

ORDER OF REFERRAL TO FORECLOSURE MEDIATION

The Court refers this case to Mediator, _____ Esq., for foreclosure mediation as provided for in 12 V.S.A. § 4632 (a).
Name of Mediator

The Mediator shall contact Plaintiff's lawyer and Defendants or Defendants' lawyer within 10 days to schedule a pre-mediation telephone conference, which must be held within 45 days of the mediator's appointment.

Contact information:

Plaintiff	Plaintiff's Attorney	Contact Info
Defendant	Defendant's Name	Contact Info
	Defendant's Attorney	Contact Info
Mediator	Mediator Name	Contact Info

If Defendant's address changes, Defendant shall notify the court and Mediator immediately.

If either party fails to respond to the Mediator's attempts to schedule mediation, the Mediator shall notify the Court and the other party, who may file a motion with the Court and may request costs incurred as a result of the delay caused by that party's failure to respond.

Any motion to strike this Order of Referral on the grounds that the loan is not subject to foreclosure mediation under 12 V.S.A. §4631 or §4632 shall be filed within 15 days of this Order. If not filed by that date, any claim to strike the Order on the grounds that statutory foreclosure mediation is not warranted will be waived. In addition, any claim that Plaintiff is not obligated for the cost of mediation will be waived, and the costs of the mediation will, pursuant to statute, be paid by the Plaintiff. If either party can show that these parties completed mediation of the subject mortgage debt in the Bankruptcy Court or some other forum, the Court will waive the mediation requirement.

No later than 30 days from this Order, the Mediator shall inform the Court of the date of the scheduled mediation by written or email notice with a copy to each party; the Mediator shall also inform the Court of any postponements or continuation sessions. Mediation shall be complete no later than 120 days from this Order except as extended by the Court upon motion.

The Mediator's obligations include all obligations imposed by statute, including:

1. Schedule the pre-mediation telephone conference within 45 days;
2. Conduct mediation to be complete within 120 days unless extended by court order;
3. Ensure that all parties produce required documents, criteria, and explanations.

The Mediator shall have full authority over all decisions related to the conduct of mediation, such decisions to be consistent with 12 V.S.A. § 4633 and its statutory purpose. This includes (but is not limited to) authority to:

1. Require attendance of participants as required by statute;
2. Determine whether each party has provided the required documents for the session to take place, despite objection or additional requests of a party; and
3. Decide to convene, continue, or cancel a session, despite objection of a party.

The Mediator may not require the parties to execute a separate mediation agreement. All terms of mediation are governed by 12 V.S.A. §§4631-4637 and this Order.

The Mediator is directed to submit to the Court and to the Attorney General's office a Mediation Report as required by statute within seven (7) days of completion of mediation, with copies to the parties.

The Court may schedule a status conference at any time to review whether timely progress is being made, either on its own or on request of a party to the action.

Any issues concerning the Mediator's fee may be addressed to the court by motion.

Date

Hon.
Superior Court Judge

cc: Plaintiff's attorney
Defendant's attorney or Defendant
Mediator