

Winnebago County Courthouse
415 Jackson Avenue
P.O. Box 2808
Oshkosh, Wisconsin
54903-2808

Winnebago County
Foreclosure Mediation Program
Finding Solutions

Notice of Availability of Mediation

What is the foreclosure mediation program?

A foreclosure mediation program is now available to assist homeowners facing a mortgage foreclosure action in Winnebago County. Mediation is a confidential and voluntary process where you and the lender seeking to foreclose on your home may discuss ways to resolve your foreclosure case, including reinstatement of the loan and possible modification of the loan terms.

You must live in and own the property that is subject to the foreclosure action to qualify for mediation under this program. The property must have four units or less.

Mediation in this program is a two-step process. First, the homeowner works with a qualified housing counselor to prepare a proposal for mediation. After the proposal is prepared, a trained mediator is assigned to meet with the homeowner and the lender to help them reach agreement. Any discussions in mediation are confidential. Mediation is typically scheduled within 60 days of the date the application is received.

How does the homeowner apply for foreclosure mediation?

In Winnebago County, the Summons and Complaint served on the homeowner must contain notice of the availability of mediation and an application form. Forms are also available at <http://www.co.winnebago.wi.us/clerk-courts>, click on "Foreclosure Mediation Forms. The forms must be printed on yellow paper.

A homeowner requesting mediation should follow the directions on the form and send the mediation application form to the Foreclosure Mediation Program. The homeowner should request mediation within 15 days of receiving the Summons, but mediation may be available even after that date.

Is participation in mediation required?

Participation is voluntary for the homeowner/borrower and lender. Sometimes, lenders will choose not to participate in mediation. Some reasons lenders may not participate include situations where mortgages were previously refinanced or modified under programs such as HARP and HAMP or when prior modifications didn't work out.

How can the Housing Counselor help?

In order to increase the chance of success at mediation, when a homeowner requests mediation, they are matched with a housing counselor in this area. That housing counselor will help the homeowner gather information needed to look for programs that may be available and to prepare a proposal for the meeting with the mediator and the lender. If a homeowner fails to take this step, they will lose their eligibility for mediation.

Housing Counselors are specially trained and certified to go over financial information with the homeowner, and to discuss programs that may be available to avoid foreclosure.

- The Financial Information & Service Center (FISC) is a designated housing counseling agency for the Foreclosure Mediation Program. Call 920-886-1000 or 800-366-8161 or send an email to receptionist@fisc-cccs.org to make an appointment. You can log on to www.fisc-cccs.org for more information on the programs they offer.
- Homestead Solutions, Inc. is a designated housing counseling agency for the Foreclosure Mediation Program. Call 920-230-3324 or 877-275-2423 or send an email to info@HomesteadSolutions.org to make an appointment. You can log on to www.HomesteadSolutions.org for more information on the programs they offer.

What does mediation cost?

There is no cost to apply for mediation or to work with a housing counselor. Once the case is accepted for mediation, the homeowner and the lender must each pay a non-refundable fee of \$100 before the case can be scheduled for mediation. Credit cards are accepted on line at <http://www.co.winnebago.wi.us/clerk-courts/payments> or in person at the Winnebago County Courthouse, 415 Jackson St, Room 419 in Oshkosh.

Does the foreclosure stop during the mediation process?

Even after applying for mediation, the homeowner is required to comply with all mandatory deadlines set by the court, including the time to answer the Complaint. Please read the Summons and Complaint *carefully* and make sure you understand your rights and the time period for filing an Answer or Responsive Pleading. If you do not file an Answer or Responsive Pleading, the court may grant judgment against you and you may lose your right to object to anything that you disagree with in the Complaint.

Does the homeowner need a lawyer to participate in the mediation program?

While everyone is always strongly encouraged to be represented by an attorney, homeowners are not required to be represented by an attorney. You may contact the statewide Lawyer Referral and Information Service at (800) 362-9082 or the local Legal Action of Wisconsin office at 404 N. Main St., Oshkosh, WI 54901, phone (920) 426-0745, toll-free at (800) 236-1127, to obtain the names of attorneys who may be able to assist you.

Who must attend the mediation session?

The mediation session must be attended in person by all homeowners. A representative of the lender must also attend in person or by telephone. The servicer holding the loan will attend by telephone. Either party may have other support persons such as attorneys, loan officers and tax advisers, available by phone.