\_\_ WAIVER OF MEDIATION    The undersigned is/are aware of the right to seek mediation but have determined that I/we do not want to proceed with a mediation and hereby waive the right to do so.

The undersigned hereby certify under the penalty of perjury that I/we are the owner[s] of the real property that is the subject of the pending foreclosure and occupy the real property as my/our primary residence.

_____ Signature of Property Owner	_____ Date	_____ Signature of Co-Owner	_____ Date
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COMPLETE TWO COPIES OF THIS FORM AND FORWARD ONE TO THE MEDIATION ADMINISTRATOR AND THE OTHER TO THE TRUSTEE OF THE DEED OF TRUST. TWO UNSTAMPED, PRE-ADDRESSED ENVELOPES HAVE BEEN ENCLOSED.

IF YOU HAVE CHOSEN TO SEEK MEDIATION, YOU MUST SEND A MONEY ORDER OR CASHIER'S CHECK IN THE SUM OF \$200 PAYABLE TO: "STATE OF NEVADA FORECLOSURE MEDIATION PROGRAM." THIS PAYMENT AND THE FORM MUST BE RETURNED TO THE TRUSTEE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WITHIN 30 DAYS OF THE DATE THE NOTICE OF DEFAULT AND ELECTION TO SELL WAS MAILED TO YOU.

**PAYMENT MUST BE SENT TO THE TRUSTEE IN THE ENVELOPE THAT WAS ENCLOSED WITH THIS FORM.**

**DO NOT SEND PAYMENT TO THE MEDIATION ADMINISTRATOR. See Instructions on Back.**

STATE OF NEVADA  
FORECLOSURE MEDIATION PROGRAM

**ELECTION/WAIVER OF MEDIATION FORM**

**Instructions**

**To the Trustee:**

You must fill out the top box on the Form including the Property Address and the Assessor's Parcel Number [APN].

**To the Homeowner:**

You are not eligible to participate in this program if you filed bankruptcy on or after July 1, 2009, unless you have been discharged from the bankruptcy or the court has entered an order allowing you to be part of the Nevada Foreclosure Mediation Program. If you have an open bankruptcy, please fill in the date on which the bankruptcy was filed on the attached form.

The Election/Waiver of Mediation is for owner-occupied residential property only. This form is not for use for vacation homes, rental property, or any other property where the owner does not live in the property as a primary residence. This form should come to you from the lender; **you cannot begin this process yourself by using this form.**

The ELECTION/WAIVER OF MEDIATION form has been provided to you by the Trustee. (You may make additional copies if needed.) You must fill out the two copies of the form so that the same information is included on both copies of the form. You must fill in the blanks on both forms and make your election to either request mediation or waive mediation.

Print your name and mailing address in the spaces provided. Include your telephone numbers and your email address. If you have a co-owner, their name, address, phone numbers and email address should be included. This information will only be used for the mediation process.

In the designated location, you must select (with a check mark or "X") one of two choices. You may only select one of the two options. Either select:

1. " ELECTION OF MEDIATION" if you choose to enter into the Mediation Program;

**OR**

2. " WAIVER OF MEDIATION" if you do not want to participate in the foreclosure Mediation Program.

You must then sign and date each form. **NOTE** that by signing the form you are certifying under penalty of perjury that you own and occupy the subject property as your primary residence.

Sign each form. One copy of the form must be mailed to the Trustee of the deed of trust and one copy of the form must be mailed to the Mediation Administrator. The envelopes provided are pre-addressed to the Trustee and Mediation Administrator. **You must mail the envelope to the Trustee by Certified U.S. mail, return receipt requested no later than 30 days after the date the Trustee mailed you the form and the Notice of Default.** You will need to pay the postage for the mailings. **Do not mail your payment to the Mediation Administrator.**

If you elect mediation, you must **include the \$200.00 mediation fee along with the form in the envelope addressed to the trustee.** The \$200.00 mediation fee must be paid in the form of a money order or cashiers check and made payable to: "State of Nevada Foreclosure Mediation Program."

If you choose to forego or waive mediation, there is no need to send the \$200.00 mediation fee. However, whether you elect to enter into the mediation program or elect not to participate in mediation, **both forms should be mailed.** If you do not mail the forms to the Trustee and the Mediation Administrator, you will not be allowed to participate in the mediation program and the foreclosure will proceed. **This is your only opportunity to elect to participate in the foreclosure mediation process.**

STATE OF NEVADA  
FORECLOSURE MEDIATION PROGRAM

**TRUSTEE AFFIDAVIT  
AND REQUEST FOR ISSUANCE OF CERTIFICATE NO MEDIATION REQUIRED**

Assessor Parcel Number (APN): \_\_\_\_\_

Property Owner(s): \_\_\_\_\_ Property Address: \_\_\_\_\_  
 \_\_\_\_\_

Beneficiary: \_\_\_\_\_ Beneficiary Address: \_\_\_\_\_  
 \_\_\_\_\_

Trustee: \_\_\_\_\_ Trustee Address: \_\_\_\_\_  
 \_\_\_\_\_

Date of service of the notice required by NRS 107.080: \_\_\_\_\_

The undersigned as duly authorized representative of the Trustee on the above-referenced Deed of Trust hereby declares under penalty of perjury that: The Grantor(s) of the above-referenced Deed of Trust or the person(s) who holds title of record to the above-referenced property has either:

Indicated his/her/their election to waive Foreclosure Mediation. Attached hereto is the form waiving mediation executed by the Grantor(s) of the above-referenced Deed of Trust or the person(s) who hold the title of record to the above-referenced property; or

Failed to return to the Trustee the form upon which foreclosure mediation could either be elected or waived. Attached hereto is Proof of Service that the Foreclosure Mediation Election/Waiver Form was served on the Grantor(s) of the above-referenced Deed of Trust or the person(s) who holds title of record to the above-referenced property.

Other: Please specify: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 Trustee's Name  
 By: \_\_\_\_\_  
 Its: \_\_\_\_\_

STATE OF NEVADA            )  
   ) ss:  
 COUNTY OF \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me, a Notary Public, in and for said County and State, \_\_\_\_\_, known to me to be the persons described in and who executed the foregoing instrument in the capacity set forth therein, who acknowledged to me that he/she executed the same freely and voluntarily and for the uses and purposes therein mentioned.

\_\_\_\_\_  
 NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

STATE OF NEVADA  
FORECLOSURE MEDIATION PROGRAM

SELECTION OF MEDIATOR

Assessor Parcel Number (APN): \_\_\_\_\_  
Property Owner(s) \_\_\_\_\_ Beneficiary \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Trustee \_\_\_\_\_

Property Address \_\_\_\_\_ TS No. \_\_\_\_\_  
\_\_\_\_\_

DoT \_\_\_\_\_ Book/Instr. No. \_\_\_\_\_

TO: \_\_\_\_\_, Mediator

You have been randomly selected to mediate the above-described dispute in \_\_\_\_\_  
County. This mediation must be completed by: \_\_\_\_\_ (DATE).

If you have a conflict or cannot mediate this matter, you must return the Notice of Recusal by  
facsimile to (702) 486-9339 within two (2) days.

FORECLOSURE MEDIATION COORDINATOR

Carson/Reno: (775) 684-1760

Las Vegas: (702) 486-9380

**IT IS MEDIATOR'S RESPONSIBILITY TO RUN A CONFLICT OF INTEREST CHECK  
AGAINST ALL PARTIES LISTED ON THE RECORDED NOTICE OF DEFAULT AND  
ELECTION OF MEDIATION FORM. MEDIATOR ACKNOWLEDGES HE HAS NO  
CONFLICT OF INTEREST IN SERVING AS MEDIATOR IN THIS MATTER.**

DATED: \_\_\_\_\_

MEDIATOR

ORIGINAL TO: Foreclosure Mediation Program Supervisor

NOTICE OF RECUSAL

Please be advised the undersigned must recuse him/herself from this mediation. This recusal and  
notice thereof is done in accordance with the Nevada Foreclosure Mediation Rule 4.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
MEDIATOR

STATE OF NEVADA  
FORECLOSURE MEDIATION PROGRAM

**NOTICE OF APPOINTMENT OF MEDIATOR**

Assessor Parcel Number (APN) : \_\_\_\_\_

Property Owner(s) \_\_\_\_\_ Beneficiary \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Trustee \_\_\_\_\_

Property Address \_\_\_\_\_ TS No. \_\_\_\_\_

DoT \_\_\_\_\_ Book/Instr. No. \_\_\_\_\_

**APPOINTMENT OF MEDIATOR**

TO: \_\_\_\_\_, Property Owner(s); and

TO: \_\_\_\_\_, Beneficiary; and

TO: \_\_\_\_\_, Mediator

\_\_\_\_\_ has been randomly selected as Mediator to preside over the mediation concerning the property listed above.

All mediations shall be completed no later than ten (10) days prior to the 90<sup>th</sup> day following the recording of the notice of default, unless otherwise approved by the presiding mediator.

The mediator shall have all required authority to conduct this mediation pursuant to the Foreclosure Mediation Rules, including the authority to determine whether the parties have

STATE OF NEVADA  
FORECLOSURE MEDIATION PROGRAM

complied with the obligations set by the statutes and the Supreme Court Rules, and shall timely notify the Foreclosure Mediation Program Manager of the outcome of this mediation.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
FORECLOSURE MEDIATION COORDINATOR

**CERTIFICATE OF MAILING**

I hereby certify that I served the foregoing Notice of Appointment of Mediator on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by placing true and correct copies thereof in the U. S. mail, postage prepaid, addressed to the following:

STATE OF NEVADA  
FORECLOSURE MEDIATION PROGRAM

By: \_\_\_\_\_  
Print Name:

STATE OF NEVADA  
FORECLOSURE MEDIATION PROGRAM

**MEDIATION SCHEDULING NOTICE**

Assessor Parcel Number (APN): \_\_\_\_\_

Property Owner(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Beneficiary \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Trustee \_\_\_\_\_

Property Address \_\_\_\_\_  
\_\_\_\_\_

TS No. \_\_\_\_\_

DoT \_\_\_\_\_ Book/Instr. No. \_\_\_\_\_

**NOTICE TO APPEAR**

**TO:** \_\_\_\_\_, Property Owner(s); and

**TO:** \_\_\_\_\_, Beneficiary;

The mediation in this matter will be held on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ AM/PM.

Location: \_\_\_\_\_, Nevada.

All beneficiaries of the deed of trust or assignees, or their representatives, who are seeking to invoke foreclosure against a homeowner, shall participate in the foreclosure mediation program, and shall be represented at all times during a mediation by a person or persons who have the authority to modify the underlying loan, and who shall bring to the mediation the original or a certified copy of the deed of trust, the mortgage note, and each assignment of the deed of trust and the mortgage note.

The homeowner and lender representative with authority to modify the underlying loan shall be physically present, or, if approved by the mediator, may participate by phone for good cause.

Failure by the beneficiaries of the deed of trust, or their representatives, to attend and participate at the mediation in good faith or to bring all requisite documents and authorities to the



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mediation, shall result in the mediator preparing and submitting a statement to the Foreclosure Mediation Program Manager of the facts which may result in an inability to proceed with the foreclosure..

All parties are herein noticed to comply with Rule 7 of the Foreclosure Mediation Program. The parties shall submit the required statements, disclosure forms, and documents to the presiding mediator at least seven (7) days prior to the scheduled mediation, unless otherwise agreed.

Pursuant to Rule 8 of the Foreclosure Mediation Rules, in the event the foreclosure issues are resolved before the scheduled mediation, the parties must, no later than two days prior to the scheduled mediation date, notify the mediator of their settlement. Failure to abide by Rule 8 may subject the parties to sanctions.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
MEDIATOR

Contact number: \_\_\_\_\_

**COPY TO:** Foreclosure Mediation Program Supervisor

STATE OF NEVADA  
FORECLOSURE MEDIATION PROGRAM

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing Mediation Scheduling Notice on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by placing true and correct copies thereof in the U. S. mail, postage prepaid, addressed to the following:

Property Owner(s):

Beneficiary(ies):

Trustee(s):

By: \_\_\_\_\_  
MEDIATOR

STATE OF NEVADA  
FORECLOSURE MEDIATION PROGRAM

**HOUSING AFFORDABILITY WORKSHEET**

Assessor Parcel Number (APN)

<b>Name of Homeowners:</b>	
<b>Property Address:</b>	

<b>Name of Lender:</b>	
<b>Servicer:</b>	

Principal, Interest, Taxes, Insurance, Association Dues	
MONTHLY PAYMENTS	CURRENT
Mortgage Payment (without taxes and insurance):	
Property Tax:	
Homeowner's Insurance:	
Homeowner's Association Dues:	
<b>Total:</b>	
<b>Percent of Gross Income:</b>	

Homeowner's Income	
<b>Gross Income:</b>	\$ _____

<b>31% of Gross Income:</b>	\$ _____
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(Describe Your Loan) Current 1 <sup>st</sup> Mortgage			
<b>Description:</b>			
<b>Principal Amount:</b>	\$ _____		
<b>Interest Rate:</b>	_____ %	<b>Term:</b>	_____ Years

(Describe Your Loan) Current 2 <sup>nd</sup> Mortgage			
<b>Description:</b>			
<b>Principal Amount:</b>	\$ _____		
<b>Interest Rate:</b>	_____ %	<b>Term:</b>	_____ Years
<b>Payment:</b>	\$ _____		

1 <sup>st</sup> Mortgage Payment	
<b>Principal and interest:</b>	\$ _____
<b>Escrow:</b>	_____
<b>Total Payment:</b>	\$ _____

Value Parameters	
<b>Current Value of the Home:</b>	\$ _____
<b>Monthly Rental Value of the Home:</b>	\$ _____

STATE OF NEVADA  
FORECLOSURE MEDIATION PROGRAM

**MEDIATOR'S STATEMENT**

Assessor Parcel Number (APN) \_\_\_\_\_

Property Owner \_\_\_\_\_ Beneficiary \_\_\_\_\_

Property Address \_\_\_\_\_ TS# \_\_\_\_\_

Trustee \_\_\_\_\_ DoT Book/Inst \_\_\_\_\_

A Foreclosure Mediation conference was held on \_\_\_\_\_.

The Mediator files the following report of the proceedings:

\_\_\_\_\_ The parties resolved this matter. No further action is required.

\_\_\_\_\_ The parties participated but were unable to agree to a loan modification or make other arrangements.

\_\_\_\_\_ The beneficiary or his representative failed to attend the mediation in good faith. No further action is required.

\_\_\_\_\_ The beneficiary failed to bring to the mediation each document required. No further action is required.

\_\_\_\_\_ The beneficiary did not have the required authority or access to a person with the required authority. No further action is required.

\_\_\_\_\_ The Grantor or person who holds the title of record failed to attend mediation in good faith.

\_\_\_\_\_ The Grantor or person who holds the title of record failed to bring to the mediation each document required.

\_\_\_\_\_ Other (Explain) \_\_\_\_\_

The Mediator hereby certifies, under the penalty of perjury, that the foregoing is a true and accurate report of the proceedings as required by NRS Chapter 107.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
MEDIATOR

STATE OF NEVADA  
FORECLOSURE MEDIATION PROGRAM

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing Mediator's Statement on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by placing true and correct copies thereof in the U. S. mail, postage prepaid, addressed to the following:

By: \_\_\_\_\_  
MEDIATOR

APN:

Recording requested by:

When recorded, mail to:

CERTIFICATE

State of Nevada  
Foreclosure Mediation Program

Property Owners:

Property Address:

Trustee:

Deed of Trust Document Number

Doc. #:

Book:

Page:

- A Foreclosure Mediation conference was held on this date:
- No request for mediation was made or the Grantor has waived mediation. As a result no mediation is required in this matter. The Beneficiary may proceed with the foreclosure process.
- The parties were unable to agree to a resolution of this matter. As a result, the mediation required by law has been completed in this matter. The Beneficiary may proceed with the foreclosure process.
- The Grantor or person who holds the title of record did not attend the conference or failed to produce the necessary disclosure forms. As a result, no mediation is required in this matter. The Beneficiary may proceed with the foreclosure process.

Dated:

State of Nevada  
Foreclosure Mediation Program

By: \_\_\_\_\_  
Verise V. Campbell  
Title: Program Manager

Certificate

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Verification

State of Nevada

County of \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared before me, a Notary Public in and for said County and State, Verise V. Campbell, Program Manager, known to me to be the person described in and who executed the foregoing instrument in the capacity set forth therein, who acknowledged to me that she executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

\_\_\_\_\_  
Notary Public in and for said County and State

STATE OF NEVADA  
FORECLOSURE MEDIATION PROGRAM

MEDIATION AGREEMENT

Property Owner \_\_\_\_\_ Beneficiary \_\_\_\_\_  
Co-Owner \_\_\_\_\_  
Property Address \_\_\_\_\_ Assessor Parcel Number (APN) \_\_\_\_\_

A Foreclosure Mediation conference was held on \_\_\_\_\_.

The parties have reached an agreement and the basic provisions are set forth below:

Property Owner(s) Retain Possession	Property Owner(s) Vacate Property
___ Reinstatement	___ Principal Forbearance
___ Repayment plan	___ Deed in Lieu of Foreclosure
___ Forbearance Agreement	___ Short Sale
___ Extension Agreement	___ Voluntary Surrender
___ Waiver Fees/Penalties	___ Cash for Keys
___ Loan Modification	___ Other _____
___ Interest Rate Reduction	_____
___ ARM to Fixed Rate	_____
___ Amortization Extended	
___ Gov't Fund Incentive Applied	
___ Principal Reduction	

If Agreement for Loan Modification has occurred, set forth the basic terms:

\_\_\_\_\_  
\_\_\_\_\_

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Beneficiary:  
\_\_\_\_\_

Property Owner

By \_\_\_\_\_  
Its duly authorized agent

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name  
Co-owner

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

**THIS MEDIATION AGREEMENT IS BEING SIGNED BY THE PARTIES TO MEMORIALIZE THE BASIC TERMS OF THEIR AGREEMENT AND SUBMITTED TO THE MEDIATION ADMINISTRATOR FOR STATISTICAL PURPOSES. NEITHER THE MEDIATOR NOR THE MEDIATION ADMINISTRATOR MAY BE COMPELLED TO TESTIFY IN ANY SUBSEQUENT PROCEEDING REGARDING THE CONTENTS OF THIS AGREEMENT. THE TERMS SET FORTH HEREIN HAVE BEEN PRESENTED BY THE PARTIES AND THIS AGREEMENT IS THE WORK PRODUCT OF THE MEDIATOR. THIS DOCUMENT DOES NOT CONSTITUTE A FORMAL CONTRACT BETWEEN THE PARTIES. THE PARTIES AGREE TO SEPARATELY PREPARE AND EXECUTE THE DOCUMENTS NECESSARY TO ACCOMPLISH THE TERMS OF THIS AGREEMENT.**