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IN THE SIXTEENTH JUDICIAL CIRCUIT
GENERAL ORDER 13-53

effective January 1, 2013

IN THE MATTER OF
MANDATORY RESIDENTIAL
FORECLOSURE MEDIATION
PROGRAM

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THOMAS H. HARMON, CLERK
CIRCUIT COURT OF KANE COUNTY, ILL.

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WHEREAS, on December 20, 2013, General Order 13-52 was entered amending the Local Rules establishing the Sixteenth Judicial Circuit Kane County Mandatory Foreclosure Mediation Program under Article 3 of the Local Rules; and

WHEREAS, the implementation of the Mandatory Foreclosure Mediation Program requires further action by the Chief Judge to establish procedures and approve forms; and

WHEREAS, the Kane County Mandatory Foreclosure Mediation Program Rule provides for, and pursuant to 705 ILCS 105/27.2(r) the Administrative Office of the Illinois Courts has approved, a fifty dollar (\$50.00) increase in filing fees to be paid by the plaintiff in all foreclosure actions in Kane County as of the effective date of the rule and by order of the Chief Judge; and

WHEREAS, re-numbering of the rule is required due to a conflict with the current version of the rules.

WHEREFORE, IT IS HEREBY ORDERED

1. General Order 13-52 is amended to provide re-numbering of the subject local rule, which hereafter shall be known and referred to as:
ARTICLE 5.00 MANDATORY RESIDENTIAL FORECLOSURE MEDIATION PROGRAM.
2. The Clerk of the Court shall maintain and make available approved versions of the notices, forms, and orders required for use in the Kane County Mandatory Foreclosure Mediation Program.
3. The Article 5: Kane County Mandatory Foreclosure Mediation Program and the terms of this general order apply only to those cases filed on or after January 1, 2014.
4. Every foreclosure complaint shall clearly designate in **BOLD** type on the front page of the complaint whether the property is or is not Residential Real Property under 735 ILCS 5/15-1219. All foreclosure actions on Residential Real Property under 735 ILCS 5/15-1219 are subject to all the requirements of Article 5 Mandatory

Residential Foreclosure Mediation Program under the Local Rules unless otherwise determined by the court on motion and order.

5. The case management date on a foreclosure action on Residential Real Property under 735 ILCS 5/15-1219 shall be set by the Clerk of the Court for an available date 180 days from the filing date of the action.
6. In all such Residential Real Property Foreclosure actions where the Article 5 Mandatory Residential Foreclosure Mediation Program applies:
 - a. Plaintiff is required to attach the following approved forms to the summons issued on each homeowner defendant, and to provide proof of compliance thereof within the return of service:
 - i. First Notice of Mandatory Mediation 16th Judicial Circuit Court Kane County
 - ii. Questionnaire & Checklist.
 - b. when publication notice is made on a homeowner defendant, the Clerk of the Court shall include a copy of the following documents when mailing the publication of the notice required pursuant to 735 ILCS 5/2-206 to the homeowner defendant:
 - i. First Notice of Mandatory Mediation 16th Judicial Circuit Court Kane County
 - ii. Questionnaire & Checklist.
 - c. Plaintiff shall notify the Program Coordinator within seven (7) days upon completion of actual service of process upon a homeowner defendant, or the date of publication notice, whichever is applicable. Notification may be sent to the Program Coordinator by email or fax.
7. A homeowner defendant must meet the following requirements in order to participate in the program:
 - a. Owner of a one-to-six family residential property or condominium unit; and
 - b. Current, or previous resident with the right to return, in the subject property as the primary residence; and
 - c. Borrower on the mortgage, or as otherwise permitted by order of the judge presiding.
8. So long as a case is pending in the Mandatory Residential Foreclosure Mediation Program, the following is stayed between the Plaintiff and the homeowner defendant(s), unless otherwise ordered by the court:
 - a. Discovery, pursuant to Local Rule Article 5 Section 6.00(a);
 - b. Case dispositive motion practice and motions on the pleadings between the homeowner defendant(s) and lender;
 - c. Nothing in this order bars parties from presenting routine motions to amend the pleadings, to add or dismiss a party, to move for default judgment against another party not participating in the mediation, or any other motions as otherwise permitted by the court.

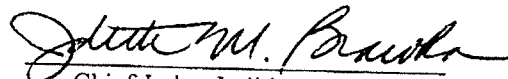
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9. Any report of non-participation by the Program Coordinator to the Court shall be by way of written form approved by the Chief Judge filed with the Clerk of the Court, and a copy sent to the Plaintiff.

10. Participation in the Mandatory Residential Foreclosure Mediation Program may be terminated on the Court's own motion upon receipt of a report of non-participation, the refusal or failure of the homeowner defendant to file an appearance, upon the motion of either party, or otherwise as in the discretion of the Court for good cause. When an order of termination is entered without resolution of the case, the foreclosure action shall resume, and any previous stay of proceedings as a result of the Program Rules or this order are lifted, and the Homeowner Defendant shall file an answer or other responsive pleading within 28 days of the order of termination.

11. Effective January 1, 2014, all Plaintiffs filing a real estate mortgage foreclosure case, except for foreclosure of Security Interest in Personal Property and Foreclosure on Condo Assessment, shall pay an additional fifty dollar (\$50.00) filing fee, which shall be collected by the Clerk of the Court and deposited into the Foreclosure Mediation Fund #197, Revenue Line Item 197.240.000.34375 on a monthly basis.

Enter this 23rd day of December, 2013,


Chief Judge Judith M. Brawka

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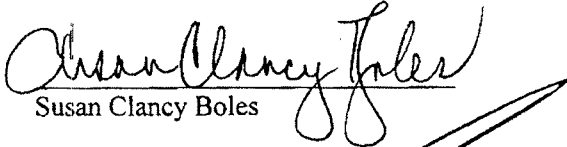
GENERAL ORDER 13-52


Local Rules – ARTICLE 3. MANDATORY RESIDENTIAL FORECLOSURE
MEDIATION PROGRAM

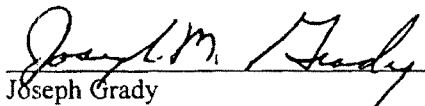
IT IS HEREBY ORDERED that by a majority vote of the Circuit Judges of the
Sixteenth Judicial Circuit, the attached ARTICLE 3. MANDATORY RESIDENTIAL
FORECLOSURE MEDIATION PROGRAM of the Local Rules is adopted in and for the 16th
Judicial Circuit, effective January 1, 2014.

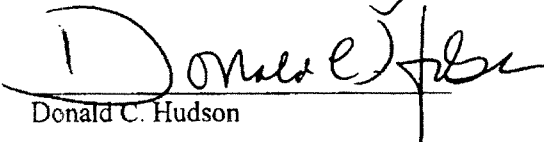
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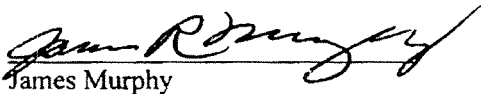

David Akemann


Susan Clancy Boles

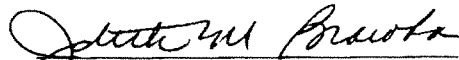

Kevin T. Busch


Joseph Grady

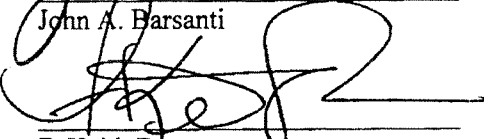

Donald C. Hudson



James Murphy


Karen Simpson


Judith M. Brawka, Chief Judge


John A. Barsanti


F. Keith Brown


John G. Dalton

James C. Hallock

Thomas E. Mueller

John A. Noverini


Robert B. Spence

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**ARTICLE 3.00 MANDATORY RESIDENTIAL FORECLOSURE MEDIATION
PROGRAM**

1.00 PURPOSE OF MANDATORY MEDIATION PROCESS

- (a) The foreclosure mediation program is designed to reduce the burden of expenses sustained by lenders, borrowers and taxpayers as a result of residential mortgage foreclosures. It is also designed to aid the administration of justice by promoting judicial efficiency. Further, the program is aimed at keeping families in homes, if possible, to prevent vacant and abandoned houses in Kane County that negatively affect property values and de-stabilize neighborhoods.

2.00 ACTIONS ELIGIBLE FOR MEDIATION

- (b) From the effective date of this rule, the parties in all residential real estate foreclosure (as defined by the Illinois Mortgage Foreclosure Act, 735 ILCS 5/15-1203 and 15-1219) filed in Kane County are subject to the mediation program as set forth herein. Foreclosures of non-residential or commercial property are not eligible for mediation.

3.00 STAFF AND TRAINING

- (a) The Mandatory Residential Mediation Program is established as and remains under the sole authority of the Sixteenth Judicial Circuit Court through the Chief Judge and the Judge presiding over the foreclosure court call as provided within these rules.
- (b) All mortgage foreclosure judges, the Program Coordinator, key court personnel and volunteers designated by the Chief Judge shall complete training regarding mortgage foreclosure mediation as approved by the Chief Judge.
- (c) The position of Program Coordinator is established to oversee the daily operations of the Program, and whether or not a direct employee of the Sixteenth Judicial Circuit, serves only with the approval of the Chief Judge and the Judge presiding over the foreclosure court call.
- (d) With the approval of the Chief Judge after consultation with the Judge presiding over the foreclosure court call, the designated duties of the Program Coordinator as set out within these rules may be assigned, delegated, or referred to other court employees, housing counseling agencies, legal aid organizations, bar associations, or other third parties as recognized by the court.

4.00 MEDIATION PROCEDURE

- (a) The first page of every foreclosure complaint shall clearly designate whether the property is residential in nature and therefore falls within the mediation program.
- (b) Either party may file a motion asking the Court to reconsider whether the property is residential in nature and falls within the mediation program.
- (c) A First Notice describing the mediation program along with a checklist and questionnaire must be served on the defendant in residential foreclosure case with the summons (or alias summons). The First Notice shall inform the defendant that to participate in the mediation program he must comply with the pre-screening process and file an appearance. The First Notice shall describe mediation and the pre-screening process. The First Notice shall include referral information to local HUD-certified housing counseling services, local *pro bono* legal counseling services through legal aid agencies and the Kane County Bar Association, and the Kane County Law Library and Self-help Legal Center. If the plaintiff serves the defendant by publication, the clerk shall mail the First Notice to the defendant along with the publication notice.
- (d) The First Notice shall inform the defendant that he will receive a Second Notice by mail scheduling an Introductory Conference and that if he does not receive the Second Notice within 30 days of service of the First Notice and process, to contact the Program Coordinator. If the defendant does not contact the Program Coordinator within 45 days of service, the Program Coordinator shall send a report of non-participation to Court. The Court may remove the case from mediation on its own motion or on the plaintiff's motion.
- (e) After the plaintiff serves process on the defendant, the plaintiff shall notify the Program Coordinator. The plaintiff shall provide the Program Coordinator any particularized checklist necessary for its loss mitigation program.
- (f) The Program Coordinator shall send the Second Notice scheduling an Introductory Conference with the defendant for a specific date and time. Failure to receive this Second Notice does not relieve the defendant of the responsibility to contact the Program Coordinator within 45 days as described in paragraph (d).
- (g) The Introductory Conference may be held by telephone.
- (h) In order to participate further in the foreclosure mediation process, the defendant must have an appearance on file.

- (i) If the defendant is eligible and interested in mediation, the Program Coordinator shall schedule a Pre-screening Meeting with the defendant within 30 days of the Introductory Conference. The Program Coordinator will inform the plaintiff's attorney that the defendant is interested in mediation and that a Pre-screening Meeting has been scheduled.
- (j) The defendant shall meet with the Program Coordinator at the scheduled date and time for a Pre-Screening Meeting. At this meeting, the Program Coordinator shall determine if the defendant has collected the documents listed on the checklist appropriate for the defendant (either the standard checklist or the checklist plaintiff has specifically provided for the defendant). If the defendant has not collected the required information, the Program Coordinator shall have the discretion to schedule another pre-screening meeting to occur within 30 days. The Program Coordinator shall inform the parties of the time and date of the rescheduled meeting. In addition, the Program Coordinator shall advise both parties of the progress of the Pre-screening and what documentation is still missing. If the defendant fails to attend a rescheduled Pre-screening Meeting or is not prepared after the rescheduled Pre-screening Meeting, the Program Coordinator shall send a report of non-participation to Court. The Court may remove the case from mediation on its own motion or on the plaintiff's motion. The Program Coordinator shall send each party's documents to the other party.
- (k) After receiving the defendant's documents, the plaintiff will have 45 days to complete and send a plaintiff's questionnaire to the Program Coordinator. The plaintiff can request an additional 15 days if necessary.
- (l) Upon the completion of all required forms and questionnaires by both parties, the Program Coordinator shall schedule a mediation session to occur within 60 days.
- (m) Alternatively, for good cause shown on motion of a party to the Court, or in the discretion of the Program Coordinator, the Program Coordinator may meet with both parties before scheduling a mediation session.
- (n) The defendant and the defendant's counsel, if any, are required to attend the mediation (or pre-screening meeting described in paragraph m). Plaintiff's counsel is also required to appear in person at the mediation session (or pre-mediation meeting described in paragraph m). A plaintiff's representative with full settlement authority must participate in the mediation (or pre-mediation meeting described in paragraph m) either in person or by teleconference. If any party fails to participate in good faith, the Court may impose appropriate sanctions.

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- (o) Upon the conclusion of the mediation session, the Program Coordinator and the mediator shall file a report with the Court terminating mediation services and indicating the outcome. If the parties reach an agreement, the parties and their attorneys shall sign a summary of the terms of the agreement. At the request of the parties, the Court may retain jurisdiction of the case to review any trial period that the parties may enter prior to a loan modification becoming permanent. If the parties reach no agreement, the foreclosure action shall resume.

5.00 QUALIFICATION, APPOINTMENT, AND COMPENSATION OF MEDIATORS

- (a) The Program Coordinator shall maintain a list of mediators who have been certified for approval by the Court as foreclosure mediators. For approval as a mediator, and individual must:
 - (1) Be a member in good standing of the Illinois bar or a retired judge; and
 - (2) Demonstrate completion of foreclosure mediation training approved by the Chief Judge; and
 - (3) Submit an application for approval by the Chief Judge. The Chief Judge is granted the authority under this rule to expand the eligibility requirements for mediators under (1) to include licensed real estate professionals in good standing.
- (b) A mediator shall not mediate a matter that presents a clear conflict of interest. A conflict of interest arises when any relationship between the mediator and the mediation participants or the subject matter of the dispute compromises or appears to compromise the mediator's impartiality.
- (c) A mediator shall not be involved in any capacity other than mediator in any case to which the mediator is assigned. A mediator may not use any information obtained during the mediation process for any purpose outside of mediation unless required to do so by law.
- (d) A mediator shall be compensated at the rate of a minimum of \$100.00 per case. It is contemplated that under the design of the program, only one mediation session will be necessary. For good cause shown, including, but not limited to, an unexpected change in circumstances, the mediator may determine that a second mediation session is necessary and appropriate to aid the parties in achieving resolution. In such a case, the mediator will be compensated an additional minimum \$50.00 for the additional mediation session. In no event will the mediator's compensation exceed \$150.00 per case, unless otherwise provided by general order entered by the Chief Judge.
- (e) All professional rules of conduct applicable to the respective profession of the mediator apply to the mediators in this program.

6.00 DISCOVERY

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- (a) Unless otherwise ordered by the Court, discovery shall be stayed until after the conclusion of the mediation process.

7.00 CONFIDENTIALITY

- (a) Unless otherwise authorized by the Court or the parties, all oral and written communications to the Program Coordinator or the mediator, other than written agreements between the parties, shall be exempt from discovery and shall be confidential and inadmissible as evidence in the underlying cause of action.

8.00 IMMUNITY

- (a) The Program Coordinator and any person approved to act as a mediator under these rules, while acting within the scope of his or her duties, shall have judicial immunity in the same manner and to the same extent as a judge in the state of Illinois as provided in Supreme Court Rule 99.

9.00 LANGUAGE ACCESS

- (a) It is the policy of this Program to provide meaningful language access to limited English proficient (LEP) program participants at all stages of participation. Written materials originated by the Program shall be readily available in English, Spanish, Polish, and Laotian and other language translations shall be reasonably made available upon request. Phone translation service shall be available for all phone and in-person communications, and in person-translators shall be available for mediation hearings. Language Access services shall be provided at no additional cost to the participants.

10.00 FILING FEES AND SUSTAINABILITY FUNDING

- (a) Effective on a date certain as set by General Order of the Chief Judge, filing fees paid by the plaintiff for all foreclosures in Kane County shall be increased \$50.00. The additional \$50.00 filing fee shall be placed in a fund for this mandatory foreclosure mediation program, which shall begin on that date.
- (b) It is contemplated that the program will be sustained as needed and be self-sufficient as a result of the filing fee. The program will be re-assessed by the Chief Judge for financial viability at least annually, and/or immediately if any of the resources provided for funding are reduced or discontinued.

11.00 REPORTS

- (a) The Chief Judge shall report quarterly to the Administrative Office of Illinois Courts on the revenues and expenditures of the program in the manner directed by that office.
- (b) The Chief Judge shall maintain statistical data on the participation in the Foreclosure Mediation Program including the number of residential foreclosures, the number of defendants who participate in the Introductory Conference with the Foreclosure Mediation Program Coordinator, the number of defendants who complete the Pre-screening Meeting, and the number of mediation sessions. The Chief Judge shall also maintain statistical data on the results of participation in the pre-mediation and/or formal mediation phases of the Foreclosure Mediation Program, including the number of loans modified or otherwise worked out between the parties and other foreclosure alternatives, such as short sale or deed in lieu of foreclosure. The Chief Judge shall report this data to the Administrative Office of the Illinois Courts at such times and in such manner as required.

DO NOT IGNORE THIS PAGE

NOTICE OF MANDATORY MEDIATION
16TH JUDICIAL CIRCUIT COURT KANE COUNTY

YOU MAY BE ABLE TO SAVE YOUR HOME
FREE FORECLOSURE MEDIATION FOR HOMEOWNERS IS AVAILABLE

The 16th Judicial Circuit Court Kane County has established a Mandatory Foreclosure Mediation Program to assist homeowners in foreclosure.

YOU MUST CALL THE PROGRAM COORDINATOR AT 630-444-3128 TO CONFIRM YOUR INTRODUCTORY PHONE CONFERENCE AND TO SCHEDULE YOUR PRE-SCREENING MEETING (Do not wait for a second notice to arrive before you make this call – Call within 14 days after you receive this notice)

IF YOU FAIL TO CONTACT THE PROGRAM COORDINATOR, THE MEDIATION PROCESS MAY TERMINATE IN 30 DAYS, YOUR CASE WILL PROCEED IN COURT, AND A JUDGMENT MAY BE ENTERED AGAINST YOU.

TO CONTINUE PARTICIPATION IN THE FORECLOSURE MEDIATION PROGRAM, YOU MUST FILE AN APPEARANCE WITH THE OFFICE OF THE KANE COUNTY CLERK OF THE COURT.

YOU MUST COMPLETE THE ENCLOSED HOMEOWNER'S QUESTIONNAIRE & CHECKLIST.

GET ADVICE: This information does not replace the advice of a professional. You may have other options. Get professional advice from a lawyer or HUD-certified housing counselor about your rights and options to avoid foreclosure. If you dispute your lender's claims you should consult an attorney and fully participate in the foreclosure litigation of your pending case.

LAWYER: To hire a lawyer, contact the Kane County Bar Association at 630-762-1900. Free or low cost legal help may be available if eligible: call Prairie State Legal Services at 888-966-7757 or Administer Justice at 847-844-1100; or apply in person for the "Lawyer in the Library" in the Kane County Law Library & Self Help Legal Center at the Kane County Judicial Center, 37W777 Route 38, St. Charles, IL. 60174. You may also visit the FREE HELP DESK at the Kane County Courthouse, 100 S. 3rd St., Geneva, outside Courtroom 150, Mon.-Fri. 9-11:30 am for legal information.

HOUSING COUNSELING: You are strongly encouraged to speak with a HUD certified counselor. HUD-certified Housing Counselors provide their services FREE of charge. Contact the Program Coordinator at 630-444-3128 for local HUD-certified housing counselors near you or visit the HUD website at www.hud.gov

DO NOT IGNORE THIS PAGE

NOTICE OF MANDATORY MEDIATION **16TH JUDICIAL CIRCUIT COURT KANE COUNTY**

Mediation is a process where a neutral third party helps borrowers and lenders communicate to resolve a loan delinquency through voluntary, mutual agreement. Your housing counselor or attorney may attend the mediation with you. In mediation, you may be able to work with your lender to modify your loan terms or discuss other alternatives regarding your house. No court action may be taken against you in this case while this process is ongoing but there is no guarantee that an agreement may be reached by both parties. All discussions are confidential.

Before your Introductory Phone Conference, you should begin to gather the financial documents listed in the attached **QUESTIONNAIRE & CHECKLIST FOR KANE COUNTY MORTGAGE FORECLOSURE MEDIATION PROGRAM**. You **MUST** participate in your Introductory Phone Conference, even if you have not yet gathered all of the information, unless you are excused by court order. The Program Coordinator can refer you to resources to assist with document preparation.

You may also need the documents listed below to apply for a loan modification. You may obtain these forms by visiting **www.illinois16thjudicialcircuit.org** or at the Kane County Law Library & Self-Help Center located at the Kane County Judicial Center 37W777 Rt. 38, St. Charles, IL 60174.

- Dodd-Frank Certification
- Request for Modification & Affidavit (Please sign and date. This federal form is required by all servicers)
- 4506T-EZ Form (Please sign & date)
- Authorization for Release of Information (Please sign & date)

PROCEED WITH CAUTION BEFORE YOU PAY ANYONE CLAIMING TO HELP YOU AVOID FORECLOSURE. BEFORE YOU SPEND ANY MONEY, CONTACT A HUD-CERTIFIED HOUSING COUNSELOR FOR FREE HELP OR CONSULT A LICENSED ATTORNEY.

NO IGNORE ESTA PÁGINA

AVISO DE MEDIACIÓN OBLIGATORIA

16 ° TRIBUNAL DE CIRCUITO JUDICIAL DEL CONDADO DE KANE

USTED PUEDE SALVAR SU CASA

MEDIACIÓN PARA PROPIETARIOS DE VIVIENDAS EN EJECUCIÓN HIPOTECARIA

ESTÁ DISPONIBLE POR GRATIS

El 16 ° Tribunal de Circuito Judicial del Condado de Kane ha establecido un Programa de Mediación Obligatoria para ayudar a propietarios de viviendas en ejecución hipotecaria.

USTED DEBE DE LLAMAR EL COORDINADOR DEL PROGRAMA AL 630-444-3129 PARA CONFIRMAR SU CONFERENCIA TELEFÓNICA INTRODUCTORIA Y PARA PROGRAMAR SU REUNIÓN DE PRESELECCIÓN (No espere un segundo aviso antes de llamar-Hágalo dentro de 14 días después de recibir este aviso).

SI NO CONTACTA EL COORDINADOR DEL PROGRAMA, EL PROCESO DE MEDIACIÓN PUEDE TERMINAR EN 30 DÍAS Y SU CASO PROCEDERA EN LA CORTE, Y LA RESOLUCIÓN PODRÁ SER EN SU CONTRA.

PARA SEGUIR PARTICIPANDO EN EL PROGRAMA DE MEDIACIÓN DE EJECUCIÓN HIPOTECARIA, USTED DEBE PRESENTAR UNA COMPARENCENCIA CON LA OFICINA DEL SECRETARIO DEL CIRCUITO JUDICIAL DE LA CORTE DEL CONDADO DE KANE.

DEBE DE COMPLETAR EL ADJUNTO CUESTIONARIO Y LISTA DE VERIFICACIÓN PARA PROPIETARIOS DE VIVIENDAS.

OBTENGA ASESORÍA: Esta información no pretende sustituir el consejo de un profesional. Usted podría tener otras opciones. Obtenga asesoría profesional de un abogado o consejero de vivienda certificado por HUD sobre sus derechos y opciones para evitar la ejecución hipotecaria. Si usted disputa reclamaciones de su prestamista usted debe consultar a un abogado y participar plenamente en el litigio ejecución hipotecaria de su caso pendiente.

ABOGADO: Para contratar a un abogado, póngase en contacto con la Asociación de Abogados del Condado de Kane al 630-762-1900. Ayuda gratis o servicios legal de bajo costo están disponibles si es elegible, llame a Prairie State Legal Services al 888-966-7757 o al 847-844-1100 para Administer Justice, o solicite en persona un "Abogado en la biblioteca" en la biblioteca de leyes del Condado de Kane y Centro de Autoayuda Legal en el Centro Judicial del Condado de Kane, 37W777 Route 38, St. Charles, IL, 60174. También puede visitar el centro de ayuda gratuita en la Corte del Condado de Kane, 100 S. 3rd St., Geneva, fuera de la Sala 150, de lun-vie 9-11:30 am para información legal.

CONSEJERO DE VIVIENDA: Se le recomienda hablar con un consejero certificado por HUD. Los consejeros de vivienda certificado por HUD ofrecen sus servicios de forma gratuita. Póngase en contacto con el Coordinador del Programa en 630-444-3129 para los consejeros de vivienda certificados por HUD locales cerca de usted o visite el sitio web de HUD www.hud.gov

NO IGNORE ESTA PÁGINA

AVISO DE MEDIACION OBLIGATORIA

16º CIRCUITO JUDICIAL DE LA CORTE DEL CONDADO DE KANE

La mediación es un proceso en el que un tercero neutral ayuda a los prestatarios y los prestamistas comunicarse para resolver una morosidad de préstamos a través de un acuerdo mutuo y voluntario. Su consejero de vivienda o abogado pueden asistir la mediación con usted. En la mediación, usted podría trabajar con su prestamista para modificar los términos del préstamo o discutir otras alternativas con respecto a su casa. Ninguna acción judicial puede ser tomada en su contra en el presente caso mientras que este proceso está en marcha, pero no hay garantía de que un acuerdo podría ser alcanzado por ambas partes. Todas las discusiones son confidenciales.

Antes de que su conferencia telefónica introductoria, usted debe comenzar a juntar los documentos financieros enumerados en el **CUESTIONARIO Y LISTA DE VERIFICACIÓN PARA PROPIETARIOS DE VIVIENDAS EL CONDADO DE KANE PROGRAMA DE MEDIACIÓN DE EJECUCIONES HIPOTECARIAS**. Usted debe participar en su conferencia telefónica introductoria, aunque usted todavía no haya juntado toda la información, a menos que está excusado por orden judicial. El Coordinador del Programa puede referirlo a recursos para ayudar con la preparación de estos documentos.

También puede necesitar los siguientes documentos para solicitar una modificación de préstamo hipotecario. Usted puede obtener estos formularios visitando nuestro sitio web **www.illinois16thjudicialcircuit.org** o en la biblioteca de leyes del Condado de Kane y Centro de Autoayuda Legal en el Centro Judicial del Condado de Kane, 37W777 Route 38, St. Charles, IL 60174.

- Dodd-Frank Certification
- Request for Modification & Affidavit (Por favor, de firmar y fechar. Esta forma federal es requerida por todos los administradores)
- 4506T-EZ Form (Por favor, de firmar y fechar)
- Autorización para Divulgación de Información (Por favor, de firmar y fechar)

**PROCEDA CON PRECAUCIÓN ANTES DE PAGARLE A ALGUIEN QUE DICE
AYUDARLE A EVITAR UNA EJECUCIÓN HIPOTECARIA.
ANTES DE GASTAR DINERO, COMUNÍQUESE CON UN
CONSEJERO DE VIVIENDA CERTIFICADO POR HUD PARA OBTENER AYUDA
GRATIS O CONSULTE UN ABOGADO LICENCIADO.**

QUESTIONNAIRE & CHECKLIST FOR KANE COUNTY MORTGAGE FORECLOSURE MEDIATION PROGRAM

Dear Homeowner(s):

DO NOT FILE THIS DOCUMENT WITH THE CLERK OF THE CIRCUIT COURT. In order to conduct an effective mediation, you need to answer some basic questions and collect these documents. This form should be included with all required documents requested and submitted to the Program Coordinator or designated representative at your scheduled Pre-screening Meeting. Please check the space next to any documents that you have collected. If some of the documents do not apply to you, please put an N/A in the space next to the item.

HOMEOWNER QUESTIONNAIRE

Name of person filling out form (please print): _____

Case Number: _____

Do you want to try to keep your home? ☐ YES ☐ NO

Do you have a second mortgage? ☐ YES ☐ NO

If yes, who is the lender for your second mortgage? _____

Are there any other pending court actions or liens involving the property? ☐ YES ☐ NO

If yes, case number _____ and court location: _____

Excluding yourself, list the names of people living in your household:

Name	Age	Relationship
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

HOMEOWNER CHECKLIST

- 1) _____ Complete *THIS* Homeowner's Questionnaire and Checklist. If prepared by a HUD-Certified agency, the Housing Counselor must contact the Program Coordinator for further instructions.
- 2) _____ Most recent monthly mortgage loan statement.
- 3) _____ Collect the following documents:
 - a) _____ Three (3) most recent complete bank statements (personal & business).
 - b) _____ Last two (2) years of signed federal tax returns including schedules and forms.
 - c) _____ Recent utility bills (electric, gas, water, etc.).
 - d) _____ Proof of homeowner's insurance and payment amount.
 - e) _____ Proof that real estate/property taxes have been paid.
 - f) _____ Proof of homeowner's or condo association fees (if any).

- 4) _____ Proof of income including, but not limited to:
- a) _____ Thirty (30) days of income (Include the pay stubs for all persons on the loan and for any other household members whose income you would like the lender to consider).
 - b) _____ Proof of any government benefits you are receiving. Please include current award letter or statement of benefits (SSI, Social Security Disability/Retirement/Survivors benefits, Veterans benefits, Food Stamps, Rail Road Retirement Benefits, TANF, etc.).
 - c) _____ Proof of any other retirement benefits you are receiving (IRA, 401-K, Annuity contracts, etc.).
 - d) _____ Proof of Child Support or maintenance. Please include a copy of current Court Order.
 - e) _____ If self-employed the most recent quarterly or year-to-date profit/loss statement.
 - f) _____ Proof of any rental income, please include copies of the lease or copies of rental receipts.
 - g) _____ Any letters of contribution from any other persons in the household who are willing to make regular contributions to the loan.
 - h) _____ Proof of any other sources of income (investment income, royalties, interest, dividends, etc.).
- 5) _____ Complete the Request to Modify and Affidavit. This form is required for participation in HAMP loan modification and other foreclosure alternatives provided by the Treasury Department (www.illinois16thjudicialcircuit.org).
- 6) _____ Complete the 4506-T EZ Short Form Request for Individual Tax Return Transcript. This form is required for participation in HAMP loan modification and other foreclosure alternatives provided by the Treasury Department. (www.illinois16thjudicialcircuit.org)

THIS BOX IS FOR THE PROGRAM COORDINATOR TO COMPLETE:

IF COMPLETED BY A HUD-CERTIFIED HOUSING COUNSELOR, Please contact the Program Coordinator at 630-444-3128 or Kane foreclosure remediation@co.kane.il.us.

Case Name: _____ Case No.: _____

Loan Mod No.: _____

Is the checklist complete? ☐ YES ☐ NO

HUD Agency: _____ HUD Counselor Name: _____

If NO, what is missing?

CUESTIONARIO Y LISTA DE VERIFICACIÓN PARA EL CONDADO DE KANE PROGRAMA DE MEDIACIÓN DE EJECUCIÓN HIPOTECARIA

Estimado Propietario(s):

NO REGISTRE ESTE DOCUMENTO CON EL SECRETARIO DEL CIRCUITO JUDICIAL DE LA CORTE.
Con el fin de llevar a cabo una mediación eficaz, es necesario responder algunas preguntas básicas y juntar los documentos requeridos. Este formulario debe ser incluido con todos los documentos solicitados y entregados al Coordinador o al representante designado en su Reunión de Preselección programada. Por favor, marque en el espacio indicando los documentos que usted ha juntado. Si algunos de los documentos no aplican a usted, por favor ponga N/A en el espacio situado junto al elemento.

CUESTIONARIO PARA EL PROPIETARIO

Nombre de la persona llenando el formulario (por favor imprima): _____

Número del caso: _____

¿Quiere tratar de mantener su casa? ☐ SI ☐ NO

¿Tiene usted una segunda hipoteca? ☐ SI ☐ NO

En caso afirmativo, ¿quién es el entidad crediticia de su segunda hipoteca? _____

¿Existen otras medidas o gravámenes judiciales pendientes relacionados con la propiedad? ☐ SI ☐ NO

En caso afirmativo, el número de caso _____ y ubicación de la corte: _____

Excluirse a sí mismo, escriba los nombres de las personas que viven en su hogar:

Nombre	Edad	Parentesco
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

LISTA DE VERIFICACIÓN DEL PROPIETARIO

Complete ESTE Cuestionario y Lista de Verificación para el Propietario de vivienda. Si se prepara por una agencia certificada por HUD, el Consejero de Vivienda debe contactar al Coordinador para más instrucciones.

- 1) _____ La más reciente declaración mensual del préstamo hipotecario.
- 2) _____ Junte los siguientes documentos:
- 3) _____

- a) _____ Tres (3) estados de cuenta completos más recientes (personal & empresarial).
- b) _____ Los últimos dos (2) años de declaraciones de impuestos federales firmados incluyendo anexos & formularios.
- c) _____ Cuentas recientes de servicios (electricidad, gas, agua, etc.).
- d) _____ Prueba de la prima de seguro de vivienda y cantidad del pago.
- e) _____ Pruebas que se han pagado los impuestos de bienes inmuebles /propiedad.
- f) _____ Pruebas de honorarios de propietario de casa o de la asociación de condominio (si los hay).

- 4) _____ Comprobantes de ingresos incluyendo, pero no limitado a:
- a) _____ Treinta (30) días de ingreso (Incluyendo los recibos de nómina de todas las personas en el préstamo y para otros miembros de la familia cuyos ingresos le gustaría que la entidad crediticia considere).
 - b) _____ Pruebas de cualquier beneficio del gobierno que está recibiendo. Por favor incluya carta de otorgamiento actual o declaración de beneficios (SSI, Beneficios de Seguro Social por Incapacidad/Jubilación /para sobrevivientes, beneficios de Veteranos, Vales de comida, Beneficios de jubilación del camino de ferrocarril, TANF, etc.)
 - c) _____ Pruebas de cualquier otros beneficios de jubilación que está recibiendo (IRA, 401-K, contratos de anualidades, etc.)
 - d) _____ Prueba de Manutención de Menores o mantenimiento. Por favor, incluya una copia de una orden actual de la corte.
 - e) _____ Si trabaja por cuenta propia el más reciente trimestre o declaración de ganancias /pérdidas del año hasta la fecha.
 - f) _____ Pruebas de cualquier ingreso de alquiler, por favor incluya copias del contrato de arrendamiento o copia de los recibos de alquiler.
 - g) _____ Cartas de contribución de cualquier otra persona en el hogar que están dispuestos a hacer contribuciones regulares al préstamo.
 - h) _____ Prueba de cualquier otra fuente de ingresos (rentas de inversión, regalías, intereses, dividendos, etc).
- 5) _____ Complete el formulario Request to Modify and Affidavit. Este formulario es requisito para participar en una modificación de HAMP y otras alternativas de préstamos para ejecución hipotecaria proporcionadas por el Departamento del Tesoro (www.illinois16thjudicialcircuit.org).
- 6) _____ Complete el formulario 4506-T EZ "Short Form Request for Individual Tax Return Transcript." Este formulario es requisito para participar en una modificación de HAMP y otras alternativas de préstamos para ejecución hipotecaria proporcionadas por el Departamento del Tesoro. (www.illinois16thjudicialcircuit.org)

ESTA CAJA DEBE DE COMPLETARSE POR EL COORDINADOR DEL PROGRAMA:

SI COMPLETA POR MEDIO DE UN AGENTE CERTIFICADO POR HUD, por favor de ponerse en contacto con el Coordinador al 630-444-3129 o Kaneforeclosuremediation@co.kane.il.us.

Nombre del Caso: _____ No. de Caso: _____

No. de Mod.: _____

¿Esta complete la lista? ☐ SI ☐ NO

Agencia HUD: _____ Nombre del agente de HUD: _____

Si NO, ¿qué hace falta?
