State of Rhode Island and Providence Plantations DEPARTMENT OF BUSINESS REGULATION

Division of Banking 1511 Pontiac Avenue, Bldg. 68 Cranston, Rhode Island 02920

BANKING REGULATION 5

MORTGAGE FORECLOSURE DISCLOSURE

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Section 1 Authority

This Regulation is promulgated pursuant to R.I. Gen. Laws §§ 34-27-3.1, 34-27-3.2, 42-14-17 and 42-35-3.

Section 2 <u>Purpose and Applicability</u>

The purpose of this Regulation is to promulgate the form of written notice pursuant to R.I. Gen. Laws §§ 34-27-3.1 and 34-27-3.2. The notices implemented by this Regulation inform Individual Consumer Mortgagors of their default, of the Mortgagee's right to foreclose, the availability of counseling for Mortgagors through HUD-approved counseling agencies in Rhode Island, and the availability of a mediation conference with a mediation coordinator designated by a HUD-approved counseling agency as part of an effort to avoid foreclosure. This Regulation also clarifies the Mortgagee's duties and consequences of its failure to comply with R.I. Gen. Laws §§ 34-27-3.1 and 34-27-3.2 and this Regulation.

R.I. Gen. Laws §§ 34-27-3.1 and 34-27-3.2 and this Regulation apply to all entities and individuals subject to regulation and supervision by the Rhode Island Division of Banking ("Division") as well as to any Mortgagee holding a loan owned or payable by an Individual Consumer Mortgagor as defined herein unless otherwise exempted as described in Section 4(C) herein.

Section 3 <u>Definitions</u>

- A. "Certificate Authorizing Foreclosure" means the form attached in Appendix C herein.
- B. "Days" means calendar days.
- C. "Default" means default as defined in the terms of the Workout Agreement.
- D. "Delinquency" means delinquency as defined in terms of the underlying note.
- E. "Department" means the Rhode Island Department of Business Regulation.
- F. "Disclosure" means Form 34-27-3.1 attached hereto in Appendix A (in English and Spanish) or a form substantially similar to Appendix A.
- G. "Headquartered in Rhode Island" means an entity whose national or international corporate office or main administrative office or center of operations is located in Rhode Island (whether or not such functions are in located in one location or in separate locations within Rhode Island) and is the office from which decision-making functions are performed and orders issued (including decisions and orders regarding mortgage servicing and foreclosure).
- H. "HUD" means the United States Department of Housing and Urban Development and any successor to such department.
- I. "Individual Consumer Mortgagor" means a natural person who is a Mortgagor owing or indebted pursuant to a loan secured by Residential Real Estate as defined herein. R.I. Gen. Laws § 34-27-3.1 applies to all Individual Consumer Mortgagors regardless of whether loan proceeds are used for business or personal purposes.
- J. "Locally-based Mortgagee" means a Rhode Island-based Mortgagee with Headquarters in Rhode Island or with a physical office or offices exclusively in Rhode Island from which it carries out full-service mortgage operations including 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.
- K. "Mediation Coordinator" means a person designated by a Rhode Island based HUD approved counseling agency to serve as the unbiased, impartial, and independent coordinator and facilitator of the mediation conference, with no authority to impose a

solution or otherwise act as a consumer advocate, provided that such person possesses the experience and qualifications established in Section 5 herein. For purposes of the emergency implementation of this Regulation and until such time that a hearing is held to further establish qualification and experience requirements of Mediation Coordinators and until this Regulation is further amended or clarified, R.I. Housing shall be deemed qualified to perform Mediation Coordination functions in the State of Rhode Island for purposes of compliance with R.I. Gen. Laws § 34-27-3.2.

- L. "Mortgage" means a lien on Residential Real Estate that secures the Mortgagor's promise to repay a loan or a security agreement.
- M. "Mortgagee" means one to whom the property is mortgaged (e.g. the lender, mortgage-creditor, or mortgage-holder) and may include a mortgage-holder's agents or employees including a mortgage servicer acting on behalf of a mortgagee.
- N. "Mortgagor" means an individual consumer who mortgages the property (e.g. mortgage-debtor or borrower) and/or owner, as applicable.
- O. "Notice of Mediation Conference" means Form 34-27-3.2 attached hereto in Appendix B (in English, Portuguese, and Spanish) or a form substantially similar to Appendix B sent to the Mortgagor and owner of the property at issue in the foreclosure proceedings when a Mortgage is not more than one-hundred twenty (120) days delinquent.
- P. "Reasonable Time" means 14 calendar days unless extended for good cause by the Mediation Coordinator
- Q. "Residential Real Estate" is defined as real property located in Rhode Island having between one (1) and four (4) dwelling units of which at least one is occupied by the Mortgagor. An individual owner-occupied residential condominium unit is included within this definition.

Section 4 <u>Requirements</u>

- A. In addition to any other notice or disclosure required under federal or state law, the Mortgagee shall provide the Disclosure to Mortgagor consistent with the requirements of R.I. Gen. Laws § 34-27-3.1 as follows:
 - (i) The Disclosure must be provided to all Individual Consumer Mortgagors no less than forty-five (45) days prior to initiating any foreclosure of Residential Real Estate by first class mail at the address of the Residential Real Estate and, if different, at the address designated by the Individual Consumer Mortgagor by written notice to the Mortgagee as the consumer Mortgagor's address for receipt of notices.

- (ii) The Disclosure must therefore be provided to Individual Consumer Mortgagors at least seventy-five (75) days prior to the publication of the first (1st) notice of the sale by publication in a public newspaper as required by R.I. Gen. Laws § 34-27-4(a), including the date of mailing in the computation.
- B. In addition to any other notice or disclosure required under federal or state law, the Mortgagee shall provide the Notice of Mediation Conference to Mortgagor and owner of the Residential Real Estate at issue consistent with the requirements of R.I. Gen. Laws § 34-27-3.2 as follows:
 - (i) The Notice of Mediation Conference must be provided to all Mortgagors and Owners (if other than Mortgagor) of the Residential Real Estate when a Mortgage is not more than one hundred twenty (120) days delinquent by certified and first class mail at the address of the Residential Real Estate and, if different, at the address designated by the Individual Consumer Mortgagor by written notice to the Mortgagee as the consumer Mortgagor's address for receipt of notices. A copy of the Notice of Mediation Conference shall also be sent to the Mediation Coordinator (by mail or email) so that the Mediation Coordinator may commence the Mediation process by contacting the Mortgagor. The Mortgagee may contact the Mediation Coordinator to obtain information on the Mediation Coordinator's procedures for Mediation.
 - (ii) If the Mortgagors and/or Owners reside at the same address they may be sent the Notice of Mediation Conference as one notice to listing all Mortgagors and/or Owners. If the Mortgagors and/or Owners reside at different addresses, then separate Notices of Mediation Conference (listing each Mortgagor and/or Owner separately) shall be mailed to each Mortgagor and/or Owner at their respective address. Any issues regarding mailing, addresses, and difficulty in reaching all interested parties shall be communicated to the Mediation Coordinator by the Mortgagee.
 - (iii)If a municipal (not builder's) plat and lot number for the Residential Real Estate is not easily ascertainable, then the Mortgagee may use the book and page number where the Mortgage is recorded. The Mortgagee shall make its best effort to locate the plat/lot and/or book/page numbers; however, if such information is not available after a reasonable effort, the Mortgagee shall maintain a record of its efforts to locate such information and document that the information is not available in the Notice of Mediation Conference. The Mortgagee may amend the Notice of Mediation Conference to reflect book/page number or that it has made an effort to locate the plat/lot and book/page information and it is not available.
 - (iv) The Mortgagee must designate an agent to participate in the Mediation Conference and respond to all requests from the Mediation Coordinator, Mortgagor, or counselor assisting the Mortgagor within a Reasonable Time not to exceed 14 days.

- (v) If the Mortgagee declines to accept the Mortgagor's Workout Agreement, if any, the Mortgagee must provide a detailed statement documenting the reasons for rejecting the proposal within 14 days.
- (vi) If the Mortgagee and Mortgagor agree to a Workout Agreement after the Notice of Mediation Conference is sent to the Mortgagor, the Mortgagee will reduce the Workout Agreement to writing (signed by Mortgagor and Mortgagee and dated) and provide a copy to the Mediation Coordinator. The Mediation Coordinator will issue a Certificate of Eligible Workout Agreement if the Workout Agreement meets the definition of Workout Agreement herein. If the Mortgagor Defaults on the Workout Agreement, as defined therein, within twelve (12) months of entering into the Workout Agreement, the Mortgagee may proceed to foreclosure without participating in another mediation process.
- (vii) If a Mortgagee fails to send the Notice of Mediation Conference to the Mortgagor before the Mortgagor is more than one hundred twenty (120) days delinquent, the Mortgagee may still proceed to foreclosure under the Rhode Island judicial foreclosure process set forth in R.I. Gen. Laws § 34-27-1 et seq.
- (viii) If: (i) a commercial loan includes a personal guarantee secured by a Mortgage of the guarantor or (ii) the Mortgagor files for bankruptcy, and the parties are engaged in: a legal proceeding or other workout that allows for a mediation process that causes the delinquency to be more than one hundred and twenty (120) days, the Mortgagee may file the resulting Workout Agreement (if one is achieved) as described in Section 4B(iv) above and is not required to comply with R.I. Gen. Laws § 34-27-3.2. If no Workout Agreement results from the negotiations in these circumstances and the Mortgagor is more than one hundred twenty (120) days delinquent, the Mortgagee may still proceed to foreclosure under the judicial foreclosure process set forth in R.I. Gen. Laws § 34-27-1 *et seq.*, if necessary.

C. EXEMPTIONS

- (i) Any Mortgagor that is 120 days or more delinquent on the Mortgage on or before September 12, 2013 does not require participation in a Mediation Conference under R.I. Gen. Laws § 34-27-3.2. For such Mortgagors, Mortgagees may submit the attached Appendix D2 as evidence of compliance with R.I. Gen. Laws § 34-27-3.2 for recording or insurance purposes. If the property secured by the Mortgage is located in Providence, East Providence, Cranston, Warwick, or Warren, the Mortgagee should proceed under the foreclosure conciliation process defined in those communities' local ordinances if the Mortgagor was one hundred twenty (120) days delinquent on or before September 12, 2013.
- (ii) Any entity qualifying as a Locally-based Mortgagee shall also confirm exemption from compliance with R.I. Gen. Laws § 34-27-3.2(m) by executing the attached Appendix D1 for recording or insurance purposes.

- (iii) Any Mortgagee seeking clarification regarding its status as a "Locally-Based Mortgagee" for purposes of meeting the requirements of this Regulation may contact the Department of Business Regulation with a detailed written description of its operations specifically with regard to its: the location of its Headquarters, the location and description of its mortgage operations including the acceptance and processing of mortgage payments and local customer service and loss mitigation, and the identification of Rhode Island staff with the authority to approve loan restructuring and other loss mitigation strategies.
- D. Any Mortgagee subject to regulation and supervision by the Division must maintain a duplicate of the completed Disclosure and Notice of Mediation Conference including information regarding delivery in Individual Consumer Mortgagor's file consistent with the Division's record-keeping requirements.
- E. If the Mortgagee decides to send a "substantially similar" document there shall be no changes to the wording, font or information required by Appendix A, and Appendix B, in any way. "Substantially similar" only allows the Mortgagee to put the notice on its own letterhead or insert a logo and to add information required by federal laws such as the Fair Credit Reporting Act on the same form as the Disclosure.
- F. Mortgagees may provide contact information for a dedicated customer service group as authorized representative so long as the consumer can obtain the required information from the contact information given.
- G. The contact provided by the Mortgagee must be able to provide a hard copy of HUD Approved Counseling Agencies in Rhode Island as indicated on Appendix A. When contacted by a consumer a list of such agencies shall be sent within five (5) business days of the request by regular mail to the address given by the consumer as part of the request.
- H. All Mortgagees will be required to comply with R.I. Gen. Laws § 34-27-3.1 and this Regulation by March 6, 2010.
- I. All Mortgagees will be required to comply with R.I. Gen. Laws § 34-27-3.2 by September 14, 2013.

Section 5 Qualifications of Mediation Coordinator

A. The Mediation Coordinator shall have a minimum of three (3) years of experience in residential mortgage lending and loss mitigation guidelines with a working knowledge of prime and sub-prime loan products, modifications, forbearance agreements, bankruptcy laws, tax sales, excellent written and verbal communication skills, strong analytical, problem-solving and organizational skills, and experience with tracking systems.

- B. The Mediation Coordinator will also have the knowledge, ability, and contacts to access local and national offices of lenders and foreclosure attorneys.
- C. The Department will provide a list of approved Mediation Coordinators on its website by September 13, 2013.

Section 6 <u>Certificate Authorizing Foreclosure</u>

- A. The Certificate Authorizing Foreclosure shall be issued by the Mediation Coordinator and/or its designee upon confirmation that all criteria in R.I. Gen. Laws § 34-27-3.2(h) have been met and the Notice of Mediation Conference was properly served upon the Mortgagor and Owner of the Residential Real Estate.
- B. All written correspondence and documents related to the Mediation Conference process received by or submitted to the Mortgage Coordinator shall be provided to the Mortgagee and maintained by the Mortgagee consistent with the Department's record-keeping requirements.

Section 7 <u>Enforcement</u>

Any Mortgagee regulated and supervised by the Division who fails to comply with this Regulation may be subject to administrative action pursuant to Titles 19 and 42 of the Rhode Island General Laws and/or any relevant regulation promulgated pursuant thereto.

Section 8 <u>Severability</u>

If any section, term, or provision of this Regulation should be adjudged invalid for any reason, that judgment should not effect, impair, or invalidate any remaining section, term, or provision, which shall remain in full force and effect.

Section 9 <u>Effective Date</u>

This Regulation shall be effective as indicated below. All references to mediation expire on July 1, 2018 pursuant to Section 2 of Senate Bill 0416 and House Bill 2013-5335 Substitute B (as subsequently reflected in the Rhode Island Public Laws) unless otherwise authorized by statutory amendment.

EFFECTIVE DATE: January 29, 2010

AMENDED: August 26, 2010 AMENDED: October 20, 2011

AMENDED: August 9, 2013, EFFECTIVE AUGUST 14, 2013 AMENDED: August 21, 2013, EFFECTIVE AUGUST 14, 2013 AMENDED: September 12, 2013, EFFECTIVE AUGUST 14, 2013 AMENDED: January 23, 2014, , EFFECTIVE: FEBRUARY 12, 2014

APPENDIX A

1 FORM 34-27-3.1

NOTICE OF DEFAULT AND MORTGAGEE'S RIGHT TO FORECLOSE AND NOTICE OF AVAILABILITY OF MORTGAGE COUNSELING SERVICES

This Notice is provided to you to inform you of the protections provided by R.I. Gen. Laws § 34-27-3.1 of The Rhode Island Mortgage Foreclosure and Sale Act.

NOTICE OF DEF	AULT AND MORTGAGEE'S RIGHT TO	FORECLOSE
Re:(Insert morts	gage loan number)	
	gee") hereby notifies you that you are in defa right to foreclose on the real estate securing	
NOTICE OF AVAI	LABILITY OF MORTGAGE COUNSELI	ING SERVICES
options and provide resources and refecounseling agencies approved by the Ulocate a HUD-approved mortgage couns accessing HUD's Internet homepage at counseling services are available free of HUD Approved Housing Country://www.hud.gov/offices/hs	able to you at no cost. Counseling services reals that may assist you in preventing forecanted States Department of Housing and Urleling agency by calling HUD's toll-free teleple www.hud.gov. The TDD number is 1-800 charge through HUD's Housing Counseling Paseling Agencies in Rhode Island may be forg/sfh/hcc/hcs.cfm?&webListAction=searchell the toll-free number above and request a	closure are available from mortgage can Development (HUD). You can none number, 1-800-569-4287, or by 1-877-8339. Foreclosure prevention trogram. und at this link &searchstate=RI. If you
Mortgagee:		
Mortgagee Address: Street:	(Type or print name of Mortgagee)	
City, State, Zip Code:		
Mortgagee Authorized Representative:_	Date mailed	
	(Type or print)	(mm/dd/yyyy)
Contact Information for Mortgagee Autl	norized Representative:	
Telephone:		

(Provide toll free number if available)

Email:

**** FORMULARIO 34-27-3.1**

AVISO DE MORA Y DERECHO DEL ACREEDOR HIPOTECAR10 A EJECUTAR LA HIPOTECA Y NOTIFICACIÓN DE DISPONIBILIDAD DE SERVICIOS DE ORIENTACIÓN HIPOTECARIA

Se le proporciona esta notificación para informarle acerca del amparo que ofrecen las Leyes Generales de Rhode Island § 34-27-3.1 de *The Rhode Island Mortgage Foreclosure and Sale Act* (Ley sobre Ejecución de Hipotecas y Remates de Rhode Island).

AVISO DE MORA Y DERECHO DEL ACREEDOR HIPOTECARIO A EJECUTAR LA HIPOTECA

Asunto:	(inserte el número del préstamo hipotecario)
que su hipoteca esta morosa	creedor hipotecario indicado abajo ("Acreedor hipotecario") le notifica Si no puede solventar la situación, el Acreedor hipotecario tiene el ca del inmueble que avala el préstamo hipotecario al cual se alude en el
NOTIFICACIÓN DE DISPO	ONIBILIDAD DE SERVICIOS DE ORIENTACIÓN HIPOTECARIA
de orientación pueden ayudarla recursos y referencias que po ofrecen agencias de orientació <i>Urban Development</i> (Departar inglés). Puede localizar agencias de dicho departam HUD www.hud.gov El núme inglés) es 1-800-877-8339. Lo sin costo alguno mediante el Padencias de asesoría aprobada pueden ser encontradas en este http://www.hud.gov/offices/hs	servicios de orientación sobre vivienda sin costo adicional. Los servicios e a comprender las opciones de las que dispone, así como también ofrecerle drían contribuir a evitar la ejecución de la hipoteca. Dichos servicios los fon hipotecaria aprobadas por el <i>United States Department of Housing and</i> mento de Vivienda y Desarrollo Urbano de EE.UU., HUD, por sus siglas en cias de orientación hipotecaria aprobadas por HUD llamando al número mento al 1-800-569-4287, o ingresando a la página en Internet de ero del dispositivo de comunicación para sordos (TDD, por sus siglas en servicios de orientación para prevenir la ejecución de hipotecas se ofrecen rograma de Orientación para la Vivienda de HUD. Se por el Departamento de Vivienda y Desarrollo Urbano en Rhode Island elugar g/sfh/hcc/hcs.cfm?&webListAction=search&searchstate=RI. Si usted no la línea de teléfono gratuita que aparece arriba para solicitar una lista
Dirección del Acreedor hipote Calle: Ciudad, estado, código postal	máquina o en letra de molde el nombre del Acreedor hipotecario) ecario: : Acreedor hipotecario: (Escriba a máquina o en letra de mode)
Fecha de envio por correo:	(mm/dd/aaaa)

Información o	de contacto del representante autorizado del Acreedor hipotecario:
Teléfono:	
	(Proporcione un número gratuito si to time)
Correo electró	onico:

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APPENDIX B



Name of Montagan

NOTICE OF MEDIATION CONFERENCE PURSUANT TO R.I. GEN. LAWS § 34-27-3.2

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 TAKE PLACE WITHIN SIXTY (60) DAYS OF THE MAILING DATE OF THIS NOTICE. YOU WILL BE CONTACTED BY A FORECLOSURE MEDIATION COORDINATOR TO SCHEDULE THAT MEDIATION CONFERENCE.

Dools/Doog Number of Decorded Mortgoon

Re:(Insert mortgage loan number) INSERT ADDRESS OF RESIDENTIAL REAL ESTATE AND INC	
The mortgagee named below ("Mortgagee") hereby notifies you that remedy this Default, Mortgagee has the right to foreclose on the real Notice.	t you are in Default on your mortgage. If you fail to
Mortgagee:	
(Type or print r Mortgagee Address:	name of Mortgagee)
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:	

APÊNDICE B

FORMULÁRIO 34-27-3.2

Portuguese

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

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

PARA TE AUXILIAR A EVITAR A EXECUÇÃO DE HIPOTECA (FORECLOSURE), VOCÊ TEM DIREITO A UMA CONFERÊNCIA DE MEDIAÇÃO GRATUITA, EM PESSOA OU POR TELEFONE COM UM COORDENADOR INDEPENDENTE DE MEDIAÇÃO. A EXECUÇÃO DE HIPOTECA (FORECLOSURE) NÃO PODE SER EXECUTADO SEM TE PROPORCIONAR A OPORTUNIDADE DE PARTICIPAR NA CONFERÊNCIA DE MEDIAÇÃO, QUE DEVE ACONTECER EM SESSENTA (60) DIAS DA DATA DE ENVIO DESTA NOTIFICAÇÃO. O COORDENADOR DA MEDIAÇÃO DE EXECUÇÃO DE HIPOTECA (FORECLOSURE) ENTRARÁ EM CONTACTO COM VOCÊ PARA PROGRAMAR A CONFERÊNCIA DE MEDIAÇÃO.

Nome do cliente:	Número livro/página de hipoteca gravada:
Re:(Inserir no	úmero de empréstimo da hipoteca)
INSERIR ENDEREÇO DO IMÓVEL RESI	IDENCIAL E INCLUIR NÚMERO DE LOTE/PLATAFORMA:
inadimplenteemsua hipoteca. Se vo	a abaixo ("Créditos Imobiliários") por este instrumento notifica -se que está ocêfalharemcorrigir tal inadimplência, Créditos Imobiliáriostêm o direito de executar te dos bensimóveis relacionados nestaNotificação.
Créditos Imobiliários:	
Endereço de Créditos Imobiliários:	(Digitar ou imprimir nome de Créditos Imobiliários)
Rua:	
Cidade, Estado, CEP:	

Representante Autorizado de Créditos Imobiliários:		Data de envio:
•	(Digitar ou imprimir)	(mm/dd/aaaa)
Informações de Contato para Representante Autorizad	o de Créditos Imobiliários:	
Telefone:		
(Forneçaum número gratuito, se disponív	vel)	
E-mail:		
cc: Coordenador de Mediação:		

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APÉNDICE B



FORMULARIO 34-27-3.2

Spanish

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 MortgageForeclosure 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, QUE PUEDE LLEVARSE A CABO DENTRO DE LOS SESENTA (60) DÍAS DE LA FECHA DEL ENVÍO POSTAL DE ESTA NOTIFICACIÓN. UN COORDINADOR DE MEDIACIÓN PARA EJECUCIONES HIPOTECARIAS SE COMUNICARÁ CON USTED PARA PROGRAMAR DICHA REUNIÓN DE MEDIACIÓN.

Nombre del cliente:	Libro/página del registro de la hipoteca:
Ref.:	(Escriba el número de préstamo hipotecario)
ESCRIBA LA DIRECCIÓN DE	LA PROPIEDAD RESIDENCIAL E INCLUYA EL NÚMERO DE PARCELA/LOTE:
mora en los pagos de su	or hipotecario nombrado a continuación ("Acreedor hipotecario") lo notifica que usted está en hipoteca. Si no soluciona esta mora, el Acreedor hipotecario tiene derecho a ejecutar la 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 hipo	tecario:	Fecha de envío postal:
	iba a máquina o en letra de imprent	
Información de contacto del representante a	utorizado del Acreedor hipotecario:	
Teléfono:(Si hay un número de teléfono	gratuito disponible, indíquelo)	
Dirección de correo electrónico:		
cc: Coordinador de Mediación:		

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APPENDIX C

<u>CERTIFICATE AUTHORIZING FORECLOSURE</u> <u>PURSUANT TO R.I. GEN. LAWS § 34-27-3.2</u>

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, recorded in the CITY/TOWN of INSERT Land Evidence Records in Book INSERT, Page INSERT, and located at INSERT ADDRESS (the "Mortgage").
- 2. (INSERT NAME OF OWNER (IF DIFFERENT FROM MORTGAGEE) is the owner of the property, recorded in the CITY/TOWN of INSERT Land Evidence Records in Book INSERT, Page INSERT and located at INSERT ADDRESS.
- 3. INSERT NAME OF MORTGAGOR AND OWNER were properly served with the Notice of Mediation Conference pursuant to R.I. Gen. Laws § 34-27-3.2.
- 4. (INSERT NAME OF AGENCY) served as the Mediation Coordinator defined in R.I. Gen. Laws § 34-27-3.2 and Department of Business Regulation 5 regarding the Mortgagee's potential foreclosure proceedings.
- 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 and Owner,
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 and Owner 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 Mortgager 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 and Owner 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 workout/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]:

APPENDIX D1

Affidavit of Compliance With R.I. Gen. Laws § 34-27-3.2(m) (For LOCALLY- BASED MORTGAGEES IN RHODE ISLAND)

I, [INSERT NAME AND TITLE OF MORTGAGEE REPRESENTATIVE] of [INSERT NAME OF MORTGAGEE] ("INSERT Mortgagee NAME"), hereby affirm under oath that:

- 1. I have personal knowledge of the matters referred to herein.
- 2. **[INSERT NAME OF MORTGAGEE]** is the holder of the mortgage recorded in the Land Evidence Records in Book **[INSERT]** at Page **[INSERT]**, and located at INSERT (the "Mortgage").
- 3. [INSERT MORTGAGEE NAME] is Headquartered at [INSERT 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.
- 4. **[INSERT NAME OF MORTGAGEE]** services its own Mortgages, including without limitation, the Mortgage.
- 5. For the reasons set forth above, **[INSERT NAME OF MORTGAGEE]** is deemed to be in compliance with the requirements of R.I. Gen. Laws § R.I. Gen. Laws § 34-27-3.2(m).

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	ame of Authorized Representative of Mortgagee itle of Authorized Representative of Mortgagee	
Sworn to and subscribed before me this day of, 2013.		
\overline{N}	otary Public	
Pı	rinted Name:	

My Commission Expires:

APPENDIX D2

Affidavit of Exemption from R.I. Gen. Laws § 34-27-3.2 (FOR MORTGAGORS MORE THAN 120 DAYS DELINQUENT ON OR BEFORE SEPTEMBER 12, 2013)

I, [INSERT NAME AND TITLE OF MORTGAGEE REPRESENTATIVE] of		
[INSE	RT NAME OF MORTGAGEE] ("INSERT Mortgagee NAME"), hereby affirm under	
oath th	at:	
1.	I have personal knowledge of the matters referred to herein.	

- 2. [INSERT NAME OF MORTGAGEE] is the holder of the mortgage recorded in the Land Evidence Records in Book [INSERT] at Page [INSERT], et seq. (the "Mortgage") and located at INSERT.
- 3. I am exempt from complying with R.I. Gen. Laws § 34-27-3.2 because the Mortgagor is or was more than one hundred twenty days delinquent on or before September 12, 2013.
- 4. For the reasons set forth above, **[INSERT NAME OF MORTGAGEE]** is exempt from compliance with the requirements of R.I. Gen. Laws § R.I. Gen. Laws § 34-27-3.2.

	Name of Authorized Representative of Mortgagee Title of Authorized Representative of Mortgagee
Sworn to and subscribed before me this	day of, 2013.
	Notary Public
	Printed Name:
	My Commission Expires:

APPENDIX E

CERTIFICATE OF ELIGIBLE WORKOUT AGREEMENT

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

I have reviewed the terms of the written Workout Agreement reached between the Mortgagee and Mortgagor and confirm that the Workout Agreement was negotiated in good-faith and that:

- 1. (INSERT NAME OF MORTGAGEE) is the holder of the mortgage given by INSERT NAME OF MORTGAGOR, recorded in the CITY/TOWN of INSERT Land Evidence Records in Book INSERT, Page INSERT and located at INSERT ADDRESS (the "Mortgage").
- 2. (INSERT NAME OF OWNER (IF DIFFERENT FROM MORTGAGEE) is the owner of the property, recorded in the CITY/TOWN of INSERT Land Evidence Records in Book INSERT, Page INSERT, and located at INSERT ADDRESS.
- 3. INSERT NAME OF MORTGAGOR AND OWNER were properly served with the Notice of Mediation Conference pursuant to R.I. Gen. Laws § 34-27-3.2.
- 4. A. (INSERT NAME OF AGENCY) served as the Mediation Coordinator defined in R.I. Gen. Laws § 34-27-3.2 and Department of Business Regulation 5 regarding the Mortgagee's potential foreclosure proceedings.

OR

- B. The Mortgagee and Mortgagor entered into the Workout Agreement without the involvement of the Mediation Coordinator.
- 5. The Workout Agreement is an eligible Workout Agreement for purposes of compliance with R.I. Gen. Laws 37-24-3.2.
- 6. I am authorized by the Agency to issue this Certificate.

Name:_	
Title:	
Date:	