

Mary Law  
1930 Stardust Street  
Reno, NV 89503

December 27, 2013

The Honorable Kristina Pickering  
Chief Justice of the Nevada Supreme Court  
c/o Tracie K. Lindeman  
Clerk of the Supreme Court  
201 South Carson Street  
Carson City, NV 89701

Hand Delivered

**FILED**

DEC 27 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

**RE: 5<sup>th</sup> Proposed Mediation Rule changes to ADKT 0435 dated November 14, 2013**

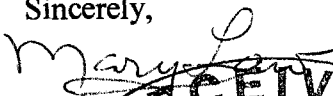
Dear Chief Justice Pickering and Members of the Court:

I am writing to request that the Justices issue a written order with clear dates and times to allow for additional consideration and input regarding the proposed rule changes by the public and members of the Nevada bar due to the following:

- Concerns raised that the hearing held on December 5, 2013 was not properly noticed.
- Confusion over the meaning of “invites written comment” in the court’s order for the December 5<sup>th</sup> hearing versus the verbal request by the justices for “submitting specific rule changes” made during the hearing. Please remember, members of the public are at a disadvantage when it comes to recommending “specific rule changes” and should be allowed time and access to “editable” documents and “participatory forums” in order to do so effectively.
- Additional information revealed during the December 12, 2013 Foreclosure Mediation Advisory Council meeting that warrants inclusion and comments prior to the passage of new rules. Specific areas of concern:
  1. The “purpose” and “goals” of the mediation program
  2. Results of the mediation program during fiscal year 2012/2013
  3. The current FMP “Certificate Matrix”
  4. The number of Nevada homeowners in some phase of “default”, “foreclosure” and/or “dispute” per report produced by the Mortgage Bankers Association.

I am including 9 hardcopies of my verbal comments from the December 5<sup>th</sup> hearing and my e-mail dated December 9<sup>th</sup> regarding what I believe are the most important rule changes. However, I believe the above information and the other inputs compels the court to take the time necessary to have another public hearing to ensure the efficient administration of justice is carried out by the Nevada Foreclosure Mediation Program and our courts.

Sincerely,

  
Mary Law  
**RECEIVED**  
DEC 27 2013  
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
DEPUTY CLERK

13-39478

Public comment December 5, 2013

**RE: 5<sup>th</sup> Proposed Mediation Rule changes to ADKT 0435  
dated November 14, 2013**

Good afternoon Chief Justice Pickering and everybody who is gathered.  
For the record, my name is Mary Law and I'm a Nevada homeowner.

I have a home loan that is the product of the predatory and fraudulent lending practices that almost crashed the economy in 2008. I believe it was and is an unenforceable contract but nobody really wants to consider that as a possibility.

Instead, I've been forced to deal with the same predators and their clones who committed the fraud.

The intention of the Foreclosure Mediation Program was to protect homeowners like me and give us a level playing field in a comfortable setting.

This court has failed to create such a program. What we have is a program that enables and even encourages the continuation of mortgage fraud and predatory lending.

**We are now in the fifth year after the crisis and we now have before us the fifth revision of the Nevada Foreclosure Mediation Rules.**

**There is only one reasonable public response:**

***"This cannot be the law. And so it is not"***

I can't take credit for these words. Judge Flanagan wrote them. (*His order dated March 29, 2011, Case CV10-03382, page 25. This case is now Supreme Court case 58283.*) I can claim them on behalf of myself and all Nevada homeowners as our response to the hijacking of the Foreclosure Mediation Program and our judicial system.

**These rules cannot be the law** because the whole process has become so convoluted and complex that "ignorance of the law" must now be considered a valid defense for homeowners. Bankers write our laws and then complain about having to comply with them or even worse, they just ignore them. No one can possibly expect homeowners to do the right thing in the middle of this chaos.

I've been to most of the Advisory Committee meetings and I've watched as input from knowledgeable people has been ignored. I'd like to ask the court to definitely consider re-revising the rules again before you implement the version you have now. The next meeting of the Advisory Committee is December 12<sup>th</sup>. I'd like to know before that date if there is any point my continued participation or further discussion of my ideas for changing the rules.

Thank you for your time.



**December 9, 2013**

Submitted via e-mail

To: The Honorable Chief Justice Kristina Pickering [kpickering@nvcourts.nv.gov](mailto:kpickering@nvcourts.nv.gov)

Cc: Tracie K. Lindeman, Clerk of the Supreme Court. [nvscclerk@nvcourts.nv.gov](mailto:nvscclerk@nvcourts.nv.gov)

Verise Campbell, Executive Director NV FMP [vcampbell@nvcourts.nv.gov](mailto:vcampbell@nvcourts.nv.gov)

Dear Justice Pickering and members of the Court,

Thank you for your time and attention during the hearing held December 5th in regard to the adoption of Rules for Foreclosure Mediation Case ADKT 0435 dated November 14, 2013.

Following is my response to the question regarding the specific rules I'd recommend changing:

***DELETE Rule 12(1) through 12(6) Homeowner Documentation***

*This one section alone is killing the program. Homowners don't want to mediate if doing so carries the risk of sanctions for refusing to surrender sensitive financial information to anyone we don't know or trust especially if there is no clearly stated loan modification outcome for doing so. There is also significant risk of identity theft due to the expectation of submitting this information through unsecured channels.*

*Banks also have a voracious appetite for collecting data that serves no known useful purpose. This has been reported by millions of homeowners in a multitude of forums and was once again confirmed by Ms. Bingham's testimony. Specifically, the failure of excessive data collection to result in or contribute to permanent loan modifications has been well documented by the FMP Statistical reports as pointed out by Mr. Olsen.*

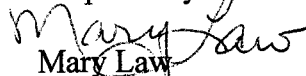
***DELETE Rule 12(7) through Rule 12(9) Beneficiary Documentation re: the note and deed of trust***

*The necessity for clear and clean documentation of chain of title has been addressed by the passage of SB 389 which became law on June 10, 2013 as an addition to NRS 106 and NRS 107. SB389 is very clear. It does not say "some of the assignments..." it says "all assignments of the note and deed of trust".*

*There isn't a good reason to duplicate this law in the FMP rules. If the beneficiary doesn't have upfront proof of their right to foreclose and/or modify the loan, everything that follows is moot.*

There are many other rules I'd like to see changed but believe these are the highest priority for immediate action. I will be happy to assist you and any member of your staff, the AOC or the FMP in order to improve the program in any way I can. Thank you again for your consideration.

Respectfully submitted,

  
Mary Law  
1930 Stardust Street  
Reno, NV 89503