

## WHY YOU MIGHT WANT MEDIATION

Mediation is an opportunity for you and the plaintiff/lender to reach an agreement that resolves the foreclosure action. In some cases, the agreement allows the homeowners to keep their home.

**What is mediation?** The Judge appoints a mediator who is a neutral third party to meet with you and the lender. The mediator makes no decisions but encourages communication and tries to ensure that both parties understand each other. After the mediation is completed, the mediator reports to the Court the nature of the agreement or that no agreement was reached.

**How do you request mediation?** Attached to the summons is a form titled “REQUEST FOR MEDIATION”. File this simple form with the Clerk of Courts on the second floor of the Courthouse, 100 North Main Street, Marion, Ohio 43302.

IF YOU DO NOT FILE THIS REQUEST, AN ANSWER, OR ANOTHER PLEADING WITHIN 28 DAYS OF THE FIRST TIME YOU ARE SERVED WITH THE COURT PAPERS, THE PLAINTIFF/LENDER MAY BE GRANTED JUDGMENT BY DEFAULT.

**What does mediation cost?** Per Local Rules, the fee for mediation is \$200. If the Court orders mediation, the defendant/homeowners shall make a deposit of \$100.00, and the plaintiff/lender shall make a deposit of \$100.00 with the Clerk of Courts.

### How do you prepare for Mediation?

1. Stay in your home. Neither the lender nor the community wants to have another abandoned home.
2. Read your mail and answer your phone so that you can respond to the requested information.
3. You may contact one of the FREE housing resources listed below prior to mediation:

**Ohio Legal Help:** [ohiolegalhelp.org](http://ohiolegalhelp.org)

**WSOS Community Action Commission, Inc.** 1518 E. County Road 113 Green Springs, Ohio 44836, (419) 639-2802

4. Prepare and submit the forms and documents requests by your lender, so you can be considered for a loan modification or another favorable outcome. Keep a complete copy of whatever you send to the lender. Expect to be asked to update paystubs, bank statements and current utility bills.
5. You may qualify for free legal assistance. Apply by calling the Legal Aid Society of Columbus, Marion Office at (740) 383-2161

## Marion County Common Pleas Court Local Rule

### Rule 223: Foreclosure Mediation

- (a) “Foreclosure Mediation” means mediation in a case where judicial sale or transfer of real estate is part of the requested relief in the case.
- (b) “Mediator” means an individual who conducts the mediation or dispute resolution.
- (c) Cases may be referred for foreclosure mediation if a party requests mediation and files the appropriate deposit with the Court. A deposit of \$200 shall be deposited, \$100 by the Party requesting the mediation, and \$100 by the opposing party.
- (d) County initiated foreclosures for delinquent taxes shall not be subject to mediation unless the moving party can demonstrate that the County has not been willing to act in good faith, and that mediation would have a reasonable probability of resolving the case. The Treasurer, not wishing to offer a subsequent payment plan after complying with R.C. 323.31 is not a failure of good faith for purposes of this rule.
- (e) The Mediator shall be entitled to the \$100 after mediation is initiated, even if a settlement is reached prior to the mediation being held.

### Rule 224: Procedure in Foreclosure Mediation

If, in accordance with all applicable provisions of this rule, a case is deemed appropriate, mediation will be scheduled.

- (a) Pre-Screening: A mediator may meet with the parties individually prior to bringing the parties together for any reason including but not limited to further screening.
- (b) Referral to outside resources: The efforts of the mediator shall not be construed as legal advice. The Court may have materials for legal or other support services available in the community. The mediator is authorized to provide such resource information, but such distribution shall not be construed as a recommendation of or referral to such resources. The recipient of the information is charged with the duty to evaluate those resources independently.

- (c) **Participation, Duties of Attorneys/Parties:** All parties shall act in good faith and comply with the “Uniform Mediation Act” (Ohio Revised Code Chapter 2710)
- (d) **Confidentiality/Privilege:** All mediation communications related to or made during the mediation process are subject to and governed by the “Uniform Mediation Act” (Ohio Revised Code Chapter 2710), the Rule of Evidence, and any other pertinent rules.
- (e) **Mediator Conflicts of Interest:** The mediator shall disclose any conflicts that may affect the mediator’s impartiality as soon as they become known to the mediator.
- (f) **Termination:** If the mediator determines that further mediation efforts would be of no benefit to the parties, he or she shall inform all interested parties that the mediation is terminated.
- (g) **Stay of Proceedings:** All court orders shall remain in effect. No order is stayed or suspended during mediation process unless ordered by the Court.
- (h) **Mediator Report:** At the conclusion of the mediation (and in compliance with R.C. 2710.06), the Court shall be informed by the mediator of the status of the mediation, including all of the following: whether the mediation occurred or was it terminated; whether a settlement was reached on some, all or none of the issues; attendance of the parties; and future mediation session(s), including the date and time.

IN THE COURT OF COMMON PLEAS FOR MARION COUNTY, OHIO  
GENERAL DIVISION

Judge \_\_\_\_\_

Marion County Courthouse  
100 North Main Street  
Marion, Ohio 43302

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

**REQUEST FOR MEDIATION**

I am (We are) the homeowner(s)/defendant(s) in this case and I (we) do respectfully request the opportunity to mediate with the Plaintiff/Lender.

\_\_\_\_\_  
Homeowner/Defendant's signature

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

\_\_\_\_\_  
Co-Homeowner/Co-Defendant's Signature

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

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

City, Ohio Zip \_\_\_\_\_

Phone Number: \_\_\_\_\_