

# Kenosha/Racine County Foreclosure Mediation Program

## Notice of Availability of Mediation

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### **What is the foreclosure mediation program?**

Kenosha and Racine Counties' foreclosure mediation program is administered through a collaboration the joint Kenosha/Racine Foreclosure Mediation Steering Committee and Metro Milwaukee Mediation Services, Inc., and is part of the Wisconsin Foreclosure Mediation Network. This Network receives funding from the Wisconsin Department of Justice and support from your local courts.

The Program is available to assist homeowners facing a mortgage foreclosure action in both Kenosha and Racine Counties. Mediation is a confidential and voluntary process where you and the lender seeking to foreclose on your home may discuss ways to resolve your foreclosure case, including reinstatement of the loan and possible modification of the loan terms.

The Program is available to parties to a first or second mortgage foreclosure action involving a one-four family residential property. You need not reside in the property, but you may not own more than four other rental properties. Vacation properties or "seasonal homes" are not eligible, nor are homes in bankruptcy.

### **How does the homeowner request foreclosure mediation?**

Along with this notice, you have also received the Mediation Request Form. This form is also available through the Wisconsin Foreclosure Mediation Network website at [www.MediateWisconsin.com](http://www.MediateWisconsin.com), the Racine County Clerk of Courts website at <http://clerkofcircuitcourt.racineco.com/courtdivisions/foreclosure.aspx> and office in the Courthouse. You should complete and send your request form to the program as soon as possible and within 30 days of receiving the summons. If that date has passed, you can still make a late request, as mediation might still be a possibility.

Within two business days of receiving the Request Form, the Program Administrator will refer a housing counseling agency to you via mail or email. Your second step is to contact your housing counselor to set up a meeting for the purpose of compiling a complete loan modification application. The housing counselor sends the loan modification application directly to the Program Administrator. Your third step is to pay the mediation fee of \$150 by check or money order.

After you have completed all three mediation request steps, the Program Administrator will notify your lender of the completed application. Your Lender's non-refundable mediation fee of \$150 is due at the time of notice.



**Is participation in mediation required?**

Participation is voluntary for the homeowner/borrower; however, once the homeowner/borrower requests mediation, the lender's participation is automatic under the Courts' Local Rule and both parties are required to adhere to the process adopted in the Court's Local Rule.

**How can the Housing Counselor help?**

In order to increase the chance of success at mediation, you are matched with a housing counselor in your area. Housing Counselors are specially trained and certified to go over financial information with you, and to discuss programs that may be available to avoid foreclosure.

If you do not take this step, the mediation cannot proceed.

**What does mediation cost?**

There is no cost to request mediation or to work with a housing counselor. You and your lender must each pay a non-refundable mediation fee of \$150 before the case can be scheduled for mediation. To make your payment you may mail a check or money order to Wisconsin Foreclosure Mediation Network (WFMN) at P.O. Box 633, Milwaukee, WI 53201 or you may make a payment by credit card by calling toll-free 877-721-6262.

**Does the foreclosure stop during the mediation process?**

Even after applying for mediation, you are required to comply with all mandatory deadlines set by the court, including the time to answer the Complaint. Please read the Summons and Complaint *carefully* and make sure you understand your rights and the time period for filing an Answer or Responsive Pleading. If you do not file an Answer or Responsive Pleading, the court may grant judgment against you and you may lose your right to object to anything that you disagree with in the Complaint.

**Do you need a lawyer to participate in the mediation program?**

While everyone is always strongly encouraged to consult with an attorney, you are not required to be represented by an attorney. You may contact the statewide Lawyer Referral and Information Service at (800) 362-9082 to obtain the names of attorneys who may be able to assist you. If you are working with a lawyer, please notify the Program Administrator of their name and contact information.

**Who must attend the mediation session?**

The mediation session must be attended in person by all homeowners who signed the mortgage note. All attorneys must also attend in person or by video conference, if available. The loan servicer will attend by telephone. Either party may have other support persons such as attorneys, loan officers and tax advisers attend or available by phone.

**Where can I find additional foreclosure resources?**

More information on resources for homeowners facing foreclosure is available at [www.MediateWisconsin.com](http://www.MediateWisconsin.com).

**Contact Us**

Wisconsin Foreclosure Mediation Network  
P.O. Box 633  
Milwaukee, WI 53201

Phone: 877-721-6262  
Fax: 414-939-8803  
Email: [apply@mediatemilwaukee.com](mailto:apply@mediatemilwaukee.com)



# Mediation Request Form



Within 30 days from the date you received the foreclosure Summons, complete this Request Form and return it to the Kenosha Racine County Foreclosure Mediation Program by:

**Mail:** Wisconsin Foreclosure Mediation Network  
P.O. Box 633, Milwaukee, WI 53201  
**Phone:** (877) 721-6262      **Fax:** (414) 939-8803  
**Email:** [apply@mediatewisconsin.com](mailto:apply@mediatewisconsin.com)  
**Online:** [www.mediatewisconsin.com](http://www.mediatewisconsin.com)

Name of all Homeowner(s) (who has title):	
Name of all Borrower(s) (who signed the loan):	
Full property address (Street/City/State/ZIP):	
Mailing address (if different):	
Number of units you own at property location:	
Email address:	
We prefer to use e-mail as our main way to contact you. Is that acceptable? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Home Phone:	Work Phone:
Cell Phone:	Alternate Phone:
Best phone to reach you during the day? <input type="checkbox"/> Home <input type="checkbox"/> Work <input type="checkbox"/> Cell <input type="checkbox"/> Alternate	
Name of Lender/Plaintiff in your case:	
Name of Servicer (you make your mortgage payment to them):	
Name of County where this home is located:	
Case Number (located on your Summons):    20      CV	
Date you received the Summons and Complaint:	
Is this property your primary residence? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Do you own the property? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Did you sign the Mortgage Note? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Have you started a bankruptcy that is still ongoing? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Does an attorney represent you for your foreclosure? <input type="checkbox"/> Yes <input type="checkbox"/> No    If yes, name & email address:	
Have you met with a housing counselor? <input type="checkbox"/> Yes <input type="checkbox"/> No    If yes, with whom have you met?	
If English is not your primary language, will you bring an interpreter to the mediation? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Have you received a prior loan modification for this property? <input type="checkbox"/> Yes <input type="checkbox"/> No	

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The Kenosha Racine County Foreclosure Mediation Program is administered by the Wisconsin Foreclosure Mediation Network with support from the Wisconsin Department of Justice.

How did you hear about the Kenosha Racine County Foreclosure Mediation Program?

- Colored forms attached to summons (pink, yellow or green)
- Website (which one):
- Housing Counselor (Name):
- Radio announcement (which one):
- Hotline (which one):
- Other (please explain):

**Authorization for Research and Evaluation.** The Kenosha Racine County Foreclosure Mediation Program is operated by the Wisconsin Foreclosure Mediation Network. KRCFMP will share your contact or financial information only with program partners, such as your HUD certified housing counselor, your attorney, or your lender's representatives. We also compile anonymous aggregate case file or results information for the purpose of evaluating our services, gathering valuable research information, designing future programs and engaging in academic research, analysis and publication. I consent to the use of my information for these purposes. I also authorize my servicer to disclose all information and supply any documents that relate to the loan which is described in this Request to the Mediation Program through a program designated online Portal.

I also certify that I am the owner and mortgagor of the property that is subject to this foreclosure action.

\_\_\_\_\_  
Property Owner's Signature

\_\_\_\_\_  
Date

**PLEASE NOTE: You are not "in mediation" until you have completed all three steps below. Once you have fully completed all three steps, you will be considered "in mediation."**

**Step 1:**

Within 30 days from the date you received the foreclosure Summons, complete the attached Request form and return it to the Wisconsin Foreclosure Mediation Network:

**Mail:** Wisconsin Foreclosure Mediation Network  
P.O. Box 633, Milwaukee, WI 53201  
**Phone:** (877) 721-6262 **Fax:** (414) 939-8803  
**Email:** [apply@mediatewisconsin.com](mailto:apply@mediatewisconsin.com)  
**Online:** [www.mediatewisconsin.com](http://www.mediatewisconsin.com)

*You have Completed Step 1. If you are deemed eligible for mediation, you will receive the name of your housing counselor within two (2) business days.*

**Step 2:**

Call and meet with your assigned housing counselor and help them put together a complete financial package. Promptly collect and deliver to them all of the items they request. This step is critical. This should be done within two (2) weeks or sooner.

**Step 3:**

Pay to the Wisconsin Foreclosure Mediation Network the Mediation Request fee of \$150 by check, money order, or to make a credit/debit card payment call (877) 721-6262.



The Kenosha Racine County Foreclosure Mediation Program is administered by the Wisconsin Foreclosure Mediation Network with support from the Wisconsin Department of Justice.

## **The Foreclosure Mediation Process** **Description, Effective March 1, 2014**

**A. Goal.** The Kenosha/Racine Foreclosure Mediation Program is patterned after the Wisconsin Foreclosure Mediation Network Model. The goal of the Program is to assist parties determine, within a reasonable period of time, whether foreclosure can be avoided by an alternate mutually agreeable arrangement, such as a loan modification or repayment plan, or to allow for a graceful exit from the property. The mediation program seeks to achieve this goal by structuring the collection and exchange of information to prepare the parties for their mediation session. The neutral and impartial mediator then guides and summarizes the communications so that parties gain a complete and clear understanding of any options that may exist, or the reasons retention options are not available.

**B. Eligibility.** The Program is available to parties to a first or second mortgage foreclosure action involving a one-four family residential property. The homeowner need not reside in the property, but they may not own more than four other rental properties. This is consistent with the eligibility criteria for the U.S. Treasury's Making Homes Affordable loan modification program. In addition, the action must be pending in Kenosha or Racine County. Vacation properties or "seasonal homes" are not eligible, nor are homes subject to a bankruptcy.

### **C. Request/Consent Process:**

**1. Mediation Request Form.** To initiate the mediation process, either party may make a request. The homeowner's request must utilize the "Mediation Request Form." The Mediation Request Form should be sent to the Administrator as named on the Mediation Request Form. Within two business days of receiving the Request Form, the Program Administrator, will refer a housing counseling agency to the homeowner via mail or email. The homeowner's second step is to contact a housing counselor to set up a meeting for the purpose of compiling a complete financial package. The housing counselor sends the package directly to the Program Administrator. The homeowner's third step is to pay the application fee of \$150 by check or money order to the Program Administrator.

If the homeowner does not complete all three steps within 60 days from receipt of the Mediation Request Form, in the absence of extenuating circumstances, the application will be deemed inactive.

**2. Lender's Participation.** After the homeowner has completed all three application steps, the Program Administrator will notify Lender's counsel of the new mediation case. The Lender's participation at this point is automatic. Lender's non-refundable fee of \$150 is due at the time of the notice and payable to the Wisconsin Foreclosure Mediation Network.

### **D. Mediation Preparation/Document Exchange:**

**1. On-line Portal.** Lender is required to utilize an Administrator selected secure internet based portal to:

- a. Post the lender required loan modification application forms and requirements,
- b. Receive the homeowner's loan modification package documents and
- c. Exchange messages about any outstanding documents or information.

**2. Initial Submission of Loan Modification Request Packet ("Financial Package").** Within 2 business days of receiving a completed application, the Program Administrator will send the homeowner's financial package to the lender, mediator, and housing counselor, either via the Portal or via lender's counsel.

**3. Notice of Deficient Package and (Lender's Confidential Loan Data Sheet).** Within 5 business days after receipt of homeowner's initial submission of information, Lender shall:

- a. Notify the Program Administrator of any known deficiencies, including any missing information or documentation required for the loan modification application to be complete, and

- b. Send the completed Confidential Loan Data Sheet.

**4. Supplemental Submission.** Within 10 days from the date of the Lender's notification of deficiencies in the financial package, homeowner shall submit supplemental information or documents. This deadline may be extended for compelling circumstances beyond the homeowner's control.

**5. Notice of Commencement of Review Period.** When no outstanding Lender requests for information or documents remain, the Program Administrator will send a Notice to the Court advising that:

- a. The Homeowner has delivered to Lender, via Program Administrator, a completed application for a loan modification;
- b. Lender is reviewing the application for alternatives to foreclosure; and
- c. The next scheduled mediation activity.

#### **E. Mediation Session**

**1. Assignment of Mediator.** At the time of the Initial Submission, the Program Administrator will assign a trained neutral and impartial mediator, who will utilize the facilitative style of mediation, refraining from directing or advising the parties, and will abide by the Uniform Model Standards of Mediator Conduct. The mediator will coordinate the scheduling of the mediation session with the parties, keeping the Administrator apprised of the details.

**2. Attendance by Parties with Authority.** By consenting, Lender agrees to designate a representative with knowledge of all of the Lender's loss mitigation programs either with full authority to make a determination on the homeowner's request or access to persons having such authority. Such representative may appear via video or teleconference. All attorneys will appear in person or via videoconference (if such accommodations are available). Absent prior arrangements, all mortgagors and the mediator must be present at the mediation

session. If subsequent mediation sessions are scheduled, all appearance may be via teleconference.

**3. Confidentiality and Privilege.** All communications made by the parties, attorneys and other participants at or in connection with the mediation shall be privileged and not reported, recorded or placed into evidence, or made known to the Court or construed for any purposes to be an admission. The Mediator will keep confidential all statements made during the mediation session, and will report to the Court only the results of the mediation or the procedural status of the mediation case.

**4. Scope of Subject Matter.** The mediation session may include negotiation of a modification of the homeowner's loan, whether by new payment terms, reduction or forgiveness in principal, interest, escrow shortage or advanced costs, surrender or sale of the mortgaged property or otherwise. Disputes of the amount due, application of payments, or other claims are within the scope of mediation only if both parties expressly make such election.

**5. Close of Mediation.** The Mediator shall cause the mediation process to conclude when:

- a. The homeowner has withdrawn from the mediation process,
- b. The Lender has reached a determination about the Homeowner's eligibility for a loan modification and the Homeowner has been afforded an opportunity to discuss the determination during a mediation session, or
- c. The Homeowner has failed, after 10 business days, to supply information or documents identified as outstanding by the Lender and the Lender has requested that mediation be closed.

The Administrator shall send to the Court a Final Mediation Report no later than 10 days after the conclusion of the mediation.