

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA**
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In re:

Case No.

_____ Debtor _____/

**SELF-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. Debtor has simultaneously filed with this Motion the LMM Local Form “Consent to Attend and Participate in Loss Mitigation Mediation” signed by each of the co-obligor(s)/co-borrower(s)/third party(ies) 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, (check box that applies):

- Debtor has 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”) and has paid the \$40.00 non-refundable Document Preparation Software fee. Debtor’s initial loan modification forms have been generated and are ready for signature and submission. Debtor 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, **OR**

Debtor does not have a computer and is unable to use the on-line document preparation program. The Debtor requests that the Court permit the Debtor to prepare all required documents for the Lender using fax or U.S. Mail. The Debtor represents that he/she has, prior to filing this Motion, contacted the Lender to get a list of all the documents the Lender requires, and has gathered all documents, and completed all forms, required by the Lender according to the list provided by the Lender.

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

a. Lender is registered with the approved loss mitigation portal (“LMM Portal”). The Debtor 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 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.

OR

- b. Debtor does not have access to a computer and is unable to use the LMM Portal. The Debtor requests that the Court permit the Debtor to exchange documents with the Lender by fax or U.S. Mail.
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 documents required by Lender as provided for in the LMM Portal, or, if Debtor is authorized to communicate with the Lender by fax or U.S. Mail, as required by Lender in written communications to the Debtor.
 - b. The Debtor represents that the Property has been listed for sale.
8. Prior to filing this Motion the Debtor obtained a money order to pay the required Mediator's fee in the amount of \$300.00; a copy of that money order is attached. Debtor understands and acknowledges that the Mediator's fee is not refundable for any reason at any time; **OR**

The Debtor represents that the Debtor qualifies for, and requests a *pro bono* mediation. The Debtor requests that he/she be considered as a candidate for *pro bono* mediation because the Debtor's income is less than 150% above the poverty level (see attached calculation).

9. Within seven days from the date of entry of the Order, unless the Order excuses the Debtor from using the LMM Portal as requested in paragraph 4 of this Motion, the Debtor shall:

- a. Upload to the LMM Portal the required documents as set forth in paragraph 5;
- b. Pay the \$25.00 non-refundable LMM Portal submission fee by credit or debit card; and
- c. Mail the Mediator's fee directly to the Mediator, unless the Court approves the Debtor's request for *pro bono* mediation.

10. Debtor requests the Court appoint the following Mediator:

MEDIATOR'S NAME: _____

COMPANY: _____

ADDRESS: _____

TELEPHONE: _____

EMAIL ADDRESS: _____

OR

Debtor requests that the Court appoint a Mediator from the Clerk's Mediation Register.

11. Debtor has emailed a copy of this Motion directly to the Mediator at the email address listed above; **OR**
- if the Debtor does not have a computer the Debtor has mailed a copy of this Motion to the Mediator at the address listed above.
12. Debtor may be contacted at the following phone number(s) and email address:

_____.

WHEREFORE, Debtor requests that the Motion be granted, and if applicable, that the Debtor be excused from using the LMM Portal because the Debtor does not have a computer, and if applicable, that the Debtor be approved for *pro bono* mediation, 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 Verified Pro Se 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 or mail to the Mediator identified above.

/s/ _____
Debtor
Address
Telephone
Fax
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

The Mediator (notice sent to email address)(or if the Debtor does not have a computer, by mail)