



Department of Business Regulation

Banking Division

1511 Pontiac Avenue, Bldg. 69-2
Cranston, Rhode Island 02920

Banking Bulletin 2018-2

Mortgage Foreclosure Forms

The following four types of forms required by to R.I. Gen. Laws Chapter 34-27

1. The notice to be provided pursuant to R.I. Gen. Laws § 34-27-7 for a Notice of Pending Foreclosure (former Appendix A) is as follows:

 **FORM 34-27-7**
[Mailing Date]

[Occupant Name or if unknown "Occupant"]
[Street Address]
[City, State, Zip Code]

NOTICE OF PENDING FORECLOSURE

This Notice is provided to you to inform you of the intent to foreclose on property address listed above. The holder of the mortgage on the property address listed above hereby notifies you that the above referenced property is currently scheduled to be sold at foreclosure.

TENANTS ARE HEREBY NOTIFIED OF THE FOLLOWING

1. The property listed above is scheduled to be sold at foreclosure;
2. The foreclosure sale is scheduled for (insert date time and place initially scheduled for the sale);
3. **Housing counseling services are available to you at no cost.** Counseling services that can help you understand your options and provide resources and referrals are available from counseling agencies approved by the United States Department of Housing and Urban Development (HUD). You can locate a HUD-approved counseling agency by calling HUD's toll-free telephone number, 1-800-569-4287, or by accessing HUD's Internet homepage at www.hud.gov. The TDD number is 1-800-877-8339. Counseling services are available free of charge through HUD's Housing Counseling Program.

4. Rhode Island Legal Services (RILS) may be able to provide assistance. RILS may be reached at (401) 274 2652 or rils.org and is located at 56 Pine Street, 4th Floor, Providence, Rhode Island 02903.
5. United Way 2-1-1 in Rhode Island is an information and referral line available 24 hours a day, 7 days a week, in 175 languages and dialects. This free and confidential services connects people resources offered by health and human service providers, government agencies and community-based organizations. Dial 211 on your telephone or visit www.211RI.org. United Way of Rhode Island is located a 50 Valley Street, Providence, Rhode Island 02909.
6. This notice does not eliminate your obligation to pay rent. **You must continue to pay rent to the landlord until the foreclosure sale occurs.**

THIS IS NOT AN EVICTION NOTICE.

2. The notice to be provided pursuant to R.I. Gen. Laws § 34-27-3.2 for a Notice of Medication Conference (former Appendix B) is as follows:

 FORM 34-27-3.2

<p><u>NOTICE OF MEDIATION CONFERENCE PURSUANT TO</u> <u>R.I. GEN. LAWS § 34-27-3.2</u></p>

This Notice is provided to you to inform you of the protections provided by R.I. Gen. Laws § 34-27-3.2 of The Rhode Island Mortgage Foreclosure and Sale Act.

TO ASSIST YOU IN AVOIDING FORECLOSURE, YOU HAVE THE RIGHT TO A FREE, IN-PERSON OR TELEPHONE MEDIATION CONFERENCE WITH AN INDEPENDENT MEDIATION COORDINATOR. THE MORTGAGEE MAY NOT FORECLOSE UNLESS IT PROVIDES YOU THE OPPORTUNITY TO PARTICIPATE IN THE MEDIATION CONFERENCE, WHICH MUST BE SCHEDULED WITHIN SIXTY (60) DAYS OF THE RECEIPT OF A COMPLETED APPENDIX B, SINGLE POINT OF CONTACT INFORMATION FOR THE MORTGAGEE, AND PAYMENT INITIATING THE MEDIATION PROCESS HAS BEEN RECEIVED BY THE MEDIATION COORDINATOR. YOU WILL BE CONTACTED BY A FORECLOSURE MEDIATION COORDINATOR TO SCHEDULE THAT MEDIATION CONFERENCE.

Name of Mortgagor: _____
 Re: _____ (Insert mortgage loan number)

INSERT ADDRESS OF RESIDENTIAL REAL ESTATE:

Date of Default _____

Date of release of loan from automatic stay in bankruptcy proceeding if applic _____

Date of release of loan from protections of the Servicemembers Civil Relief Act, 50 U.S.C. App. §501 et seq., or R.I. Gen. Laws §34-27-4(d), if applicable: _____

The mortgagee named below ("Mortgagee") hereby notifies you that you are in Default on your mortgage. If you fail to remedy this Default, Mortgagee has the right to foreclose on the real estate securing the mortgage loan referenced in this Notice.

Mortgagee: _____

(Type or print name of Mortgagee)

Mortgagee Address:

Street: _____

City, State, Zip Code: _____

Mortgagee Authorized Representative: _____ Date mailed: _____

(Type or print)

(mm/dd/yyyy)

Contact Information for Mortgagee Authorized Representative:

Telephone: _____

(Provide toll free number if available)

Email: _____

cc: Mediation Coordinator: _____



**NOTIFICACIÓN DE REUNIÓN DE MEDIACIÓN SEGÚN
EL § 34-27-3.2 DE LAS LEYES GENERALES DE RHODE ISLAND (R. I.)**

Esta notificación se le proporciona para informarle sobre la protección que proveen las Leyes Generales de R. I. en el § 34-27-3.2 de la Mortgage Foreclosure and Sale Act (Ley de Ejecuciones Hipotecarias y Ventas) del estado de Rhode Island.

PARA AYUDARLO A EVITAR LA EJECUCIÓN HIPOTECARIA, USTED TIENE DERECHO A UNA REUNIÓN DE MEDIACIÓN GRATUITA CON UN COORDINADOR DE MEDIACIÓN INDEPENDIENTE. DICHA REUNIÓN SE PODRÁ EFECTUAR PERSONALMENTE O POR TELÉFONO. EL ACREEDOR HIPOTECARIO NO PODRÁ EJECUTAR LA HIPOTECA SIN HABERLE PROPORCIONADO LA OPORTUNIDAD DE PARTICIPAR EN LA REUNIÓN DE MEDIACIÓN, LA CUAL DEBE ESTAR PROGRAMADA DENTRO DE LOS SESENTA (60) DÍAS DE RECIBIR EL APENDICE B COMPLETO, PUNTO DE CONTACTO ÚNICO DEL ACREEDOR HIPOTECARIO, Y EL PAGO PARA EL INICIO DEL PROCESO DE MEDIACIÓN. USTED SERÁ CONTACTADO POR UN COORDINADOR DE MEDIACIÓN DE EJECUCIONES HIPOTECARIAS PARA PROGRAMAR LA CONFERENCIA DE MEDIACIÓN.

Nombre del cliente: _____

Ref.: _____ (Escriba el número de préstamo hipotecario)

ESCRIBA LA DIRECCIÓN DE LA PROPIEDAD RESIDENCIAL:

Fecha de Defecto: _____

Fecha de liberación de préstamo de la suspensión, automática en un procedimiento de quiebra, si es aplicable: _____

Fecha de liberación de la hipoteca de la protección de la ley general Servicemembers Civil Relief Act, 50 U.S.C. App. §501 et seq., or R.I. Gen. Laws §34-27-4(d), si corresponde: _____

Por la presente, el acreedor hipotecario nombrado a continuación ("Acreedor hipotecario") lo notifica que usted está en mora en los pagos de su hipoteca. Si no soluciona esta mora, el Acreedor hipotecario tiene derecho a ejecutar la hipoteca de la propiedad que garantiza el préstamo hipotecario citado en la referencia de esta notificación.

Acreedor hipotecario: _____

_____ (Escriba a máquina o en letra de imprenta el nombre del Acreedor hipotecario)

Dirección del Acreedor hipotecario:

Calle: _____

Ciudad, estado y código postal: _____

Representante autorizado del Acreedor hipotecario: _____ Fecha de
envío postal: _____
(mm/dd/aaaa) (Escriba a máquina o en letra de imprenta)

Información de contacto del representante autorizado del Acreedor hipotecario:

Teléfono: _____
(Si hay un número de teléfono gratuito disponible, indíquelo)

Dirección de correo electrónico: _____

cc: Coordinador de Mediación: _____



**NOTIFICAÇÃO DE CONFERÊNCIA DE MEDIAÇÃO CONFORME LEIS
R.I. GEN. § 34-27-3.2**

Esta Notificação destina-se a informar-lhe as proteções fornecidas pelas leis R.I. Gen. § 34-27-3.2 de Execução Hipotecária e a Lei de Venda de Valores Imobiliários de Rhode Island.

PARA AJUDAR-ILE A EVITAR O EMBARGO (FORECLOSURE) DA SUA CASA, INFORMAMOS-IHE QUE TEM O DIREITO A UMA CONFERÊNCIA DE MEDIAÇÃO, GRATUITA SEJA VIA TELEFÓNICA SEJA PESSOALMENTE COM UM COORDENADOR INDEPENDENTE DE MEDIAÇÃO. O CREDOR HIPOTECARIO NÃO PODE EMBARGAR ATÉ DAR-LHE A OPORTUNIDADE DE PARTICIPAR NESTA CONFERENCIA A QUAL SERÁ MARCADA NO PERIODO DE SESSENTA (60) DIAS DESDE OU AO RECEBERMOS O "APPENDIX B" PREENCHIDO E ASSINALANDO O PEDIDO DE INFORMAÇÃO DE UM CONTACTO PARA O CREDOR, OU O PAGO INICIAL REQUERIDO SEJA RECEBIDO PELO MEDIADOR UM COORDENADOR IRÁ CONTACTAR-LHE PARA MARCAR A DATA DESTA MEDIAÇÃO.

Nome do cliente: _____

Re: _____ (Inserir número de empréstimo da hipoteca)

INSERIR ENDEREÇO DO IMÓVEL RESIDENCIAL:

Data de delinquência: _____

Data em que o empréstimo foi liberado da suspensão automática de falência, se aplicável: _____

Data da exoneração da hipoteca da proteção conferida pela lei dos Estados Unidos da America e do Estado de Rhode Island (Servicemembers Civil Relief Act, 50 U.S.C. App §501 et seq. or R.I. Gen. Laws §34-27-4(d)), se aplicável: _____

O Crédito Imobiliário denominada abaixo ("Créditos Imobiliários") por este instrumento notifica -se que está inadimplente em sua hipoteca. Se você falhar em corrigir tal inadimplência, Créditos Imobiliários têm o direito de executar o empréstimo de hipoteca consistente dos bens imóveis relacionados nesta notificação.

Créditos Imobiliários: _____

(Digitar ou imprimir nome de Créditos

Imobiliários)

Endereço de Créditos Imobiliários:

Rua: _____

Cidade, Estado, CEP: _____

Representante Autorizado de Créditos Imobiliários: _____ Data
de envio: _____

(mm/dd/aaaa) (Digitar ou imprimir)

Informações de Contato para Representante Autorizado de Créditos Imobiliários:

Telefone: _____
(Forneça um número gratuito, se disponível)

E-mail: _____

cc: Coordenador de Mediação: _____

3. The form Certificate Authorizing Foreclosure (former Appendix C) is as follows:

CERTIFICATE OF COMPLIANCE WITH MEDIATION REQUIREMENT
PURSUANT TO R.I. GEN. LAWS § 34-27-3.2

I, (INSERT NAME OF MEDIATION COORDINATOR), of (INSERT NAME OF AGENCY), certify as follows:

1. (INSERT NAME OF MORTGAGEE) is the holder of the mortgage given by INSERT NAME OF MORTGAGOR, located at INSERT ADDRESS (the "Mortgage").
2. (MORTGAGOR) was properly served with the Notice of Mediation Conference pursuant to R.I. Gen. Laws § 34-27-3.2.
3. (AGENCY) served as the Mediation Coordinator defined in R.I. Gen. Laws § 34-27-3.2 and Department of Business Regulation Banking Regulation 5 regarding the Mortgagee's potential foreclosure proceedings.
4. (MORTGAGEE) has paid all fees and penalties required under R.I. Gen. Laws § 34-27-3.2 subsections (d)(1) and (f).
5. For the reasons set forth below, the Mortgagee is authorized to proceed with the foreclosure action, including recording of the foreclosure deed [check one box below]:
 - After two attempts by the Agency to contact the Mortgagor, the Mortgagor failed to respond to the request of the Agency to appear for the Mediation Conference or otherwise participate in the Mediation Conference.
 - The Mortgagor failed to comply with the requirements of R.I. Gen. Laws § 34-27-3.2.
 - The parties been unable to reach an agreement to renegotiate the loan in order to avoid a foreclosure through the Mediation Conference, despite the Mortgagee's good faith efforts as noted on Attachment 1.
6. I am authorized by the Agency to issue this Certificate.

Name _____
Title _____
Date _____

ATTACHMENT 1

Good Faith Determination

The Mortgagee, or its authorized representative, has made a good faith effort to reach agreement with the Mortgagor to renegotiate the terms of the Mortgage in an effort to avoid foreclosure. The Mortgagee's good faith is evidenced by the following factors [check all applicable boxes]:

- Mortgagee provided the Notice of Mediation Conference to the Mortgagor as required by R.I. Gen. Laws § 34-27-3.2.
- Mortgagee designated an agent authorized to participate in the Mediation Conference on its behalf, and with authority to agree to a Workout Agreement on behalf of Mortgagee.
- Mortgagee made reasonable efforts to respond in a timely manner to requests for information from the Mediation Coordinator, Mortgagor, or counselor assisting the Mortgagor.
- Mortgagee analyzed and responded to the Workout Agreement submitted by the Mortgagor and/or Mediation Coordinator within fourteen days of the Workout Agreement.
- If the Mortgagee declines to accept the Mortgagor's Workout Agreement, the Mortgagee provided written, detailed statement of its reasons for rejecting the proposal within fourteen (14) days.
- If the Mortgagee declines to accept the Mortgagor's Workout Agreement, the Mortgagee offered, in writing within fourteen (14) days, to enter into an alternative work-out/disposition resolution proposal that would result in a material net financial benefit to the Mortgagor as compared to the terms of the Mortgage.
- Other facts demonstrating Mortgagee's good-faith [please specify]:

4. The form Affidavit of Exemption from Compliance With R.I. Gen. Laws § 34-27-3.2 (former Appendix D) is as follows:

Affidavit of Exemption From Compliance With R.I. Gen. Laws § 34-27-3.2

I, [NAME AND TITLE OF MORTGAGEE REPRESENTATIVE] of [NAME OF MORTGAGEE], hereby affirm under oath that:

1. I have personal knowledge of the matters referred to herein.
2. **[NAME OF MORTGAGEE]** is the Mortgagee, as defined in R.I. Gen. Laws § 34-27-3.2(c)(8), recorded in the Land Evidence Records in Book at Page , and located at (the "Mortgage").
3. The Mortgage is exempt from the requirement to participate in a foreclosure mediation conference as set forth in R.I. Gen. Laws § 34-27-3.2 for the following reason:

A. **[MORTGAGEE NAME]** is Headquartered at **[RHODE ISLAND ADDRESS]** or maintains a physical office or offices exclusively in Rhode Island from which it carries out full-service mortgage operations including the acceptance and processing of mortgage payments and the provision of local customer service and loss mitigation and where Rhode Island staff have the authority to approve loan restructuring and other loss mitigation strategies.

B. the Mortgagor was more than one hundred twenty days delinquent on or before September 12, 2013

A. the Mortgage is a reverse mortgage.

B. the Mortgage is not a first lien.

E. the Mortgagor failed to fulfill his or her obligations under an Eligible Workout Agreement within twelve months of receiving a Certificate of Eligible Workout Agreement

4. For the reasons set forth above, **[NAME OF MORTGAGEE]** is deemed to be in compliance with the requirements of R.I. Gen. Laws § 34-27-3.2(l).

Name of Authorized Representative of
Mortgagee
Title of Authorized Representative of
Mortgagee

Sworn to and subscribed before me this ___ day of _____,
20____.

Notary Public

Printed Name: _____

My Commission Expires: _____