



**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA**

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**CLERK'S NOTICE OF REVISED MORTGAGE MODIFICATION
MEDIATION PROGRAM PROCEDURES**

Effective January 30, 2017, the Mortgage Modification Mediation Procedures have been amended for all pending cases to reflect a change (highlighted in red text below) in the following paragraph contained in **Section X. (B) Chapter 12 and Chapter 13 Plan Language.**

NOTE: Please refer to the [Mortgage Modification Mediation Program Procedures](#) to review revised Section X. (B) in its entirety.

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) or ~~(b) provide that the real property will be surrendered. If the amended or modified plan provides that the real property to be surrendered, then the obligations to the lender will be considered~~ "treated outside the plan" ~~and the.~~ The lender shall have in rem relief from the automatic stay as to the real property ~~being surrendered.~~ 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."

Copies of the revised procedures are available on the court's [Mortgage Modification Mediation](#) web page.

(01/30/2017)