

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ADOPTION  
OF RULES FOR FORECLOSURE  
MEDIATION.

ADKT 0435

FILED

JUL 05 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY:   
CHIEF DEPUTY CLERK

*PETITION TO AMEND THE FORECLOSURE MEDIATION RULES*

COME NOW the Honorable James W. Hardesty and the Honorable Ron D. Parraguirre, Justices, to petition the Nevada Supreme Court on its administrative docket to amend the Foreclosure Mediation Rules. The Nevada Legislature recently passed Senate Bill 490, which was signed into law by Governor Sandoval and became effective June 12, 2017. Pursuant to Senate Bill 490, the Nevada Supreme Court shall adopt, without limitation, rules necessary to carry out the bill's provisions; at a minimum, such rules must include provisions:

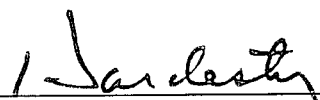
- (a) Ensuring that mediations occur in an orderly and timely manner.
- (b) Requiring each party to a mediation to provide such information as the mediator determines necessary.
- (c) Establishing procedures to protect the mediation process from abuse and to ensure that each party to the mediation acts in good faith.
- (d) Establishing a total fee of not more than \$500 that may be charged and collected by the district court for mediation services . . . and providing that the responsibility for payment of the fee must be shared equally by the parties to the mediation. . . .

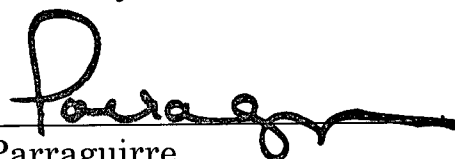
(e) Prescribing a form supplied by the district court to file a petition to participate in mediation . . . .

S.B. 490 § 2, 79th Leg. (Nev. 2017). Additionally, the Legislature provided that the court may adopt any additional rules necessary to carry out the provisions of NRS 40.437, which includes processes for those seeking mediation in foreclosure actions, and thus implicate qualification and appointment of mediators, as well as procedures for subsequent proceedings in the district court and supreme court, if necessary. S.B. 490 § 5, 79th Leg. (Nev. 2017).

Accordingly, petitioners request that the court place this issue on its administrative docket, hold such hearings as it deems necessary, and consider amendments to the Foreclosure Mediation Rules to accomplish the objectives set forth above. Attached as Exhibit A to this petition are proposed amendments to the rules; attached as Exhibit B is a proposed form for mortgagors in foreclosure actions to participate in mediation.

Respectfully submitted,

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

  
\_\_\_\_\_, J.  
Parraguirre

cc: All District Court Judges  
All District Court Clerks  
All Court Administrators  
Legal Aid Center of Southern Nevada  
Nevada Legal Services  
Washoe Legal Services  
Southern Nevada Senior Law Program  
Washoe County Senior Law Project  
Volunteer Attorneys for Rural Nevadans

**EXHIBIT A**  
**AMENDMENTS TO FORECLOSURE MEDIATION RULES**

**I. SCOPE OF RULES**

**Rule 1. The State of Nevada Foreclosure Mediation Program.**

1. *Authority and scope.* Pursuant to the jurisdictional authority provided by Chapter 107 of the Nevada Revised Statutes and the Nevada Supreme Court's inherent power to create rules for the efficient administration of justice, these rules are enacted to apply to the mediation of any (1) default or (2) imminent default and a documented financial hardship related to an owner-occupied residence on or after ~~[July 1, 2009.]~~ December 2, 2016.

2. *Purpose.* The purpose of these rules is to provide for the orderly, timely, and cost effective mediation of owner-occupied residential foreclosures which shall take place within 135 days following actual receipt by the ~~[Administrator, or designee,]~~ District Court of the filing and mediation ~~[fee] fees~~ and required ~~[documentation provided on behalf of the lender. The State of Nevada Foreclosure Mediation Program (hereafter referred to as the Foreclosure Mediation Program)]~~ documentation. Home Means Nevada, Inc., or its successor organization encourages deed of trust beneficiaries (lenders) and homeowners (borrowers) to exchange information and proposals that may avoid foreclosure.

3. *Availability of program.* Subject to limited exceptions set forth in Rule 11 hereafter, the Foreclosure Mediation Program is mandatory when the grantor or person who holds title of record of an owner-occupied residence timely ~~[completes enrollment.]~~ files the Petition for Mediation Assistance.

4. *Time.* For purposes of calculating time under these rules, 6(a) and 6(e) of the Nevada Rules of Civil Procedure (NRCPP) shall apply. These rules, as amended, apply to all mediations that have not yet been conducted by the mediator.

5. *Recording.* The mediation session(s) shall not be recorded.

**Rule 2. ~~Mediation Administrator and Designee.~~**

~~1. *Appointment.* The Foreclosure Mediation Program Administrator (Administrator) shall be appointed by the Nevada Supreme Court (Court). The Administrator for the Foreclosure Mediation Program (Program) is the Administrative Office of the Courts (AOC).~~

~~2. *Authority.* The Administrator may appoint a Foreclosure Mediation Program Manager and support staff to assist in carrying out the goals and objectives of the Foreclosure Mediation Program. When the efficient administration of the program warrants, the Administrator may enter into contracts with third parties for training and other mediation-related services.~~

~~3. *Foreclosure Mediation Program Manager.* The Foreclosure Mediation Program Manager (FMP Manager) is the “designee” for the Administrator under these rules. In addition to his or her general duties, the FMP Manager shall:~~

~~(a) Ensure all program-approved forms are in compliance with these rules. The FMP Manager may reject any program-approved form substantially altered by a borrower, lender, trustee, or mediator and require resubmission on the appropriate program-approved form;~~

~~(b) Receive all affidavits and issue all certificates as may be required herein; and~~

~~(c) Take any action necessary to correct “clerical errors” in the Certificate arising from oversight or omission for which the mediator or FMP staff is responsible.] Reserved.~~

### Rule 3. Presiding Mediator.

1. *Authority.* A foreclosure mediation must be conducted by either a senior justice, judge, ~~[Supreme Court settlement conference judge,]~~ hearing master, or other ~~[person designated by the Supreme Court.]~~ designee. The presiding mediator shall have all requisite authority to conduct the foreclosure mediation. The mediator shall schedule each mediation to conclude within 90 days of receipt of the assignment and shall notify the ~~[Administrator, or designee,]~~ District Court of the outcome of each mediation.

2. *Assignment of presiding mediator.* No later than 10 days after receipt of the ~~[Enrollment Form,]~~ Petition for Mediation Assistance, and the fees from both parties pursuant to Rules 5 and 8(3)(b) herein, the ~~[Administrator, or designee,]~~ District Court shall randomly select and assign from the applicable geographic area a mediator to preside over the mediation. The assigned mediator will have 2 business days after receiving the assignment to determine and notify the ~~[Administrator, or designee,]~~ District Court of a conflict requiring his or her recusal. Upon such notification, the ~~[Administrator, or designee,]~~ District Court shall immediately and randomly select another mediator to conduct the mediation. The ~~[Administrator, or designee,]~~ District Court may direct a mediator to cluster several mediations for a lender. Upon final selection of a mediator, the

~~[Administrator, or designee,]~~ District Court shall send notice of the assignment to the parties.

3. *Panel of mediators.* The ~~[Administrator, or designee,]~~ Administrative Office of the Courts 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]~~ persons who are appointed by the Court to serve as presiding mediators in the Foreclosure Mediation Program and are qualified pursuant to subsection 4 herein.

4. *Mediator qualifications.*

(a) Mediators must meet the following minimum ~~[qualifications:]~~ qualifications and provide proof as part of the application process:

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

(2) Be an experienced mediator. For purposes of this subsection, 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 approved annual continuing education of at least 4 hours and consisting of education in deeds of trust, promissory notes, loan modifications, Nevada foreclosure laws, and such other ~~[topics as determined necessary by the Court.]~~ topics. Proof of this continuing education must be submitted with the application.

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

5. *Appointment of mediators.*

(a) The ~~[Administrator, or designee,]~~ Administrative Office of the Courts shall solicit applications annually 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.]~~ 2 years.

(b) The list of Court-approved mediators shall be maintained by the ~~[Administrator, or designee.]~~ Administrative Office of the Courts.

(c) The Court-approved mediator must sign ~~[an FMP]~~ a Mediator Code of Conduct ~~[annually]~~ biennially or as needed.

#### **Rule 4. Mediator Conduct, Disqualification, Recusal, Suspension and Termination.**

1. Any mediator appointed pursuant to these rules is subject to Canon 1; Canon 2, Rules 2.1 through 2.9, 2.11, and 2.13 through 2.16; and Canon 3, Rules 3.1, 3.3, 3.5, 3.6, and 3.9 of the Nevada Code of Judicial Conduct as adopted or amended by the Supreme Court of Nevada.

2. Any mediator appointed pursuant to these rules is subject to the Model Standards of Conduct for Mediators as revised and adopted in 2005 by the American Arbitration Association, American Bar Association, and Association of Conflict Resolution.

3. Any mediator appointed pursuant to these rules is subject to the ~~[State of Nevada Foreclosure Mediation Program]~~ Mediator Code of Conduct as adopted or amended by the Supreme Court of Nevada and shall be required to sign the code of conduct before undertaking any assignments as a mediator.

4. Any mediator appointed pursuant to these rules must follow the foreclosure mediation statutes, program rules, and Nevada Supreme Court decisions interpreting same.



5. To the extent the model codes or canons conflict with Nevada statutes, rules, or Nevada Supreme Court decisions, the statutes, rules, and Nevada Supreme Court decisions control.

6. 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. Any mediator who has received material concerning a party that is designated confidential may not undertake representation adverse to that party in connection with a mediation under this program for a period of 90 days after the mediation, unless the party providing the confidential material waives this rule. In no event may a mediator, at any time, use confidential information provided to him or her as a mediator in the later representation of a party to a mediation.

7. Mediators serve at the pleasure of the Court, and the Court may suspend or revoke the appointment of a mediator at any time. The suspension or revocation is effective immediately. The ~~[FMP Manager]~~ District Court has authority to take any action necessary to accommodate the parties affected by such action(s).

8. The ~~[Administrator, or designee,]~~ Administrative Office of the Courts may suspend or terminate a mediator from the program without cause at any time and may recommend to the Court revocation or suspension of the appointment. ~~[Any suspension of a mediator by the Administrator, or designee, is limited to a maximum of 60 days.]~~

#### **Rule 5. Fees for Presiding Mediators.**

1. Mediators shall be compensated in the amount of \$400, with \$200 of the fee to be paid by the owner-occupant (as defined in Rule 7), and \$200 to be paid by the lender, unless otherwise stipulated. ~~[Each party must pay~~

~~its respective \$200 fee at the entry point into the Foreclosure Mediation Program.] Any additional fees must be paid by the appropriate party at filing in District Court. Payment by the grantor or person who holds title of record must occur by cashier check or money order made payable to the ["State of Nevada Foreclosure Mediation Program,"] "District Court Clerk" or, when available, electronic payment, or from an attorney's trust account and be made payable to the ["State of Nevada Foreclosure Mediation Program,"] "District Court Clerk."~~

2. An assigned mediator who recuses from participation at any time may not be compensated.

3. If a grantor makes payment directly to a trustee, the trustee shall immediately forward the payment, whether made in cash, by check, cashier's check, or money order, to the ~~[Administrator, or designee,]~~ District Court, together with the beneficiary of the deed of trust's payment of fees. However, if the payment to the trustee is made payable to the trustee, the trustee shall immediately deposit the funds in its account and submit the payment to the ~~[Administrator, or designee,]~~ District Court, together with the beneficiary of the deed of trust's portion of the fees.

4. For those limited situations where a refund may be appropriate, the ~~[Administrator, or designee,]~~ District Court shall establish refund policies and procedures.

#### **Rule 6. Deposits; Failure to Pay.**

1. If a party to a mediation fails to pay the ~~[\$200 toward the mediator's fee,]~~ fees required pursuant to NRS 107.086 as well as other applicable statutes, the mediation may be terminated and relief awarded to the nondefaulting party, as may be deemed appropriate.

## II. PARTICIPATION IN THE FORECLOSURE MEDIATION PROGRAM

### **Rule 7. Eligibility for the Foreclosure Mediation Program.**

1. The program applies to any grantor or person (homeowner) who holds the title of record and is the owner-occupant of a residence who is in any (1) default or (2) imminent default and has a documented financial hardship, related to an owner-occupied residence on or after ~~[July 1, 2009.]~~ December 2, 2016. For purposes of these rules, an owner-occupant includes the trustee of a revocable or irrevocable trust if the trustor or a beneficiary of that trust resides in the residence at the time of the recordation of the notice of default and election to sell. In such event, the trustee of the trust or his or her authorized representative shall represent the owner-occupant at the mediation and must execute all documents and forms required of owner-occupants by these rules.

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, and/or a foreclosure initiated by a homeowner's association under NRS Chapter 116.

3. A Certificate from ~~[the Administrator, or designee,]~~ Homes Means Nevada, Inc., or its successor organization, must be recorded prior to a trustee's sale being conducted on any owner-occupied housing. The Certificate may be requested by the trustee and, if requested, may be issued by ~~[the Administrator, or designee,]~~ Home Means Nevada, Inc., or its successor organization, on any residential property for which ~~[enrollment]~~ a Petition for Mediation Assistance was not completed. However, there is no requirement that a Certificate be issued and recorded prior to a trustee's sale

being conducted on any type of property other than owner-occupied housing. Any program-issued certificate is considered confidential until recorded.

**Rule 8. ~~[Enrollment in Mediation.]~~ Mediation Assistance.**

1. A grantor or person who holds title of record of an owner-occupied residence may participate in the Foreclosure Mediation ~~[Program by enrolling:]~~ Program:

(a) Upon recommendation of a housing counselor or housing agency approved by the United States Department of Housing and Urban Development (HUD) pursuant to Rule 8(2);

(b) Upon receiving a notice of default and election to sell pursuant to Rule 8(3);

(c) Upon service of a complaint for judicial foreclosure pursuant to Rule 9; or

(d) Upon mutual agreement of the parties pursuant to Rule 10.

2. Pre-foreclosure.

(a) Prior to September 1, ~~[2015,]~~ 2017, each beneficiary of a Nevada deed of trust and mortgage servicer shall submit to ~~[the Administrator, or designee,]~~ Home Means Nevada, Inc., or its successor organization, an address, phone number and email address for receiving ~~[notice of enrollment]~~ a copy of the Petition for Foreclosure Mediation Assistance pursuant to this section on a form provided by the ~~[Administrator, or designee.]~~ District Court or via electronic transmission as authorized by the parties.

(b) The grantor, or person who holds title of record, may ~~[enroll in mediation]~~ file a Petition for Foreclosure Mediation Assistance when he or she is in imminent risk of default and ~~[having]~~ has a documented financial

hardship. In order to proceed [~~with enrollment~~] under this paragraph, the grantor [~~must provide to the Administrator, or designee;~~] must:

- (1) [~~The completed Enrollment Form;~~] File the petition with the District Court;
- (2) [~~The fee~~] Pay the fees required under Rule 5;
- (3) [~~A~~] Submit a certification by a housing counselor or housing agency approved by HUD (HUD Referral Form) that the grantor:
  - (i) Has a documented financial hardship; and
  - (ii) Is in imminent risk of default.

(4) Serve a copy of the petition upon Home Means Nevada, Inc., or its successor organization, and the beneficiary of the deed of trust by certified mail, return receipt requested or, if authorized by the parties, by electronic transmission.

(c) As soon as [~~the Administrator, or designee,~~] Home Means Nevada, Inc., or its successor organization, receives all documents specified in Rule 8(3)(b), [~~the Administrator, or designee,~~] it will notify the [~~beneficiary~~] mortgage servicer and every other person with an interest as defined in NRS 107.090 of [enrollment] the petition via certified mail at the address provided pursuant to Rule(8)(3)(a). If the beneficiary has not registered with [~~the Administrator, or designee, the Administrator, or designee,~~] Home Means Nevada, Inc., or its successor organization, then Home Means Nevada, Inc., shall make the best effort to contact the [~~beneficiary~~] mortgage servicer and persons with an interest using the contact information on the HUD Referral Form.

(d) Within 10 days of notification by the [~~Administrator, or designee,~~] Home Means Nevada, Inc., or its successor organization, of [~~enrollment,~~] the petition, the [~~beneficiary~~] mortgage servicer and any person with an interest shall prepare and submit [~~a completed copy of the~~

~~enrollment form,]~~ an answer and the fees required in Rule 5 herein. Any delay by the beneficiary in providing the required documents and information to the ~~[Administrator, or designee,]~~ District Court shall extend the time for mediation set forth in Rule 1(2).

(e) As used in this section:

(1) “Financial hardship” means a documented event that would prevent the long-term payment of any debt relating to a mortgage or deed of trust secured by owner-occupied housing, including, without limitation:

(i) The death of the borrower or co-borrower;

(ii) Serious illness;

(iii) Divorce or separation;

(iv) Job transfer of more than 60 miles, while maintaining the same home as primary residence;

(v) Job loss or a reduction in pay; or

(vi) Any other event that would prevent long-term payment.

(2) “Imminent risk of default” means the inability of a grantor or the person who holds the title of record to make his or her mortgage payment within the next 90 days.

### 3. Notice of default.

(a) 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 10 days from presenting the Notice of Default for filing, send by certified or registered mail, return receipt requested, or when available, electronic notification with prior authorization by parties, to the grantor or person who holds title of record of an owner-occupied residence, copies of the ~~[Enrollment Form]~~ Petition for Mediation Assistance in the manner provided for by NRS ~~[107.086(2) with the information indicated on the~~

~~forms to be provided by the trustee filled in. Along with the Notice of Default, the trustee must also provide the grantor with a list of documents that may be required for mediation, which list has been pre-approved by the Administrator, or designee, of the Program. In addition, with the copies of the Enrollment Form, the trustee must provide two envelopes: one pre-addressed to the Administrator, or designee, and the other pre-addressed to the trustee.] 107.086(2).~~

(b) The mediation process under these rules shall be initiated by the ~~[preparation and delivery of an Enrollment in]~~ filing of a Petition for Mediation Assistance and delivery by certified mail, return receipt required or by electronic transmission if authorized by the parties by a grantor or person who holds title of record of an owner-occupied residence on “forms” provided by the ~~[Administrator, or designee,]~~ District Court and payment of the ~~[fee]~~ fees required by Rule 5 herein.

(1) 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 ~~[Enrollment Form]~~ Petition for Mediation Assistance and deliver it, along with the ~~[fee]~~ fees required under Rule 5, to the ~~[Administrator, or designee,]~~ District Court.

(2) The eligible participant shall also mail a copy of the ~~[Enrollment of]~~ Petition for Mediation Assistance to Home Means Nevada, Inc., or its successor organization, and to the trustee, by certified or registered mail, return receipt ~~[requested]~~.

~~(3) As soon as the Administrator, or designee, receives an Enrollment of Mediation from an eligible participant, the Administrator, or designee, will notify the trustee of the receipt, including whether any fees were paid by the participant.] requested~~ or by electronic transmission if authorized by the parties.

(4) The trustee shall, within 10 days of notice of the receipt of the ~~[Enrollment in Mediation,]~~ Petition for Mediation Assistance, deposit with the ~~[Administrator, or designee,]~~ District Court the signed ~~[Enrollment in Mediation, if the trustee has received a copy; a copy of the trustee's information on a form provided by the Administrator, or designee, including the name and address of the beneficiary of the deed of trust;]~~ answer for mediation; a copy of the recorded Notice of Default; and the fees required in Rule 5 herein, including any fees received from the grantor. Any delay by the trustee in providing the required documents and information to the ~~[Administrator, or designee,]~~ District Court shall extend the time for mediation set forth in Rule 1(2).

(c) If grantors or persons who hold the title of record have timely ~~[completed enrollment in the program]~~ filed the petition and the trustee presents a Rescission of a Notice of Default and Election to Sell for recording in the Office of a County Recorder, the lender must obtain the written agreement of grantors or persons who hold title of record to stop the mediation from proceeding. The lender shall, within 10 days of the recording of the Rescission, deposit with the ~~[Administrator, or designee,]~~ District Court a copy of the recorded rescission, and, if applicable, the signed agreement between the lender and grantors or persons who hold title of record to withdraw from ~~[the]~~ Foreclosure Mediation ~~[Program.]~~ Assistance. Should the ~~[Administrator]~~ District Court not receive the signed agreement within the time provided, the mediation process will continue as provided herein.

(d) Failure by any eligible participant to timely ~~[deliver an Enrollment in]~~ file a Petition for Mediation ~~[to]~~ Assistance with the ~~[Administrator, or designee,]~~ District Court or to attend and participate at a mediation scheduled under these rules shall result in the



~~[Administrator issuing]~~ District Court providing a notice to Home Means Nevada, Inc., or its successor organization, which shall issue a certificate stating no mediation is required, and that a foreclosure sale may be noticed according to law.

### **Rule 9. Judicial Foreclosures.**

1. When commencing a civil action for a judicial foreclosure pursuant to NRS 40.430 affecting owner-occupied housing, the plaintiff must:

(a) Along with a copy of the complaint served on the mortgagor, include separate documents containing:

(1) Contact information that the grantor may use to reach a person with authority to negotiate a loan modification on behalf of the plaintiff;

(2) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development;

(3) Two copies of ~~[an Enrollment Form]~~ a Petition for Mediation Assistance from the ~~[Administrator, or designee,]~~ District Court indicating the grantor or the person who holds title of record will be enrolled to participate in mediation if he or she pays his or her share of the filing and mediation [fee] fees pursuant to Rule 5 and ~~[returns]~~ files the [Enrollment Form;] Petition for Mediation Assistance with the District Court; and

(4) One envelope addressed to the plaintiff and one envelope addressed to ~~[the Administrator, or designee,]~~ Home Means Nevada, Inc., or its successor organization, which the grantor may use to comply with the provisions of subsection 2 of this Rule.

(b) Submit a copy of the complaint to ~~[the Administrator, or designee.]~~ Home Means Nevada, Inc., or its successor organization.

2. If the grantor or the person who holds title of record of an owner-occupied residence wishes to complete ~~[mediation enrollment,]~~ mediation, he or she shall not later than the date on which an answer to the complaint is due, initiate mediation by:

(a) Filing the ~~[Enrollment Form]~~ Petition for Mediation Assistance with the District Court;

(b) Paying the mediation fee ~~[accompanied by a copy of the Enrollment Form sent to the Administrator, or designee;]~~ and other related fees; and

(c) Returning a copy of the ~~[form]~~ petition to the plaintiff by certified mail, return receipt requested.

(d) Submit a copy of the petition to Home Means Nevada, Inc., or its successor organization, by certified mail, return receipt requested.

3. If the grantor or the person who holds title of record ~~[enrolls in]~~ files the Petition for Mediation [Program,] Assistance, then the plaintiff, upon receipt of the ~~[Enrollment Form,]~~ petition, shall file ~~[the form]~~ an answer with the ~~[Administrator, or designee,]~~ District Court, along with the mediation fee. At this point, the civil action will be stayed until the outcome of the mediation.

4. At the conclusion of the mediation, the mediator ~~[shall file with the Administrator, or designee, on a form provided by the Administrator, or designee, the original Mediation Statement. Upon receipt from the Program Administrator, or designee, the beneficiary shall file a copy of the Mediator Statement with the Court.]~~ shall prepare and submit to the District Court the outcome of the mediation.

5. If the parties agree to a loan modification or settlement, the District Court shall enter an order describing the terms of any loan modification or settlement agreement.

**Rule 10. Option for Inclusion.**

1. For any owner-occupied property located in Nevada where a Notice of Default is recorded prior to ~~[July 1, 2009,]~~ December 2, 2017, 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 option for inclusion letter signed by both parties must be provided to the ~~[Administrator, or designee,]~~ District Court.

2. For any owner-occupied property located in Nevada where a Notice of Default is recorded and the homeowner has failed to ~~[enroll in mediation]~~ file a Petition for Mediation Assistance within the time frame pursuant to Rule 8, the homeowner and beneficiary of the deed of trust may agree in writing to ~~[enter]~~ participate in the Foreclosure Mediation Program.

3. ~~[The Administrator, or designee, will notify the parties of the option for inclusion who shall, within 10 days, forward the fees required in Rule 5 herein to the Administrator, or designee.]~~ Upon acceptance of the written ~~[stipulation]~~ stipulation, filing of the Petition for Mediation Assistance, and receipt of the required fees, the ~~[Administrator, or designee,]~~ District Court shall appoint a mediator and the mediation process shall be conducted consistent with these rules.

## **Rule 11. Exceptions to Enrollment.**

1. All grantors or persons who hold the title of record who have timely ~~[completed enrollment in the Program]~~ filed a Petition for Mediation Assistance 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 Chapter 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. After enrollment, the grantor must provide notice to the ~~[Administrator, or designee,]~~ appropriate District Court within 5 days of filing a Petition in Bankruptcy. If a mediation is convened, and it is determined the grantor filed a Petition in Bankruptcy without notifying the ~~[Administrator, or designee,]~~ District Court upon an order closing or dismissing the case, or granting relief from the automatic stay, all grantor fees previously paid shall be forfeited. Lender fees will be refunded. The grantor may ~~[re-enroll in mediation]~~ refile a Petition for Mediation Assistance within 30 days of the order. A ~~[\$400]~~ \$500 fee with ~~[\$200]~~ \$250 paid by the grantor and ~~[\$200]~~ \$250 paid by the lender, unless otherwise stipulated, as well as all other associated filing fees, will be required upon the subsequent request for mediation.

## **Rule 12. Representation.**

1. 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. All beneficiaries of a deed of trust ~~[sought]~~ that are seeking to [be foreclosed] foreclose against an eligible participant who has timely ~~[enrolled in mediation]~~ filed a Petition for Mediation Assistance shall participate in ~~[the]~~ Foreclosure Mediation ~~[Program,]~~ Assistance and 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 at mediation. Physical presence of the beneficiary or its representative is satisfied by the physical presence of an authorized representative of the beneficiary, which may include counsel for the beneficiary. In addition to the documents required in Rule 13 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 each assignment and endorsement of the mortgage ~~[note.]~~ note, and any documents created in connection with a loan modification.

(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:

(1) An attorney who is licensed to practice law in Nevada;

(2) A person who is licensed to provide services as described in NRS Chapter 645F.310; or

(3) 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.

(c) An eligible participant may represent himself or herself. In any circumstance where the eligible participant retains representation, his or her representative must meet the qualifications provided in Rule 12(1)(a) and (b).

(d) An eligible participant may give power of attorney to someone else to represent them in mediation. If an eligible participant gives a power of attorney to someone to represent them in mediation and if that person is receiving any form of compensation, including commissions or fees associated with the sale or transfer of the property, then they must meet the qualifications provided in Rule 12(1)(a) and (b).

### III. REQUIRED MEDIATION DOCUMENTS

#### **Rule 13. Documents to Be Presented for the Mediation.**

1. Immediately, or as soon as practicable after the mediator receives an assignment from the [~~Administrator, or designee,~~ District Court], the mediator shall either set an exchange of documents conference or speak separately with each party to ascertain whether the beneficiary of the deed of trust needs any information from the homeowner in order to make a final decision about a loan modification, short sale, or other alternative to foreclosure.

2. If the beneficiary of the deed of trust indicates that documents are required to determine eligibility for a loan modification, short sale, or other alternative to foreclosure, it shall prepare a list of the documents required and send it to both the mediator and homeowner via regular mail, or if agreed upon by the parties, electronic mail delivery. The list should indicate specifications concerning the documents, such as time frame or scope, and

shall be submitted to the mediator and the homeowner within 5 days of the document conference or call.

3. The homeowner shall use his or her best effort to submit the required documents in his or her possession to the mediator and beneficiary of the deed of trust within 15 days. The homeowner should also begin the process to obtain required documents not in his or her possession.

4. Upon receipt of the homeowner's initial submission of documents, the beneficiary of the deed of trust shall have 15 days to send a written request for additional or corrected documents to both the mediator and the homeowner. The request shall be sent via regular, or if agreed upon by the parties, electronic mail delivery. If the beneficiary of the deed of trust fails to request additional and/or corrected documents from the homeowner, it will be estopped from claiming that the review of any option was not possible.

5. The homeowner shall then have 15 days from the date the letter is received to submit the additional or corrected documents to the mediator and the beneficiary of the deed of trust, as well as any required documents that were not in their possession at the time of initial document submission, if obtained. Once the homeowner supplies additional and/or corrected documents, documentation will be deemed complete.

6. Within 5 days of receipt of the additional or corrected documents, the beneficiary of the deed of trust may request clarification regarding submitted documents and/or identification of inadequacies in previously requested and submitted documents. The homeowner will have 5 days to provide the beneficiary of the deed of trust with clarification and/or cure identified inadequacies.

7. The beneficiary of the deed of trust must prepare and submit, at least 10 days prior to the mediation, the following documents to the mediator and the homeowner:

(a) The original mortgage note or a certified copy of the mortgage note, together with each assignment or endorsement of said note, the original or a certified copy of the deed of trust, and a certified copy of each assignment of the deed of trust.

(b) The original or certified copy, if one was utilized, of any document utilized to assign or endorse the mortgage note or the deed of trust.

(c) True and actual copies of any changes to said note, including the most recent loan modification, if one was utilized, and other agreements.

(d) If the beneficiary of the deed of trust is represented by a third party at the time of mediation, the third party must produce a copy of the agreement, or relevant portion thereof, which authorizes the third party to represent the beneficiary at the mediation and authorizes the third party to negotiate a loan modification on behalf of the beneficiary of the deed of trust.

(e) While photocopies of the original or certified copy will be allowed for document exchange prior to mediation, the original or certified copy must be presented at the mediation. All documents presented at mediation must satisfy the requirements provided in Rule 13(8) and Rule 13(9).

(f) Appraisal and/or Brokers Price Opinion (BPO) not more than 60 days old (prior to the date of mediation) that satisfies the requirements provided in Rule 13(11). The homeowner, if he or she so chooses, may bring his or her own appraisal and/or BPO obtained at his or her own expense.

8. The requirement for a certified copy of the original mortgage note, deed of trust, each assignment of the deed of trust and each assignment and endorsement of the mortgage note, power of attorney, or other documents required by these rules is only satisfied when the mediator receives:

(a) A statement under oath signed before a notary public pursuant to the provisions of NRS 240.1655(2), which includes:



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

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

(3) The attached copy of the mortgage note, deed of trust, and each assignment and any endorsement 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.

(b) The certification shall contain the original signature of the certifying party and the original seal and signature of the notary public. Each certified document must contain a separate certification.

9. 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.

10. The beneficiary of the deed of trust or its representative shall produce an appraisal dated no more than 60 days before the commencement date of the mediation with respect to the real property that is the subject of the notice of default and shall prepare an estimate of the "short sale" value of the residence that it may be willing to consider as a part of the negotiation if loan modification is not agreed upon, and shall submit any conditions that must be met in order for a short sale to be approved. The beneficiary of the deed of trust must also be able to negotiate the following: (i) the listing price, (ii) the date by which the property will be listed for sale, (iii) a period of time in which the property will be marketed, (iv) a specified period in which the

beneficiary of the deed of trust has to determine whether to accept an offer to purchase the property, and (v) the maximum length of time escrow may last in order to complete the sale. All short sale agreements must state whether the deficiency is waived. All appraisals or BPOs must be performed by an independent third party.

(a) If the grantor fails to meet conditions within the period allowed by the conditions, the beneficiary of the deed of trust may submit a request to the ~~[Mediation Administrator]~~ District Court to issue a notice to Home Means Nevada, Inc., or its successor organization, to issue a certificate to foreclose, unless such failure to close escrow is a result of the action or inaction of the beneficiary of the deed of trust.

(b) If the grantor or the person who holds the title of record believes that the beneficiary of the deed of trust failed to comply with the guidelines of the agreement for the sale, or that escrow did not close because of the action or inaction of the beneficiary of the deed of trust, the grantor or the person who holds the title of record may file a ~~[petition for judicial review pursuant to Rule 23.]~~ recommendation concerning the imposition of sanctions against the beneficiary of the deed of trust or the representative as the District Court determines appropriate including, without limitation, requiring a loan modification in the manner determined proper by the Court.

11. The mediator may accept a BPO in addition to or in lieu of the appraisal described in this rule. In that case, the BPO must substantially comply with the provisions of NRS 645.2515.

## IV. MEDIATION PROCEDURES

### Rule 14. Location of Mediation.

1. The presiding mediator shall designate the date, time, and place for the mediation after coordinating with the parties and then shall notify the parties in writing and forward a copy of the Mediation Scheduling Notice to the ~~[Administrator, or designee,]~~ District Court. When coordinating with the parties, the mediator shall contact the parties, via phone call or regular mail, to ascertain whether counsel has been retained. If counsel has been retained, the mediator shall coordinate with their schedules as well.

2. Upon request from the presiding mediator, the ~~[Program Administrator, or designee,]~~ District Court shall assist in determining a suitable location for the mediation.

### Rule 15. Calendaring.

1. Unless otherwise stipulated by the parties and approved by the presiding mediator, or for good cause shown, a mediation will be calendared to conclude within 135 days following actual receipt by the ~~[Administrator, or designee,]~~ District Court of the mediation ~~[fee]~~ fees, including the filing fees for the petition, and required documentation provided on behalf of the lender. Upon the completion of the mediation, the mediator shall prepare the Mediator's Statement in accordance with Rule 19 herein.

2. Immediately, or as soon as practicable after the mediator receives an assignment from the ~~[Administrator, or designee,]~~ District Court, the mediator shall either set an exchange of documents conference or speak separately with each party to request the list of documents that are required for the beneficiary of the deed of trust to make a final decision about a loan

modification, short sale, or other alternatives to foreclosure. The mediation shall be scheduled to conclude within 90 days of mediator assignment.

3. Unless extended by the presiding mediator, the parties will be allowed up to 4 hours to present and conclude the mediation. However, a 4-hour mediation is not required.

4. The mediator may conduct more than one mediation in a day, but in no case shall the mediator conduct more than 2 mediations in a day without express written approval by the [~~Administrator, or designee,~~] District Court. Mediations shall take place between the hours of 8 a.m. and 5 p.m. Pacific Time, Monday through Friday (excluding legal holidays), unless otherwise agreed upon by the parties.

#### **Rule 16. Continuances.**

1. Prior to the mediation convening, a request for a continuance must be in writing and served on the presiding mediator and opposing party. Continuance of a mediation may be granted upon a showing of extraordinary circumstances or upon a written agreement of the parties. The request must set forth the extraordinary circumstances with particularity. A ruling by the presiding mediator granting a continuance prior to convening the mediation 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, or designee,~~] District Court 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. When the continuance is the result of agreement of the parties, the continuance may be granted for up to 30 days.

Notice of such agreement shall be provided by facsimile, electronic mail, and/or regular mail.

2. Once a mediation is convened, if a mediator believes a continuance of the mediation is necessary and the parties agree at the mediation that a continuance is necessary in order to achieve a meaningful result, a continued mediation may be scheduled within 30 days. One additional continuance may be permitted following that 30-day period for no more than 15 days.

3. The ~~[Program]~~ District Court should not withhold the distribution of new assignments to a mediator for lack of resolution of existing cases when the cases were continued pursuant to this rule.

#### **Rule 17. Settlement/Resolution Before Mediation.**

1. In the event the foreclosure issues are resolved before the scheduled mediation, the parties must, not later than 2 business days prior to the scheduled mediation date, advise the mediator of their settlement. The parties shall send to the mediator a copy of the settlement agreement to attach to the mediator's statement. If the matter has not been settled in writing and signed by both parties, the parties shall attend the mediation so that the record may be memorialized. Any settlement will not result in the refund of fees.

#### **Rule 18. Temporary Agreements or Agreements to Relinquish; Expiration Date.**

1. The parties may enter into a temporary modification agreement to modify any term(s) of the loan agreement as a result of mediation under these rules. Temporary agreements include those where the owner-occupant agrees to retain the home or relinquish the home after a measurable time frame. The temporary agreement must be in writing and signed by the

parties. The temporary agreement must also include an “expiration date.” The expiration date is a date certain, and upon which the parties shall have complied with their obligations under the agreement.

2. Any agreement to relinquish the home must include a date or measureable time frame on which the certificate will issue. The date or measurable time frame, so identified shall be herein referenced as the “Certificate Issuance Date.” The ~~[Administrator, or designee,]~~ District Court may issue an order allowing for the certificate on the day of the certificate issuance date. Nothing herein prevents a party from invoking Rule 23.

(a) “Vacate Date” shall be defined as the date, agreed upon by the parties, by which the homeowner will leave the premises.

(b) “Certificate Issuance Date” shall be defined as the date on which the program may issue a certificate.

3. If either party to a temporary modification agreement described in this rule fails to fulfill the obligations of that agreement, the aggrieved party may file ~~[a petition for judicial review as set forth in Rule 23 herein.]~~ an appeal. The ~~[petition]~~ appeal must be filed within 30 days following the expiration date of the temporary modification agreement, and regardless of whether the mediation has been concluded.

**Rule 19. Other Programs.** After establishing that the representative for the beneficiary of the deed of trust has the documents and the authority, the mediator shall discuss with the parties whether the borrower qualifies for HAMP, Hardest Hit Funds, Attorney General Settlement Programs, or any other program in existence at the time of the mediation when the homeowner meets the program requirements.

**Rule [19. Mediator's Statement.] 20. Mediation Conclusion.**

1. Within 10 days after the conclusion of the mediation, the mediator must file with the ~~[Administrator, or designee, on a form provided by the Administrator, or designee, the original Mediator's Statement.]~~ District Court the outcome of the mediation. The ~~[Mediator's Statement]~~ mediator's statement must include a true and correct copy of any agreement, including a temporary agreement, entered into between the parties during mediation. ~~[A copy of the Mediator's Statement and agreement must be served on all parties, at the conclusion of mediation or by regular mail, email or facsimile. A courtesy copy must be provided to the trustee by regular mail, email or facsimile.]~~ Upon receipt of the mediator's statement, the District Court shall enter an order either describing the terms of any loan modification or settlement agreement or dismissing the petition. The District Court shall provide a copy of the order to Home Means Nevada, Inc., or its successor organization, with 10 days.

**Rule [20.] 21. Interpreter Services.**

1. Any party requiring interpreter services is responsible for contacting the ~~[Foreclosure Mediation Program]~~ District Court staff to schedule an interpreter at least 21 days prior to the mediation.

2. The ~~[Administrator, or designee,]~~ District Court shall maintain a list of interpreters qualified to interpret in mediations. The ~~[Administrator, or designee,]~~ District Court is responsible for assigning the interpreter prior to the scheduled mediation and notifying the presiding mediator of the selection.

**Rule ~~[21.]~~ 22. Confidentiality.**

1. All documents and discussions presented during the mediation shall be deemed confidential and inadmissible in any subsequent actions or proceedings, **except** in judicial foreclosure actions ~~[or petitions for judicial review]~~ according to these rules and any subsequent appeal. In that case, non-privileged evidence submitted for mediation is discoverable, with the exception of confidential information such as social security numbers, account numbers, and tax ID numbers pursuant to the redaction statute.

2. Nothing contained herein shall prevent the disclosure of such limited information by the mediator or parties as required by NRS Chapter 107.

**Rule ~~[22.]~~ 23. Facsimiles.**

1. A facsimile of the ~~[Administrator's,]~~ Administrator's or ~~[designee's,]~~ District Court Judge's signature for purposes of filing Foreclosure Mediation Program documents with the County Recorder may be accepted as an original.

**~~Rule [23. Issuance of Certificates and Petition for Judicial Review.]~~ 24. Appeals.**

1. ~~[Upon the conclusion of the mediation, and upon the decision as to whether a Certificate shall issue, the Program shall notify, in writing, both the homeowner and the beneficiary of the deed of trust of the final outcome of the proceeding. The Program shall notify both participants of their right to file a petition for judicial review as well as the provisions of the rule governing said petitions. If a temporary agreement is reached, the Program shall advise both parties that if either party fails to fulfill the obligations~~



~~of that agreement, the aggrieved party may file a Petition for Judicial Review within 30 days of the expiration date of the temporary modification agreement or date of breach of a condition in the agreement.~~

~~2. 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. A hearing shall be held, to the extent that the court deems necessary, for the limited purposes of determining the beneficiary of the deed of trust's compliance in attending the mediation, having the authority required by Rule 12(1)(a), bringing to the mediation each document required by Rule 12(1)(a), participating in the mediation in good faith, complying with the rules of the Program, enforcing agreements made between the parties within the Program, including temporary agreements, and determining appropriate sanctions pursuant to NRS Chapter 107 as amended.~~

~~3. Except as provided in Rule 23(1), all such petitions shall be filed within 30 days of the date that the party to mediation received the mediator statement from the Administrator, or designee. The mediation shall be reviewed by the district court within 60 days of the service of the petition in accordance with the Nevada Rules of Civil Procedure, NRS Chapter 107, and any local rule or administrative order adopted by a judicial district to adjudicate such petitions.~~

~~4. Petitions for judicial review shall be served on any party and/or person appearing at the mediation on behalf of a party, by certified or registered mail, return receipt requested.~~

~~5. A petition for judicial review that names the Administrator, or designee, as a respondent must be served upon the Administrator, or designee, at the Administrative Office of the Courts, 201 South Carson Street, Carson City, Nevada 89701, by certified or registered mail, return receipt requested.~~

~~6. Proceedings in the district court on a petition for judicial review shall be conducted de novo.~~

~~7. Upon receipt of notice of the filing of a petition for judicial review by the Administrator, or designee, and until final resolution of that action, the Administrator, or designee, shall refrain from taking any action which will adversely affect any party to the mediation.~~

~~8. The District Court Clerk shall provide to the Administrator, or designee, a copy of any Petition for Judicial Review and disposition thereof filed in accordance with these rules, within 10 days of the filing of such pleading or disposition. Also, the District Court Clerk may provide electronic access to these records for the Administrator, or designee.~~

~~9. The Mediation Administrator, or designee, shall, not later than 60 days after submittal of the mediator's recommendation that the matter be terminated, or on the date specified by the parties pursuant to Rule 18(2), provide to the trustee a certificate which provides that the mediation has been completed.~~

~~Rule 24. Advisory Committee on the Foreclosure Mediation Program.~~

~~1. There is hereby created the Advisory Committee on the Foreclosure Mediation Program. The Committee, which shall be appointed by the Nevada Supreme Court, shall consist of:~~

~~(a) The Foreclosure Mediation Program Manager, who shall serve as the Committee's chair;~~

~~(b) Two persons who serve as mediators in the Foreclosure Mediation Program;~~

~~(c) One person who is a representative of an organization or association that conducts business as a title company or serves as a trustee on deeds of trust;~~

~~(d) Two persons who regularly conduct residential mortgage lending in the State of Nevada;~~

~~(e) Two persons who have previously participated in the Foreclosure Mediation Program as owner-occupants of a residence;~~

~~(f) Two persons who are attorneys licensed in the State of Nevada and who regularly represent lenders in the Foreclosure Mediation Program;~~

~~(g) Two persons who are attorneys licensed in the State of Nevada and who regularly represent owner-occupants in the Foreclosure Mediation Program; and~~

~~(h) Two persons who are licensed real estate agents in the State of Nevada.~~

~~2. Each appointed member serves a term of 1 year. Members may be reappointed for additional terms of 1 year in the same manner as the original appointments. Any vacancy occurring in the membership of the Committee must be filled in the same manner as~~

~~the original appointment not later than 30 days after the vacancy occurs.~~

~~3. The Committee shall meet at least once every 3 months and may meet at such further times as deemed necessary by the Chair.~~

~~4. A majority of the members of the Committee constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Committee.~~

~~5. The Committee shall:~~

~~(a) Study the Foreclosure Mediation Program rules and make such recommendations to the Nevada Supreme Court as it deems appropriate;~~

~~(b) Evaluate the effectiveness, operation, policies, and practices of the Foreclosure Mediation Program and make such recommendations to the Nevada Supreme Court as it deems appropriate; and~~

~~(c) Identify state and federal programs related to the foreclosure of residences in Nevada, the modification of residential home loans or the resolution of mortgage foreclosures and make such recommendations to the Foreclosure Mediation Program and its mediators and participants as the Committee deems appropriate.~~

~~Rule 25. Other Programs. After establishing that the representative for the beneficiary of the deed of trust has the documents and the authority, the mediator shall discuss with the parties whether the borrower qualifies for HAMP, Hardest Hit Funds, Attorney General Settlement Programs, and any other program in existence at the time of the mediation when the~~

~~homeowner meets the Program requirements.] Appeals of the decisions of the District Court will follow appropriate civil appeals processes.~~

**EXHIBIT B**

**PETITION FOR FORECLOSURE MEDIATION ASSISTANCE FORM**

Homeowner(s) Name(s): \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_, Nevada Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

**DISTRICT COURT**  
\_\_\_\_\_ **COUNTY, NEVADA**

\_\_\_\_\_  
(Homeowner name)

AND

\_\_\_\_\_  
(Additional homeowner names)

CASE NO.:

DEPT:

**PETITION FOR FORECLOSURE MEDIATION ASSISTANCE**

Petitioners hereby petition this Court, pursuant to the terms of Chapter 107 of the Nevada Revised Statutes, to grant them participation in the mediation program for homeowners facing foreclosure. Petitioners state as follows:

- 1. Residence.** The home that is under foreclosure proceedings is in \_\_\_\_\_ County in the State of Nevada. Petitioner is the occupant and owner of this home.
- 2. APN.** The assessor parcel number (APN) of the home is \_\_\_\_\_.
- 3. Notice of Default.** The notice of default is attached to this petition. The notice was received within the last 30 days.

Petitioners hereby request that this Court allow participation in the foreclosure mediation assistance program.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Homeowner Signature

\_\_\_\_\_  
Homeowner Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Additional Homeowner Signature

\_\_\_\_\_  
Additional Homeowner Printed Name

**FIRST PETITIONER'S VERIFICATION**

STATE OF NEVADA        )  
  )  
COUNTY OF \_\_\_\_\_)

(Homeowner's name) \_\_\_\_\_ being first duly sworn under penalty of perjury, deposes and says:

I am the Petitioner herein, and I have read the foregoing Petition for Foreclosure Mediation Assistance and know the contents thereof; that the pleading is true to the best of my own knowledge.

▶ \_\_\_\_\_  
(Homeowner's signature)

Signed and sworn to (or affirmed) before me on  
(date) \_\_\_\_\_ by (name) \_\_\_\_\_

\_\_\_\_\_  
Signature of notarial officer

STATE OF NEVADA        )  
  )  
COUNTY OF \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me, a Notary Public, (homeowner's name) \_\_\_\_\_, known or proved to me to be the person who executed the foregoing Petition for Foreclosure Mediation Assistance, and who acknowledged to me that he/she did so freely and voluntarily and for the uses and purposes herein stated.

**ADDITIONAL PETITIONER'S VERIFICATION**

STATE OF NEVADA        )  
  )  
COUNTY OF \_\_\_\_\_)

(Additional homeowner's name) \_\_\_\_\_ being first duly sworn under penalty of perjury, deposes and says:

I am the Petitioner herein, and I have read the foregoing Petition for Foreclosure Mediation Assistance and know the contents thereof; that the pleading is true to the best of my own knowledge.

▶ \_\_\_\_\_  
(Additional homeowner's signature)

Signed and sworn to (or affirmed) before me on  
(date) \_\_\_\_\_ by (name) \_\_\_\_\_

\_\_\_\_\_  
Signature of notarial officer

STATE OF NEVADA        )  
  )  
COUNTY OF \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me, a Notary Public, (additional homeowner's name) \_\_\_\_\_, known or proved to me to be the person who executed the foregoing Petition for Foreclosure Mediation Assistance, and who acknowledged to me that he/she did so freely and voluntarily and for the uses and purposes herein stated.



**CERTIFICATE OF SERVICE**

I, \_\_\_\_\_, hereby certify that on this date \_\_\_\_\_, I mailed copies of the foregoing **“PETITION FOR FORECLOSURE MEDIATION ASSISTANCE”** certified mail, return receipt requested, to the following parties at the addresses shown below:

**Trustee**

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**Beneficiary**

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**Home Means Nevada**

3300 West Sahara Avenue, Suite (TBD)  
Las Vegas, Nevada 89102

**Other party of interest**

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Signed \_\_\_\_\_