

Precedence for a third party intervention:

<https://www.house.leg.state.mn.us/comm/minls88/H1941DE3.htm>

H.F. No. 1941

Subd. 2. Office of Administrative Hearings notice of mediation. Within 14 days of receiving the notice of default in subdivision 1, the Office of Administrative Hearings shall select an authorized foreclosure prevention agency. The Office of Administrative Hearings shall send a notice of the mediation to the homeowner, the foreclosing entity, and the authorized foreclosure prevention agency. The notice shall include at least the following information: the foreclosing entity's single point of contact, the address of the property sought to be foreclosed, the name and most recent telephone number of the homeowner, the name and contact information for the authorized foreclosure prevention agency, the date and location of the mediation, and a copy of the homeowner opt-out form provided for in section 584.04. The date of the mediation shall not be less than 21 days or more than 60 days after the notice is sent by the Office of Administrative Hearings. The notice must contain the following information related to the foreclosure prevention agency:

[Name of authorized foreclosure agency] is a nonprofit agency and is an expert in housing and foreclosure prevention counseling and assistance. They are experienced in dealing with lenders and homeowners who are behind on mortgage payments and can help you understand your options and work with you to address your delinquency. They are approved by either the Minnesota Housing Finance Agency or the United States Department of Housing and Urban Development. They are not connected with the foreclosing entity in any way. They will accompany you to the mediation and can provide information and assistance to reach an agreement with the foreclosing entity prior to the mediation.

Subd. 3. Notice of mediation cancellation. (a) If the authorized foreclosure

Sec. 7. [584.05] MEDIATORS.

Subdivision 1. Mediator eligibility. The Office of Administrative Hearings shall establish the qualifications necessary for a person to serve as a mediator under this chapter. Mediators cannot have a conflict of interest that prevents the mediator from being impartial with any party involved in the mediation program.

Subd. 2. Duties of the mediator. At the mediation, the mediator shall:

(1) listen to the homeowner, foreclosing entity, and subsequent lienholders, if any;

(2) attempt to mediate between the homeowner, foreclosing entity, and subsequent lienholders, if any;

(3) advise the homeowner, foreclosing entity, and subsequent lienholders, if any, of assistance programs available and known to the mediator;

(4) attempt to arrive at an agreement to fairly adjust, refinance, or pay the mortgage;

and

(5) advise, counsel, and assist the homeowner, foreclosing entity, and subsequent lienholders, if any, in attempting to arrive at an agreement for the future conduct of the financial relations among them.

Receivership / Guardianship

Our board chair said he handed over the financial control of the checking account and the reserves because he didn't know what to do with it and didn't want the responsibility. It is wrong on a lot of levels that it went to FSR without an additional signer on the accounts. There should be a third party involved to protect the interests of the homeowners.

There are many instances in Minnesota statutes where there is an opportunity for either receivership or guardianship of a person or entity when there is a risk of financial harm.

There's one for rental properties to ensure that the residents are able to remain housed until other arrangements can be made.

However, there is nothing for CIC's / HOA's to protect homeowners who are put at risk because of an incompetent board.

RECEIVERS AND RECEIVERSHIP

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