

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA**
www.flsb.uscourts.gov

In re:

Case No.
Chapter

_____ Debtor(s) _____ /

**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 2014-03, BE
DEEMED TO HAVE CONSENTED TO THE ENTRY OF AN
ORDER IN THE FORM ATTACHED TO THIS MOTION.**

**ATTORNEY-REPRESENTED DEBTOR’S VERIFIED “OUT OF TIME” MOTION FOR
REFERRAL TO MORTGAGE MODIFICATION MEDIATION**

The Debtor files this Verified “Out of Time” Motion for Referral to Mortgage Modification Mediation (“Out of Time Motion”) and requests the Court enter an Order Granting Debtor’s Verified “Out of Time” Motion for Referral to Mortgage Modification Mediation (“Order Granting Out of Time Motion”) referring Debtor and _____ (“Lender”) to Mortgage Modification Mediation (“MMM”) and states as follows:

1. Debtor is an individual who has filed for bankruptcy relief under, or converted to, chapter _____ on _____. In support of Debtor’s request to participate in MMM “Out of Time”, Debtor states:

2. Debtor requests MMM for real property ("Property") located at the following street address: _____

_____;

account number for this property is _____ (last four digits).

a. The Property 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: _____

Telephone: _____

email: _____

Other:

Name: _____

Address: _____

Telephone: _____

email: _____

c. If applicable, Debtor's attorney has simultaneously filed with this motion the MMM Local Form "Third Party's Consent to Attend and

Participate in Mortgage Modification 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.
 - Modify the mortgage on Property that is not the Debtor’s primary residence.
 - Surrender the Property to the Lender.
4. Prior to filing this motion, Debtor remitted to Debtor’s attorney the required non-refundable portal submission fee in the amount of \$40.00 and the required non-refundable Document Preparation Software fee in the amount of \$40.00 for a total fee of \$80.00.
5. Prior to filing this motion, Debtor’s attorney completed preparation of 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 Document Preparation Software fee to the approved vendor. 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.
6. Prior to filing this motion, Debtor’s attorney has determined that:

Lender is registered with the approved Mortgage Modification Mediation Portal (“MMM Portal”);

Lender is not registered. Debtor requests the Court require Lender to register with the MMM Portal within seven days after entry of the Order.

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

A HAMP or government sponsored loan modification

A conventional loan modification

A deed in lieu of foreclosure

A state court consent *in rem* final judgment of foreclosure

Surrender options

Other: _____

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

a. Debtor will submit all additional documents required for surrender as provided for on the MMM Portal.

b. Debtor represents that the Property has been listed for sale.

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 that after the mediator is designated, the mediator’s fee is not refundable for any reason at any time.

10. Within seven days after filing the MMM Local Form “Debtor’s Notice of Selection of Mortgage Modification Mediator” (or “Notice of Clerk’s

Designation of Mortgage Modification Mediator”) or the Lender’s registration on the MMM Portal, whichever occurs later, Debtor’s attorney shall upload and submit through the MMM Portal, Debtor’s Prepared Package, together with any additional forms or documents which Lender may post on the MMM Portal, and pay a non-refundable MMM Portal submission fee in the amount of \$40.00. In addition, the Debtor’s attorney will upload the Order to the MMM Portal as part of the submission of Debtor’s documentation.

11. Debtor’s attorney:
 - Will forward the mediator’s fee directly to the Mediator within seven days after designation of the mediator; **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 mortgage mitigation mediation program.
13. [For chapter 7 debtors] Debtor understands and consents to this Court’s MMM procedures which require that, if the Debtor becomes otherwise eligible for entry of a discharge before the MMM process is completed, the Court shall delay issuance of the discharge until either an agreement is reached or the parties reach impasse as reflected in the Local Form "Final Report of Mortgage Modification Mediator".

WHEREFORE, Debtor requests that the “Out of Time 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 Out of Time Motion for Referral to Mortgage Modification Mediation was served by U.S, first class Mail, upon the parties listed below on _____, 20_____.

/s/ _____
Attorney for Debtor(s)
Address: _____

Telephone: _____
Fax: _____
Florida Bar No.: _____
email: _____

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