

4. Debtor agrees to make post-petition mortgage payments to Mortgage Creditor of seventy-five percent (75%) of Debtor's current mortgage payment ("Modified Mortgage Payment").
5. The first Modified Mortgage Payment will be due and must be received by Mortgage Creditor no later than the next monthly scheduled mortgage due date (plus any grace period) after the filing of this Motion. The only exception to this requirement is if Debtor does not know the identity of Mortgage Creditor at the time the payment is due; in that event Debtor will make the Modified Mortgage Payment to Debtor's attorney to be held in trust until Mortgage Creditor is identified.
6. Debtor will continue to make the Modified Mortgage Payments to Mortgage Creditor each month until the MMM Program is concluded or a court order expressly states otherwise.
7. Debtor has filed his or her Schedules and Statement of Financial Affairs which may be relied upon by Mortgage Creditor in evaluating Debtor's mortgage loan for modification.
8. Debtor will submit a completed loss mitigation application to Mortgage Creditor as provided in L.B.R. 9019-3 within thirty (30) days of the entry of an order granting this Motion. Failure to timely submit a completed loss mitigation application may result in Debtor being removed from the MMM Program upon written motion of Mortgage Creditor.
9. By filing this Motion, Debtor understands and consents to a modification of the automatic stay imposed by § 362(a) of the Bankruptcy Code as follows:
 - a. The automatic stay is immediately modified to permit Mortgage Creditor to request information, evaluate and analyze Debtor's financial situation, and to fully participate in the mortgage modification process and negotiate loan modification terms.
 - b. In the event Debtor misses a Modified Mortgage Payment, Mortgage Creditor may file a motion for relief from the automatic stay and seek removal of Debtor from the MMM Program.
 - c. If a request for loan modification is denied, Debtor must file an amended/modified plan within twenty-one (21) days of receiving notice of the

denial. The amended/modified plan must address the treatment of the pre-petition mortgage arrears and any post-petition arrears that may have accrued. If an amended/modified Chapter 13 Plan is not timely filed, Mortgage Creditor may file a motion for relief from the automatic stay. A rejection of an offered loan modification by Debtor shall be treated as a denial for the purposes of this paragraph.

- 10. If a loan modification is agreed upon, Debtor will cooperate in promptly formalizing any needed legal documents and seeking any necessary court approval for the mortgage modification.
- 11. If within one hundred and twenty (120) days from the entry of an order admitting Debtor into the MMM Program, no motion to approve loan modification has been filed and/or no amended/modified Chapter 13 plan has been filed, Debtor agrees to file a Loss Mitigation Status Report as required by L.B.R. 9019-3(j)(4).

WHEREFORE, Debtor requests that this Court enter an order authorizing Debtor and Mortgage Creditor to enter into the MMM Program.

Dated: _____

Attorney for Debtor(s)

Dated: _____

Debtor's Signature

Dated: _____

Joint Debtor's Signature

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

: **CHAPTER 13**
:
:
: **CASE NO. ___ - ___ -bk- _____**
:
:
:
Debtor(s) :

**NOTICE OF FILING OF MOTION TO PARTICIPATE
IN MORTGAGE MODIFICATION MEDIATION PROGRAM**

TO: _____, and its successors,
assigns, and servicing agents (“Mortgage Creditor”)

PLEASE TAKE NOTICE CONCERNING THE FOLLOWING:

On this date, Debtor filed a Motion to Participate in Mortgage Modification Mediation Program (“Motion to Participate”)

Mortgage Creditor has twenty-one (21) days from the filing of the Motion to Participate to accept or object to Debtor’s entry into the MMM Program.

If Mortgage Creditor agrees to participation, Mortgage Creditor will file a Consent to Participation in Mortgage Modification Mediation Program (“Creditor Consent Form”), L.B.F. 9019-3(b).

Prior to filing the Creditor Consent Form, the parties shall confer as to whether loss mitigation review will be done by DMM Portal, or such other portal as may be designated by the Court, (the “Portal”) or between the parties outside of the Portal. The Creditor Consent Form shall reflect the decision of the parties.

If Mortgage Creditor objects to participation, a written objection must be filed with the Court. Upon written objection, the Motion to Participate will be denied without prejudice to re-filing.

If Mortgage Creditor fails to file the Creditor Consent Form or an objection to participation within twenty (21) days, the Motion to Participate may be granted without further notice or hearing and the preference elected by Debtor as to the Portal use will govern.

Should a mediator be appointed by the Court at any point during the loss mitigation process, Debtor and Mortgage Creditor will each pay \$125.00 (the "Mediation Fee") to the mediator no later than fourteen (14) days after appointment of the mediator. Mediators do not accept personal checks for the Mediation Fee.

Should a mediator be appointed by the Court at any point during the loss mitigation process, Debtor agrees to appear and participate in good faith in the mediation session(s). The Mediation Fee is nonrefundable regardless of the outcome of the mediation session.

Dated: _____

Attorney for Debtor(s)
Address: _____

Telephone: _____
Facsimile: _____
Email: _____