

***YOU HAVE BEEN NAMED AS A DEFENDANT IN A FORECLOSURE CASE FILED
IN THE RICHLAND COUNTY COURT OF COMMON PLEAS, GENERAL DIVISION
THIS MEANS YOU COULD LOSE YOUR HOME.***

Why am I receiving this notice and complaint and summons?

A foreclosure case has been filed in the Richland County Common Pleas Court. The case was filed by a lender or creditor, called the "plaintiff" The plaintiff has identified you as a person who has a legal interest in the property. If the plaintiff is successful in this case, the property could be sold and you could lose your legal interest in it. If you live at the property, you could be ordered to move by the end of the case.

What happens in a foreclosure case?

You have 28 days to file an answer in this case. If you do not file an answer the plaintiff will be able to obtain a default judgment against you for the amount of your house loan and an order to sell your property in a foreclosure auction. If you do file an answer, then any disputes raised in your answer must be resolved before judgment can be made against you and a foreclosure sale can be ordered. After a foreclosure sale is ordered, the property must be appraised to determine the minimum bid. The property will then be advertised and sold by the sheriff or private selling officer. After the sale, the court must confirm the sale and order a deed. This entire process typically takes six months to a year.

Do I have to move out of my house?

You may continue to stay in your home until this case is resolved. Unless you have made an agreement to the contrary, you generally will not be required to move out of your house until the sale is confirmed by the court. Until then, you should stay in your house and continue to maintain it.

What if I want to keep my house?

If you are the owner of the property, and are interested in keeping this property, you may be able to work out an agreement with the plaintiff that will make this possible. To assist you, the Court schedules workout conferences. These conferences are an opportunity for interested owners to attempt to work out repayment agreements with their lender(s). If this is your goal, you will need to first schedule a credit counseling session to prepare you for the workout conference. A court representative may then facilitate a workout discussion with a representative of your lender and report results to the court. Participation in credit counseling and workout conferences is no guarantee that an agreement with your lender will be reached, but it will give you a chance early in the foreclosure process to determine whether that is possible.

Some options which might be available — depending on your circumstances — are:

- **Reinstatement.** Occurs when you pay the lender the entire past-due amount you owe, plus any late fees or penalties, by an agreed upon date.
- **Repayment plan.** Under this arrangement, you add an additional amount of money to your regular monthly payment until you make up the past-due amount you owe.
- **Forbearance.** A formal agreement with the lender under which your mortgage payments are reduced or suspended for an agreed upon period. At the end of that period, you resume regular payments, and bring the loan current through a lump sum payment or additional partial payments over a number of months (unless the loan has also been modified to make this unnecessary).
- **Loan modification.** Involves permanently changing one or more of the terms of the mortgage to make payments more manageable for you. Modifications include lowering the interest rate, extending the term of the loan, or adding missed payments to the loan balance.

Mortgages through the Federal Housing Administration (FHA) and Veterans Administration (VA) may offer different or additional foreclosure alternatives. For example, an FHA borrower may be eligible for a one-time payment from the FHA insurance fund to the lender to bring the mortgage current. The borrower is responsible for repaying the "partial claim" when you pay off the mortgage or sell the property.

The best solution will depend on your situation. A repayment plan may be a good remedy for someone who has to make up only one missed payment. A loan modification may be necessary for someone facing a long-term reduction in income. You and the lender work together to determine if any of the available tools will get you back on track.

If you and the lender cannot agree on a feasible repayment plan or other remedy, you may wish to consult an attorney about filing bankruptcy. This temporarily suspends the foreclosure process and can force the lender to accept a repayment plan that is more affordable for you. Bankruptcy isn't always a solution — it will damage your credit and new bankruptcy laws enacted in 2005 make it tougher to file bankruptcy for some people.

If you are not currently making payments on your mortgage loan, one of the most valuable things you can do is to put your monthly loan payments in the bank to use in working out your loan.

What if I do not want to keep my house?

If you are interested in giving up the house, you also may be able to work out an arrangement with the plaintiff at a counseling and workout conference. Although participation in a workout conference does not guarantee that you will be able to reach an agreement, it does give you a chance early in the process to determine if an option such as a short sale, deed-in-lieu of foreclosure, or other resolution would be possible in your situation. These options may allow you to end your ownership and your continuing financial and maintenance obligations.

If your house does not sell for enough to pay off your loan, your lender may get a deficiency judgment against you for the difference between the sale proceeds and the amount of your loan. By negotiating with the lender to turn over the property before you move out you may be able to lessen or avoid a deficiency judgment.

It is not a good idea to simply move out and abandon your house. Empty houses are frequently damaged by freezing temperatures, leaking water, or vandalism. Such damage reduces the value of the property when it is sold and thereby potentially increases the amount of a deficiency judgment against you.

What should I do now?

As soon as possible, you should send an answer to the Richland County Clerk of Courts (and mail a copy to the attorney for the plaintiff) stating whether you want to try or do not want to try to keep your house. You should also point out any disputes you have with the statements plaintiff made in its complaint. This answer must be received by the Clerk no later than 28 days after the complaint was served on you or a default judgment can be entered against you.

You may fill out and use the enclosed "Answer in Mortgage Foreclosure Case" or you may draft your own answer. You may want to get legal help in drafting your answer or understanding your rights. If you are indigent you may qualify for assistance from Legal Aid of Western Ohio, 877-894-4599. In some cases, volunteer attorney assistance may be obtained by phoning the Ohio State Bar Association at 800-282-6556.

WARNING! BEWARE OF MORTGAGE FORECLOSURE RESCUE SCAMS! Any organization that asks you to pay money up front for help avoiding foreclosure is probably operating a scam. Help is available **FREE OF CHARGE** through the following court-approved social services agencies:

Apprisen: Apprisen credit counseling services is HUD certified and works with homeowners by telephone to review their income and expenses and provide a realistic picture of their financial position. Telephone: 800-355-2227. Website: www.apprisen.com

Catholic Charities: Catholic Charities provides free budgeting and financial counseling to realistically assess your ability to make mortgage payments and meet the responsibilities of home ownership. Contact Catholic Charities at 2 Smith Ave., Mansfield, OH 44905. Telephone 419-524-0733, FAX 419-524-2055.

Benjamin Rose Institute — ESOP: ESOP (Empowering and Strengthening Ohio's People) is a non-profit, HUD certified housing counseling agency that operates as a subsidiary of the Benjamin Rose Institute on Aging in Cleveland Ohio. ESOP offers free credit counseling services to help homeowners save their primary residences from foreclosure. ESOP works directly with lenders to help homeowners achieve workable solutions, including loan modifications. Telephone 216-361-0920; Toll free telephone 1877-731-ESOP (1-877-731-3767); FAX 261-361-0920; Website www.esop-cleveland.org/Housing/Foreclosure-Prevention.html

Other HUD approved housing counseling agencies may be found at <https://apps.hud.gov/offices/hsg/sfh/hcc/hcs.cfm>

When will the Workout Conference be held?

Shortly after the foreclosure case has been filed, the Court issues a notice stating the time and place of the Initial Foreclosure Workout and Scheduling Conference. The Conference will be held approximately 90 days after the case has been filed. You can access your case and verify conference dates and times on the Court's website at <https://richlandcourtsok.usieservices/laome.paue.2>.

What should I bring to the Workout Conference?

For the Workout Conference, you should bring with you **ALL** the following:

- all documents relating to your debt with the plaintiff, including copies of your original loan documents, if you have them;
- your most recent loan statement, showing the balance owed;
- a record of your payments;
- information about any other liens on the property, including the name of the creditor, the date of the lien, and the amount owed;
- a list of your bills, including the name of the creditor, the total amount owed, the amount of the monthly payments, and the date of the last payment;
- proof of your income from all sources. If you expect a lump sum payment of money to assist you in working things out with the lender, you must bring proof of the amount of the payment you will receive, the source, and the date the payment is expected to arrive.

It is always a good idea to consult with an attorney and be represented by an attorney in the Court. The law is complex. Attorneys are trained professionals who understand the law and how it relates to your case. Your interests will be best protected by a competent legal professional. Ohio courts and judges will provide a fair hearing whether or not you are represented by an attorney, and it is your right to represent yourself if you so choose. Court staff are there to help those who use the court. They can usually tell you how to do things, but may not advise you about what you ought to do.

Court staff may not give legal advice. You may have questions that court staff are not permitted to answer. Court staff may not provide you with legal research; tell you what sorts of claims to file or what to put on forms; tell you what to say in court; give an opinion about how a judge is likely to decide a case; give one party information that they would not give another, and/or tell you about a judge's decision before it is issued by the judge.

Court staff may answer questions about how the court works; explain terms used in the court process; give you information from your case file; and/or provide you with court forms and sample filings and documents.

RICHLAND COUNTY COURT OF COMMON PLEAS, GENERAL DIVISION

(From Complaint)

Plaintiff(s),

vs.

Case No. _____

(From Complaint)

ANSWER IN MORTGAGE
FORECLOSURE CASE

(Your name)

Defendant.

1. What is the street address of the mortgaged property?

2. Who currently resides in the mortgaged property? If the property is vacant, state that it is vacant.

3. What are your intentions concerning the mortgaged property (mark one):

_____ I want to keep my property. I want to try to work with the lender/plaintiff to see if it is possible to retain my mortgaged property.

_____ I don't realistically think I can keep the mortgaged property and I am willing to discuss options to sell or surrender the mortgaged property.

_____ I do not care what happens in this case.

4. If you have missed mortgage payments, mark the reasons that have made you miss your payments:

_____ injury or illness

_____ loss of job.

_____ expenses more than income

_____ divorce, separation, or break-up of household

_____ increase in mortgage payment because of interest rate increase or balloon payment

_____ other reason (describe): _____

5. Does anyone else contribute to the mortgage payment? YES NO Who? _____
(Circle one)

6. Are you, your spouse, or significant other currently employed? _____

If not employed, when do you expect to return to work? _____

7. Are you currently involved in a divorce or dissolution? _____

8. Have you filed for bankruptcy? YES NO Case No? _____
(Circle one)

9. Do you dispute any of the statements made in the complaint? _____

If you do dispute the statements in the complaint, state the reasons you dispute them. Attach an additional sheet if you don't have enough room to write below:

(signature)

(street address)

(city, state and zip)

(email address)

Cell phone: _____

Best time to reach you Monday-Friday 9:00 to 5:00

Home phone: _____

Best time to reach you Monday-Friday 9:00 to 5:00

Work phone: _____

Best time to reach you Monday-Friday 9:00 to 5:00

Certificate of Service

I have sent a copy of my answer to the attorney for the plaintiff who filed the complaint in this case, at the address the attorney listed at the end of the complaint.

(Signature)