

1.1 A bill for an act

1.2 relating to real property; providing for mediation prior to commencement of  
1.3 mortgage foreclosure proceedings on homestead property; amending Minnesota  
1.4 Statutes 2008, sections 580.021, as amended; 580.022, subdivision 1; 580.23, by  
1.5 adding a subdivision; 582.30, subdivision 2; proposing coding for new law in  
1.6 Minnesota Statutes, chapter 583.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2008, section 580.021, as amended by Laws 2009,  
1.9 chapter 130, section 4, is amended to read:

1.10 **580.021 FORECLOSURE PREVENTION COUNSELING; MEDIATION**  
1.11 **REFERRAL.**

1.12 Subdivision 1. **Applicability.** This section applies to foreclosure of mortgages by  
1.13 advertisement under this chapter ~~and foreclosure of mortgages by action under~~ or chapter  
1.14 581 on property consisting of one to four family dwelling units, one of which the owner  
1.15 occupies as the owner's principal place of residency when the notice of pendency under  
1.16 section 580.032 or the lis pendens for a foreclosure under chapter 581 is recorded.

1.17 Subd. 2. **Requirement to provide notice of opportunity for counseling and**  
1.18 **mediation.** Before the notice of pendency under section 580.032, subdivision 3, or the lis  
1.19 pendens for a foreclosure under chapter 581 is recorded, a party foreclosing a mortgage  
1.20 must provide to the mortgagor information contained in a form prescribed in section  
1.21 580.022, subdivision 1, that:

1.22 (1) foreclosure prevention counseling services provided by an authorized foreclosure  
1.23 prevention counseling agency are available; ~~and~~

1.24 (2) the party will transmit the homeowner's name, address, and telephone number to  
1.25 an approved foreclosure prevention agency; and

2.1 (3) if the mortgagor receives counseling services but is unable to resolve the default,  
2.2 the mortgagor may have the mortgage debt reviewed in a mediation proceeding with the  
2.3 Office of Administrative Hearings.

2.4 Clause (3) expires on July 1, 2012.

2.5 The notices required by this subdivision may be provided concurrently with a  
2.6 written notice of default.

2.7 For the purposes of this section, an "authorized foreclosure prevention counseling  
2.8 agency" or "counseling agency" is a government agency or a nonprofit agency funded, all  
2.9 or in part, for foreclosure prevention services, by the Minnesota Housing Finance Agency  
2.10 or the United States Department of Housing and Urban Development, or otherwise  
2.11 approved by the United States Department of Housing and Urban Development to provide  
2.12 foreclosure prevention counseling services.

2.13 Subd. 3. **Notification to authorized counseling agency.** The party entitled to  
2.14 foreclose shall, within one week of sending the notice prescribed in section 580.022,  
2.15 provide to the appropriate authorized foreclosure prevention counseling agency the  
2.16 mortgagor's name, address, and most recent known telephone number.

2.17 Subd. 4. **Notice of provision of counseling; request for contact information.** (a)  
2.18 An authorized foreclosure prevention counseling agency that contacts or is contacted by a  
2.19 mortgagor or the mortgagor's authorized representative and agrees to provide foreclosure  
2.20 prevention assistance services to the mortgagor or representative must provide the form  
2.21 prescribed in section 580.022, subdivision 2, to the mortgagee. The form serves as  
2.22 notice to the mortgagee that the mortgagor is receiving foreclosure prevention counseling  
2.23 assistance. Upon receipt of the form, the mortgagee must not commence or continue a  
2.24 foreclosure proceeding past the day prior to the time when the initial published notice  
2.25 contained in section 580.03 must be given, except when allowed under sections 583.40  
2.26 to 583.47.

2.27 (b) The mortgagee must return the form to the ~~authorized foreclosure prevention~~  
2.28 counseling agency within 15 days of receipt of the form with the name and telephone  
2.29 number of the mortgagee's agent. The agent must be a person authorized by the mortgagee  
2.30 to:

2.31 (1) discuss with the ~~authorized foreclosure prevention~~ counseling agency or the  
2.32 mortgagor the terms of the mortgage; and

2.33 (2) negotiate any resolution to the mortgagor's default.

2.34 (c) Nothing in this subdivision requires a mortgagee to reach a resolution relating to  
2.35 the mortgagor's default.

3.1 Subd. 5. **Mediation referral.** (a) If an authorized foreclosure prevention counseling  
3.2 agency provides counseling services to a mortgagor, the counseling agency must discuss  
3.3 repayment options and alternatives for resolving the default with the mortgagor and  
3.4 mortgagee. If the mortgagor and mortgagee are unable to negotiate a resolution of the  
3.5 mortgagor's default within 60 days of receipt of the form submitted by the mortgagee  
3.6 under subdivision 4, paragraph (b), the counseling agency must give the mortgagor a  
3.7 mediation request affidavit in the form prescribed in section 583.45, unless the mortgagor  
3.8 is not eligible for mediation under section 583.41. The counseling agency also must  
3.9 inform the mortgagor that if the mortgagor wishes to pursue mediation, the form must  
3.10 be sent by certified mail to the Office of Administrative Hearings within seven days of  
3.11 receipt of the form and include a mediation fee of \$160. The counseling agency must  
3.12 forward the mortgagor's name to the Office of Administrative Hearings along with a copy  
3.13 of the form submitted by the mortgagee under subdivision 4, paragraph (b), to verify the  
3.14 mortgagor's eligibility to participate in mediation.

3.15 (b) This subdivision expires on July 1, 2012.

3.16 Sec. 2. Minnesota Statutes 2008, section 580.022, subdivision 1, is amended to read:

3.17 Subdivision 1. **Counseling form.** The notice required under section 580.021,  
3.18 subdivision 2, ~~clause (2)~~, must be printed on colored paper that is other than the color of  
3.19 any other document provided with it and must appear substantially as follows:

3.20 **"PREFORECLOSURE NOTICE**

3.21 **Foreclosure Prevention Counseling and Mediation**

3.22 **Why You Are Getting This Notice**

3.23 YOU HAVE DEFAULTED ON A MORTGAGE OF THE HOMESTEAD  
3.24 PROPERTY DESCRIBED AS [Legal Description and Property Address]. THE HOLDER  
3.25 OF THE MORTGAGE, [Name of Holder of Mortgage] INTENDS TO FORECLOSE ON  
3.26 THIS PROPERTY. YOU HAVE THE RIGHT TO PARTICIPATE IN A MEDIATION  
3.27 PROCESS TO SEE IF A RESOLUTION CAN BE REACHED WITH [Name of  
3.28 Holder of Mortgage]. TO LEARN MORE ABOUT MEDIATION, CONTACT THE  
3.29 OFFICE OF ADMINISTRATIVE HEARINGS AT (651) 361-7900, OR ONLINE AT  
3.30 WWW.OAH.STATE.MN.US. IF YOU WANT TO PARTICIPATE IN MEDIATION, YOU  
3.31 MUST FIRST PARTICIPATE IN FORECLOSURE PREVENTION COUNSELING  
3.32 WITH THE AGENCY LISTED BELOW.

3.33 We do not want you to lose your home and your equity. Government-approved  
3.34 nonprofit agencies are available to, if possible, help you prevent foreclosure.

4.1 We have given your contact information to an authorized foreclosure prevention  
4.2 counseling agency to contact you to help you prevent foreclosure.

4.3 **Who Are These Foreclosure Prevention Counseling Agencies**

4.4 They are nonprofit agencies who are experts in housing and foreclosure prevention  
4.5 counseling and assistance. They are experienced in dealing with lenders and homeowners  
4.6 who are behind on mortgage payments and can help you understand your options and  
4.7 work with you to address your delinquency. They are approved by either the Minnesota  
4.8 Housing Finance Agency or the United States Department of Housing and Urban  
4.9 Development. They are not connected with us in any way.

4.10 **Which Agency Will Contact You**

4.11 [insert name, address, and telephone number of agency]

4.12 You can also contact them directly."

4.13 Sec. 3. Minnesota Statutes 2008, section 580.23, is amended by adding a subdivision  
4.14 to read:

4.15 Subd. 1a. **Five-month redemption period.** (a) Notwithstanding subdivision 1,  
4.16 if, before the sale of lands in conformity with the preceding sections of this chapter,  
4.17 the mortgagor or the mortgagor's personal representatives or assigns participated in  
4.18 mediation proceedings under sections 583.40 to 583.47, the period of time for redemption  
4.19 as provided under subdivision 1 is five months instead of six months, unless section  
4.20 583.43, subdivision 3, applies.

4.21 (b) If the mortgagor or the mortgagor's personal representatives or assigns  
4.22 participated in mediation proceedings under sections 583.40 to 583.47, and the mortgagor  
4.23 or owner seeks to postpone the sale under section 580.07, the postponement must be to  
4.24 the first date that is not a Saturday, Sunday, or legal holiday and is four months after the  
4.25 originally scheduled date of sale. Except as provided in this paragraph, the mortgagor or  
4.26 owner must otherwise follow the provisions of section 580.07 in seeking a postponement  
4.27 of sale.

4.28 (c) This subdivision expires on July 1, 2012.

4.29 Sec. 4. Minnesota Statutes 2008, section 582.30, subdivision 2, is amended to read:

4.30 Subd. 2. ~~Not if six-month or five-week redemption period~~ **No deficiency**  
4.31 **judgment.** A deficiency judgment is not allowed if a mortgage is foreclosed by  
4.32 advertisement under chapter 580, and has a redemption period of six months under section  
4.33 580.23, subdivision 1, five months under section 580.23, subdivision 1a, or five weeks  
4.34 under section 582.032.

5.1 Sec. 5. [583.40] DEFINITIONS.

5.2 Subdivision 1. **Applicability.** The definitions in this section apply to sections  
5.3 583.40 to 583.47.

5.4 Subd. 2. **Commence a foreclosure proceeding.** "Commence a foreclosure  
5.5 proceeding" means to file a notice of pendency under section 580.032 or commence a  
5.6 foreclosure action under chapter 581.

5.7 Subd. 3. **Mediator.** "Mediator" means the administrative law judge, staff attorney,  
5.8 or other person assigned to conduct the mediation.

5.9 Subd. 4. **Office.** "Office" means the Office of Administrative Hearings.

5.10 Subd. 5. **Send.** "Send" means to deliver by certified mail or another method  
5.11 acknowledging receipt.

5.12 Subd. 6. **Serve.** "Serve" means personal service under the Minnesota Rules of  
5.13 Civil Procedure.

5.14 Sec. 6. [583.41] APPLICABILITY.

5.15 Subdivision 1. **Mortgagees.** (a) Sections 583.40 to 583.47 apply to a person who is  
5.16 the holder of a mortgage to which section 580.021 applies.

5.17 (b) Sections 583.40 to 583.47 do not apply to property if the holder of the mortgage,  
5.18 before selling the property to the owner, occupied the property as the holder's principal  
5.19 place of residency.

5.20 Subd. 2. **Mortgagors.** Sections 583.40 to 583.47 apply to a mortgagor who has  
5.21 received foreclosure prevention counseling under section 580.021 and who has been  
5.22 verified as eligible for mediation by an authorized foreclosure prevention counseling  
5.23 agency, or who files a mediation request under section 583.42, subdivision 1, paragraph  
5.24 (b), indicating that the mortgagor did not receive the required preforeclosure prevention  
5.25 counseling and mediation notice. Sections 583.40 to 583.47 do not apply to a mortgagor  
5.26 who qualifies as a debtor under the Farmer-Lender Mediation Act.

5.27 Subd. 3. **Applicability.** Sections 583.40 to 583.48 do not apply to mortgages  
5.28 refinanced or modified under the Home Affordable Refinance or Home Affordable  
5.29 Modification Programs established by the United States Treasury Department in 2009.

5.30 Subd. 4. **Eligibility.** For the purposes of sections 583.40 to 583.47, a mortgagor is  
5.31 eligible for mediation only if the following criteria apply:

5.32 (1) the mortgagor generally meets all the mediation eligibility requirements in  
5.33 sections 583.40 to 583.47;

6.1           (2) if, while the foreclosure prevention counseling agency provided counseling  
6.2 services to the mortgagor, the mortgagee did not modify the mortgagor's mortgage loan  
6.3 that is subject to the foreclosure proceeding; and

6.4           (3) there is a reasonable likelihood that the mortgagor could afford a modified  
6.5 loan. For purposes of this clause, whether a potential loan modification would result in  
6.6 a debt-to-income ratio that is within the traditional secondary market loan qualification  
6.7 guidelines established by Fannie Mae or Freddie Mac must be considered.

6.8           Subd. 5. **Exemption.** Sections 583.40 to 583.47 do not apply to mortgages  
6.9 originated, serviced, and held by a credit union, an organization majority-owned by one  
6.10 or more credit unions, a savings association, or a bank that has a physical location in  
6.11 Minnesota and has had ten foreclosures or less during twelve months preceding the date of  
6.12 the foreclosure notice for the subject mortgage. For a mortgage to be exempt under this  
6.13 paragraph, the mortgagor's income and financial resources must have been verified by tax  
6.14 returns, payroll receipts, bank records, or other similarly reliable documents by the credit  
6.15 union, savings association, or bank that underwrote the loan.

6.16           Sec. 7. **[583.42] MEDIATION PROCEEDINGS.**

6.17           Subdivision 1. **Mediation request; fee.** (a) A mortgagor who wishes to participate  
6.18 in mediation must send a mediation request affidavit in the form prescribed in section  
6.19 583.45 to the office within seven days after receiving the mediation request affidavit from  
6.20 the counseling agency under section 580.021, subdivision 5, accompanied by a mediation  
6.21 fee of \$160. The mortgagor must disclose all known mortgagees with debts secured by  
6.22 the property. A mortgagor who fails to send a timely mediation request accompanied by  
6.23 the fee waives the right to mediation under sections 583.40 to 583.47 for that specific  
6.24 mortgage foreclosure. Upon receipt of a mediation request affidavit, the office must send a  
6.25 copy of the affidavit to the holder of the mortgage. The holder of the mortgage must not  
6.26 commence a foreclosure proceeding against the property or proceed with a proceeding  
6.27 to which paragraph (b) applies until the stay of the foreclosure is lifted or as otherwise  
6.28 authorized under sections 583.40 to 583.47.

6.29           (b) If a mortgagor did not receive the preforeclosure prevention counseling and  
6.30 mediation notice required under section 580.021 and a mortgage foreclosure proceeding  
6.31 has been commenced against the mortgagor's property, the mortgagor may send the  
6.32 mediation request affidavit to the office at any time before the time when the initial public  
6.33 notice contained in section 580.03 must be given. The mediation request affidavit must  
6.34 indicate that the mortgagor has not received the required notice.

7.1 (c) The office must combine all mediation requests for the same mortgagor that are  
7.2 received before the initial mediation meeting into one mediation proceeding.

7.3 (d) The mortgagor is only entitled to a single mediation proceeding for a specific  
7.4 mortgage foreclosure. In the event a mortgage is modified through the mediation process  
7.5 contained in sections 583.40 to 583.47, that mortgage is not eligible for mediation if the  
7.6 modified mortgage becomes the subject of a subsequent foreclosure proceeding.

7.7 Subd. 2. **Assignment of mediator; costs.** (a) The chief administrative law judge  
7.8 of the office shall assign an administrative law judge, staff attorney, or other person with  
7.9 mediation training to conduct the mediation.

7.10 (b) The office shall provide the parties with a schedule of fees to be charged by  
7.11 administrative law judges, staff attorneys, or other persons who act as mediators. The  
7.12 parties are responsible for paying the costs of the mediation. The costs of mediation  
7.13 must be covered by the mediation fees submitted by the parties. After the initial fees  
7.14 are expended, additional mediation meetings may be held as agreed to and paid for by  
7.15 the participating parties.

7.16 Subd. 3. **Mediation proceeding notice.** (a) Within ten days after receiving a  
7.17 mediation request, the mediator must send:

7.18 (1) a mediation proceeding notice to the mortgagor; and

7.19 (2) a mediation proceeding notice to the mortgagee's agent listed by the mortgagee  
7.20 in the form submitted under section 580.021, subdivision 4, paragraph (b).

7.21 (b) The mediation proceeding notice must disclose:

7.22 (1) the name and address of the mortgagor;

7.23 (2) that the mortgagor has requested mediation under sections 583.40 to 583.47;

7.24 (3) the time and place for the initial mediation meeting;

7.25 (4) that sections 583.40 to 583.47 do not prohibit the mortgagee from continuing the  
7.26 foreclosure proceeding up through, but not including, the time when the initial published  
7.27 notice contained in section 580.03 must be given but the mortgagee must not publish the  
7.28 initial notice, except as otherwise allowed under sections 583.40 to 583.47;

7.29 (5) that by the initial mediation meeting, the mortgagee must provide the mortgagor  
7.30 with a copy of the mortgage and note, a statement of interest rates on the debt, delinquent  
7.31 payments, unpaid principal and interest balances, the mortgagee's estimate of value of  
7.32 the property, and a general description of the debt restructuring programs available from  
7.33 the mortgagee;

7.34 (6) that by the initial mediation meeting, the mortgagor must provide the mortgagee  
7.35 and the mediator with full documentation of the mortgagor's income and financial  
7.36 obligations and disclose all known mortgages with debts secured by the property; and

8.1 (7) that by the initial meeting, the mortgagee or mortgagees must each submit a  
8.2 mediation fee of \$160 to the office.

8.3 (c) Before the initial meeting, a mortgagor and mortgagee must provide the  
8.4 information specified in paragraph (b), clause (5) or (6), and the mortgagee must submit the  
8.5 filing fee specified in paragraph (b), clause (7). An initial mediation meeting must be held  
8.6 within 30 days of the mediation proceeding notice. Mediation meetings must be conducted  
8.7 at a location that is within 100 miles of the mortgaged premises that is the subject of the  
8.8 mediation. At the initial mediation meeting, the mediator shall determine whether or not  
8.9 there is a reasonable likelihood that the mortgagor could afford a modified loan.

8.10 Subd. 4. **Effect of mediation proceeding notice.** (a) Sections 583.40 to 583.47  
8.11 do not prevent a mortgagee from continuing the foreclosure proceeding up through, but  
8.12 not including, the time when the initial published notice contained in section 580.03 must  
8.13 be given. A mortgagee must not publish the initial notice, except as otherwise allowed  
8.14 under sections 583.40 to 583.47.

8.15 (b) Notwithstanding paragraph (a), a mortgagee receiving a mediation proceeding  
8.16 notice may commence or continue a mortgage foreclosure proceeding against the property  
8.17 if:

8.18 (1) the mortgagee receives a mediator's affidavit of the mortgagor's lack of good  
8.19 faith under section 583.43;

8.20 (2) ten days have expired since the parties signed an unrevoked agreement under  
8.21 subdivision 8 allowing the mortgagee to commence mortgage foreclosure proceedings  
8.22 against the property; or

8.23 (3) the mortgagee receives a termination statement under subdivision 9.

8.24 (c) The provisions of this subdivision are subject to section 583.43, relating to  
8.25 extensions or reductions in the period before a mortgagee may commence or continue a  
8.26 mortgage foreclosure proceeding.

8.27 Subd. 5. **Mediator duties.** (a) At all mediation meetings, the mediator shall:

8.28 (1) attempt to mediate between the parties;

8.29 (2) advise the parties of assistance programs that are available;

8.30 (3) attempt to arrive at an agreement to fairly adjust, refinance, or pay the mortgage  
8.31 debt; and

8.32 (4) advise, counsel, and assist the parties in attempting to arrive at an agreement  
8.33 for the future conduct of financial relations between them.

8.34 (b) The mediator may determine the format of the mediation meetings, including  
8.35 whether or not to keep the parties separate.



9.1 Subd. 6. **Mediator immunity.** The office and mediators are immune from civil  
9.2 liability for actions within the scope of their positions under this chapter. The office and  
9.3 mediators do not have a duty to advise the parties about the law or to encourage or assist  
9.4 parties regarding their legal rights. This subdivision is in addition to and not a limitation  
9.5 of immunity that otherwise exists under law.

9.6 Subd. 7. **Mediation period.** The mediator may call mediation meetings during the  
9.7 mediation period, which may be up to 60 days after the mortgagor sends a mediation  
9.8 request to the office.

9.9 Subd. 8. **Mediation agreement.** (a) If an agreement is reached among the parties,  
9.10 the mediator must witness and sign a written mediation agreement, have it signed by the  
9.11 parties, and if applicable, submit the agreement to (1) the office, and (2) any court that has  
9.12 jurisdiction over mortgage foreclosure or redemption proceedings regarding the property.

9.13 (b) The parties to the approved mediation agreement:

9.14 (1) are bound by the terms of the agreement; and

9.15 (2) may enforce the mediation agreement as a legal contract.

9.16 (c) A mortgagor may agree to allow a mortgagee to commence a mortgage  
9.17 foreclosure proceeding against property that is subject to mediation before the proceeding  
9.18 is otherwise allowed under subdivision 4, provided that the parties may rescind the  
9.19 agreement within five business days after both parties sign the agreement.

9.20 Subd. 9. **Termination of mediation.** (a) The mediator must sign and serve on the  
9.21 parties an affidavit by the end of the mediation period.

9.22 (b) The mediator must prepare an affidavit acknowledging that mediation has ended  
9.23 and that:

9.24 (1) describes or references agreements reached between the parties, if any, and  
9.25 agreements reached among mortgagees, if any; or

9.26 (2) states that no agreement was reached between the parties, despite a good faith  
9.27 effort by the parties.

9.28 (c) Mediation agreements may be included as part of the affidavit.

9.29 (d) Within three business days after the end of mediation, the mediator must forward  
9.30 the affidavit under paragraph (b) for recording with the county recorder or registrar  
9.31 of titles of the county where the property is located. The filed affidavit is prima facie  
9.32 evidence of the facts stated in the affidavit.

9.33 Subd. 10. **Disposition of fees.** Mediation fees collected by the office under this  
9.34 section must be deposited in the administrative hearings account in the state treasury and  
9.35 are appropriated to the office for purposes of this section.

10.1 Sec. 8. **[583.43] GOOD FAITH REQUIRED.**

10.2 Subdivision 1. **Obligation of good faith.** The parties must engage in mediation in  
10.3 good faith. Not participating in good faith includes:

10.4 (1) failure to attend and participate in mediation sessions without cause;

10.5 (2) failure to provide full information, including the obligation to provide  
10.6 information under section 583.42, subdivision 3;

10.7 (3) failure of the mortgagee to designate an agent to participate in the mediation with  
10.8 authority to make binding commitments;

10.9 (4) lack of a written statement of debt restructuring alternatives and a statement of  
10.10 reasons why alternatives are unacceptable to one of the parties; and

10.11 (5) other similar behavior that evidences lack of good faith by a party. A failure to  
10.12 agree to reduce, restructure, refinance, or forgive debt is not, in itself, evidence of lack of  
10.13 good faith by the mortgagee. Nothing in sections 583.40 to 583.47 requires a mortgagee  
10.14 to modify the debt that is the subject of the foreclosure proceeding.

10.15 Subd. 2. **Party's bad faith; mediator's affidavit.** If the mediator determines that  
10.16 either party is not participating in good faith as defined in subdivision 1, the mediator must  
10.17 file an affidavit indicating the reasons for the finding with the office and with parties to  
10.18 the mediation.

10.19 Subd. 3. **Mortgagee's bad faith.** If the mediator finds that the mortgagee has  
10.20 not participated in the mediation in good faith, and the mortgagee continues with the  
10.21 foreclosure proceeding, the mortgagor is allowed a six-month redemption period.

10.22 Subd. 4. **Mortgagor's lack of good faith.** If the mediator finds that the mortgagor  
10.23 has not participated in the mediation in good faith, and the mortgagee continues with the  
10.24 foreclosure proceeding, then the mortgagor shall execute a deed in lieu of foreclosure  
10.25 within 90 days of the filing of the mediator's affidavit containing the finding of bad faith.

10.26 Sec. 9. **[583.44] DATA PRACTICES.**

10.27 Data regarding the finances of mortgagors created, collected, and maintained by  
10.28 the office under sections 583.40 to 583.47 are private data on individuals as defined in  
10.29 section 13.02, subdivision 12.

10.30 Sec. 10. **[583.45] MEDIATION REQUEST AFFIDAVIT FORM.**

10.31 The affidavit for requesting mediation under section 583.42 must be in substantially  
10.32 the following form:

10.33 **MEDIATION REQUEST AFFIDAVIT**

10.34 **Re: Homestead Mortgage Mediation.**

11.1 State of Minnesota..... )

11.2 ) SS.

11.3 County of ..... )

11.4 ....., being first duly sworn, deposes and says:

11.5 I wish to participate in a mediation process to resolve a dispute with the holder of a  
11.6 mortgage on property in which I have an ownership interest, located at:

11.7 .....

11.8 Street Address

11.9 .....

11.10 City, State, Zip Code

11.11 **CHECK THE APPLICABLE STATEMENT**

11.12 [ ] This property consists of one to four family dwelling units, one of which I  
11.13 occupied as my principal place of residency on the date that I received a Preforeclosure  
11.14 Notice relating to the dispute.

11.15 [ ] I did not receive a Preforeclosure Notice but this property consists of one to four  
11.16 family dwelling units, one of which I occupied as my principal place of residency on the  
11.17 date of this Mediation Request Affidavit.

11.18 .....

11.19 Subscribed and sworn to before me this

11.20 ..... day of ....., .....

11.21 .....

11.22 Notary Public,..... County .....

11.23 My Commission expires: .....

11.24 **Sec. 11. [583.46] ENFORCEMENT.**

11.25 A mediation agreement may be enforced by a state district court.

11.26 **Sec. 12. [583.47] INCONSISTENT LAWS.**

11.27 Sections 583.40 to 583.46 have precedence over any inconsistent or conflicting laws,  
11.28 including chapters 580 and 581.

11.29 **Sec. 13. [583.48] EXPIRATION.**

11.30 Sections 583.40 to 583.47 expire July 1, 2012.

11.31 **Sec. 14. EFFECTIVE DATE.**

**S.F. No. 2170, 2nd Engrossment - 86th Legislative Session (2009-2010) [s2170-2]**

- 12.1            Sections 1 to 13 are effective July 1, 2010, and apply to foreclosures commenced  
12.2            on or after that date.