

Judicial District of New Haven
SUPERIOR COURT
FILED

SEP 26 2018

FORECLOSURE MEDIATOR'S
REPORT

JD-CV-89 Rev. 7-13
C.G.S. § 49-31n; P.A. 13-136

STATE OF CONNECTICUT
SUPERIOR COURT
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Name of Case U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, FOR RE V. ENCARNACION, JOSUE D.		Docket Number NNHCV186077112S	Return Date 1/30/2018
Judicial District New Haven	Name of Mediator Howard Kane		Date Mediation Held 8/10/2018

- Did the parties engage in conduct consistent with the objectives of the mediation program?
 Plaintiff ☒ Yes ☐ No If no, explain:
 Defendant ☒ Yes ☐ No If no, explain:
 Did the parties possess the ability to mediate?
 Plaintiff ☒ Yes ☐ No If no, explain:
 Defendant ☒ Yes ☐ No If no, explain:
- Did the mortgagor submit a complete financial package to the mortgagee? ☒ Yes ☐ No
 If no, explain:
- What foreclosure alternative has the mortgagor requested?
☒ Loan modification ☐ Repayment ☐ Reinstatement
☐ Short Sale ☐ Deed-in-Lieu ☐ Modification of sale date/law day
- Has the mortgagor been previously evaluated for a similar request? ☐ Yes ☒ No
 If yes, prior to mediation ☐ In mediation ☐
 If yes, has there been a change in circumstances since that evaluation? ☐ Yes ☐ No
 If yes, explain:
- Has the mortgagee responded to the mortgagor's request? ☒ Yes ☐ No ☐ Not Applicable
 Description of the response: ☐ Approval ☒ Denial
Explain: Mortgagee represented that mortgagors were denied a modification because the loan has already received the maximum number of modifications allowed. Mortgagee represented that the loan can only be modified once every five years and the last modification was on or about 2/1/14. As a result, mortgagors are not eligible for another modification until on or about 1/1/19.
 Is the mediator aware of any material reason to disagree with that response? ☐ Yes ☒ No
 If yes, explain:
- Has the mortgagor responded to the mortgagee's offer on a reasonably timely basis? ☐ Yes ☐ No ☒ Not Applicable
 Explain:
- Has the mortgagee requested additional information from the mortgagor? ☐ Yes ☒ No
 If yes, what are the stated reasons for the request and by what date must the information be submitted so that all financials will remain current?
- Has the mortgagor supplied, on a reasonably timely basis, additional information reasonably requested by the mortgagee? ☒ Yes ☐ No
☐ Not Applicable
 If no, reason:
- Is information provided by the mortgagor still current for the mortgagee's review? ☐ Yes ☐ No
 If no, list the out-of date information and the reason it is no longer current: N/A
- Has the mortgagee provided a reasonable explanation of a denial for the foreclosure alternative requested? ☒ Yes ☐ No
☐ Not Applicable
 Is the mediator aware of any material reasons to disagree with the denial? ☐ Yes ☒ No
 If yes, explain:

11. Has the mortgagee complied with the statutory time frames for responding to requests for decisions? ☒ Yes ☐ No

If no, explain:

12. Did the parties satisfy the expectations set forth in the previous report?

Plaintiff ☐ Yes ☐ No ☒ Not Applicable

Defendant(s) ☐ Yes ☐ No ☒ Not Applicable

If no, explain:

Is a subsequent mediation session expected to occur?

☒ Yes ☐ No ☐ Don't Know

Describe the expectations for each party both prior to and for the next mediation session, if applicable:

Mortgagors represented that they will apply for EMAP.

13. Will the parties benefit from further mediation?

☒ Yes ☐ No

Additional comments:

This report was delivered to each party to the mediation on:

9/26/18
(Date)

H.K.

Mediator's Signature

9/26/18
(Date)