

Florida



American Arbitration Association

Residential Mortgage
Mediation Program

Frequently Asked Homeowner Questions

Who is the 12th Judicial Circuit Residential Mortgage Mediation (RMM) Program Manager?

The American Arbitration Association has been appointed by Florida's 12th Judicial Circuit and are working together to offer the RMM program for Homeowners and Lenders in the 12th Judicial Circuit of Florida. Our program is conducted in accordance with Administrative Order 2016-5.1 issued by Chief Judge Charles E. Williams, Jr. This program provides court ordered and voluntary Residential Mortgage Foreclosure Mediation for homes (homesteaded and non-homesteaded) located in Sarasota, Manatee, and Desoto Counties.

Are there any fees/costs I have to pay for participating in this program?

Your Lender has paid \$225 as the first half of the RMM mediation fee, and as a Homeowner, you must pay a nonrefundable \$225 as the other half of the mediation fee, if you elect to participate in mediation.

What is mediation?

Mediation is a process to help you and your Lender exchange information and participate in mediation. In mediation, you have a chance to talk with each other with the help of an impartial mediator and try to find a solution that is acceptable to you both. The mediator does not make a decision in the case and there will only be a settlement if you and your Lender voluntarily agree. Discussions and documents disclosed in mediation are generally confidential and inadmissible in court except where disclosure is required or permitted by law.

Why should I participate and what are the benefits of the RMM Program?

The RMM program creates an opportunity for you to meet and exchange information with your Lender, possibly avoiding foreclosure, with the assistance of an impartial mediator. The benefits of mediation are many:

- You and your Lender both control the outcome;
- You may request an affordable, certified foreclosure counselor who can provide valuable information on a variety of foreclosure avoidance options and help prepare you for the mediation;
- You can receive information from your Lender regarding your mortgage;
- You have an opportunity for direct communication with your Lender to discuss your current financial situation
- A mediator will assist you and your Lender to explore alternatives to foreclosure.
- You will have a chance to learn about other types of settlement options
- Discussions in mediation are confidential to the extent provided by law.

What kind of resolutions can be achieved in the mediation process?

An experienced mediator can help you and your Lender find mutually agreeable, creative solutions such as Mortgage Modification, Short Sale of Property, Deed in Lieu of Foreclosure, Temporary Rate Reduction, Foreclosure Followed by Leaseback and Option to Purchase, or other options.

I am a Homeowner who has been named in a foreclosure case that has been referred to the RMM Program, what should I do?

There are strict timelines established by the court, therefore, you should contact the Program Manager at **855-481-6644 (Fax 877-395-1389)** to learn more about the program or begin the process. You can also email us at **12thCircuitRMM@adr.org** or mail a written request to participate to **RMM Manager, Miami Regional Office, 100 SE 2nd St., Ste. 2300, Miami, FL 33131**. You can find more information on our websites at **www.mortgagemediation.org** and **www.mediate.crc.usf.edu**.

Where can I find the court forms for this program?

The 12th Judicial Circuit Court has posted the current RMM Program forms at:

<https://www.jud12.flcourts.org/ProgramsServices/ForeclosureHome/ManagedMediationProgram.aspx>

What are your rights and responsibilities as a Homeowner?

As specified in the Twelfth Judicial Circuit's Administrative Order 2016-5.1, this court-authorized program includes a number of rights and responsibilities for Homeowners:

- You have the right to representation by an attorney in mediation.. You may hire a private attorney or apply for a volunteer attorney run by lawyer referral, legal services and legal aid programs within their community. A list of these services and contact information is posted on www.mortgagemediation.org;
- You are responsible for cooperating with the RMM Center;
- You are responsible to attend any requested mediation session scheduled by the Florida Residential Mortgage Mediation Center;
- You have the right to bring language translators to the mediation at your own expense;
- You do not have to agree to any settlement proposal. Cases that do not reach an agreement in mediation will be sent back to court.

Who are the mediators?

Mediators are impartial Florida Supreme Court Certified Circuit Civil Mediators who are specially trained in mediating residential mortgage foreclosure matters. A list of mediators is maintained by the Program Manager.

Is the mediation confidential?

Mediation communications are confidential, except where required or permitted by law. Generally these communications may not be introduced in court or discussed with people who were not in the mediation, other than a party's attorney unless all parties agree.

What happens if I decline to participate?

If you do not want to participate in the RMM program, or if the Program Manager is unable to contact you, the Program Manager must file a Notice of Borrower's Nonparticipation with the RMM program with the court, and the matter will be returned to court so that the foreclosure lawsuit can continue.

Do I need a lawyer in order to participate?

No, you do not have to be represented by an attorney to participate. However, an attorney may be helpful since the mediation process frequently involves disputes about legal rights. Whether or not you choose to retain an attorney to represent you in mediation is entirely your decision.

If you do not have an attorney and wish to be represented by an attorney in mediation, the Program Manager can provide information about available legal assistance, or you can find this information on www.mortgagemediation.org.

Who should attend the mediation session?

The following people are required to be physically present at the mediation session: the Lender's attorney; the Homeowner; and the Homeowner's attorney of record, if any, and the mediator. The Lender will also attend the mediation but may be allowed by the court to attend by telephone. If you hire a new attorney, it is important that you let the Program Manager know by calling **855-481-6644**, Faxing **877-395-1389** or emailing **12thCircuitRMM@adr.org**, or mail a written request to participate to **RMM Manager, Miami Regional Office, 100 SE 2nd St., Ste. 2300, Miami, FL 33131**.

What if I need a language translator?

You are responsible for providing your own language translator if you need one for the mediation. There are translation resources listed on www.mortgagemediation.org or you can ask the Program Manager to email a list of local translation services to you. Please be sure you let the Program Manager know, at least ten days in advance of mediation, if you will require a language translator.

What happens if we are unable to settle in mediation?

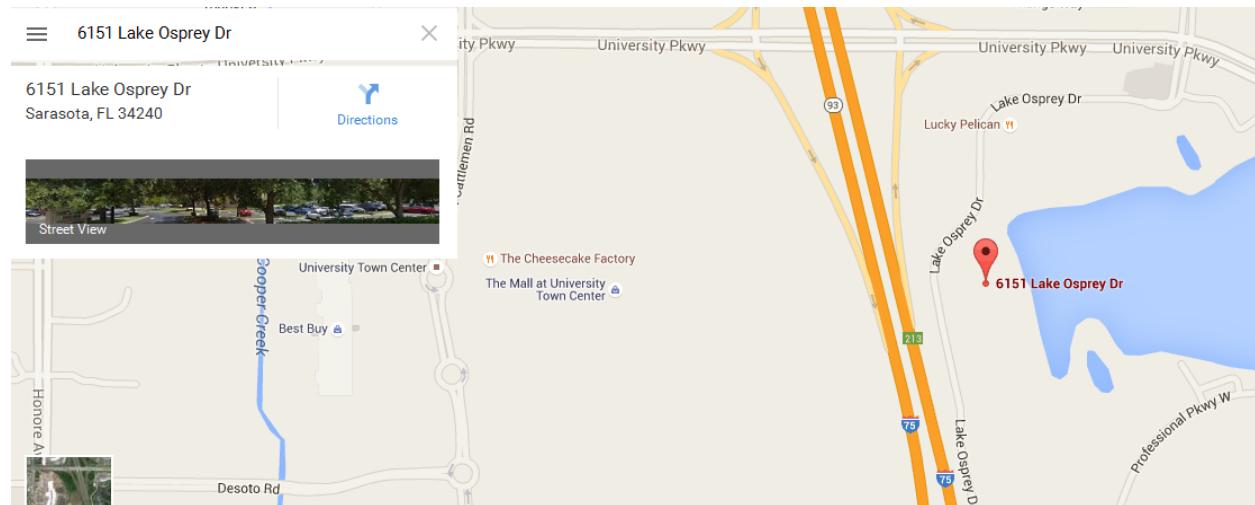
If you cannot settle at the initial two-hour mediation, you may agree to negotiate with your lender further on your own, or may ask the program manager and mediator to schedule a second session if you believe it will help. In a second mediation session, parties agree how to split the cost and pay the mediator directly. If not, then the case will be returned to the court so that the foreclosure lawsuit can continue.

How much time will the entire mediation process take?

The Court's Administrative Order 2016-5.1 requires that mediation be conducted within 60 days of the signed Order of Referral, so you and your Lender will have time to exchange information and prepare for mediation. Please visit www.mortgagemediation.org or www.myfloridamediator.com to view the Administrative Order, which contains a full timeline of the RMFM Program. The mediation is scheduled to last up to two hours.

Where will the mediation take place?

Mediations are conveniently scheduled at My Florida Mediator, Sarasota office, at 6151 Lake Osprey Drive, Suite 300, Sarasota, FL 34240-8405. Our mediation office address is listed below and you can select the following link to see a map: [6151 Lake Osprey Drive, Ste. 300, Sarasota, FL - Google Maps](https://www.google.com/maps/place/6151+Lake+Osprey+Dr,+Sarasota,+FL+34240-8405/@27.44111,-82.4255,17z)



If reasonable accommodation of a disability is needed, call 855-481-6644 at least ten working days in advance of mediation to make arrangements.