

UNITED STATES BANKRUPTCY COURT
Southern District of Indiana

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

ORDER ON MOTION TO DIRECT LOSS MITIGATION MEDIATION

The Court, after reviewing the Motion to Direct Loss Mitigation Mediation filed by the Debtor(s), finds that the motion conforms to General Order 14-0002 ("G.O. 14-0002") and hereby **grants** said motion.

It is hereby ORDERED that:

1. The Court appoints [Name of Mediator] to serve as mediator;
2. The mediator is entitled to compensation of \$385.00 upon the filing of a proof of claim, without the need for the mediator to make any further application to the Court; and

3. The parties shall comply with the following deadlines as set forth in G.O. 14-0002:
 - a. A mortgage lender who is a party to mediation pursuant to this order shall, within fourteen days after entry of this order:
 - i. register to use the LMM Portal and ensure that the LMM Portal operator has been provided with any and all application forms and documentation requirements which are to be posted on the LMM Portal;
 - ii. designate a representative to participate in the mediation who has full settlement authority; and
 - iii. advise the debtor of the loan modification programs for which the debtor may be eligible.
 - b. The debtor shall, within seven days after the entry of this order or notice of the mortgage lender's registration on the LMM portal (whichever is later):
 - i. upload the Debtor's Prepared Package to the LMM Portal;
 - ii. upload a copy of the Court's order directing mediation to the LMM Portal;
 - iii. upload any additional lender-specific information to the LMM Portal;
 - iv. designate and assign the mediator to the case on the LMM Portal; and
 - v. remit any required fees to the LMM Portal.
 - c. The mortgage lender shall, within fourteen days after the attorney for the debtor has submitted the Debtor's Prepared Package and any additional required documentation to the LMM Portal:
 - i. acknowledge receipt of the information;
 - ii. report the mortgage lender's designated counsel for the mediation, if any;
 - iii. notify the attorney for the debtor of any additional or updated information required to process the application; and
 - iv. provide the mediator with a copy of any applicable settlement guidelines.
 - d. The mediator appointed by this order shall, within twenty-one days after that order, register with the LMM Portal.
4. All communication between the mediator and parties shall be sent through the LMM Portal.

5. Mediation pursuant to this order shall commence within sixty days after the entry of an order directing mediation. The mediation session may be continued once for up to sixty days without obtaining approval of the Court. Additional continuances may be granted only upon written motion and only for cause.
6. The mediation session shall be conducted via telephone on a conference call established by the debtor. The debtor shall publish the phone number to the LMM Portal not later than seven days before the first scheduled mediation. The debtor and any co-obligor shall participate in each mediation session.
7. All communication and information exchanged during the mediation session shall remain confidential and shall be inadmissible in any subsequent proceeding.
8. The mediator or the debtor's attorney shall, within seven days after the conclusion of mediation pursuant to this order, file with the Court a report of settlement or impasse. This document shall be filed electronically. (Mediators can find instructions for obtaining rights to file electronically on the Court's website.)
9. The debtor shall, within twenty-one days after the conclusion of mediation pursuant to this order, file:
 - a. a motion to approve a loss mitigation agreement which sets forth the terms of a trial mortgage modification, or
 - b. a motion to modify the chapter 13 plan which provides for (i) the surrender of the real estate in question or (ii) the cure of any mortgage arrearage pursuant to 11 U.S.C. § 1322(b)(3) and the conduit payment of continuing mortgage payments.

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