

UNITED STATES BANKRUPTCY COURT
Southern District of Indiana

In re:)
)
[Name of Debtor(s)],) Case No. (xx-xxxxx)
Debtor (s).)

MOTION TO DIRECT LOSS MITIGATION MEDIATION
AND NOTICE OF OBJECTION DEADLINE

Debtor(s) hereby move(s) the Court, pursuant to General Order 14-0002 (“G.O. 14-0002”), to enter an Order Directing Loss Mitigation Mediation (“Order”)¹ referring debtor(s) and [name of mortgage lender] (“Lender”) to loss mitigation mediation (“LMM”), and in support of the motion state(s) as follows:

1. Debtor is an individual who has filed a chapter 13 bankruptcy case in the New Albany Division assigned to Judge Lorch.
2. Debtor is seeking a modification of the mortgage encumbering the debtor’s primary residence (“Property”) located at:

3. Debtor is:
 - a. [designating _____ (mediator’s name), a mediator experienced with the loss mitigation process who has expressed to the debtor a willingness to accept an appointment on the terms described in paragraph 17 of G.O. 14-0002]; **OR**
 - b. [requesting that the Court appoint a mediator].
4. Prior to filing a Motion to Direct Loss Mitigation Mediation, debtor and debtor’s attorney have complied with all requirements outlined in G.O. 14-0002(2), specifically the following:

¹ If approved, parties will be bound by the deadlines contained in G.O. 14-0002, which governs the procedures for Loss Mitigation Mediation.

- a. proposed a chapter 13 plan which provides for (i) adequate protection payments to be made through the trustee conduit, and (ii) the payment of an administrative expense for the mediator's fee as set forth below;
 - b. delivered to the chapter 13 trustee \$385 as payment to a loss mitigation mediator, in addition to regular plan payments;
 - c. prepared, with the assistance of the debtor's attorney, the loan modification forms ("the Debtor's Prepared Package") provided by Default Mitigation Management LLC ("the LMM Portal");²
 - d. provided to the debtor's attorney all of the required supporting documentation for the Debtor's Prepared Package; and
 - e. paid the case filing fee in full.
5. Debtor's attorney has determined that the Lender [is/is not] registered to use the approved loss mitigation portal provided by LMM. **[If not registered, add the following:** Debtor's attorney requests the Court require the Lender to register with the LMM Portal within 14 days after entry of this Order.]
6. Debtor's attorney has uploaded an order granting this motion that includes the deadlines outlined in G.O. 14-0002.

NOTICE IS GIVEN to the Lender that any objection must be filed with the Bankruptcy Clerk within **14 days** from date of service [or such other time period as may be permitted by Fed.R. Bankr.P. 9006(f)]. Those not required or not permitted to file electronically must deliver any objection by U.S. mail, courier, overnight/express mail, or in person at:

110 U.S. Courthouse
121 West Spring Street
New Albany, IN 47150

The objecting party must ensure delivery of the objection to the party filing the motion.
If an objection is NOT timely filed, the requested relief may be granted.

WHEREFORE, debtor(s) move(s) the Court to enter an order of referral to loss mitigation mediation and granting such other relief as appropriate.

² It is within the Court's discretion to approve the use of other portals in the future.

/s/ Counsel for Debtor(s)
Counsel for Debtor(s)
(required signature block)

CERTIFICATE OF SERVICE

(See “Certificate of Service - Generic” on the Court’s website under
“Forms/Local/Motions & Related Notices-Certificates of
Service-Orders/Certificates of Service/Generic” and see G.O. 14-0002(3)(e))