

CHANGES TO COURT FORECLOSURE PROCEDURES Cases To Be Referred For Settlement and Mediation

To address the growing foreclosure crisis, the General Division of the Summit County Court of Common Pleas has a new policy for foreclosure cases. This change will help educate homeowners facing foreclosure, and will increase the opportunities for homeowners and lenders to settle cases prior to foreclosure.

With any new foreclosure filing, the clerk of courts will include a notice with the summons and complaint sent to the defendant homeowner. This notice will explain that the defendant must file an answer with the court within a set time frame (which may be extended at their request). The notice also details the potential results of failing to answer (i.e. – losing the home to foreclosure). Finally, this notice provides the telephone number for Community Legal Aid, where the homeowner may be eligible for legal representation at no cost.

Additionally, the court will refer all appropriate foreclosure cases for settlement and mediation. When a homeowner answers, the parties will be scheduled for a settlement conference before the Court's foreclosure specialist. After this conference, the matter may be set for a full mediation conference with the Court's mediation department.

These changes are based on the recommendations of the Ohio Supreme Court, and the experience of the General Division. In recent years, the Court's mediation department has shown a high rate of success in resolving foreclosure cases in a way that allows homeowners to remain in their homes. With these changes, the Court hopes to build upon this success and to increase the number of cases that settle prior to foreclosure.