



July 6, 2009

Dear Customer,

This is an update to the Nevada AB149 information previously forwarded to your office on 6/24/09 which became effective 7/1/09. (We have attached a copy of the Chaptered Bill as approved by the Governor for your reference and the Final Rules filed on 6/30/09).

AB149 requires that the grantor or person who holds the title of record receive a copy of the Election/Waiver of Mediation form (TD will forward this form to the borrower with a copy of the Notice of Default within 10 days of the NOD recording). The grantor must return the mediation form electing mediation or waiving their right to mediation within 30 days of receipt. If the borrower elects mediation they must include a cashier's check or money order for \$200.00 along with their mediation form. The form is to be returned to the Trustee and the Trustee is to forward the Mediation/Consent Form and an additional cashier's check for the benefit of the beneficiary in the amount of \$200.00 to the Mediation Administrator. TD will invoice your office for the \$200.00 in these situations.

TD will notify you via certified mail, return receipt requested of the owners intent to mediate as required by the statute. We will also notify your office with a letter of explanation and a copy of the Election/Waiver of Mediation form via email or first class mail to the contact person as referenced in the foreclosure file.

The foreclosure is to be placed on hold until the Mediation Administrator issues a Certificate of Completion or Certificate that mediation is not required. TD will arrange for the recordation of the Certificate.

The Mediation Administrator will notify you directly of the hearing date for the mediation. The owner and the beneficiary of the deed of trust (or someone with authority to negotiate a loan modification on behalf of the beneficiary) must attend the mediation hearing. The beneficiary must bring the original or a certified copy of: (1) the deed of trust; (2) the note; (3) all assignments of the deed of trust; and (4) all assignments of the note.

Certified copies must contain a statement under oath signed before a notary public that must include:

- (1) The name, address, capacity, and authority of the person making the certification;
- (2) The person making the certification is in actual possession of the original note, deed of trust and each assignment of the mortgage note and deed of trust;
- (3) The attached copy of the mortgage note, deed of trust, and each assignment of the mortgage note and deed of trust are a true and correct copy of the original mortgage note, deed of trust, and assignment of the deed of trust in the possession of the person making the certification.

In addition to the documents set forth above and itemized in Rule 5, the parties shall prepare such papers and provide to the mediator, and exchange the items required to be exchanged, using the most expeditious

method available, at least 7 days prior to the mediation, and such other documents and estimates as the mediator may later direct, but which at a minimum shall include the most current and appropriate appraisals that it has with respect to the real property that is subject to the notice of default and shall prepare an estimate of the "short sale" value of the residence that it may be willing to consider as a part of the negotiation if a loan modification is not agreed upon. Both parties to the mediation shall prepare and submit to the mediator under confidential cover a non-binding proposal for resolving the foreclosure. Additionally, the beneficiary shall, under confidential cover, provide to the mediator the evaluative methodology used in determining the eligibility or non-eligibility of the grantor or the person who holds the title of record for a loan modification.

If the beneficiary or its representative fails to attend the mediation, fails to participate in good faith or does not bring the original or certified copies of the loan documents identified above, the mediator may submit a recommendation to the Mediation Administrator concerning the imposition of sanctions against the beneficiary. The court may then issue sanctions, which the statute indicates may include "requiring a loan modification in the manner determined proper by the court."

If you have any questions regarding this information, please don't hesitate to contact me, or the Operations Supervisor assigned to your account as listed below:

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We appreciate your continued support of T.D. Service Company.

Linda Kidder
Senior Vice President