

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

Case No.
Chapter

_____Debtor(s)_____/

**SELF-REPRESENTED DEBTOR'S VERIFIED MOTION FOR
REFERRAL TO MORTGAGE MODIFICATION MEDIATION**

Debtor(s) _____ files this Self-Represented Debtor's Verified Motion for Referral to Mortgage Modification Mediation ("Pro Se Motion") and requests the Court enter an Order of Referral to Mortgage Modification Mediation (Pro Se Order) 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 _____.
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. Debtor has simultaneously filed with this motion the MMM Local Form “Third Party Consent to Attend and Participate in Mortgage Modification 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.
- ☐ 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, (check box that applies):

☐ Debtor has completed 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 \$60.00 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 Software program. 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 and is prepared to submit all required documents to the Lender using fax or U.S. Mail.

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

a. ☐ Lender is registered with the approved Mortgage Modification Mediation Portal ("MMM Portal"). The Debtor will upload to the MMM Portal, Debtor's Prepared Package together with any

additional forms or documents which Lender may post on the MMM Portal, within seven days after entry of the Order.

- ☐ Lender is not registered. Debtor requests the Court require Lender to register with the MMM Portal within seven days after entry of the Order. The Debtor will upload to the MMM Portal, Debtor's Prepared Package together with any additional forms or documents which Lender may post on the MMM 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 MMM Portal. The Debtor requests that the Court permit the Debtor to exchange documents with the Lender by fax or U.S. Mail, including the documents already prepared under paragraph 4 above.

6. 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: _____

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

- a. Debtor will submit all documents required by Lender as provided for in the

MMM 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 after the mediator is designated, 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 MMM Portal as requested in paragraph 4 of this Motion, the Debtor shall:
- a. Upload to the MMM Portal the required documents as set forth in paragraph 5;
 - b. Pay the \$60.00 non-refundable MMM 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 may be contacted at the following phone number(s) and email address:

_____.

11. [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 Motion be granted, and if applicable, that the Debtor be excused from using the MMM 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 Debtor's Verified Pro Se Motion for Referral to Mortgage Modification Mediation was served by U.S, first class mail upon the parties listed below on _____.

/s/ _____

Debtor(s)

Address: _____

Telephone: _____

Fax: _____

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 party listed in paragraph 2(b) of this Motion