

IN THE COURT OF COMMON PLEAS
ASHTABULA COUNTY, OHIO

Request for Foreclosure Mediation

Case Name

Case Number

CAUTION

You have been served with a Foreclosure Complaint that could cause you to lose your property. You should consult with an attorney concerning your rights and responsibilities. To avoid having a default judgment taken against you, you MUST SERVE YOUR WRITTEN ANSWER upon the attorney for the Plaintiff (If the Plaintiff does not have an attorney, you must serve the Answer on the Plaintiff) AND file your written Answer with the Court. (Refer to the next page for instructions on how to file an Answer.)

You are strongly urged to seek legal counsel. You may be eligible for the assistance of a volunteer lawyer or you may be eligible for assistance from the Legal Aid Office. (For further information, you can call 1-866-LAW-OHIO (1-866-529-6446) or Save the Dream: Ohio’s Foreclosure Prevention Effort at 1-888-404-4674.) Your interests will be best protected if you seek counsel early.

Mediation Request In order to process this request, **ALL INFORMATION ASKED ON THIS QUESTIONNAIRE MUST BE PROVIDED and you MUST FILE AN ANSWER** (Refer to *Summons*.)

To determine if you are eligible for mediation, please complete one form for all debtors on the loan and return it to the **Ashtabula County Mediation Department, Ashtabula County Court of Common Pleas, 25 West Jefferson Street, Jefferson, Ohio 44047** at the same time you file your Answer with the Clerk of Courts.

IF YOU WANT TO KEEP YOUR HOME, YOU ARE ADVISED TO REQUEST FORECLOSURE MEDIATION EVEN IF YOU ARE CURRENTLY WORKING WITH YOUR LENDER ATTEMPTING TO AVOID FORECLOSURE OF YOUR HOME.

When completing this form, the word “you” means any debtor on the loan. If you need additional space, attach a separate sheet. **Do NOT file the Request for Mediation Form with the Clerk of Court’s Office.**

Mediation is a voluntary process in which you, the debtor, and the creditor can determine whether an agreement can be reached to cure any defaults in the loan and re-negotiate the terms of the loan in a manner that could allow you to remain in your property or to reach agreement on other terms as agreed by the parties. If this case is appropriate for foreclosure mediation, the Court will provide a mediator who facilitates the mediation.

The mediator will not give legal or financial advice to either party and you are therefore urged, but not required to retain an attorney to represent you and to provide you with legal advice.

Your Name(s):

Attorney’s Name:

Address:

Address:

Phone No:

Phone No:

Yes No Can a phone message be left?

Email:

HELPFUL INFORMATION

How does the foreclosure mediation process work?

Simply defined, foreclosure mediation is a process in which you, the borrower, and the lender or the lender's representative meet to discuss whether an agreement can be reached to cure any defaults in the loan, to re-negotiate the terms of the loan in a manner that could allow you to remain in your property or to reach agreement on other terms. If your case is appropriate for foreclosure mediation, the Court will provide a mediator. The mediator will set up the mediation meeting and will assist you in communicating with the lender. The mediator will not represent you or give you legal or financial advice.

What should I do with the Request for Foreclosure Mediation and Questionnaire?

To determine if you are eligible for mediation, you should complete the Request for Foreclosure Mediation and the Questionnaire for Foreclosure Mediation and return it to the Ashtabula County Mediation Department, Ashtabula County Court of Common Pleas, 25 West Jefferson Street, Jefferson, Ohio 44047 at the same time you file your Answer with the Clerk of Courts. Please note that your case will not be considered for mediation unless you have completed this form and you have filed an Answer as explained in your Summons.

Upon receipt of this Request for Foreclosure Mediation and Questionnaire by the Mediation Department, notification of your request will be sent to the Plaintiff/Lender along with Plaintiff's Mediation Questionnaire for Foreclosure Cases. When this form is returned to the Mediation Department all information will be reviewed to determine whether this case will be mediated, and a date for the mediation will be set.

INSTRUCTIONS FOR PREPARING AND FILING AN ANSWER TO A COMPLAINT

An Answer to a Complaint is your response to the allegations made by the Plaintiff. It should contain:

- the name of the Court,
- the name of the Plaintiff (the person or institution who sued you),
- the name of the Defendant or Defendants (your name),
- the case number,
- the name of the judge assigned to the case,
- the title "Answer" (this can be written on the Answer in the same place as the title appears at the top of the Complaint. Replace the word "Complaint" with the word "Answer" as the title of the document you are preparing.)
- your signature at the end of the Answer you prepare; and
- a statement at the end of the document following your signature certifying that you sent a copy of the Answer to each Plaintiff and to all other Defendants, and a date those copies were sent.

In the body of this document, you should respond to (admit or deny) each and every paragraph in the Plaintiff's Complaint. If you do not know or are not sure about whether a statement is correct, you should respond by saying "The statements made in this paragraph are denied for want of knowledge."

Once the Answer is prepared, and signed by you, it must be filed with the Clerk of Courts within 28 days from the date you receive the Summons, and copies must be sent to the Plaintiff or, if the Plaintiff is represented, to the Plaintiff's attorney, which is listed at the end of the Complaint, and to all other Defendants. (This information appears on the Summons you receive with the Complaint.)

For additional information please see http://courts.co.ashtabula.oh.us/courts_mediation.htm

Questionnaire For Foreclosure Mediation

1. yes no Is this commercial property?
 If yes, please describe:

 Are you interested in maintaining ownership? Yes No
2. yes no Are you currently living in this property?

 Are you interested in maintaining ownership? Yes No
3. yes no Are you and/or your spouse presently employed?
 If yes, how long have you and/or your spouse been employed by your current
 employer(s)?
 You: year(s) Spouse year(s)
4. yes no Are you in the process of filing bankruptcy or thinking about filing bankruptcy?
5. yes no Have you filed an Answer in this Foreclosure lawsuit or a Request for Extension
 of Time to Answer? (Answer or Request for Extension must be filed at the time
 this Request for Foreclosure Mediation is delivered. Please see
 http://courts.co.ashtabula.oh.us/courts_mediation.htm for assistance.)
6. yes no Do other mortgages or liens exist on this property? If so, list them below.
 Examples of other mortgages and liens are home equity loans, tax liens, child support
 liens, judgments from lawsuits.
- | Who is owed? | How much is due? | Past due? (yes/no) |
|---------------------|-------------------------|---------------------------|
|---------------------|-------------------------|---------------------------|

7. Check all items that have made you miss your mortgage payments:

Injury or illness

Adjustable Rate Mortgage (ARM): a mortgage loan where the interest rate changes periodically throughout the course of the loan

Balloon Payment: any repayment option under which the borrower is required to pay the entire amount of the outstanding balance of the loan as of a specified date or the end of a specified period

My expenses are more than my income

Other (please describe):

8. How many mortgage payments have you missed?

9. yes no Have you signed any documents or agreements regarding your mortgage? If yes, please
 attach them. Documents/Agreements Attached? Yes No
10. yes no Is or will this property be subject to an estate action in Probate Court?
 If yes, identify the court, case name and number:

11. \$	What is the amount of your monthly payment to the lender who is foreclosing?
12. \$	If your property tax and property insurance are <i>not</i> included in the payment to that lender, what is the amount of your monthly property taxes and insurance?
13. \$	Total monthly mortgage, property tax, and property insurance for this loan.

14. \$	How much is your current monthly NET (after taxes) income from all sources?
15. \$	What are your total monthly expenses without THIS mortgage, property tax, and property insurance ? (Note: Include payments on other property liens.)
16. \$	Total remaining net income (without this lien's real estate expenses noted on lines 11 through 13 above.)

Are you, or is someone on your behalf, currently in negotiations with the lender concerning the foreclosure on this property? If yes, please include details:

If there is further information that you believe will help the Mediation Department to assess the appropriateness of mediation in this matter, please provide this information:

I state that I am of lawful age, that I have personal knowledge of the information noted above and that it is true.

Homeowner Signature

Date: _____

Homeowner Signature

Date: _____