

MEDIATION AGREEMENT

The undersigned parties hereby acknowledge having agreed to mediation services provided by MEREDITH GILBERT and have read and understood the following:

MEDIATION IS A DISPUTE RESOLUTION PROCESS THAT ALLOWS PARTIES TO COME TO AN AGREEMENT THAT SATISFIES THEIR NEEDS WITH THE HELP OF A NEUTRAL FACILITATOR. Mediation is a confidential, structured process of conflict resolution in which a neutral party (the mediator) facilitates dialogue between disputing parties in order to identify and evaluate options for resolving the dispute and ultimately to fashion a resolution of the dispute that satisfies the needs of both parties. The mediator, in order to perform her function well, must remain impartial and must be perceived by the parties as being impartial. If parties have any question or doubt about the mediator's impartiality, it is important to discuss that issue with the mediator. Agreements should be reached based on the interests and needs of the parties. The mediator's values and opinions with regard to the issues in dispute have no place in the mediation setting and, in fact, the parties should have no idea what the mediator's values and opinions with regard to the issues in dispute are.

MEETING INDIVIDUALLY MAY OCCUR WITH AGREEMENT OF BOTH PARTIES. The mediation process may be conducted by the mediator in whatever manner will, in her own opinion, most expeditiously permit full discussion and resolution of the issues. The mediator is authorized to negotiate between the parties and to encourage the parties to settle each issue in a manner that satisfies the needs and interests of both parties. Upon agreement of both parties, the mediator may choose to meet with the parties individually. The parties may agree that the content of individual meetings will remain confidential.

COOPERATION AND TRUST ARE AN ESSENTIAL INGREDIENT OF MEDIATION. The mediation process requires cooperation and trust among all of the individuals involved. Each party is expected to provide all relevant information pertaining to assets, liabilities, income, and all other issues that are being mediated. Assets, including pensions, deferred compensation plans, savings and brokerage accounts, stock, businesses and professional practices, including the goodwill of businesses and professional practices, must be valued in order to make an equitable division of the marital estate. Experts will be required to perform the valuations in some instances. Agreement needs to be reached on what assets require an expert appraisal and how that appraisal should be accomplished. Full disclosure is required and is in the best interests of both parties, as any asset which the parties fail to declare could, upon dissolution of the marriage, become jointly owned by both spouses.

THE PARTIES ARE URGED TO OBTAIN INDEPENDENT LEGAL ADVICE. The mediator's function is NOT to offer legal advice to either party. Parties to a dispute ordinarily have adverse legal interests. All parties to the dispute are accordingly urged to

retain independent legal counsel in order to become informed about their legal rights under the applicable law. Parties are further urged to discuss any potential agreement with independent legal counsel before committing themselves to the agreement.

The intent of mediation is to avoid the expense and stress of the legal process. However, without full cooperation between parties, it may become necessary to utilize one or more legal processes in order to proceed fairly and expeditiously. Both parties agree that they will notify the mediator of any future decision to engage in the legal process, whether it be for temporary orders, restraining orders, discovery, or any other purpose.

CONFIDENTIALITY IS AN IMPORTANT INGREDIENT OF MEDIATION. The mediator will not reveal to others any of your communications to her, or to each other in her presence, without written consent from both parties. By signing this Agreement, the parties have stipulated that they will not ask the mediator to make such disclosures. The parties are further urged to maintain their own confidentiality regarding the mediation sessions so as to foster an open atmosphere and to encourage a full interchange of ideas and feelings. With the consent of the parties, the mediator may consult with their respective legal counsel. The parties agree that they will not compel the mediator to testify as a witness for either party in the event the case proceeds to litigation. If the parties request the mediator to draft their agreement into legal form or to perform any other legal, as opposed to mediating functions, loss of the mediator/client privilege and the right to confidentiality could be lost. Under these circumstances, it is especially important for the parties to have independent legal advice.

FEES ARE PAYABLE AT EACH SESSION. Fees are charged at the rate of One Hundred Seventy-Five Dollars (\$175.00) per hour and are payable in full at the completion of each mediation session. Time spent on the telephone with the parties and in drafting letters and/or documents are charged separately at the same hourly rate and are payable in full at the first mediation session following the time the additional fees are incurred.

A FEW GROUND RULES ARE NECESSARY TO FACILITATE THE MEDIATION PROCESS. Experience has proven that having a few simple ground rules helps to create an atmosphere more conducive to resolving disputes expeditiously. Mandatory ground rules are purposely kept to a minimum. Parties will be asked to agree on any additional ground rules which they feel will facilitate accomplishment of mutual goals in mediation. The two mandatory ground rules are: 1. Refrain from interrupting when another person is talking. Jotting down thoughts as they occur rather than interrupting will assure that important points are not forgotten while at the same time allowing the other party to continue with his or her train of thought with the courtesy and respect of attentiveness. 2. Treat each other civilly. A basic level of dignity and respect will be required of all parties in all mediation sessions. Swearing, yelling, name-calling and similar demeaning manners of relating to each other are forbidden. The mediation office will remain a safe forum for all participants.

MEDIATION HAS BOTH MONETARY AND NON-MONETARY BENEFITS FOR

PARTICIPANTS. Mediation dramatically reduces client expense by allowing direct communication between the parties and by minimizing the time and involvement of attorneys. An additional important benefit of mediation is that parties are able to maintain more control over their lives than they would if they were to allow a judge to make decisions that impact their lives in important ways. Clients are able to set their own pace for negotiations rather than adhering to a schedule set by the court. Clients can choose which issues are most crucial to themselves and which issues allow flexibility. Solutions can be fashioned to assure that each person's concerns and interests are adequately addressed. Mediation is a dignified, humane process of dispute resolution

I have read the foregoing, understand the contents, and agree to abide by the principles and rules stated therein.

Name

Date

Name

Date