



UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF FLORIDA

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PUBLIC NOTICE RE: AMENDMENTS TO LOSS MITIGATION MEDIATION PROGRAM

The following documents have been revised to reflect court approved changes and clarifications to the Program and shall take effect on December 1, 2013:

A. Amendments to Loss Mitigation Program Procedures:

- 1) **Section IV. COMMENCEMENT OF LOSS MITIGATION MEDIATION:** The deadline for filing the LMM Local Form “Attorney-Represented Debtor’s Verified Motion for Referral to Loss Mitigation Mediation” and the LMM Local Form “Self-Represented Debtor’s Verified Motion for Referral to Loss Mitigation Mediation” has been changed from 45 days to 90 days.
- 2) **Section V. FILING A REQUEST OUT OF TIME:** This section has been amended to read as follows:

A Debtor seeking to initiate LMM later than 90 days from the date of filing the Voluntary Petition, must file the Verified Motion with the Court, on notice to the lender and any co-obligor, co-borrower or third party whose participation is required, and the Court will promptly schedule a hearing in accordance with the procedures set forth in Local Rule 9073-1. Negative notice procedures are not available for these “out of time” requests nor may the 90 day deadline be extended by motion.
- 3) **Section VII. A. Lender Requirements:** This section has been amended to add the following new paragraph:

If the Lender transfers the loan, the Lender must provide a copy of the Order to the new holder of the loan (“Successor Lender”), and the Successor Lender will be obligated to comply with all terms of the Order.
- 4) **Section VII.C. Mediator Requirements:** The deadline for the Mediator to schedule the initial LMM conference has been changed from 60 to 90 days.
- 5) **Section X. POST LOSS MITIGATION MEDIATION:** Paragraph two has been amended to permit the Attorney-Represented Debtor to file an “ex-parte” motion to approve the loss mitigation agreement and to reference amended LMM Local Forms “[Ex-Parte Motion to Approve Loss Mitigation Agreement with Lender](#)” and “[Order Granting Motion to Approve Loss Mitigation Agreement with Lender](#)”.
- 6) **Section XIII. COMPENSATION OF DEBTOR’S COUNSEL:** This section has been amended to: (1) Increase the “no-look” fee/expenses from \$1800.00/\$65.00 to \$2500.00/\$100.00; (2) clarify fee requirements; and (3) increase the initial attorney compensation amount from \$900 to \$1500, and the balance from \$900 to \$1000.

B. Amendments to LMM Forms:

- 1) Local Form “[Order of Referral to Loss Mitigation](#)”;
- 2) Local Form “[Order of Referral of Self-Represented Debtor to Loss Mitigation Mediation](#)”;
- 3) Local Form “[Ex Parte Motion to Approve Loss Mitigation Agreement With Lender](#)”;
- 4) Local Form “[Order Granting Motion to Approve Loss Mitigation Agreement with Lender](#)”; and
- 5) The Flow Chart “[LMM UNDER USBC SDFL AO 11-1 FOR DEBTOR REPRESENTED BY ATTORNEY](#)” has been amended to reflect revised deadlines and forms.

Copies of local forms, administrative orders and local rules are available on the Court’s web site www.flsb.uscourts.gov.