

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ADOPTION
OF RULES FOR FORECLOSURE
MEDIATION

ADKT No. 435

FILED

JUL 21 2010

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

ORDER AMENDING FORECLOSURE MEDIATION RULE 5(8)(b)

WHEREAS, on June 30, 2009, this court adopted rules for the foreclosure mediation program established by AB 149, and

WHEREAS, this court previously amended the rules and adopted forms to be used in the program, and

WHEREAS, this court has concluded that amendment of Rule 5(8)(b) is warranted, accordingly

IT IS HEREBY ORDERED that Foreclosure Mediation Rule 5(8)(b) is amended as set forth in Exhibit A.

IT IS FURTHER ORDERED that this amendment shall be effective 30 days from the date of this order. The clerk of this court shall cause a notice of entry of this order to be published in the State Bar of Nevada's official publication. The clerk shall publish this order by disseminating copies of it to all subscribers of the advance sheets of the Nevada Reports and all persons and agencies listed in NRS 2.345, and to the executive director of the State Bar of Nevada. The certificate of the clerk of this court that she has accomplished the above-described publication of notice of entry and dissemination of

this order shall be conclusive evidence of the adoption and publication of the foregoing rule amendment.

Dated this 21st day of July, 2010.

Parraguirre, C.J.
Parraguirre

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

Pickering, J.
Pickering

cc: Hon. Jim Gibbons, Governor
Senator Steven Horsford
Senator William Raggio
Assemblywoman Barbara Buckley
Assemblywoman Heidi Gansert
All District Court Judges
Cam Ferenbach, 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



AMENDMENT TO FORECLOSURE MEDIATION RULE 5

* * *

8. Both parties to a mediation should appear in person. However, a party may be represented by another person, subject to certain limitations, as follows:

(a) Beneficiary (lender). 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 negotiate and modify the loan secured by the deed of trust sought to be foreclosed. A beneficiary or its representative shall be physically present, or, if approved by the mediator in advance, and for good cause shown, may participate in the mediation by phone. In addition to the documents required by Rule 8 herein, the beneficiary must 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.

(b) Eligible Participant (borrower). A borrower may also request that a representative accompany him or her and/or appear for him or her at the mediation. However, the borrower's representative must be either (i) an attorney who is licensed to practice law in Nevada; ~~and/or~~ (ii) a person who is licensed to provide services as described in NRS Chapter 645F.310; or (iii) a U.S. Department of Housing and Urban Development (HUD) approved housing counselor employed by HUD certified Housing Counseling Agencies. The mediator may request that the borrower's representative provide proof of these requirements.

* * *

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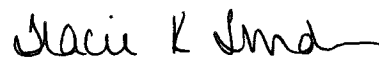
ADKT NO. 435

NOTICE OF RULE CHANGE

Notice is hereby given that on July 21, 2010, the Supreme Court of Nevada entered an order in ADKT No. 435 amending the Foreclosure Mediation Rules. The order amends Rule 5(8)(b), specifying that a borrower's representative may also be a U.S. Department of Housing and Urban Development (HUD) approved housing counselor employed by HUD certified Housing Counseling Agencies. The amendment shall be effective August 20, 2010.

Rule changes are published by the Supreme Court Clerk in the same manner as an opinion of the court. In accordance with the Nevada Rules on the Administrative Docket, Section 6, the Clerk will disseminate printed copies of the order without charge to all subscribers to the advance opinions of the Nevada Reports. Single, printed copies of the order are available from the Supreme Court Clerk for \$2.00 each. Photocopies are available for \$1.00 per page.

Dated this 21st day of July, 2010.



Tracie K. Lindeman
Supreme Court Clerk



SUPREME COURT OF NEVADA
OFFICE OF THE CLERK
TRACIE K. LINDEMAN, CLERK
201 SOUTH CARSON STREET, SUITE 201
CARSON CITY, NEVADA 89701-4702

Telephone
(775) 684-1600

July 21, 2010

Kristen Bennett
Nevada Lawyer
State Bar of Nevada
600 East Charleston Boulevard
Las Vegas, Nevada 89104

Re: Notice of Rule Change, ADKT No. 435

Dear Ms. Bennett:

Enclosed is a notice of rule change for publication in the next issue of *Nevada Lawyer*. See *Nevada Rules on the Administrative Docket Section 6.4*.

Thank you for your assistance.

Sincerely,

Tracie K. Lindeman
Clerk of Court

Enclosure
TKL:cj