**NOTICE OF INTENT TO FORECLOSE**

**PREFILE MEDIATION PACKET**

**Contains:**

* Notice of Offer to Mediate
* Maryland Foreclosure Process and Timeline

(Prefile Mediation)

* Application for Prefile Mediation
* Instructions for Prefile Mediation
* Documents Required for Prefile Mediation

Version: 03/22/2022

**NOTICE OF OFFER TO MEDIATE**

Owner-Occupied Residential Property – Not Federally Related Mortgage Loan

This Notice is Required by Maryland Law (Real Property Article, §7-105.1, Annotated Code of Maryland).

THIS IS AN OFFER FROM YOUR MORTGAGE COMPANY TO PARTICIPATE IN PREFILE MEDIATION -

BUT YOU MUST ACT QUICKLY

**TO ACCEPT THIS OFFER, PLEASE REFER TO THE ATTACHED APPLICATION, INSTRUCTIONS, AND EXPLANATION OF THE FORECLOSURE PROCESS AND TIMELINE. YOUR MORTGAGE COMPANY, AT ITS DISCRETION, MAY CHARGE A FEE THAT IS NO GREATER THAN $350 FOR PARTICIPATION IN THIS PROGRAM. YOU ARE NOT REQUIRED TO PAY THE FEE AT THIS TIME.**

**WHAT IS FORECLOSURE MEDIATION?**

Foreclosure mediation is a process that allows you, a representative from your mortgage company, and a neutral third-party mediator from the Maryland Office of Administrative Hearings to meet and discuss alternatives to foreclosure. The goal of foreclosure mediation is to help you avoid foreclosure. At mediation, you and your mortgage company may agree to an option to avoid foreclosure. However, making a request for foreclosure mediation does not guarantee a loan modification or other relief.

**WHAT IS PREFILE MEDIATION?**

There are two types of foreclosure mediation: (1) "Prefile mediation" - mediation before a foreclosure action is filed in court and (2) "Postfile mediation" - mediation after a foreclosure action has been filed in court. **Your mortgage company is offering prefile mediation at this time.** If you choose to participate in prefile mediation, please refer to the enclosed application and instructions. If you do not choose to participate in prefile mediation at this time, you will have the opportunity to submit a loss mitigation application and, if a foreclosure action is filed against you, participate in postfile mediation. The goal of both types of mediation is to help you avoid foreclosure, but prefile mediation happens much earlier in the foreclosure process.

**PLEASE NOTE: If you participate in prefile mediation now, you will not be able to participate in postfile mediation later unless you and your mortgage company agree to an additional mediation session and include the terms of that arrangement in the prefile mediation agreement, if any.**

**THE MARYLAND FORECLOSURE PROCESS AND TIMELINE**

**Owner-Occupied Property - Prefile Mediation Option**

**A Notice of Intent to Foreclose** is enclosed with this packet. The Notice of Intent to Foreclose provides information about your mortgage, some of your options under Maryland law, and what actions you need to take for each option.**This is not yet a foreclosure filing.** The timing of the foreclosure process depends on which option you choose now. The timeline below describes the timing of the process if you choose prefile mediation. **If you do not choose to accept your mortgage company's offer to participate in mediation now, please refer to the LOSS MITIGATION packet to review those options.**

* **Prefile mediation comes before a foreclosure action, if any, is filed in court:** A foreclosure action, called an order to docket or complaint to foreclose (the "OTD"), may be filed against you in court. If you choose to participate in prefile mediation, the OTD will not be filed until after you, your mortgage company, and a neutral, third party from the Maryland Office of Administrative Hearings ("OAH") meet to discuss, and hopefully agree to, alternatives to foreclosure.
* **Application for Prefile Mediation:** You have 25 calendar days from the postage date of this packet to send the enclosed prefile mediation application to your mortgage company.
* **Mortgage Company's Notice to Maryland Office of Administrative Hearings:** OAH is an independent state agency. Once your mortgage company receives your application for prefile mediation, it has 5 business days to notify OAH. OAH tries to schedule all mediations as soon as possible. You should check your mail everyday for the Notice of Mediation from OAH. Additional information about OAH's role in foreclosure mediation may be found at: http://www.oah.state.md.us/foreclosuremediation.asp.
* **Date of Mediation Session:** Once OAH receives the notice from your mortgage company, it must conduct the mediation session within 60 days. This time frame may seem like a long time, but before the mediation can occur you must first participate in housing counseling services and submit documents regarding your finances. OAH will send to the Maryland Department of Housing and Community Development your name, address, the name of your mortgage company, and your loan number for purposes of collecting a fee for the mediation from your mortgage company and sending you information about resources available to you.
* **Housing Counseling:** In order for you to participate in prefile mediation you must first participate in housing counseling services. The purpose of housing counseling is to help you prepare for your mediation session and gather the necessary documents. Free resources are available at the Maryland Homeowner Assistance Hotline at 1-877-462-7555 or go to [homeownerassistance.maryland.gov](http://homeownerassistance.maryland.gov/). If you have recently participated in housing counseling, please contact your housing counselor for further guidance.
* **Document Exchange:** At least 20 days before your mediation session you will be required to submit documents that will help you, your mortgage company and the mediator explore options to avoid foreclosure. The list of documents required is included in this packet. Please begin to gather these documents right away. Your housing counselor will review this list with you and help you put the package together.
* **Mediation that Results in a Prefile Mediation Agreement:** If you and your mortgage company agree to an option other than foreclosure at the mediation session, the mediator from OAH will draft a "Prefile Mediation Agreement" between you and your mortgage company.
  + **Comply with a Prefile Mediation Agreement:**  If you and your mortgage company enter a Prefile Mediation Agreement, it is important that you fulfill any promises you have made under the Agreement.

If you fail to fulfill your promises under the Prefile Mediation Agreement, depending of the timing of your mediation session, the OTD may be filed as soon as 45 days after this Notice and packet were mailed and 90 days after you first missed your mortgage loan payment.

* + **Required Terms of the Prefile Mediation Agreement:**
    - The Prefile Mediation Agreement must include the terms of your agreement with your mortgage company.
    - The Prefile Mediation Agreement must include information about how you may contact your mortgage company with updates about your financial circumstances that may change your ability to comply with the terms of the Prefile Mediation Agreement.
    - The Prefile Mediation Agreement must include a notice that you are not entitled to additional foreclosure mediation unless you and your mortgage company specifically agree and include the terms of this arrangement in the Prefile Mediation Agreement.
  + **Mediation that does not Result in a Prefile Mediation Agreement.** If you and your mortgage company fail to come to an agreement, depending on the timing of your prefile mediation session, the OTD may be filedas soon as 45 days after this Notice and packet were mailed and your mortgage loan is 90 days past due.

**Because you have participated in prefile mediation, you will not have the opportunity to participate in an additional mediation session after the OTD is filed, unless you and your mortgage company agree to the additional session and include the terms of that arrangement in the Prefile Mediation Agreement.**

**APPLICATION FOR PREFILE MEDIATION**

**\*\*\* You ONLY HAVE 25 DAYS TO APPLY \*\*\***

Name(s) of each Borrower: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address of property: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Mailing address, if different from address above:

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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Telephone \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Email Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name and Business Address of Borrower's Attorney, if any:

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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I/We, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, accept the offer of [name of secured party/representative of secured party] to participate in prefile foreclosure mediation. I/we understand that I/we must contact a housing counselor as soon as possible and participate in housing counseling services before the mediation session. I/we understand that my housing counselor will provide me with a certification that I have satisfied this requirement and I/we must coordinate with my housing counselor to submit information and documents as directed by the Maryland Office of Administrative Hearings.

I/We, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, certify that I/we live in the property related to this Application listed in the address above.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Borrower Signature of Borrower

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Printed Name Printed Name

\_\_\_\_\_\_\_ \_\_\_\_\_\_\_

Date Date

If at least one borrower is willing and able to review and sign the Application and the other borrower(s) is unavailable or unwilling to review or sign the Application, please explain the circumstances in the space below:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Please provide a mailing address, telephone number, and email address if known, for any additional borrowers who have not signed the Application:

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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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INSTRUCTIONS TO PARTICIPATE IN PREFILE MEDIATION

Read and follow all instructions carefully.

ACT QUICKLY.

⁭ **Complete and Sign Prefile Mediation Application**. Review the enclosed application carefully. Complete all the documents and provide all of the information that is requested.

⁭ **Make two copies of the completed and signed application** .

⁭ **Mail completed and signed application** to your mortgage company at [the address below] [or in the enclosed addressed envelope] within calendar 25 days from the postage post mark date of this notice and packet:

*[If no addressed envelope is included, state name of secured party/representative of secured party and address at which the secured party/representative of secured party will receive mediation applications. Add address of law firm acting on behalf of the secured party, if applicable.]*

**It is best to send any mail relating to prefile mediation certified, return receipt requested.**

⁭ **Mail a copy of the completed and signed application** to the Maryland Department of Housing and Community Development at the address below at the same time you mail the application to your mortgage company:

Attn: Prefile Mediation Program

DHCD, Division of Neighborhood Revitalization

7800 Harkins Road

Lanham, MD 20706

⁭ **Keep a copy of the completed and signed application plus any evidence of mailing.**

⁭ **Contact and meet with housing counselor.** In order to participate in prefile mediation with your mortgage company, you must participate in housing counseling before the mediation session. You should contact a housing counselor immediately. **Free resources are available at the Maryland Homeowner Assistance Hotline at 1-877-462-7555 or go to** [**homeownerassistance.maryland.gov**](http://homeownerassistance.maryland.gov/)**.** If you have participated in housing counseling recently, contact your housing counselor for further guidance.

⁭ **Check your mail for the Notice of Mediation from OAH**. Your mortgage company is required to send notice of your application to the Maryland Office of Administrative Hearings ("OAH"), which conducts the mediation. Once OAH receives notice from your mortgage company that you have agreed to mediation, the mediation session will be scheduled within 60 days. You may call [insert name of representative of secured party] to confirm that your mortgage company has received your application.

⁭ **Submit any documents or information in advance of the Prefile Mediation Session, as instructed by OAH.** Your notice of the date, time and place of the Prefile Mediation session will include instructions from OAH regarding documents and other information that must be submitted at least 20 days before the session. The list of documents required is included in this packet. Start gathering these documents now.

⁭ **Attend the Prefile Mediation session when it is scheduled.** Your housing counselor will give you a certificate of participation in housing counseling. Don’t forget to bring the certificate with you, along with any other documents related to your mortgage that your housing counselor recommends.

Documents Required for Prefile Mediation

Begin gathering and organizing documents now and wait for further directions from the Maryland Office of Administrative Hearings

A copy of:

* Your signed federal income tax returns (including all schedules and attachments-ALL PAGES) for the two most recent tax years;
* The most recent bill and proof of payment for property taxes and insurance, only if you pay directly, and not through your mortgage payment;
* Any previous loan modifications or other agreements with your mortgage company (if applicable);
* The most recent statement for any other loan you may have on your property, if applicable (such as a home equity loan or second mortgage), showing the name, mailing address, and telephone number of your mortgage company;
* Proof of your pay (paystub or benefits statements) issued within the last 30 days, covering one month of pay;
* Two most recent paystubs or benefits statements (issued within the last 45 days) for any member of your household whose income is to be counted toward payment of the mortgage; and
* All pages of your two most recent bank statements issued within the last 60 days.
* A completed Borrower(s) Information Worksheet (This document will be sent from OAH in its Notice of Mediation and Foreclosure Mediation Instructions.)

**PLEASE NOTE: SOME OF THESE DOCUMENTS WILL HAVE TO BE UPDATED AT THE TIME OF MEDIATION. THE DOCUMENTS ABOVE WILL BE REQUIRED FOR EACH BORROWER.**