

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
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In re:

Case No.

_____ Debtor _____/

ANY INTERESTED PARTY WHO FAILS TO FILE AND SERVE A WRITTEN RESPONSE TO THIS MOTION WITHIN 14 DAYS AFTER SERVICE OF THIS MOTION SHALL, PURSUANT TO ADMINISTRATIVE ORDER 2013-1, BE DEEMED TO HAVE CONSENTED TO THE ENTRY OF AN ORDER IN THE FORM ATTACHED TO THIS MOTION.

ATTORNEY-REPRESENTED DEBTOR'S VERIFIED MOTION FOR REFERRAL TO LOSS MITIGATION MEDIATION

The above-referenced Debtor requests the Court enter an Order of Referral to Loss Mitigation Mediation ("Order") referring Debtor and _____ ("Lender") to loss mitigation mediation ("LMM") and states as follows:

1. Debtor is an individual who has filed for bankruptcy relief under, or converted to, chapter _____ on _____.
2. Debtor requests LMM for real property ("Property") located at: _____, account number _____.
 - a. The Property consists of 4 units or less and is (check one box):
 the Debtor's primary residence

not the Debtor's primary residence

b. Borrowers obligated on the promissory note and mortgage on the Property are (check one box):

Debtor only

Debtor and non-filing co-obligor/co-borrower/third party

Contact information for co-obligor/co-borrower/third party:

Name: _____

Address: _____

Phone Number: _____

Email: _____

Other: _____

c. If applicable, Debtor's attorney has simultaneously filed with this Motion the LMM Local Form "Consent to Attend and Participate in Loss Mitigation Mediation" signed by each co-obligor/co-borrower/third party listed above.

3. Debtor intends to (check all boxes that apply):

modify the mortgage on the Debtor's primary residence (chapter 11, 12 or 13 only).

modify the mortgage on Property that is not the Debtor's primary residence (chapter 13 only).

surrender the Property to the Lender.

4. Prior to filing this motion, Debtor's attorney processed and uploaded Debtor's information using the Court-approved on-line program that facilitates the preparation of the Debtor's loan modification package

("Document Preparation Software"). Debtor's initial loan modification forms have been generated and are ready for signature and submission. Debtor's attorney has also collected all of the required supporting documentation as required by the Document Preparation Software (such documentation and forms referred collectively to as "Debtor's Prepared Package") and is prepared to submit the supporting documentation along with the modification forms.

5. Prior to filing this Motion, Debtor's attorney has determined that:

Lender is registered with the approved loss mitigation portal ("LMM Portal"). The Debtor's attorney will upload to the LMM Portal, Debtor's Prepared Package together with any additional forms or documents which Lender may post on the LMM Portal, within seven days after entry of the Order.

Lender is not registered. Debtor requests the Court require Lender to register with the LMM Portal within seven days after entry of the Order. The Debtor's attorney will upload to the LMM Portal, Debtor's Prepared Package together with any additional forms or documents which Lender may post on the LMM Portal, within seven days after the Lender has registered.

6. Debtor requests Lender consider (check as many boxes as applicable):

a HAMP or government sponsored loan modification (Chapter 11, 12 or 13 only)

a conventional loan modification (Chapter 11, 12 or 13 only)

- a deed in lieu of foreclosure (chapter 7 or 13 only)
- a state court consent *in rem* final judgment of foreclosure (chapter 7 or 13 only)
- surrender incentives (chapter 7 or 13 only)
- other: _____

7. IF DEBTOR IS REQUESTING NON-RETENTION (SURRENDER) OPTIONS:

- a. Debtor will submit all additional documents required for a surrender as provided for on the LMM Portal.
 - b. The Debtor represents that the Property has been listed for sale.
8. Prior to filing this motion, Debtor remitted to Debtor's attorney the required non-refundable LMM Portal submission fee in the amount of \$25.00 and the required non-refundable Document Preparation Software fee in the amount of \$40.00 for a total fee of \$65.00 dollars.
9. Prior to filing this motion, Debtor remitted the required Mediator's fee in the amount of \$300.00 to Debtor's attorney, unless the Debtor is seeking pro bono mediation under paragraph 11. Debtor understands and acknowledges the Mediator's fee is not refundable for any reason at any time.
10. Debtor's attorney will remit the LMM Portal fee directly to the LMM Portal within seven days of the Order and upload the required documents as set forth in paragraph 5.

11. Debtor's attorney:
- will forward the Mediator's fee directly to the Mediator within seven days after entry of the Order; **OR**
- represents that the Debtor requests he/she be considered as a candidate for pro bono mediation because the Debtor's undersigned attorney is representing the Debtor pro bono, or Debtor's income is less than 150% above the poverty level (see attached calculation).
12. Debtor consents to Lender communicating directly with Debtor's attorney for any and all aspects of the loss mitigation mediation program.
13. Debtor requests the Court appoint the following Mediator:
- MEDIATOR'S NAME: _____
- COMPANY: _____
- ADDRESS: _____
- _____
- TELEPHONE: _____
- EMAIL ADDRESS: _____
14. Debtor's attorney has emailed a copy of this motion directly to the requested Mediator at the email address listed above.
15. Debtor's attorney will upload the Order to the LMM Portal as part of the submission of Debtor's documentation.

WHEREFORE, Debtor requests that the Verified Motion be granted and for such other and further relief as this Court deems proper.

DEBTOR'S VERIFICATION

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury the foregoing is true and correct on _____, 20_____.

Debtor

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Debtor's Verified Motion for Referral to Loss Mitigation Mediation was served by U.S. first class Mail, upon the parties listed below on _____, 20_____, and also by email to the Mediator identified above.

/s/ _____
Attorney for Debtor(s)
Address
Telephone
Fax
Florida Bar No.:
e-mail address:

Copies to:

Lender (identify name of Lender and where notice sent)

Lender's counsel (if you already know who Lender's counsel is)

Any co borrower, or additional party named in 2 b. of this motion by U.S. Mail or email

The Mediator (notice sent to email address)