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7 IN THE SECOND JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA

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IN AND FOR THE COUNTY OF WASHOE

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Case No.

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Petitioner,

Dept. No.:

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v.

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14

Respondents.

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VERIFIED PETITION FOR JUDICIAL REVIEW

[NOTE: use this form where mediator found one party did not participate in good faith]

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Petitioner _____ [name of person(s) asking Court to do

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something] (hereinafter “Petitioner”), petitions this Court, pursuant to NRS 107 as amended by

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AB 149 (2009), inclusive, for review of the mediation conducted pursuant to NRS 107, as

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amended by AB 149 (2009), and Nevada Supreme Court Foreclosure Mediation Rule 5 for

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sanctions.

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I.

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JURISDICTION

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1. NRS 107, as amended by AB 149 (2009), Nevada Supreme Court Foreclosure

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Mediation Rule 5(7)(f), NRS 30.040 and NRS 33.010 vests this Court with jurisdiction over the

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instant case.

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17. The Respondents (**check and fill in blanks that apply to your situation**)

- failed to attend the mediation scheduled on **[date]** _____.
- failed to participate in the mediation in good faith in that **[state bad faith]**

did not bring to the mediation following document(s) required by NRS 107 as amended by AB 149, Section 1, subsection 4 (2009) **[list documents]**

did not have the authority or access to a person with the authority required by NRS 107 as amended by AB 149, Section 1, subsection 4 (2009).

did not exchange information with the Respondent 7 days in advance as required under Nevada Supreme Court Foreclosure Mediation as follows _____

other **[state here any other reason you are petitioning the Court]**

18. The Mediator prepared and submitted to the Mediation Administrator a recommendation concerning the imposition of sanctions against **[name]** _____ on **[date]** _____.

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1 23. Respondents' conduct (List facts to show either failure to (a) appear (b) produce
2 documents, (c) have authority to settle or (4) to mediate in good faith, etc, which were not
3 specifically found by the mediator: [can match number 20 above]) in

4 _____
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10 constitutes bad faith or failure to comply with statutory requirements justifying the imposition of
11 sanctions pursuant to NRS 107 as amended by AB 149 (2009), inclusive, and Nevada Supreme
12 Court Foreclosure Mediation Rule 5.

13 24. As a result of Respondents' conduct, sanctions (sanctions may include any
14 sanctions available under NRS Chapter 107, and the Nevada Rules of Civil Procedure, including
15 but not limited to a loan modification in a manner to be determined by the Court, monetary
16 sanctions, the assessment of fees and costs, and/or such other relief deemed appropriate by the
17 Court after considering the evidence presented by the parties) are appropriate as follows: **[what
18 do you want the Court to do for you]:**

19 _____
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REVISED 11-16-09

1 25. A loan modification under the following terms would be appropriate **[state what**
2 **you want to be done by the Court]:** _____
3 _____
4 _____
5 _____

6 WHEREFORE, Petitioner respectfully prays for the following relief:

7 1. For the Court to accept jurisdiction over this matter.

8 2. For the Court to review the record and to hold a hearing to determine the
9 appropriateness of imposing sanctions against the Respondents pursuant to NRS 107 as amended
10 by AB 149, Section 1 (2009).

11 3. After review, to affirm by order the recommendation of the Mediator to impose
12 sanctions.

13 4. For the Court to declare that **[check what applies to your case]:**

14 Respondents' conduct violated its responsibilities under NRS 107 as amended
15 by AB 149, Section 1 (2009).

16 Respondents did not substantially comply with NRS 107.080, as amended by
17 AB 149, Section 1 (effective July 1,2009) and AB 140, Sections 6.7 and 7 (effective October 1,
18 2009).

19 Respondents did not act in good faith as required by NRS 107.080, as
20 amended by AB 149.

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5. For the Court to impose sanctions, as the Court sees proper pursuant to NRS 107 as amended by AB 149, Section 1 (2009) including without limitation [check what applies to your case):

Modification of the terms of the loan as follows [repeat your answer to Number 25 above if this is your request]: _____

- Fines against the Respondents.
- An order that the Respondents pay the Petitioners costs and Attorneys fees.
- An order that the case be remanded to the Mediation Administrator for a new mediation between the Respondents and the Petitioner.
- Such other sanctions as the Court deems proper.

6. For such other and further relief as this Court deems to be just, equitable and proper in the premises.

DATED this ____ day of _____, 20__.

(Signature Required)
Print Name: _____
Address: (where you accept mail service)

Telephone: _____

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VERIFICATION
(Sign in front of a Notary or Use NRS 53.045 Form)

I, **[print your name]** _____, am the Petitioner/Respondent in the above-entitled action; that I have read the foregoing document and am competent to testify that the contents are true of my own knowledge except for those matters stated therein on information and belief; and, as to those matters, I believe them to be true.

Date

Signature of Petitioner

Print Name of Petitioner

NOTARY PUBLIC COMPLETES THE FOLLOWING:

SUBSCRIBED and SWORN to before me this ____ day of _____, 20__.

NOTARY PUBLIC

NRS 53.045 FORM

Pursuant to NRS 53.045:

"I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct."

Executed on **[date]** _____, 20__ **[year]**.

Signature of Petitioner

Print Name of Petitioner