MORTGAGE MODIFICATION MEDIATION PROGRAM PROCEDURES

Revised Effective December 1, 2015 as provided under Administrative Order 14-03, as amended on April 3, 2023, and as further amended on June 1, 2026

I. PURPOSE.

I. PURPOSE. These procedures and forms implement the Mortgage Modification Mediation (MMM) program established by Administrative Order 14-03. This program gives individual debtors and their mortgage lenders a structured, confidential process to explore whether they can reach an agreement, such as a loan modification or surrender of the property, with the help of a neutral mediator and the oversight of the United States Bankruptcy Court for the Southern District of Florida.

II. DEBTORS ELIGIBLE TO PARTICIPATE. Any individual with a bankruptcy case currently pending, under any chapter, may participate in MMM for real property. The MMM motion must include the property address and the last four digits of the mortgage loan number.

Before filing an MMM motion, the individual must have paid their bankruptcy filing fee in full.

III. MORTGAGE MODIFICATION MEDIATION PORTAL AND DOCUMENT PREPARATION SOFTWARE. To speed up the exchange of documents, the Court requires all parties to use two online tools: (1) a secure website called the MMM Portal, and (2) Document Preparation Software that helps the debtor prepare a complete loan modification package. These tools give the parties immediate, transparent access to submitted documents, reduce delays caused by missing information, and eliminate the need for repeated submissions.

All written communication between the parties regarding the mediation must be sent through the MMM Portal only, unless otherwise ordered by the Court. Court filings (such as a motion to compel mediation or a discovery motion) must be filed in the main bankruptcy case, not through the MMM Portal. The current MMM Portal provider approved by the Court is managed and maintained by Default Mitigation Management LLC (DMM). Free training on use of the MMM Portal is available to all attorneys and lenders. The Court's MMM web page also includes MMM Portal training materials, including contact information for the portal vendor and information on the Document Preparation Software. If other providers are approved by the Court, those providers will be listed on the Court's website.

IV. REQUEST FOR MMM REFERRAL ORDER.

A. Timing.

1. General Rule. The MMM motion must be filed within 90 days of the bankruptcy petition date, unless the Court orders otherwise.

2. In Chapter 12 and Chapter 13 Cases. The MMM motion must be filed (a) **before** filing any plan that proposes MMM trial payments, and (b) within 90 days of the petition date.

B. Attorney Represented Debtor Motion Without Hearing.

1. Requirements for filing motion without a hearing. A represented debtor filing within 90 days of the petition date may request the MMM referral order without a hearing. To do so, file the MMM Local Form *Attorney-Represented Debtor's Verified Motion for Referral to Mortgage Modification Mediation Without Hearing* (MMM-LF-01) with the proposed *Order Granting Debtor's Motion for Referral to Mortgage Modification Mediation Without Hearing* (MMM-LF-02) attached as an exhibit. Serve both documents on the trustee (if applicable), the Lender, the Lender's counsel (if applicable), and any other required parties. Upload the proposed order to CM/ECF.

   Before filing the MMM Motion, the Debtor's attorney must confirm that:

   (a) The $60.00 non-refundable Document Preparation Software fee has been paid directly to the approved vendor; and

   (b) The Debtor's initial loan modification forms have been completed using the court-approved Document Preparation Software and all required supporting documents have been gathered (the "Debtor's Prepared Package"), so the package is ready to submit to the Lender through the MMM Portal.

2. Entry of Referral Order – Deadlines for Seeking Reconsideration. After the MMM Motion is filed, the Court may enter the MMM Order without a hearing. The MMM Order gives the Lender 14 days to ask the Court to reconsider the Order (the "Reconsideration Deadline"). If the Lender files a timely motion for reconsideration, the Court will schedule a hearing.

3. Process for Selecting a Mediator. The parties must work together to select a mediator by the later of (i) the Reconsideration Deadline, or (ii) 14 days after the Court denies a timely motion for reconsideration (the "Mediator Selection Period").

(a) If the parties agree on the selection of a mediator during the Mediator Selection Period, the Debtor must file the MMM Local Form *Debtor's Notice of Selection of Mortgage Modification Mediator* (Check Box 1 and insert mediator name and contact information), serve a copy of the notice on all required parties, and file a Certificate of Service under Local Rule 9036-2.

(b) If the Lender does not respond: Within 7 days after the Mediator Selection Period, the Debtor may independently select a mediator and file the MMM Local Form *Debtor's Notice of Selection of Mortgage Modification Mediator* (Check Box 2 and insert mediator name and contact information), serve a copy of the notice on all required parties, and file a Certificate of Service under Local Rule 9036-2. The Lender is then deemed to have waived the right to challenge Debtor's selection.

(c) If the parties attempt to reach agreement on the selection of a mediator, but fail to do so during the Mediator Selection Period, the Debtor must file the MMM Local Form *Debtor's Notice of Selection of Mortgage Modification Mediator* (Check Box 3 indicating the impasse), serve a copy of the notice on all required parties, and file a Certificate of Service under Local Rule 9036-2. The clerk will then randomly select a mediator from the Court's register of mediators under Local Rule 9019-2(c)(2)(B), without the necessity of a hearing. The clerk will serve notice of the mediator selection on the required parties using the MMM Local Form *Notice of Clerk's Designation of Mortgage Modification Mediator*. Any challenge to the clerk's selection of a mediator is governed by Local Rule 9019-2(c)(2)(B)(ii).

C. Filing an Out of Time Request.

1. A represented Debtor who missed the 90-day deadline must file the MMM Local Form *Attorney-Represented Debtor's Verified "Out of Time" Motion for Referral to Mortgage Modification Mediation* (MMM-LF-03) (the "Out of Time Motion"), with the MMM Local Form *Order Granting Debtor's Verified "Out of Time" Motion for Referral to Mortgage Modification Mediation* (MMM-LF-06) (the "Out of Time Order") attached as an exhibit. The motion must be served on the Lender and any co-borrowers or other required parties. A Certificate of Service must also be filed under Local Rule 9036-2. No hearing will be automatically scheduled.

2. Before filing the Out of Time Motion the Debtor's attorney must confirm:

(a) The $60.00 non-refundable Document Preparation Software fee has been paid directly to the approved vendor; and

(b) The Debtor's initial loan modification forms have been completed using the court-approved Document Preparation Software and the Debtor's Prepared Package is ready to submit to the Lender through the MMM Portal.

3. The Lender will have 14 days from the date of service of Debtor's Out of Time Motion to file a response. If the Lender or other required party does not file a timely response, the Court may enter an order without a hearing. If no timely response is filed, within 7 days after the response deadline expires, the Debtor's attorney must upload the MMM Local Form *Order Granting Debtor's Verified Out of Time Motion for Referral to Mortgage Modification Mediation* to CM/ECF. The Lender may also file the MMM Local Form *Lender's Consent to Attend and Participate in Mortgage Modification Mediation* at any time after filing of the Out of Time Motion.

4. If the Lender or other party served with the Out of Time Motion files a timely response, the Court will schedule a hearing.

5. If granted, the Order will give the parties 14 days to select a mediator in accordance with the Section IV.B.3 above.

D. By an Unrepresented Debtor.

1. A Debtor without an attorney must file the MMM Local Form *Unrepresented Debtor's Verified Motion for Referral to Mortgage Modification Mediation* (MMM-LF-07) (the "Unrepresented Debtor Motion"). The Court will schedule a hearing on this motion.

2. The motion may also include any of the following requests:

- Fee waiver: If you cannot afford the mediation fee, ask the Court to waive it in your motion.

- Portal/software waiver: If you do not have access to a computer and cannot use the MMM Portal or Document Preparation Software, ask the Court to allow you to exchange documents by fax or U.S. mail instead.

3. Serve the Unrepresented Debtor Motion and proposed MMM Local Form *Order Granting Unrepresented Debtor's Motion for Referral to Mortgage Modification Mediation* (MMM-LF-08) (the "Unrepresented Debtor Order") on the Lender, the Lender's counsel, if known, and any other party required to participate in the mediation, by U.S. mail and, if possible, also by email, and file a Certificate of Service under Local Rule 9036-2.

4. The Lender has 14 days from the date of service of the motion to respond.

5. If the Unrepresented Debtor Motion is granted, the Unrepresented Debtor Order will give 14 days for the parties to agree on a mediator.

6. How a mediator is selected:

(a) If the parties agree within 14 days: within 7 days after the deadline, the Debtor must file the MMM Local Form *Debtor's Notice of Selection of Mortgage Modification Mediator* (MMM-LF-11) (Check Box 1 and insert mediator name and contact information), serve a copy of the notice on all required parties, and file a Certificate of Service under Local Rule 9036-2.

(b) If the parties fail to agree, within 7 days after the deadline, the Debtor must file the MMM Local Form Debtor's Notice of Selection of Mortgage Modification Mediator (Check Box 3 indicating the impasse), serve a copy of the notice on all required parties, and file a Certificate of Service under Local Rule 9036-2. The clerk will then randomly select a mediator from the Court's register of mediators under Local Rule 9019-2(c)(2)(B)(i), without the necessity of a hearing. The clerk will serve notice of the mediator selection on the required parties using the MMM Local Form *Notice of Clerk's Designation of Mortgage Modification Mediator*. Local Rule 9019-2(c)(2)(B)(ii) applies to any challenge to the clerk's designation of mediator.

E. **By a Lender.** A Lender may request referral to MMM by filing and serving:

1. If the debtor is represented by an attorney: Serve the motion and a proposed order on the debtor and the debtor's counsel. The proposed order must substantially conform to the MMM Local Form *Order Granting Attorney-Represented Debtor's Verified Motion for Referral to Mortgage Modification Mediation* (MMM-LF-02), except that the paragraph allowing the Lender to seek reconsideration must not be included.

2. If the debtor is not represented by an attorney: Serve the motion and a proposed order on the debtor. The proposed order must substantially conform to the MMM Local Form *Order Granting Unrepresented Debtor's Verified Motion for Referral to Mortgage Modification Mediation* (MMM-LF-08).

The Lender must file a Certificate of Service under Local Rule 9036-2. The debtor has 14 days from the date of service to file a written response.

- If the debtor does not file a response objecting to the motion, the Court may enter the order without a hearing — unless the debtor is unrepresented, in which case the Court will schedule a hearing.
- If the debtor files a timely response, the Court will schedule a hearing.

Selecting a mediator after the order is entered. If the Court grants the Lender's motion, the order will give the parties 14 days to agree on a mediator. Within 7 days after that deadline expires:

(a) If the parties agree: The Lender must file the MMM Local Form *Debtor's Notice of Selection of Mortgage Modification Mediator* (MMM-LF-11) (checking Box 1 and inserting the mediator's name and contact information), serve a copy on all required parties, and file a Certificate of Service under Local Rule 9036-2.

(b) If the parties cannot agree: The Lender must file the MMM Local Form *Debtor's Notice of Selection of Mortgage Modification Mediator* (MMM-LF-11) (checking Box 3 to indicate an impasse), serve a copy on all required parties, and file a Certificate of Service under Local Rule 9036-2. The clerk will then randomly select a mediator from the Court's register of mediators under Local Rule 9019-2(c)(2)(B), without a hearing, and serve notice of the selection using the MMM

Local Form *Notice of Clerk's Designation of Mortgage Modification Mediator* (MMM-LF-12). Any challenge to the clerk's selection must be brought under Local Rule 9019-2(c)(2)(B)(ii).

F. By the Bankruptcy Court. The Court may order the assignment of a mortgage modification matter to MMM upon the Court's own motion.

V. ADDITIONAL PARTIES. Anyone else who is obligated on the promissory note or mortgage — such as a co-borrower or co-signer (a "Co-Participant") — must also take part in MMM. If such a person's participation is required, any party may ask that the Co-Participant be included. The Co-Participant must sign — and the debtor's attorney (or the debtor, if unrepresented) must file with the MMM motion — the MMM Local Form *Third Party's Consent to Attend and Participate in Mortgage Modification Mediation* (MMM-LF-10).

VI. MORTGAGE MODIFICATION MEDIATION REFERRAL ORDER. Once the Court enters the order referring the case to MMM (the "Final MMM Order"), the party who filed the motion must:

1. Serve the Final MMM Order on all required parties, including the designated mediator, and file a Certificate of Service under Local Rule 9036-2; and

2. Upload a copy of the Final MMM Order to the MMM Portal within 7 days after the later of: (a) filing the *Debtor's Notice of Selection of Mortgage Modification Mediator* (MMM-LF-11) or the *Notice of Clerk's Designation of Mortgage Modification Mediator* (MMM-LF-12), or (b) the Lender's registration on the MMM Portal — unless the Court has excused the debtor from using the Portal.

Any parties ordered to participate in MMM must comply with the Final MMM Order and all deadlines contained therein and participate in MMM in good faith. Failure to do so may result in sanctions, including vacating the Final MMM Order.

A. Lender Requirements. Within 7 days after entry of the Final MMM Order (or after all reconsideration motions are resolved):

1. *Register on the Portal*. The Lender (and its counsel, if any) must register on the MMM Portal, if not already registered. Registration is a one-time event.

2. *Post the Lender's Initial Package*. The Lender must confirm that its list of required forms and documents (the "Lender's Initial Package") is posted on the Portal.

3. *Designate a point of contact.* Within 7 days after the debtor delivers the information described in Section VI.B, the Lender must acknowledge receipt on the Portal, identify any missing information, and designate its single point of contact and outside counsel (if any). The Lender's representative must have authority to settle within the investor's guidelines and must attend and participate in all MMM conferences.

4. *Loan transfers*. If the Lender transfers the loan before MMM concludes, it must provide a copy of the Final MMM Order to the new loan holder, who will be bound by all terms of the order.

B. **Debtor Requirements.** Within 7 days after filing the mediator selection notice (MMM-LF-11 or MMM-LF-12) — or the Lender's registration on the MMM Portal, whichever is later — the debtor must:

1. Upload the Debtor's Prepared Package to the Portal, along with any additional forms or documents posted by the Lender; and

2. Pay the $60.00 non-refundable Portal submission fee.

If the Court has excused the debtor from using the Portal, the debtor must instead mail or fax the Debtor's Prepared Package to the Lender and the mediator within 7 days after entry of the Final MMM Order.

If the Debtor fails to comply with these requirements, the Court will consider vacating the Final MMM Order upon motion by the Lender and after notice and hearing.

If the Final MMM Order is vacated, and the Debtor is in a chapter 12 or chapter 13 bankruptcy case, the Debtor will have 14 days from the date the Final MMM Order is vacated to file an amended plan that either cures and maintains the loan and mortgage subject of the MMM or surrenders the subject property to the Lender. If the Debtor fails to file the amended plan within 14 days as required, the Court, upon request of the Lender, the trustee, or on its own, may issue an order to show cause why the chapter 12 or chapter 13 case should not be dismissed. Moreover after expiration of the 14 days, the Lender may file a motion confirming that the automatic stay is no longer in effect with respect to the subject property.

C. **Mediator Requirements.** The designated mediator must, within 7 days of designation, or within 7 days after the Debtor has complied with requirements in section VI.B., log in to the MMM Portal to facilitate the exchange of information and documentation between Debtor and Lender in an effort to perfect the documentation needed for Lender to complete its analysis of Debtor’s mortgage modification options.

If the Debtor has been excused from using the MMM Portal, the mediator must contact the Debtor by phone, email, or mail and contact the Lender in which ever manner the Lender and mediator agree to communicate.

The mediator must schedule the initial MMM conference no later than 7 days after the mediator determines that the Lender has received and reviewed all the required information through the MMM Portal, or from the Debtor if use of the MMM Portal has been excused. In the event the mediator cannot determine that the Lender has received and reviewed all the required information, the mediator must schedule the initial MMM conference within 90 days of entry of the Order. The initial MMM conference is limited to one hour. The mediator must report the scheduling of any MMM conferences on the MMM Portal.

VII. MORTGAGE MODIFICATION MEDIATION CONFERENCE. All parties are required to attend the MMM conference and have authority to settle all matters requested in the motion.

A. Lender. The Lender and Lender's representative may participate in the MMM conference by telephone or video conference.

B. Debtor.

1. A represented debtor (and any Co-Participant) may participate by telephone or video conference, as long as they are physically present with the debtor's attorney and can show identification to the attorney. The Debtor must provide a foreign language interpreter, if necessary, at the Debtor's own expense.

2. A debtor without an attorney (and any Co-Participant) must appear in person at the mediator's location and show identification to the mediator. The Debtor must provide a foreign language interpreter, if necessary, at the Debtor's own expense.

C. Settlement Agreement. All parties must come to the MMM conference prepared to sign a binding settlement agreement and must be able to send and receive documents electronically (by fax, email, or similar means).

D. Procedure. The initial MMM conference is limited to one hour. If the parties are unable to reach an agreement and require a second MMM conference, the mediator must schedule a final MMM conference not later than 30 days thereafter. The second MMM conference is limited to one hour.

With the written agreement of all parties, the mediator may schedule additional conferences beyond the initial two.

MMM must be concluded not later than 150 days from the date of the Final MMM Order, unless extended by written consent on the portal or by court order or stipulation of the parties, as provided in Section VI.

E. Confidential Communication. All communications and information exchanged during an MMM conference are confidential and cannot be used as evidence in court. See Federal Rule of Evidence 408.

VIII. EFFECT OF MEDIATION.

A. Automatic Stay. The automatic stay is modified as needed to allow the MMM process to move forward, as provided in the Final MMM Order.

Once the Order has been entered:

1. Any pending motion for stay relief with respect to property that is subject to MMM will be continued until such time as the MMM has been concluded. The pendency of MMM constitutes good cause and compelling circumstances under 11 U.S.C. §362(e) to delay entry of any final decision on a pending request for stay relief. Any lender seeking relief before conclusion of the MMM must file a motion requesting a hearing, setting forth the reasons why relief must be considered before conclusion of the MMM.

2. The Lender may not seek stay relief without a hearing under Local Rule 9013-3(c).

B. Motions to Value. Any pending motion to value the property subject to MMM will be continued until MMM concludes.

C. No Delay. Referral to MMM does not pause the bankruptcy case or relieve the parties of any other obligations under the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, or local rules and orders. The case continues on its normal schedule unless the Court orders otherwise.

D. Case Remains Open. If the case would otherwise be ready to close, it will remain open while MMM is pending, unless the Court orders otherwise.

IX. AFTER MMM CONCLUDES. Within 7 days after the last MMM conference — whether or not the parties reached an agreement — the mediator must enter the results on the MMM Portal. Within 2 business days after entering those results, the mediator must file the MMM Local Form *Final Report of Mortgage Modification Mediator* (MMM-LF-13) with the Court. Filing MMM-LF-13 satisfies the requirements of Local Rule 9019-2(g).

If the parties reached an agreement — represented debtor. Within 14 days after MMM-LF-13 is filed, the debtor's attorney must file the MMM Local Form *Motion to Approve Mortgage Modification Agreement with Lender* (MMM-LF-14) and upload the proposed MMM Local Form *Order Granting Motion to Approve Mortgage Modification Agreement with Lender* (MMM-LF-16) to CM/ECF. The debtor must serve the motion and proposed order on all required parties and file a Certificate of Service under Local Rule 9036-2. Unless the Court orders otherwise, no hearing will be scheduled.

If the parties reached an agreement — unrepresented debtor. Within 14 days after MMM-LF-13 is filed, the debtor must file the MMM Local Form *Unrepresented Debtor's Motion to Approve Mortgage Modification Agreement with Lender* (MMM-LF-15) and serve it on all required parties. The Court will promptly schedule a hearing. The debtor must file a Certificate of Service under Local Rule 9036-2.

The parties must finalize any required legal documents promptly after approval.

X. TRIAL PAYMENTS DURING THE MMM PROCESS.

A. Chapter 7 and Chapter 11 Payments.

In a chapter 7 or chapter 11 case, if the Lender requests trial payments as part of MMM, the debtor must make monthly payments directly to the Lender — without Court approval or any modification of the automatic stay — as follows, unless the Court orders otherwise:

- For the debtor's primary home (homestead): the lesser of (a) the regular monthly mortgage payment before the bankruptcy was filed, or (b) 31% of the debtor's gross monthly income, after deducting any HOA fees owed for the property.
- For income-producing property: at least 75% of the gross income the property generates.

Trial payments must continue until MMM ends and either (a) an agreement between the parties replaces them, or (b) the parties reach an impasse with no agreement. If the parties reach an impasse, the Lender may seek relief, including stay relief, dismissal, or — in a chapter 11 case — an order requiring the debtor to amend the plan if one has already been filed. If the Court requires adequate protection payments in its order on the Lender's post-MMM motion, the amount of those payments may differ from the amounts paid during MMM.

B. **Chapter 12 and Chapter 13 Plan Language.** When mortgage modification is sought as part of MMM in a chapter 12 case or chapter 13 case, the Debtor must include the following language in "Other Provisions" of the plan, which plan must not be filed before the MMM Motion, the Out of Time Motion, or the Unrepresented Debtor Motion (collectively, the "Modification Motion") is filed:

> **The Debtor has filed a Verified Motion for Referral to MMM with _______________("Lender"), loan number ____________, for real property located at ________________. The parties must timely comply with all requirements of the Order of Referral to MMM and all Administrative Orders/Local Rules regarding MMM. While the MMM is pending and until the trial/interim payment plan or the permanent mortgage modification/permanent payment is established by the parties, absent Court order to the contrary, the Debtor has included a post-petition monthly plan payment (a) with respect to the Debtor's homestead, of no less than the lower of the prepetition monthly contractual mortgage payment or 31% of the Debtor's gross monthly income (after deducting any amount paid toward HOA fees due for the property) and (b) with respect to income producing property, of no less than 75% of the gross income generated by such property, as a good faith adequate protection payment to the Lender. All payments will be considered timely upon receipt by the trustee and not upon receipt by the Lender.**
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> **Until the MMM is completed and the Final Report of Mortgage Modification Mediator is filed, any objection to the Lender's proof of claim on the real property described above will be held in abeyance**

as to the regular payment and mortgage arrearage stated in the proof of claim only. The Debtor must assert any and all other objections to the proof of claim prior to confirmation of the plan or modified plan.

If the Debtor, co-obligor/co-borrower or other third party (if applicable) and the Lender agree to a settlement as a result of the pending MMM, the debtor will file the MMM Local Form *Motion to Approve Mortgage Modification Agreement with Lender* (or *Unrepresented Debtor's Motion to Approve Mortgage Modification Agreement with Lender*) no later than 14 calendar days following settlement. Once the settlement is approved by the Court, the Debtor must immediately amend or modify the plan to reflect the settlement and the Lender must amend its Proof of Claim to reflect the settlement, as applicable.

If a settlement is reached after the plan is confirmed, the Debtor will file a motion to modify the plan no later than 30 calendar days following approval of the settlement by the Court and the Lender will have leave to amend its Proof of Claim to reflect the settlement reached after confirmation of the plan. The parties will then timely comply with any and all requirements necessary to complete the settlement.

In the event the Debtor receives any financial benefit from the Lender as part of any agreement, the Debtor must immediately disclose the financial benefit to the Court and the trustee and amend or modify the plan accordingly.

If the Lender and the Debtor fail to reach a settlement, then no later than 14 calendar days after the mediator's Final Report is filed, the Debtor will amend or modify the plan to (a) conform to the Lender's Proof of Claim (if the Lender has filed a Proof of Claim), without limiting the Debtor's right to object to the claim or proceed with a motion to value; or (b) provide that the real property will be "treated outside the plan." If the property is "treated outside the plan," the Lender will be entitled to in

rem stay relief to pursue available state court remedies against the property. Notwithstanding the foregoing, Lender may file a motion to confirm that the automatic stay is not in effect as to the real property.

Confirmation of the plan will be without prejudice to the assertion of any rights the Lender has to address payment of its Proof of Claim.

C. Chapter 12 and Chapter 13 Remedies.

1. Failure to File a Timely Modification Motion. In addition to the remedies set forth in the quoted language in Section X.B., if a plan containing MMM language is filed before the Modification Motion is filed, the trustee must not set the plan for confirmation, and may request that the Court issue an order to show cause why the chapter 12 or chapter 13 case should not be dismissed if either the Modification Motion, or an amended plan without the MMM language, is not filed within 14 days of that request. The Court may also consider other sanctions.

2. Failure to Comply with Settlement. If after settlement, either the Debtor or the Lender fails to perform its obligations set forth in the quoted language in Section X.B., the Debtor, the Lender, or the trustee may file a motion to compel performance of the settlement.

3. Failure to Amend Plan After Impasse. If after impasse the Debtor fails to file the amended plan within 14 days as required, the Court, upon request of the Lender, the trustee, or on its own, may issue an order to show cause why the chapter 12 or chapter 13 case should not be dismissed. The Lender may also file a motion confirming that the automatic stay is no longer in effect with respect to the subject property.

D. Application of MMM Payments. Unless the parties have agreed to the contrary, MMM payments made during the MMM process will be applied in accordance with applicable loan documents and non-bankruptcy law.

When the MMM is concluded, if all payments provided by a chapter 12 or chapter 13 bankruptcy plan have not been distributed to the Lender then the balance held by the trustee must be distributed:

1. If MMM is successful, as specifically agreed to by the parties in the agreement reached by the parties (which may include the Lender's decision to decline receipt of the additional funds); and

2. If MMM is not successful, then the balance must be distributed to the Lender to be applied by the Lender in accordance with the applicable loan documents and non- bankruptcy law, or the Lender may affirmatively reject the balance of the payments (failure to object is not sufficient).

XI. DELAY OF DISCHARGE FOR CHAPTER 7 DEBTOR. In chapter 7 cases, the debtor's discharge will be delayed until MMM is finished — whether the parties reached an agreement or reached an impasse with no agreement.

XII. MORTGAGE MODIFICATION MEDIATOR. Unless otherwise agreed to by the parties, the mediator must be selected from the Court's register of mediators maintained under Local Rule 9019-2(c)(2)(C).

A. Registration. Each mediator must be registered on the MMM Portal.

B. Standards of Professional Conduct. The mediator will be governed by the standards of professional conduct set forth in the Florida Rules for Certified and Court-Appointed Mediators.

C. Compensation. Mediators will be paid equally by the parties as follows:

1. Unless the Debtor's case has been accepted as a pro bono case, the Debtor must pay a non-refundable $400.00 fee directly to the mediator within 7 days of designation of the mediator. A Debtor may request a mediator to serve pro bono only if the Debtor's income is at or below 150% of the federal poverty level.

2. The Lender must pay a $400.00 non-refundable fee directly to the mediator within 7 days of the designation of mediator.

3. The fee includes the mediator's assistance in determining all documentation is uploaded to the MMM Portal, or, for a Debtor with no computer, otherwise exchanged between the Debtor and Lender, scheduling of the mediation, and participation in a maximum of two, one-hour mortgage modification conferences.

4. For any MMM conference that extends beyond the initial two one-hour conferences, the mediator will be compensated at the rate set by Local Rule 9019-2(e)(2)(B).

5. Fees for MMM conferences that extend beyond the initial two, one-hour sessions will be divided equally between the parties, except in the case of a pro bono matter in which case the mediator will be paid one half of their fee by the Lender and the balance will be credited to the mediator's pro bono commitment. Payment must be made by the Debtor and the Lender before the beginning of each successive MMM conference. If the Debtor is not represented by an attorney, the Debtor must bring a money order or cashier's check to the MMM conference in an amount equal to the Debtor's share of the one-hour session. Any balance owed for a session that extends beyond the pre-paid session must be paid as soon as possible, or within 2 business days following conclusion of the final session.

XIII. COMPENSATION OF DEBTOR'S COUNSEL. Without application to the Court, attorneys for Debtors will be permitted to charge for MMM an attorney's fee not to exceed $2500.00, plus $100.00 in expenses, subject to the compensation requirements for the chapter under which the case is filed. In chapter 13 cases, charges must be made in accordance with the *Guidelines for Compensation for Professional Services or Reimbursement of Expenses by Attorneys for Chapter 13 Debtors*.

A. The $2500.00 fee encompasses services for:

1. Preparing and filing the MMM motion and preparing and submitting the proposed order;

2. Preparing all forms required for mediation;

3. Preparing and filing other required motions, applications, objections, and plans; preparing and submitting related proposed orders; and preparing any required settlement documents;

4. Communicating with the Lender and the mediator, including through the portal;

5. Attending all MMM conferences and Court hearings; and

6. Reviewing all modified loan documents.

B. In a chapter 13 case the $2500.00 fee must be paid as follows:

1. $1500.00 is presumed to compensate the Debtor's attorney for initial services relating to MMM, including but not limited to, collecting and uploading documents to the MMM Portal, drafting and filing the MMM motion, and communicating with the Lender and the mediator.

2. The balance of $1000.00 becomes payable once the mediator has scheduled the initial MMM conference.

3. If modification of a chapter 13 plan after confirmation becomes necessary, the Debtor's attorney may charge an additional $750.00 in fees and $50.00 in expenses in accordance with the *Guidelines for Compensation for Professional Services or Reimbursement of Expenses by Attorneys for Chapter 13 Debtors*.