



## **How to Apply for Foreclosure Mediation** **(Superior Court of New Jersey - Chancery Division - General Equity)** **Who Should Use This Packet?**

You should complete this packet if you wish to participate in the court-sponsored foreclosure mediation program. Mediation does **NOT** stop a foreclosure action. Despite participating in mediation, the plaintiff can continue to proceed with the foreclosure action. Mediation is **only** available for cases that match the following criteria:

1. Mediation is available for those homes that are residential and have had their financial institutions file a foreclosure action against them. Mediation is **NOT** available for commercial mortgages, liens against the property from a Condominium and Homeowner Association or resulting from delinquent taxes or other municipal liens.
2. Foreclosure mediation can be requested up to 60 days after the service of the summons and complaint. Thereafter, homeowners will only be allowed into the program if they file a motion in the county where the foreclosure is filed, and a court order is issued permitting them to participate in the Foreclosure Mediation Program. For more information on filing a motion, see [How to File a Motion in a Foreclosure Case Before a Judge](#) (CN 11899) at [njcourts.gov](http://njcourts.gov). **Note:** If you have a court order permitting you to participate in mediation, attach a copy of the court order with the Mediation Request Statement.
3. The property in foreclosure must be the primary residence of the owner.
4. The mortgaged premises subject to foreclosure must be a one to four family dwelling.
5. **All** mortgage loan borrowers for the property must request mediation. Mediation is **NOT** available if all borrowers are not willing to participate.
6. The borrower is not in bankruptcy.
7. The borrower has retained the assistance of a trained foreclosure prevention and default mitigation counselor by contacting New Jersey Housing & Mortgage Finance Agency at 609-278-7508. **Note:** this assistance is provided at no cost.

If your case does **NOT** meet all of the above criteria, you are not eligible for foreclosure mediation. Please consult Court Rule 4:64-1B, which codifies eligibility and participation requirements.

### **Do NOT use this packet if:**

- You are an attorney. **Attorneys are not permitted to file by mail** and must file the *Mediation Request Statement* electronically through eCourts.

With limited exceptions, any paper filed with the court can be looked at by the public. You may only file documents on behalf of yourself. You may not file documents for anyone else. A Power of Attorney does not allow you to file on behalf of anyone else. Documents filed on behalf of anyone else will be returned.

**Note:** These materials have been prepared by the New Jersey Administrative Office of the Courts for use by self-represented litigants. The instructions and forms will be periodically updated as necessary to reflect current New Jersey statutes and court rules. The most recent version of the [forms](#) will be available on the Judiciary's Internet site [njcourts.gov](http://njcourts.gov). However, you are ultimately responsible for the content of your court papers.

**Submit completed forms to Superior Court Clerk's Office, Attn: Foreclosure Mediation, P.O. Box 971, 25 Market Street, Trenton, New Jersey 08625.**

## Things to Think About Before You Represent Yourself in Court

### Try to Get a Lawyer

**CAUTION: Some Foreclosure cases are very complex, and you should consider getting a lawyer.** The court system can be confusing, and it is a good idea to get a lawyer if you can. The law, the proofs necessary to present your case, and the procedural rules governing cases in the Chancery Division, General Equity Part are complex. Most likely, your opponent will be represented by a lawyer. It is recommended that you make every effort to obtain the assistance of a lawyer. If you cannot afford a lawyer, you may contact the legal services program in your county to see if you qualify for free legal services. Their telephone number can be found online under “Legal Aid” or “[Legal Services](#).” A Directory is also located online on [njcourts.gov](#).

If you do not qualify for free legal services and need help in locating an attorney, you may contact the bar association in your county. Most county bar associations have a [Lawyer Referral Service](#). The County Bar Lawyer Referral Service can supply you with the names of attorneys in your area willing to handle your particular type of case and will sometime consult with you at a reduced fee. There are also organizations of minority lawyers throughout New Jersey, as well as organizations of lawyers who handle specialized types of cases. Ask your county court staff for a list of lawyer referral services that include these organizations.

If you decide to proceed without an attorney, these materials explain the procedures that **must** be followed to have your papers properly filed and considered by the court. Failure to follow procedures can result in a delay with processing your documents.

These materials do not provide information on the law governing your claims or defenses; information on how to conduct pretrial discovery; information on alternative dispute resolution procedures, such as mediation, that may be available or required in your case; information on the kinds of evidence you need to prove your claims or defense at trial; or information on other procedural and evidentiary rules governing foreclosure actions.

### What You Should Expect If You Represent Yourself

While you have the right to represent yourself in court, you should not expect special treatment, help, or attention from the court. The following is a list of some things the court staff can and cannot do for you. Please read it carefully before asking the court staff for help.

- We *can* explain and answer questions about how the court works.
- We *can* tell you what the requirements are to have your case considered by the court.
- We *can* give you some information from your case file.
- We *can* provide you with samples of court forms that are available.
- We *can* provide you with guidance on how to fill out forms.
- We *can* usually answer questions about court deadlines.
- We *cannot* give you legal advice. Only your lawyer can give you legal advice.
- We *cannot* tell you whether or not you should bring your case to court.
- We *cannot* give you an opinion about what will happen if you bring your case to court.
- We *cannot* recommend a lawyer, but we can provide you with the telephone number of a local lawyer referral service.
- We *cannot* talk to the judge for you about what will happen in your case.
- We *cannot* let you talk to the judge outside of court.
- We *cannot* change an order issued by a judge.

### Keep Copies of All Papers

Make and keep copies of all completed forms and documents related to your case.

## Definitions of Words Used in This Packet

**Caption** - A *caption* is the name of the case; it lists the name of both the plaintiff(s) and the defendant(s). For example: ABC Mortgage Company, Plaintiff v. Mary Smith, Defendant.

**Certification** - A *certification* is statement that certain facts are true to the best of the knowledge of the person making the statement. It is like an affidavit but is not sworn before a notary or other authorized person.

**Complaint** - A *complaint* is a document in which the plaintiff tells the court the legal basis for the right to foreclose on the property.

**Contesting Answer** - A *contesting answer* is one that challenges the right of the lender to foreclose on the defendant's property. A contesting answer will be sent to a judge for a determination on the lender's right to foreclose.

**Defendant** - The *defendant* is the person being sued.

**Docket Number** - A *docket number* is the number the court assigns to a case so that it may be identified and located easily. You **must** include the docket number on all your communications regarding your case. **Note: Documents without a docket number cannot be filed.**

**File** - To *file* means to give the court the appropriate documents, forms and fees.

**Motion** - A *motion* is an application to the court for a specific order or ruling to be made in favor of the person making the motion (the movant).

**Non-contesting Answer** - A *non-contesting answer* is one that does not challenge with specificity the lender's right to foreclose on the defendant's property. A case with a non-contesting answer will not be sent to a judge for resolution but will be handled by the Office of Foreclosure in Trenton.

**Notice of Motion** - A *Notice of Motion* is the form used to inform the court and all opposing parties that the moving party is seeking a specific ruling or order from the court. A Notice of Motion must identify the courthouse where the motion will be heard (the courthouse in the county where the case is filed).

**Plaintiff** - The plaintiff is the person who files a complaint in a lawsuit.

**Pro se** - *Pro se* is a Latin term that means "on one's own behalf." A plaintiff or defendant in a lawsuit who does not have an attorney is said to be appearing *pro se*.

**Proof of Mailing** - *Proof of mailing* is the form in which you provide the dates and method you used to give the other parties copies of the papers that you filed in court.

**Redaction** - The censoring or obscuring of part of a text for legal or security purposes is called *redaction*. **Note:** Any documents received by the Clerk's Office will be processed and placed in the case jacket which, with limited exceptions, is available for public view.

**Service** - *Service* refers to the delivery of the complaint or any other paper in a suit to the other parties in the case. Formal legal service requires that the service be made by an authorized person or by mail or, in limited situations, by publication in a newspaper.

**Summons** - A *summons* is the paper that notifies the defendant that he or she is being sued and briefly explains the steps they need to take once they have received this notice.

**Venue** - The *venue* is the particular county in which a court with jurisdiction may hear and determine a case.

The numbered steps listed below tell you what forms you will need to fill out and what to do with them. Each form should be typed or printed clearly on 8 ½" x 11" white paper only. Forms may not be filed on a different size or color paper.

## Steps to Take to Apply for Foreclosure Mediation

### **STEP 1: Contact a trained foreclosure prevention and default mitigation counselor (this assistance is free of charge).**

Call 609-278-7508 and ask for the number of a housing counselor in your area certified by the Department of Housing & Urban Development (HUD) or visit the New Jersey Housing and Mortgage Finance Agency (NJHMFA) website at <http://www.njhousing.gov>.

Make an appointment to meet with the HUD certified housing counselor who will discuss your financial situation and offer potential options to help you retain your home.

### **STEP 2: Complete the *Mediation Request Statement (Form A)*.**

The *Mediation Request Statement* lists the name, property address and docket number of the foreclosure action. **Note:** If you have a court order permitting you to participate in Foreclosure Mediation, **attach a copy of the court order** with the *Mediation Request Statement*.

### **STEP 3: Prepare your papers for mailing.**

**Checklist** - You will need the following items:

- \_\_\_ The original *Mediation Request Statement* (if you have a court order permitting you to participate in mediation, be sure to attach it to the *Mediation Request Statement*.)
- \_\_\_ Review your papers to ensure all personal identifiers are redacted, (unless such personal identifiers are required to be included).
- \_\_\_ **Note: There is no fee to request foreclosure mediation.**

### **STEP 4: Mail or deliver your papers to the clerk's office for filing.**

Mail or deliver the **original** *Mediation Request Statement* to the Superior Court Clerk's Office at the address below. (Include a copy of the *Order for participation in foreclosure mediation*, if applicable). All papers sent to the clerk's office must have a have an **original, ink signature**.

Superior Court Clerk's Office  
Attn: Foreclosure Mediation  
P.O. Box 971  
25 Market Street  
Trenton, New Jersey 08625

If you mail the papers, we recommend that you use certified mail, return receipt requested.

### **STEP 5: You will be notified as to the result of the filing.**

Once you file the *Mediation Request Statement*, the clerk's office will review and determine whether the property is eligible for mediation. You will be notified of the outcome from the clerk's office.

**If you are approved for Foreclosure Mediation**, a letter will be sent from the Superior Court Clerk's Office advising you that the case has been accepted into the mediation program.

The Superior Court Clerk's Office will schedule the date and time of your first mediation session. **The date and time of your first mediation will appear in your acceptance letter.**

**All mediations are conducted by telephone.** You can have an attorney on the call if you want to, however attorney representation is not required.

Notify the Superior Court Clerk's Office with as much notice as possible if you require translation services or any other accommodation. Email [scco.mailbox@njcourts.gov](mailto:scco.mailbox@njcourts.gov) or call 609-421-6100 between the hours of 8:30am and 4:30pm, Monday through Friday.

**Note:** If the property **qualifies** for mediation and you have received a letter from the Superior Court Clerk's Office, continue to **STEP 6**. If the property does **NOT qualify** for mediation, follow the instructions in **STEP 7**.

### **STEP 6: What steps do I take if the property has been approved for foreclosure mediation?**

**Important:** Once you have been approved for mediation, you will no longer be working with the Superior Court Clerk's Office. Instead you will be working directly with the plaintiff's attorney.

If the case has been accepted, you must complete the [Foreclosure Mediation Checklist](#) (CN 11655) as well as the [Foreclosure Mediation Financial Worksheet](#) (CN 11269). Both of these forms can be found on the Office of Foreclosure web page, listed under Foreclosure Mediation Resources/[Foreclosure Mediation Forms](#).

After completing all of the steps and additional files with the above forms, the completed mediation packet should be mailed **to the plaintiff's attorney**.

**Note: Do not send sensitive financial documents to the Superior Court Clerk's Office.** Items on the Foreclosure Mediation Checklist and the Foreclosure Mediation Financial Worksheet should be sent to the plaintiff's attorney, **not to the court.**

Upon review, the plaintiff's attorney may request additional or updated information from you. It is your obligation and responsibility to supply the plaintiff's attorney with any additional requested documents in a timely manner. **Failure to provide the requested documents to the plaintiff's attorney may result in your removal from the mediation program.** The address for the plaintiff's attorney is located on the Complaint that was initially served upon you.

**STEP 7: What can I do if the property does NOT qualify for mediation?**

If the property does **not qualify** for mediation, the Superior Court Clerk's Office will send a letter informing you that the case does not qualify, and the mediation request is denied.

If you still wish to participate in mediation, you will be required to file a motion in the county where the property is located, requesting to be permitted to participate in mediation.

Motion packets can be found on the Office of Foreclosure web page, listed under Foreclosure Mediation Resources/[Foreclosure Mediation Forms](#). Use the packet entitled [How to File a Motion in a Foreclosure Case Before a Judge](#) (CN 11899).

**Important:** If you are using this packet to request permission to participate in Foreclosure Mediation, you must return the motion to:

The Superior Court Clerk's Office  
P.O. Box 971  
Trenton, New Jersey 08625

The fee to file a motion is \$50. Please include a check or money order for \$50 made payable to *Treasurer, State of New Jersey*.

**Keep copies of all papers you provide to the court or any other party.** Make and keep for yourself if copies of all completed forms and any canceled checks, money orders; receipts, bills, contract estimates, letters, leases, photographs and other important papers that relate to your case.

## Additional Information

- **Mediation does not stop a foreclosure action.** This means that, despite participating in mediation, the plaintiff can proceed with the foreclosure action.
- There is no fee for foreclosure mediation.
- There are several possible solutions that you and your lender can explore. Many of your initial questions can be answered by accessing the [NJ Judiciary Foreclosure Mediation Program](#) website.
- For further information, please contact the Superior Court Clerk's Office by calling (609) 421-6100 between the hours of 8:30 am - 4:30 pm or sending an email to [SCCO.Mailbox@njcourts.gov](mailto:SCCO.Mailbox@njcourts.gov).

## Housing Counselors

- Housing counselors are available for homeowners involved in foreclosure. Housing counselors assist homeowners in reviewing their financial information, preparing their documentation for mediation and evaluating all available options to help you retain your home, including loan modification.
- To speak with a counselor, please call 609-278-7508 and ask for the number of a housing counselor in your area certified by the Department of Housing & Urban Development (HUD) or visit the New Jersey Housing and Mortgage Finance Agency (NJHMFA) website at <http://www.njhousing.gov>.
- **Starting November 1, 2019, homeowners are required cooperate with a housing counselor to participate in mediation.** If you do not provide housing counselor information with your mediation request form, you will automatically be referred to NJHMFA.

**For questions regarding the new housing counselor requirements as of November 1, 2019, please contact the New Jersey Housing & Mortgage Finance Agency at 609-278-7508.**

## Instructions for Completing the Mediation Request Statement (Form A)

1. After *County*, enter the county where the case is filed.
2. In the spaces following *Docket No*: enter the docket number. This information can be found in the complaint that was served on you.
3. On the line labeled *Plaintiff(s) Name*, enter the plaintiff's name.
4. On the line labeled *First Defendant's Name*, enter the name of the first defendant listed on the complaint.

### Section A - Homeowner-Borrower's Certification

This section requires that the borrowers certify to the information contained in the numbered statements. Additionally, certain information must be filled in by the borrowers.

1. On the line under *Section A - Homeowner-Borrower's Certification*, enter name(s) of every borrower on the note.
2. In item #1, write the **full** property address, city, state and zip on the line provided. The property must be the primary residence and be a residential (one to four-family home).
3. In item 4, select the appropriate response for the statement  *have*  *have not filed an answer to the foreclosure complaint...*
4. In item 5, select the appropriate response for the statement  *am/are*  *am not/are not currently in bankruptcy.*
5. For item 6, enter the date that you were served with a copy of the complaint (mm/dd/yyyy format).
6. In item 7, select the appropriate response for the statement  *have*  *have not spoken with a housing counselor.*
7. In item 8, select the appropriate response for the statement  *do*  *do not wish to request an interpreter for the mediation.*
8. Each borrower on the note must print, sign and date the certification. Sign your name on the line marked *Signature of Borrower* and enter the date on the line marked *Date*. Print your name on the line provided. Use the *Co-Borrower* signature area for any additional defendants.

**Note:** when you fill out this form, you are certifying that the statements made on the form are true. If you willfully make false statements, you may be subject to punishment.

### Section B - Housing Counselor's Certification\*

Your housing counselor should sign and date this certification. If you fail to provide housing counselor information with your request form, you will automatically be referred to the New Jersey Housing and Mortgage Finance Agency to be assigned a housing counselor.

1. Have the Housing Counselor enter their name on the line provided.
2. Have the Housing Counselor sign and date the form and print their name on the lines provided.

### Section C - Housing Counselor Contact Information\*

1. Enter the housing counselor's name, email address, office phone and cell phone.
2. Enter the housing counselor's **full** address (street, city, state and zip).
3. Failure to provide housing counselor information will result in referral to NJHMFA.

**Section D - Attorney Contact Information (If you are not represented by an attorney, skip this section.)**

1. Enter the Attorney's name, ID number, office phone and cell phone.
2. Enter the attorney's **full** address (street, city, state and zip).
3. Have your attorney sign and date the form and print their name under the signature.

**Section E**

1. Enter the name, e-mail address, home phone and cell phone of the first borrower. **Note:** the phone number and e-mail address are **required**.
2. Enter the borrower's **full** address (street, city, state and zip).
3. Enter the name, e-mail address, home phone and cell phone of the co-borrower (if applicable). **Note:** the phone number and e-mail address are required.
4. Enter the co-borrower's **full** address (street, city, state and zip).

**Do not include personal and confidential information such as social security numbers, active loan or account numbers or driver's license numbers.**

**If you are accepted to participate in Foreclosure Mediation, items on the Foreclosure Mediation Checklist and the Foreclosure Mediation Financial Worksheet should be sent directly to the plaintiff's attorney, not to the court. (See: Step 6)**



<b>Section D: Attorney Contact Information (if applicable)</b>			
Name	Attorney ID	Office Phone	Cell Phone
Address	City	State	Zip
Signature of Attorney		Date	
Type or Print Name			
<b>Section E: Homeowner Contact Information (Provide contact information for all parties listed on the mortgage)</b>			
Borrower's Name	Email Address*	Home Phone*	Cell Phone*
Address	City	State	Zip
Co-Borrower's Name	Email Address*	Home Phone*	Cell Phone*
Address	City	State	Zip
*Note: Email address and phone number are <b>required</b> for all borrowers.			

**Completed Mediation Request Statements must be sent to the Superior Court Clerk's Office:**

Attention: Foreclosure Mediation  
P.O. Box 971  
25 Market Street  
Trenton NJ, 08625

**Attorneys must submit the Mediation Request Statement via eCourts.**