

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MICHIGAN**

IN RE:

CHAPTER 13
CASE NO
JUDGE

**STIPULATION FOR ENTRY OF ORDER ALLOWING DEBTOR TO ENTER INTO A TRIAL
MORTGAGE LOAN MODIFICATION WITH ENTER NAME OF MORTGAGE HOLDER
AND AUTHORIZING THE DEBTOR TO TEMPORARILY REDUCE
MONTHLY PLAN PAYMENT**

This matter comes before the Court upon the Stipulation of the Debtor, the mortgage lender, and the Chapter 13 Trustee. The Debtor has been offered a trial loan modification of their mortgage. This Stipulation is brought on an ex-parte basis. Prior notice has not been provided to interested parties because the delay caused by the notice may cause irreparable harm. There is benefit to the estate creditors in reducing the mortgage payments.

WHEREFORE the Trustee, Debtor and Creditor hereby stipulate as follows:

1. The parties and terms of the proposed modification include:

Mortgage Creditor/Servicer:

Borrower Name(s):

Property Address:

Last Four Digits of Mortgage Account No:

Proposed Modified Trial Payment: 3 Trial Payments in the amount of \$ _____

First Trial Payment Due: _____

2. The Debtor shall reduce the monthly Chapter 13 Plan payment to \$ _____ for the months of _____, _____, and _____ 2014 in order to make mortgage modification payments directly to the mortgage creditor:
 - a. First Trial Payment Due _____: The Debtor shall submit a plan payment of \$ _____ to the Chapter 13 Trustee and \$ _____ to the Mortgage Creditor.
 - b. Second Trial Payment Due _____: The Debtor shall submit a plan payment of \$ _____ to the Chapter 13 Trustee and \$ _____ to the Mortgage Creditor.
 - c. Third Trial Payment Due _____: The Debtor shall submit a plan payment of \$ _____ to the Chapter 13 Trustee and \$ _____ to the Mortgage Creditor.
3. The Trustee shall resume the ongoing mortgage payments pursuant to terms of the last confirmed plan commencing with enter the date in which the trustee will commence the mortgage payment.

4. During the six months following the entry of this stipulation, the Chapter 13 Trustee shall reserve mortgagee payments on pre-petition mortgage arrearages in the amount of _____ until:
 - a. further order of this court granting a permanent loan modification and clarifying the treatment of the mortgage arrears or,
 - b. correspondence from the creditor or debtor indicating the loan modification was denied,
 - c. an approved amended plan,
 - d. in any event, no longer than six (6) months from the date of this stipulation.

5. Following the sixth month from the entry of this stipulation, the Trustee shall disburse funds as to the ongoing post-petition mortgage payments, and mortgage arrears pursuant to the terms of the last confirmed plan until:
 - a. further order of the court,
 - b. notification from the creditor related to the mortgage payment change or,
 - c. an approved amended plan.

6. Any notice pursuant to #4 and #5 above shall include the following:
 - a. a clarification of the mortgage arrears status,
 - b. the current mortgage payment amount and
 - c. the mortgage payment current due date

Stipulated and approved for entry:

Barbara P. Foley
Chapter 13 Trustee
425 West Michigan Avenue
Kalamazoo, Michigan 49007
(269) 343-0305
bfoley@chpt13.com

Stipulated and approved for entry:

Debtors Attorney

Stipulated and approved for entry:

Mortgage Lender

UNITED STATES BANKRUPTCY COURT
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_____/

**ORDER ALLOWING DEBTOR TO ENTER INTO A TRIAL MORTGAGE LOAN
MODIFICATION WITH ENTER NAME OF MORTGAGE HOLDER
AND AUTHORIZING THE DEBTOR TO TEMPORARILY REDUCE
DEBTOR'S MONTHLY PAYMENT**

Upon Stipulation of the Debtor, the mortgage lender and the Chapter 13 Trustee, and the Court being fully advised of the said premises.

IT IS HEREBY ORDERED that the parties and terms of the proposed modification include:

Mortgage Creditor/Servicer:

Borrower Name(s):

Property Address:

Last four digits of Mortgage Account No:

Proposed Modified Trial Payment: 3 Trial Payments in the amount of \$_____

First Trial Payment Due: _____

IT IS FURTHER ORDERED The Debtor shall reduce the monthly Chapter 13 Plan payment to be \$_____ for the months of _____, _____, and _____ 2013 in order to make mortgage modification payments directly to the mortgage creditor:

- a. First Trial Payment Due _____: The Debtor shall submit a plan payment of \$_____ to the Chapter 13 Trustee and \$_____ to the Mortgage Creditor.
- b. Second Trial Payment Due _____: The Debtor shall submit a plan payment of \$_____ to the Chapter 13 Trustee and \$_____ to the Mortgage Creditor.
- c. Third Trial Payment Due _____: The Debtor shall submit a plan payment of \$_____ to the Chapter 13 Trustee and \$_____ to the Mortgage Creditor.

IT IS FURTHER ORDERED The Trustee shall resume the ongoing mortgage payments pursuant to terms of the last confirmed plan commencing with enter the date in which the trustee will commence the mortgage payment.

IT IS FURTHER ORDERED That during the six months following the entry of this stipulation, the Chapter 13 Trustee shall reserve mortgagee payments on pre-petition mortgage arrearages in the amount of _____ until:

- a. further order of this court granting a permanent loan modification and clarifying the treatment of the mortgage arrears or,
- b. a correspondence from the creditor or debtor indicating the loan modification was denied,
- c. an approved amended plan,
- d. in any event, no longer than six (6) months from the date of this stipulation.

IT IS FURTHER ORDERED That following the sixth month from the entry of this stipulation, the Trustee shall disburse funds as to the ongoing post-petition mortgage payments, and mortgage arrears pursuant to the terms of the last confirmed plan until:

- a. further order of the court,
- b. notification from the creditor related to the mortgage payment change or,
- c. an approved amended plan.

IT IS FURTHER ORDERED that any notice shall include the following:

- a. clarification of the mortgage arrears status
- b. the current mortgage payment amount and
- c. the mortgage payment current due date

END OF ORDER