

## **NOTICE OF INTENT TO FORECLOSE**

[Owner-Occupied Property - Mortgage Loan Default - No Prefile Mediation Offer – Not Federally Related Mortgage Loan]

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

**You are at risk of losing your home to foreclosure.** You have missed one or more payments on your mortgage loan or you are otherwise in default. If you do not bring the loan current, otherwise cure the default, or reach an agreement with your mortgage company to avoid foreclosure (such as a loan modification, repayment plan, or other alternative to foreclosure), a foreclosure action may be filed in court as early as 45 days from the post mark date of this notice.

There may be options available to avoid foreclosure, but you must act immediately.  
You should seek housing counseling services now.

**TO ACCESS FREE HOUSING COUNSELING SERVICES,  
CALL THE MARYLAND HOPE HOTLINE AT  
1-877-462-7555 OR GO TO [WWW.MDHOPE.ORG](http://WWW.MDHOPE.ORG)**

**Please follow the instructions that are outlined below.**

- Read this entire notice carefully and act immediately.
- Contact [insert name of an agent or employee of the secured party authorized to modify the terms of the mortgage loan. The agent or employee may be an individual or group of individuals or a department such as “loss mitigation department”] at [insert the telephone number of the agent or employee] to discuss options available to avoid foreclosure.
- Complete the enclosed Loss Mitigation Application according to its instructions and include copies of all requested documents.
- Mail your completed Loss Mitigation Application and the accompanying documents using the addressed envelope provided.
- Keep a copy of your Loss Mitigation Application, accompanying documents, your mail receipt confirmation, and the date of mailing for your own record.

**If you have already sent a Loss Mitigation Application to your mortgage company, please call your mortgage company at the number above to confirm the status of your request.**

Beware of anyone offering to “save” your home or requesting an upfront fee before providing assistance. *If you believe you have been a victim of a scam, please contact Maryland's Office of the Commissioner of Financial Regulation by calling 410-230-6077 or visiting [www.dllr.state.md.us/finance](http://www.dllr.state.md.us/finance). Free resources are available at the Maryland HOPE Hotline at 1-877-462-7555 or go to [www.MDHOPE.org](http://www.MDHOPE.org). Attached is a list of government and nonprofit foreclosure-related resources available to help you.*

If you have funds available to bring your loan current, contact [insert contact person to provide reinstatement figure and instructions to reinstate the loan] before sending any money to your mortgage company. When you call, ask for the amount needed to reinstate your loan.



# **THE MARYLAND FORECLOSURE PROCESS AND TIME LINE**

**[Owner-Occupied - Mortgage Loan Default - No Offer of Prefile Mediation]**

A **Notice of Intent to Foreclose** is enclosed with this document. In this notice you will find specific information about your mortgage, an application for loss mitigation, and instructions to complete the application. **THIS IS NOT YET A FORECLOSURE FILING.** A foreclosure action, called an order to docket or complaint to foreclose (the "OTD"), may not be filed against you in court until at least 45 days after this Notice was mailed. The OTD must be filed in Circuit Court in order to move forward with foreclosure proceedings.

The OTD cannot be filed until your loan is 90 days past due, and you have been sent this notice.

You will receive a copy of the OTD and it will include one of the following affidavits:

1. **Preliminary Loss Mitigation Affidavit, which** will be filed with the OTD if the mortgage company has not started or completed the review of your loan for foreclosure alternatives known as loss mitigation. An application for loss mitigation will be included in the OTD. **Complete and return the application immediately;** OR
2. **Final Loss Mitigation Affidavit, which** will be filed with the OTD if the mortgage company believes it has no available alternatives to foreclosure. This affidavit will come with a **"Request for Postfile Foreclosure Mediation," an application, and instructions. You have only 25 days to request foreclosure mediation after you receive these documents.** To request foreclosure mediation you must send the completed application with a non-refundable fee of \$50 to the Circuit Court.

\* If your order to docket includes a Preliminary Loss Mitigation Affidavit, **open all future mail** because you may receive a Final Loss Mitigation Affidavit in as soon as 28 days.

### **Foreclosure Mediation:**

You will have the opportunity to request foreclosure mediation after you receive the Final Loss Mitigation Affidavit. 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.

**TO ACCESS FREE HOUSING COUNSELING SERVICES,  
CALL THE MARYLAND HOPE HOTLINE AT  
1-877-462-7555 OR GO TO [WWW.MDHOPE.ORG](http://WWW.MDHOPE.ORG)**

**The following is important information about your mortgage loan:**

Date of Notice: \_\_\_\_\_

Address of Property Subject to This Notice: \_\_\_\_\_

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

Mailing Address of Borrower(s): \_\_\_\_\_

Name of Record Owner (if different from Borrower(s)): \_\_\_\_\_

Mailing Address of Record Owner (if different from Borrower(s)): \_\_\_\_\_

Name of Secured Party: \_\_\_\_\_

Telephone Number of Secured Party: \_\_\_\_\_

[If the secured party is a trust, real estate mortgage investment conduit (REMIC), or the like, the secured party may insert the telephone number of its authorized loan servicer.]

Name of Loan Servicer (if different from Secured Party): \_\_\_\_\_

Telephone Number of Loan Servicer (if applicable): \_\_\_\_\_

Mortgage Loan Number: \_\_\_\_\_

Lien Position (Indicate whether first or subordinate lien): \_\_\_\_\_

Date Most Recent Loan Payment Received: \_\_\_\_\_

Period to Which Most Recent Mortgage Loan Payment Was Applied: \_\_\_\_\_

Date of Default: \_\_\_\_\_

Total Amount Required to Cure Default as of the Date of this Notice: \_\_\_\_\_

(If you wish to reinstate your loan by paying all past due payments and fees, please call the mortgage company and ask for the total amount required to cure the default and reinstate the loan.)

[Note type of default by inserting one or both of the following two default statements: (1) Your mortgage loan payment is currently [insert number of days payment past due] past due and is in default. (2) Your mortgage loan is in default because [insert type of default other than a past-due payment]: \_\_\_\_\_]

Name of Mortgage Lender (if applicable): \_\_\_\_\_

Maryland Mortgage Lender License Number (if applicable): \_\_\_\_\_

Name of Mortgage Loan Originator (if applicable): \_\_\_\_\_

Maryland Mortgage Loan Originator License Number (if applicable): \_\_\_\_\_

**NOTE: The data contained in this Notice of Intent to Foreclose is electronically filed with the Commissioner of Financial Regulation in accordance with COMAR 09.03.12.02.**



## **NOTICE OF INTENT TO FORECLOSE**

[Owner-Occupied Property - Mortgage Loan Default - No Prefile Mediation Offer – Federally Related Mortgage Loan]

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

**You are at risk of losing your home to foreclosure.** You have missed one or more payments on your mortgage loan or you are otherwise in default. If you do not bring the loan current, otherwise cure the default, or reach an agreement with your mortgage company to avoid foreclosure (such as a loan modification, repayment plan, or other alternative to foreclosure), a foreclosure action may be filed in court as early as 45 days from the post mark date of this notice.

There may be options available to avoid foreclosure, but you must act immediately.

You should seek housing counseling services now.

**TO ACCESS FREE HOUSING COUNSELING SERVICES,  
CALL THE MARYLAND HOPE HOTLINE AT  
1-877-462-7555 OR GO TO [WWW.MDHOPE.ORG](http://WWW.MDHOPE.ORG)**

**Please follow the instructions that are outlined below.**

- Read this entire notice carefully and act immediately.
- Contact [insert name of an agent or employee of the secured party authorized to modify the terms of the mortgage loan. The agent or employee may be an individual or group of individuals or a department such as “loss mitigation department”] at [insert the telephone number of the agent or employee] to discuss options available to avoid foreclosure.
- Complete the enclosed Loss Mitigation Application according to its instructions and include copies of all requested documents.
- Mail your completed Loss Mitigation Application and the accompanying documents using the addressed envelope provided.
- Keep a copy of your Loss Mitigation Application, accompanying documents, your mail receipt confirmation, and the date of mailing for your own record.

**If you have already sent a Loss Mitigation Application to your mortgage company, please call your mortgage company at the number above to confirm the status of your request.**

Beware of anyone offering to “save” your home or requesting an upfront fee before providing assistance. *If you believe you have been a victim of a scam, please contact Maryland's Office of the Commissioner of Financial Regulation by calling 410-230-6077 or visiting [www.dflr.state.md.us/finance](http://www.dflr.state.md.us/finance).* Free resources are available at the Maryland HOPE Hotline at 1-877-462-7555 or go to [www.MDHOPE.org](http://www.MDHOPE.org). **Attached is a list of government and nonprofit foreclosure-related resources available to help you.**

If you have funds available to bring your loan current, contact [insert contact person to provide reinstatement figure and instructions to reinstate the loan] before sending any money to your mortgage company. When you call, ask for the amount needed to reinstate your loan.



# **THE MARYLAND FORECLOSURE PROCESS AND TIME LINE**

**[Owner-Occupied - Mortgage Loan Default - No Offer of Prefile Mediation]**

A **Notice of Intent to Foreclose** is enclosed with this document. In this notice you will find specific information about your mortgage, an application for loss mitigation, and instructions to complete the application. **THIS IS NOT YET A FORECLOSURE FILING.** A foreclosure action, called an order to docket or complaint to foreclose (the "OTD"), may not be filed against you in court until at least 45 days after this notice was mailed. The OTD must be filed in Circuit Court in order to move forward with foreclosure proceedings.

The OTD cannot be filed until your loan is 120 days past due, and you have been sent this notice.

You will receive a copy of the OTD and it will include one of the following affidavits:

1. **Preliminary Loss Mitigation Affidavit, which** will be filed with the OTD if the mortgage company has not started or completed the review of your loan for foreclosure alternatives known as loss mitigation. An application for loss mitigation will be included in the OTD. **Complete and return the application immediately; OR**
2. **Final Loss Mitigation Affidavit, which** will be filed with the OTD if the mortgage company believes it has no available alternatives to foreclosure. This affidavit will come with a **"Request for Postfile Foreclosure Mediation," an application, and instructions. You have only 25 days to request foreclosure mediation after you receive these documents.** To request foreclosure mediation you must send the completed application with a non-refundable fee of \$50 to the Circuit Court.

\* If your order to docket includes a Preliminary Loss Mitigation Affidavit, **open all future mail** because you may receive a Final Loss Mitigation Affidavit in as soon as 28 days.

### **Foreclosure Mediation:**

You will have the opportunity to request foreclosure mediation after you receive the Final Loss Mitigation Affidavit. 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.

**TO ACCESS FREE HOUSING COUNSELING SERVICES,  
CALL THE MARYLAND HOPE HOTLINE AT  
1-877-462-7555 OR GO TO [WWW.MDHOPE.ORG](http://WWW.MDHOPE.ORG)**

**The following is important information about your mortgage loan:**

Date of Notice: \_\_\_\_\_

Address of Property Subject to This Notice: \_\_\_\_\_

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

Mailing Address of Borrower(s): \_\_\_\_\_

Name of Record Owner (if different from Borrower(s)): \_\_\_\_\_

Mailing Address of Record Owner (if different from Borrower(s)): \_\_\_\_\_

Name of Secured Party: \_\_\_\_\_

Telephone Number of Secured Party: \_\_\_\_\_

[If the secured party is a trust, real estate mortgage investment conduit (REMIC), or the like, the secured party may insert the telephone number of its authorized loan servicer.]

Name of Loan Servicer (if different from Secured Party): \_\_\_\_\_

Telephone Number of Loan Servicer (if applicable): \_\_\_\_\_

Mortgage Loan Number: \_\_\_\_\_

Lien Position (Indicate whether first or subordinate lien): \_\_\_\_\_

Date Most Recent Loan Payment Received: \_\_\_\_\_

Period to Which Most Recent Mortgage Loan Payment Was Applied: \_\_\_\_\_

Date of Default: \_\_\_\_\_

Total Amount Required to Cure Default as of the Date of this Notice: \_\_\_\_\_

(If you wish to reinstate your loan by paying all past due payments and fees, please call the mortgage company and ask for the total amount required to cure the default and reinstate the loan.)

[Note type of default by inserting one or both of the following two default statements: (1) Your mortgage loan payment is currently [insert number of days payment past due] past due and is in default. (2) Your mortgage loan is in default because [insert type of default other than a past-due payment]: \_\_\_\_\_ ]

Name of Mortgage Lender (if applicable): \_\_\_\_\_

Maryland Mortgage Lender License Number (if applicable): \_\_\_\_\_

Name of Mortgage Loan Originator (if applicable): \_\_\_\_\_

Maryland Mortgage Loan Originator License Number (if applicable): \_\_\_\_\_

**NOTE: The data contained in this Notice of Intent to Foreclose is electronically filed with the Commissioner of Financial Regulation in accordance with COMAR 09.03.12.02.**



## **NOTICE OF INTENT TO FORECLOSE**

[Owner-Occupied Property - Mortgage Loan Default - Pre-file Mediation Offer – Not Federally Related Mortgage Loan]

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

**You are at risk of losing your home to foreclosure.** You have missed one or more payments on your mortgage loan or you are otherwise in default. If you do not bring the loan current, or reach an agreement with your mortgage company to avoid foreclosure (such as a loan modification, repayment plan, or other alternative to foreclosure), a foreclosure action may be filed in court as early as 45 days from the post mark date of this notice.

**READ THIS ENTIRE NOTICE CAREFULLY AS IT CONTAINS INFORMATION ABOUT FORECLOSURE MEDIATION AND OTHER OPTIONS AVAILABLE TO YOU.**

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. However, participating in foreclosure mediation does not guarantee a loan modification or other relief.

**PREFILE MEDIATION:** If you choose to participate in foreclosure mediation at this time (before a foreclosure action is filed against you), please refer to the enclosed Prefile Mediation Packet.

**LOSS MITIGATION:** If you do not choose to participate in foreclosure mediation at this time, please refer to the enclosed Loss Mitigation Packet.

**Beware** of anyone offering to “save” your home or requesting an upfront fee before providing assistance. *If you believe you have been a victim of a scam, please contact Maryland's Office of the Commissioner of Financial Regulation by calling 410-230-6077 or visiting [www.dllr.state.md.us/finance](http://www.dllr.state.md.us/finance).* Free resources are available at the Maryland HOPE Hotline at 1-877-462-7555 or go to [www.MDHOPE.org](http://www.MDHOPE.org). *Attached is a list of government and nonprofit foreclosure-related resources available to help you.*

If you have funds available to bring your loan current, contact [insert contact person to provide reinstatement figure and instructions to reinstate the loan] before sending any money to your mortgage company. When you call, ask for the amount needed to reinstate your loan.

**REGARDLESS OF WHETHER YOU PARTICIPATE IN PREFILE MEDIATION, YOU SHOULD SEEK HOUSING COUNSELING SERVICES AS SOON AS POSSIBLE.**

**TO ACCESS FREE HOUSING COUNSELING SERVICES,  
CALL THE MARYLAND HOPE HOTLINE AT  
1-877-462-7555 OR GO TO [WWW.MDHOPE.ORG](http://WWW.MDHOPE.ORG)**

**The following is important information about your mortgage loan:**

Date of Notice: \_\_\_\_\_

Address of Property Subject to This Notice: \_\_\_\_\_

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

Mailing Address of Borrower(s): \_\_\_\_\_

Name of Record Owner (if different from Borrower(s)): \_\_\_\_\_

Mailing Address of Record Owner (if different from Borrower(s)): \_\_\_\_\_

Name of Secured Party: \_\_\_\_\_

Telephone Number of Secured Party: \_\_\_\_\_

[If the secured party is a trust, real estate mortgage investment conduit (REMIC), or the like, the secured party may insert the telephone number of its authorized loan servicer.]

Name of Loan Servicer (if different from Secured Party): \_\_\_\_\_

Telephone Number of Loan Servicer (if applicable): \_\_\_\_\_

Mortgage Loan Number: \_\_\_\_\_

Lien Position (Indicate whether first or subordinate lien): \_\_\_\_\_

Date Most Recent Loan Payment Received: \_\_\_\_\_

Period to Which Most Recent Mortgage Loan Payment Was Applied: \_\_\_\_\_

Date of Default: \_\_\_\_\_

Total Amount Required to Cure Default as of the Date of this Notice: \_\_\_\_\_

If you choose to reinstate your loan by paying all past due payments and fees, please call the mortgage company and ask for the total amount required to cure the default and reinstate the loan.

[Note type of default by inserting one or both of the following two default statements:] (1) Your mortgage loan payment is currently [insert number of days payment past due] past due and is in default. (2) Your mortgage loan is in default because [insert type of default other than a past-due payment]: \_\_\_\_\_

Name of Mortgage Lender (if applicable): \_\_\_\_\_

Maryland Mortgage Lender License Number (if applicable): \_\_\_\_\_

Name of Mortgage Loan Originator (if applicable): \_\_\_\_\_

Maryland Mortgage Loan Originator License Number (if applicable): \_\_\_\_\_

**NOTE: The data contained in this Notice of Intent to Foreclose is electronically filed with the Commissioner of Financial Regulation in accordance with COMAR 09.03.12.02.**



**NOTICE OF INTENT TO  
FORECLOSE**

**PREFILE MEDIATION  
PACKET**

**Contains:**

- Notice of Offer to Mediate
- Maryland Foreclosure Process and Time Line (Prefile Mediation)
- Application for Prefile Mediation
- Instructions for Prefile Mediation
- Documents Required for Prefile Mediation

## **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 TIME LINE. 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 TIME LINE

## 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.**

- **Profile 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. To find a housing counselor near you please call 877-462-7555 or visit [www.mdhope.org](http://www.mdhope.org). 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 on 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 filed as 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mailing address, if different from address above:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

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:

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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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**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: Pre-File Mediation Program, NR  
DHCD  
100 Community Place  
Crownsville, MD 21032

**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. **To access free housing counseling services, call the Maryland Hope Hotline at 1-877-462-7555 or [www.mdhope.org](http://www.mdhope.org).** 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.**



**NOTICE OF INTENT TO  
FORECLOSE**

**LOSS MITIGATION  
PACKET**

**Contains:**

- Maryland Foreclosure Process and Timeline  
(Loss Mitigation/Postfile Mediation)
- Instructions for Loss Mitigation
- Loss Mitigation Application

**THE MARYLAND**  
**FORECLOSURE PROCESS AND TIME LINE**  
Owner-Occupied Property - Loss Mitigation and Postfile Mediation Option  
– Not Federally Related Mortgage Loan

A **Notice of Intent to Foreclose** is enclosed with this document. In this notice you will find specific information about the mortgage, an application for loss mitigation, and instructions to complete the application. **THIS IS NOT YET A FORECLOSURE FILING.** A foreclosure action, called an order to docket or complaint to foreclose (the "OTD"), may not be filed against you in court until at least 45 days after the post mark date of this notice was mailed and your loan is 90 days past due. The OTD must be filed in Circuit Court in order to move forward with foreclosure proceedings.

You will receive a copy of the OTD and it will include one of the following affidavits:

1. **Preliminary Loss Mitigation Affidavit, which** will be filed with the OTD if the mortgage company has not started or completed the review of your loan for foreclosure alternatives known as loss mitigation. An application for loss mitigation will be included in the OTD. **Complete and return the application immediately;** OR
2. **Final Loss Mitigation Affidavit, which** will be filed with the OTD if the mortgage company believes it has no available alternatives to foreclosure. This affidavit will come with a **“Request for Postfile Foreclosure Mediation,” an application, and instructions. You have only 25 days to request foreclosure mediation after you receive these documents.** To request foreclosure mediation you must send the completed application with a non-refundable fee of \$50 to the Circuit Court.

\* If the OTD includes a Preliminary Loss Mitigation Affidavit, **open all future mail** because you may receive a Final Loss Mitigation Affidavit in as soon as 28 days.

**TO ACCESS FREE HOUSING COUNSELING SERVICES,  
CALL THE MARYLAND HOPE HOTLINE AT  
1-877-462-7555 OR GO TO [WWW.MDHOPE.ORG](http://WWW.MDHOPE.ORG)**

**Foreclosure Mediation:**

You will have the opportunity to request foreclosure mediation after you receive the Final Loss Mitigation Affidavit. 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.



## INSTRUCTIONS FOR LOSS MITIGATION

- Contact [insert name of an agent or employee of the secured party authorized to modify the terms of the mortgage loan. The agent or employee may be an individual or group of individuals or a department such as “loss mitigation department”] at [insert the telephone number of the agent or employee] to discuss options available to avoid foreclosure.
- You should seek housing counseling services now. To access free housing counseling services, call the Maryland HOPE Hotline at 1-877-462-7555 or go to [www.mdhope.org](http://www.mdhope.org).
- Complete the enclosed Loss Mitigation Application according to its instructions and include copies of all requested documents.
- Mail your completed Loss Mitigation Application and the accompanying documents using the addressed envelope provided.
- Keep a copy of your Loss Mitigation Application, accompanying documents, your mail receipt confirmation, and the date of mailing for your own record.

## **NOTICE OF INTENT TO FORECLOSE**

[Owner-Occupied Property - Mortgage Loan Default - Pre-file Mediation Offer – Federally Related Mortgage Loan]

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

**You are at risk of losing your home to foreclosure.** You have missed one or more payments on your mortgage loan or you are otherwise in default. If you do not bring the loan current, or reach an agreement with your mortgage company to avoid foreclosure (such as a loan modification, repayment plan, or other alternative to foreclosure), a foreclosure action may be filed in court as early as 45 days from the post mark date of this notice.

**READ THIS ENTIRE NOTICE CAREFULLY AS IT CONTAINS  
INFORMATION ABOUT FORECLOSURE MEDIATION AND OTHER  
OPTIONS AVAILABLE TO YOU.**

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. However, participating in foreclosure mediation does not guarantee a loan modification or other relief.

**PREFILE MEDIATION:** If you choose to participate in foreclosure mediation at this time (before a foreclosure action is filed against you), please refer to the enclosed Prefile Mediation Packet.

**LOSS MITIGATION:** If you do not choose to participate in foreclosure mediation at this time, please refer to the enclosed Loss Mitigation Packet.

**Beware** of anyone offering to “save” your home or requesting an upfront fee before providing assistance. *If you believe you have been a victim of a scam, please contact Maryland's Office of the Commissioner of Financial Regulation by calling 410-230-6077 or visiting [www.dllr.state.md.us/finance](http://www.dllr.state.md.us/finance). Free resources are available at the Maryland HOPE Hotline at 1-877-462-7555 or go to [www.MDHOPE.org](http://www.MDHOPE.org). Attached is a list of government and nonprofit foreclosure-related resources available to help you.*

If you have funds available to bring your loan current, contact [insert contact person to provide reinstatement figure and instructions to reinstate the loan] before sending any money to your mortgage company. When you call, ask for the amount needed to reinstate your loan.

**REGARDLESS OF WHETHER YOU PARTICIPATE IN PREFILE MEDIATION, YOU SHOULD SEEK HOUSING COUNSELING SERVICES AS SOON AS POSSIBLE.**

**TO ACCESS FREE HOUSING COUNSELING SERVICES,  
CALL THE MARYLAND HOPE HOTLINE AT  
1-877-462-7555 OR GO TO [WWW.MDHOPE.ORG](http://WWW.MDHOPE.ORG)**

**The following is important information about your mortgage loan:**

Date of Notice: \_\_\_\_\_

Address of Property Subject to This Notice: \_\_\_\_\_

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

Mailing Address of Borrower(s): \_\_\_\_\_

Name of Record Owner (if different from Borrower(s)): \_\_\_\_\_

Mailing Address of Record Owner (if different from Borrower(s)): \_\_\_\_\_

Name of Secured Party: \_\_\_\_\_

Telephone Number of Secured Party: \_\_\_\_\_

[If the secured party is a trust, real estate mortgage investment conduit (REMIC), or the like, the secured party may insert the telephone number of its authorized loan servicer.]

Name of Loan Servicer (if different from Secured Party): \_\_\_\_\_

Telephone Number of Loan Servicer (if applicable): \_\_\_\_\_

Mortgage Loan Number: \_\_\_\_\_

Lien Position (Indicate whether first or subordinate lien): \_\_\_\_\_

Date Most Recent Loan Payment Received: \_\_\_\_\_

Period to Which Most Recent Mortgage Loan Payment Was Applied: \_\_\_\_\_

Date of Default: \_\_\_\_\_

Total Amount Required to Cure Default as of the Date of this Notice: \_\_\_\_\_

If you choose to reinstate your loan by paying all past due payments and fees, please call the mortgage company and ask for the total amount required to cure the default and reinstate the loan.

[Note type of default by inserting one or both of the following two default statements:] (1) Your mortgage loan payment is currently [insert number of days payment past due] past due and is in default. (2) Your mortgage loan is in default because [insert type of default other than a past-due payment]: \_\_\_\_\_

Name of Mortgage Lender (if applicable): \_\_\_\_\_

Maryland Mortgage Lender License Number (if applicable): \_\_\_\_\_

Name of Mortgage Loan Originator (if applicable): \_\_\_\_\_

Maryland Mortgage Loan Originator License Number (if applicable): \_\_\_\_\_

**NOTE: The data contained in this Notice of Intent to Foreclose is electronically filed with the Commissioner of Financial Regulation in accordance with COMAR 09.03.12.02.**



# **NOTICE OF INTENT TO FORECLOSE**

## **PREFILE MEDIATION PACKET**

### **Contains:**

- Notice of Offer to Mediate
- Maryland Foreclosure Process and Time Line (Prefile Mediation)
- Application for Prefile Mediation
- Instructions for Prefile Mediation
- Documents Required for Prefile Mediation

## **NOTICE OF OFFER TO MEDIATE**

Owner-Occupied Residential Property – 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 TIME LINE. 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 TIME LINE

## 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. To find a housing counselor near you please call 877-462-7555 or visit [www.mdhope.org](http://www.mdhope.org). 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 120 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 filed as soon as 45 days after this notice and packet were mailed and your mortgage loan is more than 120 days delinquent.

**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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mailing address, if different from address above:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

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:

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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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**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: Pre-File Mediation Program, NR  
DHCD  
100 Community Place  
Crownsville, MD 21032

**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. **To access free housing counseling services, call the Maryland Hope Hotline at 1-877-462-7555 or [www.mdhope.org](http://www.mdhope.org).** 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") at which the mediation will be conducted. 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.**



**NOTICE OF INTENT TO  
FORECLOSE**

**LOSS MITIGATION  
PACKET**

**Contains:**

- Maryland Foreclosure Process and Timeline  
(Loss Mitigation/Postfile Mediation)
- Instructions for Loss Mitigation
- Loss Mitigation Application

**THE MARYLAND**  
**FORECLOSURE PROCESS AND TIME LINE**  
Owner-Occupied Property - Loss Mitigation and Postfile Mediation Option  
– Federally Related Mortgage Loan

**A Notice of Intent to Foreclose** is enclosed with this document. In this notice you will find specific information about the mortgage, an application for loss mitigation, and instructions to complete the application. **THIS IS NOT YET A FORECLOSURE FILING.** A foreclosure action, called an order to docket or complaint to foreclose (the "OTD"), may not be filed against you in court until at least 45 days after the post mark date of this notice was mailed and your loan is more than 120 days delinquent. The OTD must be filed in Circuit Court in order to move forward with foreclosure proceedings.

You will receive a copy of the OTD and it will include one of the following affidavits:

1. **Preliminary Loss Mitigation Affidavit, which** will be filed with the OTD if the mortgage company has not started or completed the review of your loan for foreclosure alternatives known as loss mitigation. An application for loss mitigation will be included in the OTD. **Complete and return the application immediately;** OR
2. **Final Loss Mitigation Affidavit, which** will be filed with the OTD if the mortgage company believes it has no available alternatives to foreclosure. This affidavit will come with a **“Request for Postfile Foreclosure Mediation,” an application, and instructions. You have only 25 days to request foreclosure mediation after you receive these documents.** To request foreclosure mediation you must send the completed application with a non-refundable fee of \$50 to the Circuit Court.

\* If the OTD includes a Preliminary Loss Mitigation Affidavit, **open all future mail** because you may receive a Final Loss Mitigation Affidavit in as soon as 28 days.

**TO ACCESS FREE HOUSING COUNSELING SERVICES,  
CALL THE MARYLAND HOPE HOTLINE AT  
1-877-462-7555 OR GO TO [WWW.MDHOPE.ORG](http://WWW.MDHOPE.ORG)**

**Foreclosure Mediation:**

You will have the opportunity to request foreclosure mediation after you receive the Final Loss Mitigation Affidavit. 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.

## INSTRUCTIONS FOR LOSS MITIGATION

- Contact [insert name of an agent or employee of the secured party authorized to modify the terms of the mortgage loan. The agent or employee may be an individual or group of individuals or a department such as “loss mitigation department”] at [insert the telephone number of the agent or employee] to discuss options available to avoid foreclosure.
- You should seek housing counseling services now. To access free housing counseling services, call the Maryland HOPE Hotline at 1-877-462-7555 or go to [www.mdhope.org](http://www.mdhope.org).
- Complete the enclosed Loss Mitigation Application according to its instructions and include copies of all requested documents.
- Mail your completed Loss Mitigation Application and the accompanying documents using the addressed envelope provided.
- Keep a copy of your Loss Mitigation Application, accompanying documents, your mail receipt confirmation, and the date of mailing for your own record.



## **NOTICE OF INTENT TO FORECLOSE**

### **(Alternative/Other Liens)**

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

**There is a lien against your home that could result in foreclosure.** You are receiving this because you have defaulted on your [list type of lien- such as, by way of example but not limitation, past-due homeowners' or condominium association fees, or past-due contractual payments giving rise to a mechanic's lien]. If you do not bring this default current or otherwise cure this default, a foreclosure action may be filed against you as early as 45 days from the post mark date of this Notice.

There may be options available to avoid foreclosure, but you must act immediately. You should seek housing counseling services now.

**TO ACCESS FREE HOUSING COUNSELING SERVICES,  
CALL THE MARYLAND HOPE HOTLINE AT  
1-877-462-7555 OR GO TO [WWW.MDHOPE.ORG](http://WWW.MDHOPE.ORG)**

**Please follow the instructions that are outlined below.**

- Read this entire Notice carefully and act immediately.
- Contact [insert name of an agent or employee of the agency pursuing the debt who has authority to reinstate the debt or work out payment arrangements] at [insert the telephone number of the agent or employee] to discuss options to avoid foreclosure.
- [Insert list of options to cure the default with specific instructions, including, but not limited to contact information and instructions to cure the default]:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- If you believe you have already made arrangements with the person contacting you for this debt, please call that person at the number above to confirm the status of your request.
- Beware of anyone offering to “save” your home or requesting an upfront fee before providing assistance. Free resources are available at the Maryland HOPE

Hotline at 1-877-462-7555 or go to [www.MDHOPE.org](http://www.MDHOPE.org). If you believe you have been a victim of a scam, please contact Maryland's office of the Commissioner of Financial Regulation by calling 410-230-6077 or visiting [www.dllr.state.ms.us/finance](http://www.dllr.state.ms.us/finance).

**The following is important information about your mortgage loan:**

Date of Notice: \_\_\_\_\_

Name of Record Owner: \_\_\_\_\_

Record Owner's Mailing Address: \_\_\_\_\_

Property Address: \_\_\_\_\_

Name of Secured Party:

\_\_\_\_\_

Telephone Number of Secured Party: \_\_\_\_\_

[This may be the telephone number of the representative of the secured party.]

Lien Position [Indicate whether first or subordinate lien]: \_\_\_\_\_

Date of Receipt of Most Recent Payment on Debt: \_\_\_\_\_

Date of Default: \_\_\_\_\_

[Insert description of the nature of the default such as, by way of example but not limitation:

“Your homeowners' association fees are currently \_\_\_ days past due”]:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**NOTE: The data contained in this Notice of Intent to Foreclose is electronically filed with the Commissioner of Financial Regulation in accordance with COMAR 09.03.12.02.**

## **NOTICE OF INTENT TO FORECLOSE**

[Not Owner-Occupied Property - Mortgage Loan Default – Not Federally Related Mortgage Loan]

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

**You are at risk of losing your property to foreclosure.** You have missed one or more payments on your mortgage loan or you are otherwise in default. If you do not bring the loan current, otherwise cure the default, or reach an agreement with your mortgage company to avoid foreclosure (such as a loan modification, repayment plan or other alternative to foreclosure) a foreclosure action may be filed in court as early as 45 days from the date of this notice.

**Your mortgage company has determined  
that you do NOT live in this property.**

**IF THIS IS YOUR PRIMARY RESIDENCE:  
PLEASE CALL \_\_\_\_\_**

**NOTE: An owner-occupant has additional  
options to avoid foreclosure.**

**Please follow the instructions that are outlined below.**

- Read this entire Notice carefully and act immediately.
- If you live in this property as your primary residence, please call [insert contact again for borrower to dispute occupancy determination]. Free resources are available at the Maryland HOPE Hotline at 1-877-462-7555 or go to [www.MDHOPE.org](http://www.MDHOPE.org).
- Contact [insert name of an agent or employee of the secured party authorized to modify the terms of the mortgage loan. The agent or employee may be an individual or group of individuals or a department such as “loss mitigation department”] at [insert the telephone number of the agent or employee] to discuss options to avoid foreclosure.

If you have already requested loss mitigation assistance from your mortgage company, please call your mortgage company at the number above to confirm the status of your request.



Beware of anyone offering to “save” your property or requesting an upfront fee before providing assistance. *If you believe you have been a victim of a scam, please contact Maryland's Office of the Commissioner of Financial Regulation by calling 410-230-6077 or visiting <http://www.dllr.state.md.us/finance/>.*

If you have funds available to bring your loan current, contact [insert contact person to provide reinstatement figure and instructions to reinstate the loan] before sending any money to your mortgage company. When you call, ask for the amount needed to reinstate your loan.

***You may be eligible for certain programs to avoid foreclosure.  
Call your mortgage company for more information.***



**The following is important information about your mortgage loan:**

Date of Notice: \_\_\_\_\_  
Address of Property Subject to This Notice: \_\_\_\_\_  
Name of Borrower(s): \_\_\_\_\_  
Mailing Address of Borrower(s): \_\_\_\_\_  
Name of Record Owner (if different from Borrower(s)): \_\_\_\_\_  
Mailing Address of Record Owner (if different from Borrower(s)): \_\_\_\_\_  
Name of Secured Party: \_\_\_\_\_  
Telephone Number of Secured Party: \_\_\_\_\_  
[If the secured party is a trust, real estate mortgage investment conduit (REMIC), or the like, the secured party may insert the telephone number of its authorized loan servicer.]  
Name of Loan Servicer (if different from Secured Party): \_\_\_\_\_  
Telephone Number of Loan Servicer (if applicable): \_\_\_\_\_  
Mortgage Loan Number: \_\_\_\_\_  
Lien Position (Indicate whether first or subordinate lien): \_\_\_\_\_  
Date Most Recent Loan Payment Received: \_\_\_\_\_  
Period to Which Most Recent Mortgage Loan Payment Was Applied: \_\_\_\_\_

Date of Default: \_\_\_\_\_  
Total Amount Required to Cure Default as of the Date of this Notice: \_\_\_\_\_  
(If you wish to reinstate your loan by paying all past due payments and fees, please call the mortgage company and ask for the total amount required to cure the default and reinstate the loan.)

[Note type of default by inserting one or both of the following two default statements: (1) Your mortgage loan payment is currently (insert number of days payment past due) past due and is in default; (2) Your mortgage loan is in default because (insert type of default other than a past-due payment)]; \_\_\_\_\_  
\_\_\_\_\_

Name of Mortgage Lender (if applicable): \_\_\_\_\_  
Maryland Mortgage Lender License Number (if applicable): \_\_\_\_\_  
Name of Mortgage Loan Originator (if applicable): \_\_\_\_\_  
Maryland Mortgage Loan Originator License Number (if applicable): \_\_\_\_\_

**NOTE: The data contained in this Notice of Intent to Foreclose is electronically filed with the Commissioner of Financial Regulation in accordance with COMAR 09.03.12.02**

**NOTICE REGARDING  
OCCUPANCY DETERMINATION**

Based upon inspection or certification of occupancy status through other means (proof attached, if applicable), it is my belief that this property is not owner-occupied.

**AGENT:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

## **THE MARYLAND FORECLOSURE PROCESS AND TIME LINE**

[Not Owner-Occupied - Mortgage Loan Default – Not Federally Related Mortgage Loan]

**A Notice of Intent to Foreclose** is enclosed with this document. In the Notice you will find specific information about your mortgage. **THIS IS NOT YET A FORECLOSURE FILING.**

- A foreclosure action, called an order to docket or complaint to foreclose (the "OTD"), may not be filed against you in court until at least 45 days after this Notice was mailed and 90 days after you first missed your mortgage loan payment.
- The OTD must be filed in Circuit Court in order to move forward with foreclosure proceedings.
- Once the OTD is filed, your mortgage company may proceed with the foreclosure sale as soon as 45 days after the OTD is served.

## **NOTICE OF INTENT TO FORECLOSE**

[Not Owner-Occupied Property - Mortgage Loan Default – Federally Related Mortgage Loan]

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

**You are at risk of losing your property to foreclosure.** You have missed one or more payments on your mortgage loan or you are otherwise in default. If you do not bring the loan current, otherwise cure the default, or reach an agreement with your mortgage company to avoid foreclosure (such as a loan modification, repayment plan or other alternative to foreclosure) a foreclosure action may be filed in court as early as 45 days from the date of this notice.

**Your mortgage company has determined  
that you do NOT live in this property.**

**IF THIS IS YOUR PRIMARY RESIDENCE:  
PLEASE CALL \_\_\_\_\_**

**NOTE: An owner-occupant has additional  
options to avoid foreclosure.**

**Please follow the instructions that are outlined below.**

- Read this entire Notice carefully and act immediately.
- If you live in this property as your primary residence, please call [insert contact again for borrower to dispute occupancy determination]. Free resources are available at the Maryland HOPE Hotline at 1-877-462-7555 or go to [www.MDHOPE.org](http://www.MDHOPE.org).
- Contact [insert name of an agent or employee of the secured party authorized to modify the terms of the mortgage loan. The agent or employee may be an individual or group of individuals or a department such as “loss mitigation department”] at [insert the telephone number of the agent or employee] to discuss options to avoid foreclosure.

If you have already requested loss mitigation assistance from your mortgage company, please call your mortgage company at the number above to confirm the status of your request.



Beware of anyone offering to “save” your property or requesting an upfront fee before providing assistance. *If you believe you have been a victim of a scam, please contact Maryland's Office of the Commissioner of Financial Regulation by calling 410-230-6077 or visiting <http://www.dllr.state.md.us/finance/>.*

If you have funds available to bring your loan current, contact [insert contact person to provide reinstatement figure and instructions to reinstate the loan] before sending any money to your mortgage company. When you call, ask for the amount needed to reinstate your loan.

***You may be eligible for certain programs to avoid foreclosure.  
Call your mortgage company for more information.***

**The following is important information about your mortgage loan:**

Date of Notice: \_\_\_\_\_  
Address of Property Subject to This Notice: \_\_\_\_\_  
Name of Borrower(s): \_\_\_\_\_  
Mailing Address of Borrower(s): \_\_\_\_\_  
Name of Record Owner (if different from Borrower(s)): \_\_\_\_\_  
Mailing Address of Record Owner (if different from Borrower(s)): \_\_\_\_\_  
Name of Secured Party: \_\_\_\_\_  
Telephone Number of Secured Party: \_\_\_\_\_

[If the secured party is a trust, real estate mortgage investment conduit (REMIC), or the like, the secured party may insert the telephone number of its authorized loan servicer.]

Name of Loan Servicer (if different from Secured Party): \_\_\_\_\_  
Telephone Number of Loan Servicer (if applicable): \_\_\_\_\_  
Mortgage Loan Number: \_\_\_\_\_  
Lien Position (Indicate whether first or subordinate lien): \_\_\_\_\_  
Date Most Recent Loan Payment Received: \_\_\_\_\_  
Period to Which Most Recent Mortgage Loan Payment Was Applied: \_\_\_\_\_

Date of Default: \_\_\_\_\_  
Total Amount Required to Cure Default as of the Date of this Notice: \_\_\_\_\_  
(If you wish to reinstate your loan by paying all past due payments and fees, please call the mortgage company and ask for the total amount required to cure the default and reinstate the loan.)

[Note type of default by inserting one or both of the following two default statements: (1) Your mortgage loan payment is currently (insert number of days payment past due) past due and is in default; (2) Your mortgage loan is in default because (insert type of default other than a past-due payment)]: \_\_\_\_\_  
\_\_\_\_\_

Name of Mortgage Lender (if applicable): \_\_\_\_\_  
Maryland Mortgage Lender License Number (if applicable): \_\_\_\_\_  
Name of Mortgage Loan Originator (if applicable): \_\_\_\_\_  
Maryland Mortgage Loan Originator License Number (if applicable): \_\_\_\_\_

**NOTE: The data contained in this Notice of Intent to Foreclose is electronically filed with the Commissioner of Financial Regulation in accordance with COMAR 09.03.12.02**

**NOTICE REGARDING  
OCCUPANCY DETERMINATION**

Based upon inspection or certification of occupancy status through other means (proof attached, if applicable), it is my belief that this property is not owner-occupied.

**AGENT:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

## **THE MARYLAND FORECLOSURE PROCESS AND TIME LINE**

[Not Owner-Occupied - Mortgage Loan Default – Federally Related Mortgage Loan]

A **Notice of Intent to Foreclose** is enclosed with this document. In the Notice you will find specific information about your mortgage. **THIS IS NOT YET A FORECLOSURE FILING.**

- A foreclosure action, called an order to docket or complaint to foreclose (the "OTD"), may not be filed against you in court until at least 45 days after this Notice was mailed and more than 120 days have elapsed since you first missed your mortgage loan payment.
- The OTD must be filed in Circuit Court in order to move forward with foreclosure proceedings.
- Once the OTD is filed, your mortgage company may proceed with the foreclosure sale as soon as 45 days after the OTD is served.



# **PRELIMINARY LOSS MITIGATION AFFIDAVIT**

Case Number: \_\_\_\_\_  
Date of Filing With Court: \_\_\_\_\_  
Borrower(s): \_\_\_\_\_  
Property Address: \_\_\_\_\_

My name is \_\_\_\_\_. I am authorized to act on behalf of the secured party who is the holder of the beneficial interest in the mortgage or deed of trust which is secured by property at the address listed above. The information in this affidavit is derived from records of the secured party that were made at or near the time of the occurrence of the matters set forth below by, or from information transmitted by, a person with knowledge of those matters. These records were produced and/or maintained in the course of the regularly conducted activity of the secured party as a regular practice of the secured party, and I state the following:

The mortgage loan that is the subject of this foreclosure action may be eligible for loss mitigation and [check all statements that apply]:

- The loan is currently under loss mitigation analysis, but the analysis has not yet been completed.
- The secured party or a representative of the secured party has not been able to obtain all documentation and information necessary to conduct the loss mitigation analysis.

Required additional documentation to complete loss mitigation analysis [list documents required]:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- The secured party or a representative of the secured party has not been able to establish communication with the borrower.
- Other \_\_\_\_\_.

I solemnly affirm under the penalties of perjury and upon personal knowledge based on review of the records described herein or attached hereto that the contents of this affidavit are true.

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name and Title of Affiant

**FINAL LOSS MITIGATION AFFIDAVIT**

**Case Number:** \_\_\_\_\_  
**Date of Filing With Court:** \_\_\_\_\_  
**Borrower(s):** \_\_\_\_\_  
**Property Address:** \_\_\_\_\_

My name is \_\_\_\_\_. I am authorized to act on behalf of the secured party who is the holder of the beneficial interest in the mortgage or deed of trust which is secured by property at the address listed above. The information in this affidavit is derived from records of the secured party that were made at or near the time of the occurrence of the matters set forth below by, or from information transmitted by, a person with knowledge of those matters. These records were produced and/or maintained in the course of the regularly conducted activity of the secured party as a regular practice of the secured party, and I state the following:

The secured party conducted a loss mitigation analysis  YES  NO  
(Check which applies)

If the secured party conducted a loss mitigation analysis, describe all loss mitigation programs evaluated, and describe why the borrower(s) did not qualify for each loss mitigation program. If the secured party did not conduct a loss mitigation analysis, describe all reasons why a loss mitigation analysis was not conducted, and describe why the borrower(s) did not qualify for a loss mitigation program:

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

I solemnly affirm under the penalties of perjury and upon personal knowledge based on review of the records described herein or attached hereto that the contents of this affidavit are true.

\_\_\_\_\_  
Signature of Affiant Date

\_\_\_\_\_  
Print Name and Title of Affiant

**REQUEST FOR FORECLOSURE MEDIATION**

**(Instructions)**

Name(s) of Homeowner: \_\_\_\_\_ Property Address: \_\_\_\_\_

**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.

**INSTRUCTIONS TO PARTICIPATE IN FORECLOSURE MEDIATION:**

- Carefully read all of the documents included in this packet.
- **Application** (on next page) – Initial each statement to confirm that you have read and understood them. Sign and date the application. Check the “Yes” box if you would like a Maryland Department of Housing and Community Development representative or a housing counselor to contact you. Sign and date the Certificate of Service.
- Make two copies of the application.
- Send the original signed application, Certificate of Service and \$50 fee in the envelope addressed to the Circuit Court. **DO NOT SEND CASH.** Most Circuit Courts accept checks or money orders payable to “Clerk of the Circuit Court.” To confirm that your method of payment will be accepted, consider contacting the Clerk's office in the Circuit Court of the county in which your property is located. Consider sending your application and payment by certified mail or return receipt requested mail.
- Send one copy of the completed Application and Certificate of Service in the envelope addressed to the foreclosure attorney representing your mortgage company.
- Keep the second copy for your records.

If you need help filling out this form:

**TO ACCESS FREE HOUSING COUNSELING SERVICES,  
CALL THE MARYLAND HOPE HOTLINE AT  
1-877-462-7555 OR GO TO [WWW.MDHOPE.ORG](http://WWW.MDHOPE.ORG)**

**REQUEST FOR FORECLOSURE MEDIATION**  
**(Application)**

Circuit Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Name and Address of the Secured Party  
or Representative of Secured Party: \_\_\_\_\_

Name and Address of the Servicer: \_\_\_\_\_

Name and Address of the Borrower(s): \_\_\_\_\_

**Initial each statement below to confirm that you have read and understand them.** If you do not understand the information, please contact the MD Hope Hotline at 877-462-7555 or visit [www.mdhope.org](http://www.mdhope.org) to find a housing counselor or free legal services near you.

\_\_\_\_ I am requesting foreclosure mediation to see if I qualify for a loan modification or other alternative to a foreclosure sale of my home.

\_\_\_\_ I have enclosed my \$50 fee for filing this Request for Foreclosure Mediation Application. (Make checks payable to the "Clerk of the Circuit Court." **DO NOT SEND CASH.**)

**NOTE:** If you qualify for free legal services under the Maryland Legal Services Guidelines, you may request a waiver of your foreclosure mediation fee. You must submit a completed Request for Waiver of Filing Fee for Foreclosure Mediation form (available at <http://mdcourts.gov/courtforms/circuit/cc080.pdf>) together with this request for foreclosure mediation.

**I would like to be contacted by a Department of Housing and Community Development representative or a housing counselor:**

**YES**

**NO**

If so, please provide your preferred contact information: \_\_\_\_\_

I/We, \_\_\_\_\_, certify that I/we live in the property for which this Application is being submitted.

\_\_\_\_\_  
Signature of Borrower

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Borrower

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
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:

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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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**CERTIFICATE OF SERVICE**

I certify that I have sent a copy of this Request for Foreclosure Mediation to the Clerk of the Circuit Court and to the secured party, or the representative of the secured party, by regular U.S. mail, postage pre-paid, at the address listed at the top of this form. I have served the party that brought this foreclosure action by sending this Request for Foreclosure Mediation by regular U.S. mail, postage pre-paid, to its foreclosure attorney in (or at the address on) the addressed envelope provided with this form.

\_\_\_\_\_  
Signature of Borrower

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name



**LOSS MITIGATION APPLICATION**

**See Instructions corresponding with numbers in brackets {} on form**

Loss Mitigation Application page 1 COMPLETE ALL PAGES OF THIS FORM  
 Loan Number: {1} (at least last 4 digits) Servicer: {2}

BORROWER {3}		CO-BORROWER {4}	
Borrower=s Name		Co-Borrower=s Name	
Social Security No.	Date of Birth	Social Security No.	Date of Birth
Home phone number. with area code		Home phone number with area code	
Cell or work number with area code		Cell or work number with area code	

I want to: {5}       Keep the Property       Sell the Property

The property is my:       Primary Residence       Second Home       Investment

The property is:       Owner Occupied       Renter Occupied       Vacant

Mailing address: {6}

Property address (if same as mailing address, just write Asame@) E-mail address

Is the property listed for sale? <input type="checkbox"/> Yes <input type="checkbox"/> No    {7} Have you received an offer on the property? <input type="checkbox"/> Yes <input type="checkbox"/> No Date of offer _____ Amount of offer \$ _____ Agent=s Name? _____ Agent=s Phone Number: _____ For Sale by Owner? <input type="checkbox"/> Yes <input type="checkbox"/> No	{8} Have you contacted a housing-counseling agency for help <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please complete the following: Counselor=s Name: _____ Agency Name: _____ Counselor=s Phone Number: _____ Counselor=s E-mail: _____
---	--

Who pays the real estate tax bill on your property: {9} <input type="checkbox"/> I do <input type="checkbox"/> Lender does <input type="checkbox"/> Paid by condo or HOA Are the taxes current? <input type="checkbox"/> Yes <input type="checkbox"/> No Condominium or HOA fees <input type="checkbox"/> Yes <input type="checkbox"/> No \$ _____ Paid to: _____	Who pays the hazard insurance premium for your property? {10} <input type="checkbox"/> I do <input type="checkbox"/> Lender does <input type="checkbox"/> Paid by condo or HOA Is the policy current? <input type="checkbox"/> Yes <input type="checkbox"/> No Name of Insurance Co.: _____ Insurance Co. Tel #: _____
---	--

Have you filed for bankruptcy?       Yes     No      If yes:  Chapter 7     Chapter 13    Filing Date: \_\_\_\_\_ {11}  
 Has your bankruptcy been discharged?       Yes     No      Bankruptcy case number: \_\_\_\_\_

**Additional Liens/Mortgages or Judgments on this property: {12}**

Lien Holder=s Name/Servicer	Balance	Contact Number	Loan Number

**HARDSHIP AFFIDAVIT {13}**

I am requesting review under your loss mitigation program.  
 I am having difficulty making my monthly payment because of financial difficulties created by (check all that apply):

<input type="checkbox"/> My household income has been reduced. For example: unemployment, underemployment, reduced pay or hours, decline in business earnings, death, disability or divorce of a borrower or co-borrower.	<input type="checkbox"/> My monthly debt payments are excessive and I am overextended with my creditors. Debt includes credit cards, home equity or other debt.
<input type="checkbox"/> My expenses have increased. For example: monthly mortgage payment reset, high medical or health care costs, uninsured losses, increased utilities or property taxes.	<input type="checkbox"/> My cash reserves, including all liquid assets, are insufficient to maintain my current mortgage payment and cover basic living expenses at the same time.

G Other:

Explanation (continue on back of page 3 if necessary): \_\_\_\_\_

**INCOME/EXPENSES FOR HOUSEHOLD <sup>1</sup>**

Number of People in Household: **{14}**

Monthly Gross Wages {15}	\$	First Mortgage Payment {26}	\$	Checking Account(s) {37}	\$
Overtime {16}	\$	Second Mortgage Payment {27}	\$	Checking Account(s) {38}	\$
Child Support/ Alimony {17} / Separation <sup>2</sup>	\$	Insurance {28}	\$	Savings/ Money Market {39}	\$
Social Security / SSDI {18}	\$	Property Taxes {29}	\$	CDs {40}	\$
Other monthly income from pensions, annuities or retirement plans {19}	\$	Credit Cards / Installment Loan(s) (total minimum payment per month) {30}	\$	Stocks / Bonds {41}	\$
Tips, commissions, bonus and self-employed income {20}	\$	Alimony, child support payments {31}	\$	Other Cash on Hand {42}	\$
Rents Received {21}	\$	Net Rental Expenses {32}	\$	Other Real Estate (estimated value) {43}	\$
Unemployment income {22}	\$	HOA/Condo Fees / Property Maintenance {33}	\$	Other: _____ _____ {44}	\$
Food Stamps / Welfare {23}	\$	Car Payments {34}	\$	Other: _____ _____ {45}	\$
Other (investment income, royalties, interest, dividends etc.) {24}	\$	Other: _____ _____ {35}	\$	Do not include the value of life insurance or retirement plans when calculating assets (401K, pension funds, annuities, IRAs, Keogh plans, etc.)	
<b>Total (Gross Income) {25}</b>	<b>\$</b>	<b>Total Debt / Expenses {36}</b>	<b>\$</b>	<b>Total Assets {46}</b>	<b>\$</b>

**INCOME MUST BE DOCUMENTED**

<sup>1</sup> Include combined monthly income and expenses from the borrower and co-borrower (if any). If this includes income and expenses from a household member who is not a borrower, please specify using the back of this form if necessary.

<sup>2</sup> You are not required to disclose Child Support, Alimony or Separation Maintenance income, unless you choose to have it considered by your servicer.

**LOSS MITIGATION APPLICATION  
ACKNOWLEDGMENT AND AGREEMENT**

*In making this request for consideration under your loss mitigation program, I certify under penalty of perjury:*

1. That all of the information in this document is truthful and the event(s) identified on page 1 is/are the reason that I need to request a modification of the terms of my mortgage loan, short sale or deed-in-lieu of foreclosure.
2. I understand that the Servicer, \_\_\_\_\_, or its agents may investigate the accuracy of my statements and may require me to provide supporting documentation. I also understand that knowingly submitting false information may violate the law.
3. I understand the Servicer will pull a current credit report on all borrowers obligated on the Note.
4. I understand that if I have intentionally defaulted on my existing mortgage, engaged in fraud or misrepresented any fact(s) in connection with this document, the Servicer may cancel any loss mitigation agreement and may pursue foreclosure on my home.
5. That my Property is owner-occupied; I intend to reside in this property for the next twelve months; I have not received a condemnation notice; and there has been no change in the ownership of the Property since I signed the documents for the mortgage that I want to modify.
6. I am willing to provide all requested documents and to respond to all Servicer questions in a timely manner.
7. I understand that the Servicer will use the information in this document to evaluate my eligibility for a loan modification, short sale, or deed-in-lieu of foreclosure, but the Servicer is not obligated to offer me assistance based solely on the statements in this document.
8. I am willing to commit to housing counseling if it is determined that my financial hardship is related to excessive debt.
9. I understand that the Servicer will collect and record personal information, including, but not limited to, my name, address, telephone number, social security number, credit score, income, payment history, government monitoring information, and information about account balances and activity. I understand and consent to the disclosure of my personal information and the terms of any loss mitigation agreement to any third party that needs this information to process this application, including but not limited to: any investor, insurer, guarantor or servicer that owns, insures, guarantees or services my first lien or subordinate liens (if applicable) mortgage loan(s); any companies that perform support services in conjunction with my mortgage; any HUD-certified housing counselor; and government regulators.

{47} \_\_\_\_\_  
Borrower Signature Date

\_\_\_\_\_  
Co-Borrower Signature Date

**Maryland HOPE Hotline**

Call the Maryland HOPE hotline at 1-877-462-7555 or go to [www.MDHOPE.org](http://www.MDHOPE.org) for information on housing counseling.

**Instructions for Completing Loss Mitigation Application**

The numbers for each item below correspond to the same numbers in the form above.

- {1} Your loan number on your mortgage loan statement.
- {2} Your loan "Servicer" is the financial institution that collects your monthly payment.
- {3} The borrower section must include information on the person whose name is on the "Note" for the mortgage loan.
- {4} The co-borrower is a second person on the note for the mortgage loan. Do not fill out this section for someone who is not obligated on the note for the mortgage loan.
- {5} For this section you should choose one option for each question.
- {6} Please provide a mailing address and a residential "Property" address if different. The Property address should correspond to the mortgage for which you are submitting a Loss Mitigation Application.
- {7} If your Property is not listed for sale, you do not need to fill out the rest of Section 7. Only include offers for sale that you received in the past year.
- {8} Counselors are available free of charge and can be located on the Maryland Hope website [www.MDHOPE.org](http://www.MDHOPE.org).
- {9} If your real estate taxes and property insurance are part of the monthly payment that you make to your servicer, select "lender does." "HOA" means Homeowner's Association.
- {10} If your hazard insurance premium is part of the monthly payment that you make to your servicer, select "lender does." "HOA" means Homeowner's Association.
- {11} The filing date indicates when you officially filed for bankruptcy. Only check the "yes" box for a discharged bankruptcy if you no longer owe any obligations.
- {12} Additional liens include second (or third) mortgages and home equity lines of credit.
- {13} Please select as many hardships as apply to your situation. You can use the extra lines to explain your hardship, though extensive explanations could delay the processing of your application.
- {14} Indicate the total number of people in your household.
- {15} Monthly gross wages are what you receive before taxes. Use your most current pay stub to find this amount.
- {16} This amount should be listed on a current pay stub.
- {17} If you receive child support, alimony, or separation maintenance income, you are not required by law to report it. You should only include this amount if you would like it to be included in the income calculation.
- {18} SSDI means Social Security/Disability Income.
- {19} Only include if you are retired and collecting income from retired funds.
- {20} If reported, this amount will be on your pay stub.
- {21} Only include rental income if used as part of your overall income.
- {22} You must have at least nine months of unemployment income to report on this form.

- {23} Report the amount indicated on your benefits letter. You must provide a copy of this letter as documentation of this income.
- {24} Add all other income and report sum in this box.
- {25} Add all amounts in income column (boxes 15-24) and report sum.
- {26} This amount can be found on your statement for your first mortgage.
- {27} If applicable, this amount can be found on the statement for your second mortgage or home equity lines of credit.
- {28} This refers only to homeowner's insurance and should be reported only if you pay this yourself.
- {29} Only report these taxes if you pay them yourself.
- {30} Add all credit cards and installment payments and report sum here.
- {31} If you are responsible for paying child support or alimony, you must report the amount here.
- {32} Report amount if your total rental income does not cover your total rental expenses.
- {33} "HOA" means Homeowner's Association.
- {34} Include car payments only if you are the owner of the vehicle.
- {35} Include any other pertinent household expenses.
- {36} Add all amounts in expense column (boxes 26-35) and report sum.
- {37}-{39} Report amounts for all accounts, if applicable.
- {40} "CDs" means certificates of deposit.
- {41}-{42} Report amounts for all accounts, if applicable.
- {43} Include estimated value for all other properties owned.
- {44}-{45} Report any other assets other than the value of life insurance or retirement plans, including 401K, pension funds, IRAs, Keogh plans, etc.
- {46} Add all amounts in assets column (boxes 37-45) and report sum.
- {47} Please be sure to read the entire Loss Mitigation Application Acknowledgement and Agreement before signing. Do not leave off a signature as this will decrease efficient document processing.



## **NOTICE OF FORECLOSURE ACTION**

**[Owner-Occupied - Preliminary Loss Mitigation Affidavit]**

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

**A foreclosure sale of this property may occur as soon as 68 days from this notice if you do not respond**

If you own and live in this home, you may qualify for alternatives to foreclosure, but you must act quickly.

### **We have included:**

- **Preliminary Loss Mitigation Affidavit** – this is a legal document completed by your mortgage company (sometimes referred to as servicer) explaining that they have not completed an evaluation of your loan for possible alternatives to foreclosure and why.
- **Loss Mitigation Application** – this is the application that your mortgage company will review to see if you qualify for alternatives to foreclosure. If you need help completing this form, please contact a housing counselor (information below).
- **Addressed Envelope to mail the Loss Mitigation Application.**

**YOU ARE NOT ALONE. THERE ARE FREE RESOURCES  
AVAILABLE IN MARYLAND.**

**TO ACCESS FREE HOUSING COUNSELING SERVICES,  
CALL THE MARYLAND HOPE HOTLINE AT  
1-877-462-7555 OR GO TO [WWW.MDHOPE.ORG](http://WWW.MDHOPE.ORG)**

### **What happens if you do nothing?**

In 28 days or more, you will receive a **Final Loss Mitigation Affidavit**, which will include a form to request **FORECLOSURE MEDIATION**.

- You qualify for foreclosure mediation only after the Final Loss Mitigation Affidavit has been filed with the court.
- You will have only 25 days to request foreclosure mediation after you receive the Final Loss Mitigation Affidavit so it is important that you continue to open your mail.

**Beware of anyone offering to “save” your home or requesting an upfront fee before providing assistance.** This is illegal in the State of Maryland. *If you believe you have been a victim of a scam, please contact Maryland's office of the Commissioner of Financial Regulation by calling 410-230-6077 or visiting <http://www.dllr.state.md.us/finance/>.*

***BEFORE YOU MAIL THE LOSS MITIGATION APPLICATION,  
MAKE A COPY FOR YOUR RECORDS***

## **NOTICE OF FORECLOSURE ACTION**

[Owner-Occupied - Final Loss Mitigation Affidavit]

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

**A foreclosure sale of this property may occur as soon as 40 days from this notice if you do not respond**

If you own and live in this home, you may request a meeting with your mortgage company called **FORECLOSURE MEDIATION**, but you must act quickly.

### **We have included:**

- **Request for Foreclosure Mediation** – this is the form you need to complete to request foreclosure mediation. **\*\*This form must be sent back within 25 days - DO NOT DELAY\*\***
- **Final Loss Mitigation Affidavit** – this is a legal document completed by the mortgage company explaining why they have been unable to offer an alternative to foreclosure.
- **2 Addressed envelopes:**
  - Return to the court the original signed Request for Foreclosure Mediation in the envelope marked **“REQUEST FOR FORECLOSURE MEDIATION”**.
  - Mail a copy of the Request for Foreclosure Mediation in the envelope addressed to the foreclosure attorney who represents your mortgage company.

**YOU ARE NOT ALONE. THERE ARE FREE RESOURCES AVAILABLE IN MARYLAND.**

**TO ACCESS FREE HOUSING COUNSELING SERVICES,  
CALL THE MARYLAND HOPE HOTLINE AT  
1-877-462-7555 OR GO TO [WWW.MDHOPE.ORG](http://www.mdhope.org)**

### **What happens if you do nothing?**

If you do not request foreclosure mediation, the mortgage company may foreclose on your home. If you wish to remain in your home, **PLEASE** contact the MD Hope Hotline. You need to understand your options and the consequences of doing nothing.

**Beware of anyone offering to “save” your home or requesting an upfront fee before providing assistance.** This is illegal in the State of Maryland. *If you believe you have been a victim of a scam, please contact Maryland's office of the Commissioner of Financial Regulation by calling 410-230-6077 or visiting <http://www.dllr.state.md.us/finance/>.*

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TO REQUEST FORECLOSURE MEDIATION TURN THE PAGE 



## **NOTICE OF FORECLOSURE ACTION**

**[Owner-Occupied - Prefile Mediation - No Mediation Agreement]**

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

**A foreclosure sale of this property may occur as soon as 15 days from this notice. You are not entitled to foreclosure mediation.**

We have included the **Final Loss Mitigation Affidavit** – this is a legal document completed by the mortgage company explaining why they have been unable to offer an alternative to foreclosure.

**YOU ARE NOT ALONE. THERE ARE FREE RESOURCES AVAILABLE IN MARYLAND.**

**TO ACCESS FREE HOUSING COUNSELING SERVICES,  
CALL THE MARYLAND HOPE HOTLINE AT  
1-877-462-7555 OR GO TO [WWW.MDHOPE.ORG](http://WWW.MDHOPE.ORG)**

If you have funds available to bring your loan current, contact [insert contact person to provide reinstatement figure and instructions to reinstate the loan] before sending any money to your mortgage company. When you call, ask for the amount needed to reinstate your loan.

**Beware of anyone offering to “save” your home or requesting an upfront fee before providing assistance.** This is illegal in the State of Maryland. *If you believe you have been a victim of a scam, please contact Maryland's office of the Commissioner of Financial Regulation by calling 410-230-6077 or visiting <http://www.dllr.state.md.us/finance/>.*

## **NOTICE OF FORECLOSURE ACTION**

[Owner-Occupied - Prefile Mediation - Mediation Agreement]

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

**A foreclosure sale of this property may occur as soon as 15 days from this notice**

**\*\*Check the mediation agreement you received at the mediation session to confirm that no further mediation was provided under the agreement.**

**\*\*If your mortgage company agreed to additional mediation in the prefile mediation agreement, contact [insert secured party contact person] immediately.**

We have included the **Final Loss Mitigation Affidavit** – this is a legal document completed by the mortgage company explaining why they have been unable to offer an alternative to foreclosure.

**YOU ARE NOT ALONE. THERE ARE FREE RESOURCES AVAILABLE IN MARYLAND.**

**TO ACCESS FREE HOUSING COUNSELING SERVICES,  
CALL THE MARYLAND HOPE HOTLINE AT  
1-877-462-7555 OR GO TO [WWW.MDHOPE.ORG](http://WWW.MDHOPE.ORG)**

If you have funds available to bring your loan current, contact [insert contact person to provide reinstatement figure and instructions to reinstate the loan] before sending any money to your mortgage company. When you call, ask for the amount needed to reinstate your loan.

**Beware of anyone offering to “save” your home or requesting an upfront fee before providing assistance.** This is illegal in the State of Maryland. *If you believe you have been a victim of a scam, please contact Maryland's office of the Commissioner of Financial Regulation by calling 410-230-6077 or visiting <http://www.dllr.state.md.us/finance/>.*

## **NOTICE OF FORECLOSURE ACTION**

[Not Owner-Occupied]

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

**A foreclosure sale of this property may occur as soon as 45 days from this notice.**

If you have not done so already, you should contact your mortgage company immediately! Programs may be available through your mortgage company to prevent foreclosure, but you MUST ACT NOW!

If you have funds available to bring your loan current, contact [insert contact person to provide reinstatement figure and instructions to reinstate the loan] before sending any money to your mortgage company. When you call, ask for the amount needed to reinstate your loan.

**Beware of anyone offering to “save” your residential property or requesting an upfront fee before providing assistance.** This is illegal in the State of Maryland. *If you believe you have been a victim of a scam, please contact Maryland's office of the Commissioner of Financial Regulation by calling 410-230-6077 or visiting <http://www.dllr.state.md.us/finance/>.*



**SECURED PARTY PREFILE FORECLOSURE MEDIATION  
REPORT TO OFFICE OF ADMINISTRATIVE HEARINGS**

Mortgage Loan Servicer: \_\_\_\_\_

Name of Borrower: \_\_\_\_\_

Loan Number: \_\_\_\_\_

Property Address: \_\_\_\_\_

**Mortgage Loan Servicer**

Name: \_\_\_\_\_  
LAST FIRST MI

Address: \_\_\_\_\_

\_\_\_\_\_ Zip \_\_\_\_\_

Telephone No.: \_\_\_\_\_

**Billing Contact Information**

Name: \_\_\_\_\_  
LAST FIRST MI

Address: \_\_\_\_\_

\_\_\_\_\_ ZIP \_\_\_\_\_

Telephone No. : \_\_\_\_\_

**Borrower(s) and Borrower's Attorney (if applicable)**

(#1) Name: \_\_\_\_\_  
LAST FIRST MI

Address: \_\_\_\_\_

\_\_\_\_\_ Zip \_\_\_\_\_

Telephone No.: \_\_\_\_\_

(#2) Name: \_\_\_\_\_  
LAST FIRST MI

Address: \_\_\_\_\_

\_\_\_\_\_ Zip \_\_\_\_\_

Telephone No.: \_\_\_\_\_

(#3) Name: \_\_\_\_\_  
LAST FIRST MI

Address: \_\_\_\_\_

\_\_\_\_\_ Zip \_\_\_\_\_

Telephone No.: \_\_\_\_\_

(#4) Name: \_\_\_\_\_  
LAST FIRST MI

Address: \_\_\_\_\_

\_\_\_\_\_ Zip \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Mail or fax within five (5) business days after receipt of the borrower Prefile Mediation Application to:

**OFFICE OF ADMINISTRATIVE HEARINGS  
ADMINISTRATIVE LAW BUILDING  
11101 GILROY ROAD, UNIT A/CLERK'S OFFICE  
HUNT VALLEY, MARYLAND 21031  
(410) 229-4246 Fax: (410) 229-4266  
MD RELAY: 711 Toll Free (800) 388-8805**



# PREFILE FORECLOSURE MEDIATION INSTRUCTIONS



## Requirements For Document Exchange And Important Information Regarding Proceedings

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### IMPORTANT NOTICE ABOUT YOUR APPLICATION FOR PREFILE FORECLOSURE MEDIATION:

You must send a packet including the following documents, if applicable, to both your lender's counsel and the Office of Administrative Hearings (OAH) at least 20 days prior to mediation. These instructions describe the documents and information you are required to provide and how and when they must be provided. Remember, if it is income, you must document it.

**NOTE: IF YOU HAVE ALREADY SUBMITTED DOCUMENTS TO THE OFFICE OF ADMINISTRATIVE HEARINGS, YOU SHOULD NOT SEND A DUPLICATE COPY OF THE DOCUMENTS.**

**1. The borrower(s) shall provide a copy of:**

- Your completed Prefile Foreclosure Mediation Application,
- Loss mitigation application(s) for mortgage assistance, as provided by the lender to you. Complete all sections. Make sure the application is completed for all borrowers on the loan. (If you wish to have any income of a non-borrower occupant considered, please see "Contributor" below),
- 30 days of pay stubs (consecutive) for any W2 income,
- Cumulative Year-to-Date Profit and Loss statement (signed and dated) for any non-W2 income **and** 60 days of bank statements showing receipt of this income; Example: <http://www.makinghomeaffordable.gov/get-started/request-modification/Documents/sample%20profit%20and%20loss%20statement.pdf>,
- Most recent award letter for any social security, pension, disability, or other payments **and** 60 days of bank statements showing receipt of this income,
- Rental agreements for any rental income received **and** 60 days proof of receipt, e.g., bank statements or cancelled checks,
- 4506T for last two tax years,
- Most recently filed federal tax return, signed and dated,

- Extension form if most recent year's tax return not filed,
- Hardship letter explaining reason for the default, signed and dated by all borrowers,
- Any previous loan modifications, and
- The most recent statement for any other loan you may have on your property, such as a home equity loan or second mortgage, showing the name, mailing address, and telephone number of the lender(s) in question.

IF YOU HAVE ANY QUESTIONS ABOUT HOW TO COMPLETE THESE DOCUMENTS, PLEASE CALL YOUR LENDER FOR ASSISTANCE OR SEE THE MAKING HOME AFFORDABLE WEBISTE AT [WWW.MAKINGHOMEAFFORDABLE.GOV](http://WWW.MAKINGHOMEAFFORDABLE.GOV).

Contributor - If you want the lender to consider a non-borrower occupant's income, please include the following:

- Contribution letter (signed and dated) stating the relationship to the borrower, the monthly amount contributed to the household, and how long the contribution will continue,
- Utility bill with contributor's name and address on it, and
- 30 days of pay stubs or signed and dated profit and loss.

NOTE: Documents verifying income, including pay stubs, profit and loss statements, and bank statements, may expire as early as 30 days after submission to your lender. If requested by your lender, please continue to send updated documents to your lender to keep your financial information current.

**2. The lender, or representative of the lender, shall provide to OAH and borrower(s) if not already provided:**

- name and contact information (telephone number, mailing and e-mail address) of the individual(s) who will represent the secured party at the foreclosure mediation and will either have authority to settle or be able to readily contact someone with authority to settle the matter at foreclosure mediation (only need to provide to OAH),
- Notice of Intent to Foreclose,
- borrower(s)' payment history,
- correspondence log of account activities, including servicer contacts with borrower(s), from the time the loan went into default until the date of submission, and

- separately as to each loss mitigation option considered for the borrower(s), documentation of the basis for denial including:
  - the specific data inputs and their sources
  - an explanation of each specific factor relied upon
  - relevant portion(s) of investor guidelines
  - property valuation, if any

### **3. Timing/Method of Sending.**

Documents and information required to be provided to the other party and to the Office of Administrative Hearings must be by one of the following methods at the times indicated:

- First-class U.S. mail, postage paid – send no later than 23 days before the scheduled date of the foreclosure mediation.
- Next-day air service or hand delivery – ensure delivery no later than 20 days before the scheduled date of the foreclosure mediation.
- By electronic delivery as directed by the Office of Administrative Hearings.

### **4. Newly Acquired Documents or Information.**

If you get new information or documents after the initial disclosure, use the following instructions to disclose:

- If the new documents or information are obtained seven or more days prior to the scheduled date of the foreclosure mediation, the party obtaining the new material shall deliver to the other party and the Office of Administrative Hearings the newly obtained documents or information within one day of receipt by sending the materials by first class U.S. mail, postage paid, or by sending via a next-day air service or hand delivery.
- If the new documents or information are obtained six or fewer days prior to the scheduled date of the foreclosure mediation, the party obtaining the new material shall deliver it to the other party by facsimile or hand delivery and to the Office of Administrative Hearings at the time of the foreclosure mediation.

### **5. Addresses.**

- The borrower(s) shall send all required documents and information to the lender, or representative of the lender, at the address the lender, or representative of the lender indicated in the Instructions to the Application for Prefile Mediation.

- The lender, or representative of the lender, shall send all required documents and information to the borrower(s) at the borrower(s) address set forth on the Application for Prefile Foreclosure Mediation completed by the borrower(s).

- Each party shall send all required documents to:

Maryland Office of Administrative Hearings  
Attn: Foreclosure Unit  
11101 Gilroy Road  
Hunt Valley, Maryland 21031

## **6. Bring Documents to the Foreclosure Mediation**

**Prior to the prefile mediation, the borrower is required to participate in housing counseling. The borrower is required by law to bring to the mediation session the housing counseling certificate, signed by the housing counselor who has provided housing counseling services to the borrower.** Each party shall bring copies of all documents they have provided to the other party to the scheduled foreclosure mediation.

## **7. Other Important Information Regarding Foreclosure Mediation**

- Authority to Settle:

The person representing the secured party must have authority to settle or be able to readily contact a person with authority to settle the matter.

- Postponement Rules:

(a). A request for postponement shall be considered only if the party requesting the postponement establishes good cause for the postponement.

(b). Except as provided in paragraph (d) below, a request for postponement shall be made in writing and filed with the Office of Administrative Hearings and mailed to the other party not less than five days before the scheduled foreclosure mediation.

(c). Documentation of the reasons for the postponement may be required from the party making the request.

- (d). Emergency Request for Postponement:

i. For purposes of this paragraph, "emergency" means a sudden, unforeseen occurrence requiring immediate attention that arises within five days of the foreclosure mediation date.

ii. In an emergency, a request for postponement may be made by telephone.

(e). When practicable, all parties to the proceeding shall be contacted before a ruling on a postponement request is made by the Office of Administrative Hearings.

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***IF YOU HAVE QUESTIONS REGARDING THIS MATTER,  
CALL THE OAH, FORECLOSURE UNIT, AT 410-229-4246***





# BORROWER(S) INFORMATION WORKSHEET

(FORM TO BE SUBMITTED WITH DOCUMENT EXCHANGE)



OAH Case Number: \_\_\_\_\_ Name of Borrower(s): \_\_\_\_\_

**A. Household Expenses**

Fixed Monthly Expenses	Payment
Mortgage	\$
Second Mortgage	\$
Condo/Homeowner Association Fees	\$
Gas and Electric	\$
Heating Oil	\$
Water and Sewer	\$
Phone	\$
Car Payment 1	\$
Car Payment 2	\$
Auto Insurance	\$
Life Insurance	\$
Medical Insurance	\$
Alimony/Child Support	\$
Alarm System	\$
Property Taxes/Insurance	\$
Other/Credit Card Payment(s) from Section E	\$
<b>Sub-Total</b>	<b>\$</b>

Variable Monthly Expenses	Payment
Groceries	\$
Eating Out	\$
Gas	\$
Bus/Taxi/Parking Fees	\$
Car Repairs	\$
Toiletries/Hair Care	\$
Medical Expenses	\$
Day Care/Babysitters	\$
Internet/Cable Television	\$
Clothing/Laundry	\$
Cigarettes/Alcohol	\$
Church/Charity	\$
Entertainment/Lottery	\$
Pet care/food	\$
Cell Phone	\$
Tuition/Education	\$
Other	\$

**B. Your Monthly Income**

Gross Income	Net Income (after taxes and deductions)
\$	\$

**C. Spouse/Partner's Monthly Income**

Gross Income	Net Income (after taxes and deductions)
\$	\$

**D. Other Household Monthly Income**

Gross Income	Net Income (after taxes and deductions)
\$	\$

**E. Credit Cards and Other Debt**

Creditor Name	Payment	Balance
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
<b>Total</b>	<b>\$</b>	<b>\$</b>

**F. Surplus/Deficit**

Total Net Monthly Household Income (B+C+D)	\$
- Total Monthly Expenses (A)	\$
<b>= Monthly Surplus/Deficit</b>	<b>\$</b>

<b>Sub-Total</b>	<b>\$</b>
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<b>Total Monthly Expenses</b>	<b>\$</b>
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# **FORECLOSURE MEDIATION INSTRUCTIONS**

## **Requirements For Document Exchange And Important Information Regarding Proceedings**



### **IMPORTANT NOTICE ABOUT YOUR APPLICATION FOR FORECLOSURE MEDIATION:**

Send a packet including the following documents, if applicable, to both your lender's counsel and the OAH at least 20 days prior to mediation. These instructions describe the documents and information you are required to provide and how and when they must be provided. Remember, if it is income, you must document it.

**NOTE: IF YOU HAVE ALREADY SUBMITTED DOCUMENTS TO THE OFFICE OF ADMINISTRATIVE HEARINGS, YOU SHOULD NOT SEND A DUPLICATE COPY OF THE DOCUMENTS.**

**1. The borrower(s) shall provide a copy of:**

- Your completed Request for Foreclosure Mediation,
- Loss mitigation application(s) for mortgage assistance, as provided by the lender to you. Complete all sections. Make sure the application is completed for all borrowers on the loan. (If you wish to have any income of a non-borrower occupant considered, please see "Contributor" below),
- 30 days of pay stubs (consecutive) for any W2 income,
- Cumulative Year-to-Date Profit and Loss statement (signed and dated) for any non-W2 income **and** 60 days of bank statements showing receipt of this income; Example: <http://www.makinghomeaffordable.gov/get-started/request-modification/Documents/sample%20profit%20and%20loss%20statement.pdf>,
- Most recent award letter for any social security, pension, disability, or other payments **and** 60 days of bank statements showing receipt of this income,
- Rental agreements for any rental income received **and** 60 days proof of receipt, e.g., bank statements or cancelled checks,
- 4506T for last two tax years,
- Most recently filed federal tax return, signed and dated,
- Extension form if most recent year's tax return not filed,

- Hardship letter explaining reason for the default, signed and dated by all borrowers,
- Any previous loan modifications, and
- The most recent statement for any other loan you may have on your property, such as a home equity loan or second mortgage, showing the name, mailing address, and telephone number of the lender(s) in question.

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Contributor - If you want the lender to consider a **non-borrower occupant's** income, please include the following:

- Contribution letter (signed and dated) stating the relationship to the borrower, the monthly amount contributed to the household, and how long the contribution will continue,
- Utility bill with contributor's name and address on it, and
- 30 days of pay stubs or signed and dated profit and loss.

NOTE: Documents verifying income, including pay stubs, profit and loss statements, and bank statements, may expire as early as 30 days after submission to your lender. If requested by your lender, please continue to send updated documents to your lender to keep your financial information current.

**2. The lender, or representative of the lender, shall provide to OAH and borrower(s) if not already provided:**

- borrower(s)' Loss Mitigation Application (only need to provide to OAH),
- name and contact information (telephone number, mailing and e-mail address) of the individual(s) who will represent the secured party at the foreclosure mediation and will either have authority to settle or be able to readily contact someone with authority to settle the matter at foreclosure mediation (only need to provide to OAH),
- Notice of Intent to Foreclose,
- Order to Docket (including attachments),
- Final Loss Mitigation Affidavit,

- borrower(s)' payment history,
- correspondence log of account activities, including servicer contacts with borrower(s), from the time the loan went into default until the date of submission, and
- separately as to each loss mitigation option considered for the borrower(s), documentation of the basis for denial including:
  - the specific data inputs and their sources
  - an explanation of each specific factor relied upon
  - relevant portion(s) of investor guidelines
  - property valuation, if any.

### **3. Timing/Method of Sending.**

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- By electronic delivery as directed by the Office of Administrative Hearings.

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If you get new information or documents after the initial disclosure, use the following instructions to disclose:

- If the new documents or information are obtained seven or more days prior to the scheduled date of the foreclosure mediation, the party obtaining the new material shall deliver to the other party and the Office of Administrative Hearings the newly obtained documents or information within one day of receipt by sending the materials by first class U.S. mail, postage paid, or by sending via a next-day air service or hand delivery.
- If the new documents or information are obtained six or fewer days prior to the scheduled date of the foreclosure mediation, the party obtaining the new material shall deliver it to the other party by facsimile or hand delivery and to the Office of Administrative Hearings at the time of the foreclosure mediation.

### **5. Addresses.**

- The borrower(s) shall send all required documents and information to the lender, or representative of the lender, at the address the lender, or representative of the lender, set forth in the Final Loss Mitigation Affidavit filed with the court.



- The lender, or representative of the lender, shall send all required documents and information to the borrower(s) at the borrower(s) address set forth on the Request for Foreclosure Mediation form completed by the borrower(s).

- Each party shall send all required documents to:

Maryland Office of Administrative Hearings  
Attn: Foreclosure Unit  
11101 Gilroy Road  
Hunt Valley, Maryland 21031

## **6. Bring Documents to the Foreclosure Mediation**

Each party shall bring copies of all documents they have provided to the other party to the scheduled foreclosure mediation.

## **7. Other Important Information Regarding Foreclosure Mediation**

- Authority to Settle:

The person representing the secured party must have authority to settle or be able to readily contact a person with authority to settle the matter.

- Postponement Rules:

(a). A request for postponement shall be considered only if the party requesting the postponement establishes good cause for the postponement.

(b). Except as provided in paragraph (d) below, a request for postponement shall be made in writing and filed with the Office of Administrative Hearings and mailed to the other party not less than five days before the scheduled foreclosure mediation.

(c). Documentation of the reasons for the postponement may be required from the party making the request.

(d). Emergency Request for Postponement:

i. For purposes of this paragraph, "emergency" means a sudden, unforeseen occurrence requiring immediate attention that arises within five days of the foreclosure mediation date.

ii. In an emergency, a request for postponement may be made by telephone.

(e). When practicable, all parties to the proceeding shall be contacted before a ruling on a postponement request is made by the Office of Administrative Hearings.

---

***IF YOU HAVE QUESTIONS REGARDING THIS MATTER,  
CALL THE OAH, FORECLOSURE UNIT, AT 410-229-4246***



# BORROWER(S) INFORMATION WORKSHEET

(FORM TO BE SUBMITTED WITH DOCUMENT EXCHANGE)

OAH Case Number: \_\_\_\_\_ Name of Borrower(s): \_\_\_\_\_

### A. Household Expenses

Fixed Monthly Expenses	Payment
Mortgage	\$
Second Mortgage	\$
Condo/Homeowner Association Fees	\$
Gas and Electric	\$
Heating Oil	\$
Water and Sewer	\$
Phone	\$
Car Payment 1	\$
Car Payment 2	\$
Auto Insurance	\$
Life Insurance	\$
Medical Insurance	\$
Alimony/Child Support	\$
Alarm System	\$
Property Taxes/Insurance	\$
Other/Credit Card Payment(s) from Section E	\$
<b>Sub-Total</b>	<b>\$</b>

Variable Monthly Expenses	Payment
Groceries	\$
Eating Out	\$
Gas	\$
Bus/Taxi/Parking Fees	\$
Car Repairs	\$
Toiletries/Hair Care	\$
Medical Expenses	\$
Day Care/Babysitters	\$
Internet/Cable Television	\$
Clothing/Laundry	\$
Cigarettes/Alcohol	\$
Church/Charity	\$
Entertainment/Lottery	\$
Pet care/food	\$
Cell Phone	\$
Tuition/Education	\$
Other	\$

### B. Your Monthly Income

Gross Income	Net Income (after taxes and deductions)
\$	\$

### C. Spouse/Partner's Monthly Income

Gross Income	Net Income (after taxes and deductions)
\$	\$

### D. Other Household Monthly Income

Gross Income	Net Income (after taxes and deductions)
\$	\$

### E. Credit Cards and Other Debt

Creditor Name	Payment	Balance
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
<b>Total</b>	<b>\$</b>	<b>\$</b>

### F. Surplus/Deficit

Total Net Monthly Household Income (B+C+D)	\$
- Total Monthly Expenses (A)	\$
<b>= Monthly Surplus/Deficit</b>	<b>\$</b>

<b>Sub-Total</b>	<b>\$</b>
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<b>Total Monthly Expenses</b>	<b>\$</b>
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Office of Administrative Hearings  
11101 Gilroy Road  
Hunt Valley, Maryland 21031  
Phone: (410) 229-4246 Fax: 229-4266  
MD RELAY: 711 Toll Free: (800)388-8805

## Foreclosure Mediation Checklist - Profile Mediation

OAH Case Number : \_\_\_\_\_ Secured Party: \_\_\_\_\_  
Mediation Date/Time: \_\_\_\_\_ Borrower: \_\_\_\_\_  
Loan No. (if available): \_\_\_\_\_ Servicer: \_\_\_\_\_  
Additional parties present: \_\_\_\_\_  
\_\_\_\_\_

### PART I - PRELIMINARY MATTERS

- Housing Counseling**
  - Certification of housing counseling services received.
  - No certification of housing counseling services received. Check below, as applicable.
    - Secured party accepted certification executed by borrower(s). See attached form.
    - Secured party waived housing counseling certification. See attached form.
- Borrower represented by attorney at mediation:**
  - Yes
  - No

### PART II - OPTIONS FOR RESOLUTION

- Retention**
  - Modification
  - Repayment plan
  - Refinance
  - Reinstatement
  - Forbearance
  - Other \_\_\_\_\_
- Liquidation (Tax implications discussed for each option)**
  - Sale/Short Sale
  - Deed in Lieu of Foreclosure
  - Friendly Foreclosure
  - Cash for Keys/Property Rent-Back
  - Other \_\_\_\_\_

- Deficiency Balance**
- Further mediation - preservation of additional or postfile mediation**

---

Borrower #1

---

Secured Party

---

Borrower #2

---

Representative of Secured Party

---

Other Party

---

Other Party



Office of Administrative Hearings  
11101 Gilroy Road  
Hunt Valley, Maryland 21031  
Phone: (410) 229-4246 Fax: 229-4266 MD RELAY: 711 Toll Free: (800)388-8805

**Foreclosure Mediation Checklist - Postfile Mediation**

OAH Case Number: \_\_\_\_\_ Secured Party: \_\_\_\_\_  
Mediation Date/Time: \_\_\_\_\_ Borrower: \_\_\_\_\_  
Servicer: \_\_\_\_\_  
Additional parties present: \_\_\_\_\_

**PART I - PRELIMINARY MATTERS**

- Borrower represented by attorney at mediation:**
  - Yes
  - No

**PART II - OPTIONS FOR RESOLUTION**

- Retention**
  - Modification
  - Repayment plan
  - Refinance
  - Reinstatement
  - Forbearance
  - Other \_\_\_\_\_

- Liquidation** [tax implications explained]
  - Sale/Short Sale
  - Deed in Lieu of Foreclosure
  - Friendly Foreclosure
  - Cash for Keys/Property Rent-Back
  - Other \_\_\_\_\_

- Deficiency Balance**

\_\_\_\_\_  
Borrower #1

\_\_\_\_\_  
Secured Party

\_\_\_\_\_  
Borrower #2

\_\_\_\_\_  
Representative of Secured Party

\_\_\_\_\_  
Other Party

\_\_\_\_\_  
Other Party

Office of Administrative Hearings  
11101 Gilroy Road  
Hunt Valley, Maryland 21031  
Phone: (410) 229-4246 Fax: 229-4266  
MD RELAY: 711 Toll Free: (800)388-8805

Borrower Certification of Housing Counseling

OAH Case Number: \_\_\_\_\_  
Foreclosure Mediation Date/Time: \_\_\_\_\_  
Name of Secured Party: \_\_\_\_\_  
Name of Borrower: \_\_\_\_\_  
Loan No.: \_\_\_\_\_

I/We certify that we participated in housing counseling on [insert date] with [insert name of housing counselor].

Borrower: \_\_\_\_\_

\_\_\_\_\_  
Borrower: \_\_\_\_\_

Office of Administrative Hearings  
11101 Gilroy Road  
Hunt Valley, Maryland 21031  
Phone: (410) 229-4246 Fax: 229-4266  
MD RELAY: 711 Toll Free: (800)388-8805

Secured Party Waiver of Housing Counseling

OAH Case Number: \_\_\_\_\_  
Foreclosure Mediation Date/Time: \_\_\_\_\_  
Name of Secured Party: \_\_\_\_\_  
Name of Borrower: \_\_\_\_\_  
Loan No.: \_\_\_\_\_

[NAME OF SECURED PARTY] waives the receipt of housing counseling certification.

\_\_\_\_\_  
Secured Party  
Name: \_\_\_\_\_  
Position: \_\_\_\_\_

or

\_\_\_\_\_  
Representative of Secured Party  
Name: \_\_\_\_\_  
Position: \_\_\_\_\_