

# INSTRUCTIONS FOR PETITIONING TO ENROLL IN THE FORECLOSURE MEDIATION PROGRAM

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If you are facing foreclosure of your home in Nevada and you are interested in participating in the foreclosure mediation process, you might have the opportunity to enroll in the Foreclosure Mediation Program (“FMP”). In order to request participation in the FMP, follow these steps below. More details on each of the steps can be found at [www.civillawselfhelpcenter.org](http://www.civillawselfhelpcenter.org).

## **Step 1: Determine if you are eligible for the FMP.**

You are eligible to enroll in the FMP if all of the following apply:

- ☐ You were served with a Notice of Default within the last thirty days *or* you were served with a Complaint for Judicial Foreclosure within the last twenty days.
  - It is very important that you check the date of *service* of the Notice of Default. The thirty-day window begins when the Notice of Default is mailed, not when you received it.
  - You might be able to participate in the FMP even if the Notice of Default has not been recorded or mailed to you or if a Complaint has not yet been served on you, if it is recommended by a U.S. Department of Housing & Urban Development counselor, or if the parties agree in writing.
- ☐ You are the borrower on the mortgage *or* you hold the title of the house.
- ☐ You live in the property that is being foreclosed on. The property that is being foreclosed on cannot be a timeshare.
- ☐ You defaulted or are in immediate danger of defaulting on your mortgage payments. This program does not apply if you are in danger of foreclosure because of past due homeowner association fees or assessments.
- ☐ You have never previously surrendered the property.
- ☐ You are not in an active bankruptcy.

If you can agree with these statements above, go on to the next step. If you cannot, visit the Legal Aid Center of Southern Nevada ([www.lacsn.org](http://www.lacsn.org)) for more information and options.

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*This document has been prepared as a courtesy and to assist you with completing your court filing. It is not to be construed as providing legal advice or representation on how to prepare your case.*

## **Step 2: Prepare the Petition for Foreclosure Mediation Assistance.**

Fill out the attached packet and complete all the forms carefully, providing all the requested information in the blanks.

1. You, the person completing the packet, are Homeowner One. If there is another homeowner, that person can be Homeowner Two. If there is only one homeowner who is petitioning, you can leave all the Homeowner Two blanks empty. You do not need both homeowners to participate; if only one of you wants to petition, you can petition alone. If a loan modification is reached, it will have to be agreed upon by every borrower.
2. Fill out the lender's name as well as the trustee's name as the "Respondents" to your case. (The lender is also known as the beneficiary. This information is on the Notice of Default.)
3. Fill out the Assessor's Parcel Number ("APN") on the form. The APN will be an eleven digit number that will be on your Notice of Default. You can also look up the APN on the Clark County Assessor's website ([www.clarkcountynv.gov/assessor](http://www.clarkcountynv.gov/assessor)).
4. Take the petition to a notary public and sign the verification page where indicated before the notary. The notary will notarize and stamp the verification page(s).
5. Insert the trustee's name and address in the lines on the Certificate of Mailing page. The trustee's name and address will be on the Notice of Default.
6. Insert your lender's name and address in the lines on the Certificate of Mailing under "Beneficiary." Your lender's name and address will be on the Notice of Default.
7. If there is another party who you believe might be interested in this case—for example, if there is a mortgage servicer—insert that party's name and address in the lines on the Certificate of Mailing under "Other Party In Interest."
8. Attach a copy of your Notice of Default to the back of the Petition for Foreclosure Mediation Assistance.
9. Complete the Civil Cover Sheet. Your name, address, and telephone number will go in Section I, Party Information, in the "Plaintiff" box. The lender's name and address will go in Section I, Party Information, in the "Defendant" box. Date and sign at the bottom of the page.

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### **Step 3: Prepare your \$250.00 Mediation Fee and \$25.00 Filing Fee**

Your fee to participate in the foreclosure mediation is \$250.00. This is the mediation fee and it is *not* waivable and is absolutely mandatory for participation. The court fee to file the Petition for Foreclosure Mediation Assistance is \$25.00. You can pay both fees together or separately in cash, by credit card, cashier's check, money order, or personal check. All payments must be made payable to "District Court Clerk." If you cannot afford the \$25.00 filing fee, visit [www.civillawselfhelpcenter.org](http://www.civillawselfhelpcenter.org) for more information on getting a fee waiver to request a waiver of the \$25.00 filing fee only.

### **Step 4: File your Petition and Documents and Pay the Fees to the District Court Clerk.**

After you complete the packet and have your fees ready, submit everything to the Eighth Judicial District Court. The clerk's office where you can submit the packet is on the 3<sup>rd</sup> floor of the Regional Justice Center at 200 Lewis Avenue, Las Vegas, NV 89155.

### **Step 5: Mail Notice.**

Count the number of parties listed on your Certificate of Mailing, which is the last page in the Petition for Foreclosure Mediation Assistance packet. That is the number of file-stamped copies of the petition that you will need. Mail a copy of the petition to each of the parties and addresses listed in the Certificate of Mailing via certified mail, return receipt requested. Keep copies of the green receipts that the U.S. Postal Office gives you.

### **Step 6: Look out for Documents in Mail. Gather Your Documents.**

You will receive a series of documents after the lender files, including an Answer, Assignment of Mediator, and a Mediation Scheduling Notice. Make sure you review these documents carefully, and especially keep note of the date and time of your scheduled mediation. If you are not available on the date set for mediation, visit [www.civillawselfhelpcenter.org](http://www.civillawselfhelpcenter.org) for more information on continuing your mediation date.

Make sure you also carefully review the directions sent to you on how to prepare for mediation. These documents will include a list of what you will have to bring to the mediation. Gather those documents. Attend any conference calls or meetings that you are scheduled for, and carefully listen to what the lender or mediator is requesting. Before mediation, you will go back and forth with the lender and mediator exchanging information. If you do not meet certain requests, this could hurt your chances for a successful mediation. For more details on the deadlines and process of exchanging documents, visit [www.civillawselfhelpcenter.org](http://www.civillawselfhelpcenter.org).

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### **Step 7: Attend the Foreclosure Mediation.**

You will attend the foreclosure mediation at the date, time, and location that is listed in your Mediation Scheduling Notice. It will be on a Monday through Friday between 8 a.m. and 5 p.m. unless you all agree to a weekend or later hour. Your mediation might be at a courthouse or at an office. Arrive early. Bring copies of all your documents. The mediation will be no more than four hours in length.

The lender or lender's representative and the mediator should be present at the mediation. The mediator will facilitate conversation between you and the lender to see if a loan modification is possible. Ultimately, it will be up to you to determine if the terms that are offered or negotiated will work for you.

Ten days after the conclusion of the mediation, the mediator will file a Mediation Statement with a copy of the agreement you might have entered into with the lender. The court will then issue an order describing the terms of the agreement, dismissing the case, or detailing decisions regarding sanctions or describing other things the judge might make decisions about.

If no agreement was reached in the mediation, but both sides participated, then a Certificate of Foreclosure will be issued by Home Means Nevada to the lender about 30 days after the Mediation Statement allowing the lender to move forward with foreclosure.