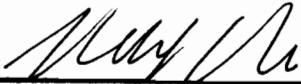


ORDERED in the Southern District of Florida on January 21, 2015





Robert A. Mark, Judge
United States Bankruptcy Court

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
(Miami Division)

In re:

ELIA BETANCOURT,
Debtor.

Case No.: 14-10061 RAM
Chapter 13

ORDER GRANTING DEBTOR'S MOTION TO MODIFY PLAN
AND APPROVING THIRD MODIFIED CHAPTER 13 PLAN

The Court conducted a hearing on January 13, 2015, on the Debtor's Motion to Modify Chapter 13 Plan after Confirmation (the "Motion to Modify Plan") [DE #41]. The Chapter 13 Trustee did not formally object to the motion, but asked whether this Court was permitting the Debtor to treat a mortgage outside of the plan after the mortgage was successfully modified in a mediation conducted under the Court's Mortgage Modification Mediation Program.

Under the Court's Mortgage Modification Mediation Program Procedures, adopted by Administrative Order 14-03 (the "MMM Procedures"), chapter 13 debtors must make adequate protection payments under a plan pending the outcome of mediation. However, the MMM Procedures do not prohibit debtors from

treating modified mortgages outside of a plan if both the lender and debtor agree. Those are the facts here. The Court's November 3, 2014 Order Granting Motion to Approve Loss Mitigation Agreement with Residential Credit Solutions [DE #49] specifically states that "[p]ursuant to agreement of the parties, the modification payments will be paid direct outside the Plan" [DE# 49, ¶ 4]. Therefore, it is -

ORDERED as follows:

1. The Motion to Modify Plan is granted. The Debtor's Third Modified Plan meets all of the requirements in 11 U.S.C. §1325 and is, therefore, confirmed in accordance with its terms.

2. The Lender, Residential Credit Solutions, agrees to receive modification payments direct outside of the confirmed plan and is not opposing the Third Modified Plan (the "Plan").

3. Any claim entitled to priority under 11 U.S.C. §507 shall be paid in full, in periodic installments, in the order of priority prescribed by the Bankruptcy Code over the period of the Plan as required by 11 U.S.C. §1322 (a)(2), with postpetition interest payable on the secured portion of the claim as required by 11 U.S.C. §506(b).

4. The Debtor's first monthly payment to the Trustee under the Plan is due on February 2, 2015.

5. Pursuant to 11 U.S.C. §554(a) and Local Rule 6007-1 (B)(2), the Trustee abandons any real or personal property of

the Debtor which is not included in the plan in which a creditor holds a security interest. The abandonment shall be deemed approved without the necessity of a hearing or order if no objection to the abandonment is filed and served upon the Debtor and the Chapter 13 Trustee within 10 days after the entry of this Order. The party filing the objection shall comply with the provisions of Local Rule 9073-1 (C) in scheduling a hearing on the objection.

6. If the Plan does not provide for payments to a secured creditor, such creditor is granted *in rem* stay relief to pursue available state court remedies against any property of the Debtor which secures the creditor's claim.

7. Any executory contract or unexpired lease not assumed by a prior Court order and not assumed in the Plan is deemed rejected upon entry of this Order.

8. If the Debtor fails to timely make any plan payment to the Trustee, the Trustee may serve a Notice of Delinquency upon the Debtor and the Debtor's attorney. The Debtor shall have 45 days from the date of the Notice of Delinquency to make all payments due under the Plan, including any payments that become due within the 45-day period. If the Debtor is seeking to cure the delinquency in a modified plan, the Debtor must file a motion to modify the confirmed plan within 15 days of the date of the Notice of Delinquency. If the

Debtor is not current on the 45th day after the date of the Notice of Delinquency, the Trustee shall file and serve a report on non-compliance and the case will be dismissed without further notice or hearing. Dismissal shall be with prejudice to the Debtor filing any new bankruptcy case for a period of 180 days from the entry of the order of dismissal. The Court will not extend these deadlines absent extraordinary circumstances.

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COPIES TO:

Samir Masri, Attorney for Debtor
Nancy Neidich, Trustee

(Attorney Masri is directed to forward a copy of this Order to all interested parties)