

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

Plaintiff(s) v. Defendant(s) Case No. Calendar No. Case Manager:

MORTGAGE FORECLOSURE MEDIATION REFERRAL ORDER

THIS CAUSE coming before the Court on Defendant's Motion for Referral to Foreclosure Mediation, pursuant to Cook County Circuit Court Rule 21, Chancery Division Court-Annexed Mediation;

THE COURT FINDS AS FOLLOWS:

- A. The Property address is: Street Address City State Zip Code
B. Defendant(s) is/are the owner(s) of the Property and intend to stay in the Property.
C. The Property is the primary residence of Defendant(s) and the Property is a:
Single family home Single family condominium Residential building with four (4) units or less.
D. The Defendant(s):
Has/have been denied a modification
Other:

IT IS, THEREFORE, ORDERED AS FOLLOWS:

- A. This cause is referred to mediation to mediate the following issue(s):
Denial of modification Non-HAMP loss mitigation option
Other:
B. Appointment of Mediator: The Center for Conflict Resolution is appointed to serve in this matter.
(4420) By stipulation of all parties (4421) By appointment of the Court
C. (4973) 21-Day Status Date: 21-Day Status Date is waived.
D. (4424) Post-Mediation Status Date: This cause is set for Post-Mediation status on / / at
9:30 a.m. or 2:00 p.m. before Judge or any judge sitting in his/her stead
in Courtroom 2806 2809 in the Richard J. Daley Center, Chicago, Illinois 60602, to report on the status of
mediation.
E. (4304) The previously set status date(s) of is/are hereby stricken.
F. (6246) Miscellaneous Orders:
Plaintiff's Motion(s) for: is/are entered and continued generally subject to re-notice.
Other:

G. Appointment of Chicago Volunteer Legal Services (CVLS) Defendant(s):

CVLS is appointed in limited capacity to represent Defendant(s) _____ during the Mediation Session. Plaintiff shall deliver within seven (7) days of entry of this Order a file-stamped copy of the Complaint to:

CVLS
33 North Dearborn Street, Suite 400
Chicago, IL 60602

Telephone: (312) 332-1624 Fax (312) 332-1460 E-Mail: cvls@cvls.org

Defendant(s) waive(s) appointment of CVLS because Defendant(s) (select one):

has/have other counsel

want(s) to proceed without an attorney (*pro se*).

H. Mediation Date: The mediator shall assign dates and times of mediation and notify Plaintiff’s counsel and CVLS of the mediation dates. The first mediation session may be a conference call between counsel for all parties and the mediator.

I. Attendance at Mediation: All parties shall participate in mediation, unless otherwise ordered by the Court. Counsel shall appear at the mediation session, as well as each party or its representative **with full authority** to enter into a complete compromise and settlement. The following Parties shall appear at the mediation session:

1. *Plaintiff (Bank and/or Servicer)* in person or by telephone _____
(Name of Bank and/or Servicer)

2. *Plaintiff’s counsel in person.* Plaintiff’s counsel represents that the following is his/her correct contact information:

Firm Name: _____

Responsible Attorney (Must identify an individual): _____

Address: _____
Street Address City State Zip Code

Work Telephone: (_____) _____ - _____ Ext. _____

E-mail Address: _____

3. *Defendant(s) in person.* Defendant represents that he/she/they can be reached at:

_____ Street Address City State Zip Code

E-mail Address: _____

Cell Telephone: (_____) _____ - _____

Work Telephone: (_____) _____ - _____ Ext. _____

Other Telephone: (_____) _____ - _____

4. *CVLS attorney in person.* E-mail Address: cvls@cvls.org (reference “Foreclosure Mediation” in subject line.)

Other Counsel for Defendant(s) in person. Other defense counsel represents that the following is his/her correct contact information:

Firm Name: _____

Responsible Attorney (Must identify an individual): _____

Address: _____
Street Address City State Zip Code

Work Telephone: (_____) _____ - _____ Ext. _____

E-mail Address: _____

J. Communications:

- 1. *With Housing Counselors:* Plaintiff’s counsel may directly contact the housing counseling agency, _____ [identify agency], or any other subsequent HUD-certified housing counseling agency, for Defendant(s) directly to obtain information needed for the mediation and must advise CVLS or other defense counsel in writing that it has communicated with the housing counseling agency.
- 2. *With Case Managers:* Plaintiff’s counsel and CVLS or other defense counsel must communicate the status of the mediation to the case manager seven (7) days prior to the Post-Mediation Status Date identified in Paragraph D.
- 3. *With Mediators:* Not less than ten (10) days prior to the first mediation session, each party shall present the mediator with a brief written summary of the case containing a list of all pending and resolved claims and all issues to be addressed in mediation, unless the mediator has requested a different procedure. The summary shall include the following information : (i) the names of all mediation participants; (ii) the facts of the occurrence; and (iii) any offers or demands of settlement. All oral and written communications with the mediator at any time shall be deemed confidential and privileged in accordance with the provisions of the Uniform Mediation Act 710 ILCS 35/1 (See rule 21.07 of the Rules of the Circuit Court of Cook County).

K. Discovery:

- Discovery related to the mortgage foreclosure shall be stayed until the Post-Mediation Status Hearing set forth below.
- The parties shall continue discovery while conduction mediation for good cause shown.

L. Judgment of Foreclosure: Plaintiff shall not proceed to Judgment of Foreclosure pending further order of the Court.

M. Sanctions: The Court may impose sanctions against any party who fails to attend mediation or who violates the terms of this Order.

N. Settlements: The mediator has no power to compel or enforce settlement agreements and shall not give legal advice. The parties shall reduce any settlement agreements to writing at the conclusion of the mediation, which shall be signed by parties and/or their attorneys.

O. Conclusion of Mediation: If an agreement is reached, it shall be reduced to writing and signed by all parties and/or their attorneys. Following execution of the written settlement agreement by all parties, the parties shall file with the Court, **Form 4** (Memorandum of Agreement/No Agreement) and **Form 5** (Mediator Report). If the parties have reached no agreement and the mediator concludes that further mediation would not be likely to result in agreement, the mediator shall complete and sign **Form 4** (Memorandum of Agreement/No Agreement) and **Form 5** (Mediator Report), provide a copy of the same to each party, and file the same with the Court.

P. Other: _____

Atty. No.: _____

Name: _____

ENTERED:

Atty. for: _____

Dated: _____, _____

Address: _____

City/State/Zip Code: _____

Judge

Judge’s No.

Telephone: _____