



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:

- 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.
- 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. **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.
- The property in foreclosure must be the primary residence of the owner.
- Final Judgment has not been entered.
- **All** mortgage loan borrowers for the property must request mediation. Mediation is **NOT** available if all borrowers are not willing to participate.
- Borrowers must wish to remain in the home.
- The borrower is not in bankruptcy.

If your case does **NOT** meet all of the above criteria, you are not eligible for foreclosure mediation.

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. However, you are ultimately responsible for the content of your court papers.

Completed forms are to be submitted to Superior Court Clerk's Office, 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: Complete the *Mediation Request Statement* (Form A)

The *Mediation Request Statement* tells the name, property address and docket number of 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.

Make sure you have redacted (blacked out) any personal identifiers such as

- Social Security numbers,
- driver's license numbers,
- vehicle plate numbers,
- insurance policy numbers,
- active financial account numbers, or
- active credit card numbers,

from any paper filed with the court, unless any such personal identifier is required to be included by statute, rule, administrative directive or court order. If any active financial account is the subject of your case and cannot otherwise be identified, you may use the last four digits of the account to identify it.

Do not redact (black out) this information in the original papers that you are keeping (such as a bank statement) since you may have to show them to the court at some point.

STEP 2: 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 for foreclosure mediation.**

STEP 3: 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. **Note: failure to submit the Mediation Request Statement will result in a denial.**

STEP 4: 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 Clerks' Office advising you that the case has been accepted into the mediation program.

Upon approval of mediation, the Superior Court Clerks' Office will also forward the *Mediation Request Statement* to the county, so they can schedule the mediation.

Note: If the property **qualifies** for mediation, and you have received a letter from the Superior Court Clerk's office, continue to **STEP 5**. If the property does **NOT qualify** for mediation, follow the instructions in **STEP 6**.

STEP 5: 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 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 our [Self Help Center](#), listed under the Superior Court Clerk's Office, "Foreclosures" heading.

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.

Upon review, the plaintiff's attorney may request additional or updated information from the homeowner. It is the homeowner's obligation and responsibility to supply the plaintiff's attorney with any additional requested documents in a timely manner. **Failure to provide the requested documents 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. The county will schedule the mediation and send the parties a Notice of Mediation Proceeding. The notice will advise the plaintiff's attorney and homeowner of the date, time and location of the mediation. The homeowner may bring an attorney to the mediation, if he/she chooses.

Mediation sessions are held at the courthouse in the county where the case is filed. Please notify the courthouse directly if you need an interpreter or any ADA accommodations.

STEP 6: 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 the homeowner 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 Judiciary's [Self Help Center](#) listed under the Superior Court Clerk's Office, "Foreclosures" heading. 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 continue to 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. To find a Housing Counselor in your county, download the “Foreclosure Fast Facts” document on the [New Jersey Housing and Mortgage Finance Agency](#) web site.
- 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.

HUD 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 evaluation of all available options to help you retain your home, including loan modification.
- If you are interested in speaking 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>

Instructions for Completing the Mediation Request Statement (Form A)

Section A - 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. After *County*, enter the county where the case is filed.
2. In the spaces following *Foreclosure 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)*, type or print the plaintiff's name.
4. On the line labeled *First Defendant's Name*, enter the name of the first defendant listed on the complaint.
5. On the line under *Section A - Homeowner-Borrower's Certification*, enter name(s) of every borrower on the note.
6. On the line following item 1, write the **full** property address, city, state and zip. The property must be the primary residence and be a residential (one to three-family home).
7. In item 4, indicate whether or not you have filed an answer by selecting the appropriate response for the statement
 have *have not filed an answer to the foreclosure complaint.*
8. In item 5, indicate whether or not you are in bankruptcy by selecting the appropriate response for the statement
 am/are *am not/are not currently in bankruptcy.*
9. For item 6, enter the date that you were served with a copy of the complaint (mm/dd/yyyy format).
10. In item 7, indicate whether or not you have spoken to a housing counselor for the statement
 have *have not spoken with a HUD counselor.*
11. In item 8, indicate whether or not you would like you case referred to a housing counselor for the statement
 do *do not want our case referred to a HUD counselor.*
12. Sign and date the form, and print your name under the signature. Use the second signature area for any additional defendants. Each borrower on the note must print, sign and date the certification. **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 - In this section, briefly outline your workout proposal for modifying the mortgage. You may use additional pages if needed.

Section C (if you are not represented by an attorney or have not spoken to a HUD counselor, skip this section)

1. Enter the Attorney/HUD Counselor's name, Attorney ID number (if applicable), office phone, cell phone, and **full** address (street, city, state and zip).
2. Have your attorney/HUD Counselor sign and date the form, and print his/her name under the signature.

Section D

1. Enter the name, e-mail address, home phone and cell phone of the first borrower. **Note:** the e-mail address is required.
2. Enter the name, e-mail address, home phone and cell phone of the co-borrower (if applicable). **Note:** the e-mail address is required.

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

Form A

NOTICE: This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, or active credit card number.



MEDIATION REQUEST STATEMENT Homeowner-Borrower(s) Request for Court Sponsored Foreclosure Mediation

County _____		Docket No: F <table border="1" style="display: inline-table;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table>													
_____	v.	_____													
Plaintiff's Name		First Defendant's Name													

Section A: Homeowner-Borrower's Certification

_____ hereby certifies and says:

- 1. I/We am/are the owner and mortgagor of the property subject to foreclosure in the above captioned foreclosure action, which property is known as _____.
- 2. The complaint is to collect a mortgage debt and I/We am/are the borrowers of the mortgage loan.
- 3. I/We live in the above-described residential property. The property is my/our principal residence.
- 4. I/We have have not filed an answer to the foreclosure complaint filed by my lender.
- 5. I/We am/are am not/are not currently in bankruptcy.
- 6. I/We were served with a copy of the complaint on _____.
- 7. I/We have have not spoken with a HUD counselor.
- 8. I/We do do not want our case referred to a HUD counselor.

I/We certify that the statements made above are true. I/We am/are aware that if any of the statements made by me/us are willfully false, I/We am/are subject to punishment.

_____ Signature of Borrower	_____ Date	_____ Signature of Co-Borrower	_____ Date
_____ Type or Print Name		_____ Type or Print Name	

Section B: Homeowner's Foreclosure Prevention Proposal

Section C: Attorney/HUD Counselor Contact Information (if applicable)			
Name	Attorney ID	Office Phone	Cell Phone
Address	City	State	Zip
Signature of Attorney/HUD Counselor			
Date		Print Name	
Section D: Homeowner Contact Information (Provide contact information for all parties listed on the mortgage)			
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

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

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