

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

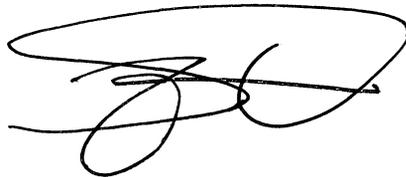
In Re: )  
)  
Implementation of Revised Loss )  
Mitigation Program Local Rules )  
and Forms Effective April 1, 2014 )      General Order #2014-2

**GENERAL ORDER**

The United States Bankruptcy Court for the Western District of Pennsylvania (the "Court") implemented a Loss Mitigation Program (LMP) on September 12, 2012. Having administered more than one thousand LMP cases, the Court has determined that refining its LMP is in the interest of the Court, the bar and the public. Therefore,

**AND NOW**, this 7<sup>th</sup> day of March, 2014, it is hereby **ORDERED** that, effective **April 1, 2014**:

- (1) The version of *W.P.A.LBR 9020-1 through 9020-7* and *Local Bankruptcy Forms 39 through 48*, as annexed to this Order, shall supersede all prior LMP Local Rules and LMP Local Forms.
- (2) This Order also shall supersede: *General Orders #2013-11* and *#2014-1, Important Notices #1 through #7*, information related to the *September 27, 2012 Open Forum*, and information related to the *December 6, 2013 Allegheny County Bar Association's Annual Bankruptcy Symposium*.
- (3) In all other respects, the Court's Local Bankruptcy Rules and Forms, as amended by *General Orders #2013-10* and *#2013-12*, remain in full force and effect until further order of Court.



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JEFFERY A. DELLER, CHIEF JUDGE  
UNITED STATES BANKRUPTCY COURT

## **Rule 9020-1 LOSS MITIGATION PROGRAM**

(a) The Loss Mitigation Program (“LMP”) is a structured process to facilitate consensual resolutions when residential property is at risk of foreclosure.

(b) For purposes of the LMP, the following definitions apply in W.PA.LBR 9020-1 through 9020-7:

- (1) “Core LMP Package” refers collectively to all of the forms and supporting documentation that the Creditor requires to initiate the assessment of loss mitigation options.
- (2) “Creditor” refers to any mortgage holder, servicer or trustee of an Eligible Loan.
- (3) “debtor” means any individual debtor in a case filed under Chapter 7, 11, 12 or 13 of the Bankruptcy Code, including joint debtors.
- (4) “Document Preparation Software” refers to a secure online program that facilitates the preparation of the Core LMP Package by populating the Primary LMP Documents and generating a customized checklist. A list of approved Document Preparation Software providers and related information shall be posted on the Court’s website.
- (5) “Eligible Loan” means any mortgage, lien or extension of money or credit secured by Eligible Property, regardless of whether the loan is considered to be subprime or non-traditional, was in foreclosure prior to the bankruptcy filing, is the first or junior mortgage or lien on the Eligible Property, and/or has been pooled, securitized or assigned to a creditor or trustee.
- (6) “Eligible Property” means any real property used as the debtor’s principal residence in which the debtor holds an interest.
- (7) “LMP Period” is the time during which the LMP is in effect prior to its expiration or termination by Court order.
- (8) “loss mitigation” includes the full range of solutions that may prevent either the loss of a debtor’s Eligible Property to foreclosure, increased costs to the lender, or both, including but not limited to, loan modification, loan refinance, forbearance, short sale, or surrender of the Eligible Property in full satisfaction of obligations arising under an Eligible Loan.

- (9) “Portal” refers to a secure online service that allows LMP documents to be submitted, retrieved and tracked. A list of approved Portals and related information shall be posted on the Court’s website.
- (10) “Primary LMP Documents” refers collectively to the documentation that is generated by the Document Preparation Software.

(c) Unless otherwise ordered by the Court, the Local Bankruptcy Rules apply to the LMP, including but not limited to the caption requirements set forth in W.PA.LBR 9004-1, the certificate of service requirements set forth in W.PA.LBR 2002-1 and the notice requirements set forth in W.PA.LBR 5005-8.

#### **Rule 9020-2 LOSS MITIGATION PROGRAM COMMENCEMENT**

(a) At any time after the commencement of the case until three (3) days before the first date scheduled for the First Meeting of Creditors, a debtor with Eligible Property secured by an Eligible Loan may request the commencement of the LMP by filing a Motion for Loss Mitigation (substantially in the form of Local Bankruptcy Form 39). The Motion for Loss Mitigation shall be served on the Creditor and all other creditors whose claims are secured by liens against the Eligible Property.

(b) Prior to filing a Motion for Loss Mitigation, the debtor’s counsel (or the debtor if not represented by counsel) shall:

- (1) perform adequate due diligence concerning the debtor’s eligibility for loss mitigation by reviewing all of the loan documentation in the debtor’s possession and confirming all information necessary to make the certifications required on the Certification of LMP Eligibility and Readiness (Local Bankruptcy Form 40);
- (2) fully and completely prepare the Primary LMP Documents using Court-approved Document Preparation Software; and
- (3) if the Creditor is registered on the Portal, download the Core LMP Package from the Portal and fully prepare all documentation that may be required and posted by the Creditor in addition to the Primary LMP Documents.

(c) A Certification of LMP Eligibility and Readiness (substantially in the form of Local Bankruptcy Form 40) and a proposed Loss Mitigation Order (substantially in the form of Local Bankruptcy Form 41) shall be attached to any Motion for Loss Mitigation.

(d) The deadline for filing an objection to a Motion for Loss Mitigation is fourteen (14) days from service of the motion. Objections shall identify with specificity the grounds for the objection. If no objection is filed, the Court may enter a Loss Mitigation Order without further notice or hearing.

### **Rule 9020-3 LOSS MITIGATION PROGRAM PARTICIPATION & DUTIES**

(a) The debtor and Creditor are the primary LMP participants. Any interested party may request by motion, or the Court may on its own direct, that a co-obligor, additional creditors, or other third parties participate in the LMP in furtherance of pursuing a global resolution.

(b) The Chapter 13 Trustee may participate in the LMP to the extent that such participation would be consistent with the Chapter 13 Trustee's duties under the Bankruptcy Code.

(c) LMP participants shall act in good faith. A party failing to participate in good faith may be subject to sanctions after notice and a hearing.

(d) During the LMP all material communications between the debtor and Creditor shall be conducted exclusively through the Portal.

(e) On behalf of each participating party, a person with complete knowledge of the file so as to be reasonably capable of answering questions posed by the Court related to the LMP shall attend all LMP-related hearings and conferences before the Court. Attendance at all hearings and conferences related to the LMP shall be in person, unless participation by telephone or videoconference is expressly authorized by the Court.

(f) A debtor who files a Motion for Loss Mitigation immediately shall make (or cause to be made) adequate protection payments to the Creditor in an amount that is at least sixty percent (60%) of the monthly principal and interest payment that is contractually due, plus one hundred percent (100%) of any required monthly escrow payment. If the Creditor objects to the amount of the adequate protection payment, then after adequate notice the Court shall hold a hearing to consider the objection.

(g) If the debtor is required to direct adequate protection payments to a different address than the debtor utilized prior to the filing of the bankruptcy case, the Creditor shall promptly advise the debtor of the correct address and any other requirements to ensure the proper posting and processing of the payments. In Chapter 13 cases, the debtor immediately shall file a

motion and proposed order requesting the Court to authorize the Chapter 13 Trustee to make payments to the specified payee at the specified address.

(h) In the event that the Eligible Loan is transferred or the service rights are assigned to a new servicer, then immediately on notice of the same the debtor shall file a proposed Order Substituting LMP Servicer (substantially in the form of Local Bankruptcy Form 46) and initiate the change of Creditor in the Portal.

(i) If a relief from stay motion pursuant to section 362(d) is pending when a Loss Mitigation Order is entered, or if such a motion is filed during the LMP Period, the Court may condition the stay upon fulfillment of the debtor's obligations under the Loss Mitigation Order. If the debtor fails to comply with the debtor's LMP duties or the Loss Mitigation Order, the Creditor may apply to terminate the LMP pursuant to W.PA.LBR 9020-5. Additionally, unless the Creditor specifically objects in writing, it is deemed to consent to a waiver of the deadlines set forth in section 362(e) of the Bankruptcy Code until thirty (30) days after the conclusion of the LMP.

#### **Rule 9020-4 LOSS MITIGATION PROGRAM DEADLINES**

(a) The LMP commences upon the entry of a Loss Mitigation Order. The Court, at its discretion, may alter any of the deadlines set forth in these Local Rules. Where there is a conflict between the Loss Mitigation Order and these Local Rules, the Order governs.

(b) If not previously registered, within fourteen (14) days after the entry of the Loss Mitigation Order, the Creditor shall register and post its entire Core LMP Package on the Portal.

(c) Within seven (7) days after entry of the Loss Mitigation Order or the Creditor's registration on the Portal, whichever occurs later, the debtor shall upload and submit through the Portal debtor's completed Core LMP Package.

(d) Within fourteen (14) days after the debtor's submission of the Core LMP Package, the Creditor shall designate, via the Portal, a specific individual who, on behalf of the Creditor, is the single point of contact for the LMP and is responsible for communicating with the debtor. The Creditor shall provide the designee's name, title, email address and either a direct telephone number or direct extension. At the same time, Creditor shall acknowledge, via the Portal, receipt of debtor's Core LMP Package and advise debtor of any additional or missing information required for the Creditor to proceed with its review. The Creditor shall immediately notify the debtor, via the Portal, if there is a substituted designee and/or any change in the designee's contact information.

(e) Within sixty (60) days after the entry of the Loss Mitigation Order, the debtor, on notice to the Creditor, shall file and serve an LMP Status Report with an attached printout of the current and complete account history from the Portal. The LMP Status Report shall be completed in accordance with the instructions provided in the Portal.

(f) Within seven (7) days after the conclusion of the LMP Period, the debtor, on notice to the Creditor, shall file and serve an LMP Final Report with an attached printout of the current and complete account history from the Portal. The LMP Final Report shall be completed in accordance with the instructions provided in the Portal. The obligation to timely file an LMP Final Report applies in all cases where a Loss Mitigation Order was issued, regardless of whether the case was subsequently dismissed or converted.

(g) If the LMP participants agree to the terms of a loan modification on a trial/interim basis, the debtor shall file a proposed order to approve the interim trial loan modification (substantially in the form of Local Bankruptcy Form 47) not less than fourteen (14) days before the first modification payment is due. In Chapter 13 cases, when trial payments are included as part of the trial loan modification, the proposed order shall be filed not less than fourteen (14) days prior to the Chapter 13 Trustee's distribution date preceding the month in which the first trial payment is to begin.

#### **Rule 9020-5 LOSS MITIGATION PROGRAM DURATION**

(a) The LMP Period initially shall be ninety (90) days unless otherwise specified in the Loss Mitigation Order.

(b) A request to extend the LMP Period shall be made by way of a Motion to Extend the Loss Mitigation Period (substantially in the form of Local Bankruptcy Form 42). A proposed order (substantially in the form of Local Bankruptcy Form 43) and a complete and current printout of the account history from the Portal shall be attached to the Motion.

(c) A request to terminate the LMP process shall be made by way of a Motion to Terminate the Loss Mitigation Program (substantially in the form of Local Bankruptcy Form 44). A proposed order (substantially in the form of Local Bankruptcy Form 45) and a complete and current printout of the account history from the Portal shall be attached to the Motion.

(d) Requests to extend or terminate the LMP process shall be served on all parties in interest, including, where applicable, the trustee or Chapter 13 Trustee.

(e) The deadline for objecting to a request to extend or terminate the LMP process is seven (7) business days from the service of the motion.

(f) Where a timely objection is filed, the Court may schedule a hearing to determine whether granting the relief requested is appropriate under the circumstances.

#### **Rule 9020-6 LOSS MITIGATION PROGRAM RESOLUTION**

(a) LMP participants shall seek the Court's authorization to enter into any agreement reached during the LMP process, including, but not limited to, a stipulation, sale, plan of reorganization, amended plan of reorganization, or loan modification, by way of a motion that complies with W.PA.LBR 9010-3 and W.PA.LBR 9019-1.

(b) Dismissal of the bankruptcy case shall not be made a requirement of an agreement reached through the LMP.

(c) Consent to the resolution shall be acknowledged in writing by an authorized representative of the Creditor, the debtor, and the debtor's attorney, if applicable.

(d) If parties agree to a final or long-term loan modification, the debtor shall file a Motion to Authorize the Loan Modification, which shall be served immediately on any applicable trustee and all creditors whose claims are secured by liens against the Eligible Property. The motion shall contain a detailed analysis of the proposed loan modification, and shall include a Loan Modification Summary (substantially in the form of Local Bankruptcy Form 48). A copy of the loan modification agreement shall accompany the motion. In a Chapter 13 case, the proposed order shall include the following provisions, where applicable:

(1) If the loan modification approved by the Court impacts the provisions of the debtor's Chapter 13 plan, a modified plan shall be filed within fourteen (14) days of the entry of the order approving the loan modification.

(2) If the loan modification approved by the Court results in a material change in the debtor's expenses, the debtor shall file an amendment to the impacted schedules reflecting income and expenses (Schedules I and J) within fourteen (14) days of the entry of the order approving the loan modification.

(e) Where a debtor is represented by counsel, a resolution may be authorized by the Court without further notice, or upon such notice as the Court directs. Where a debtor is not represented by counsel, prior to authorizing a resolution the Court may conduct a hearing at which the debtor shall appear in person. To be authorized by the Court, a proposed resolution must be in the best interests of the debtor and the bankruptcy estate.

(f) In the event a debtor satisfies all payment obligations under a trial/interim loan modification order, the Creditor shall extend an offer to enter into a final loan modification agreement within fourteen (14) days of receipt of the last interim payment. If the debtor accepts the offer, then the debtor immediately shall file and serve a Motion to Authorize the Loan Modification pursuant to W.PA.LBR 9020-6(d). If the debtor rejects the offer, then the debtor immediately shall file and serve either a Motion to Extend the Loss Mitigation Period (pursuant to W.PA.LBR 9020-5(b)) or a Motion to Terminate the Loss Mitigation Program (pursuant to W.PA.LBR 9020-5(c)) that sets forth the specific reasons for rejecting the offer.

#### **Rule 9020-7 LOSS MITIGATION PROGRAM FEES, COSTS & CHARGES**

(a) Use of the Document Preparation Software requires the debtor to pay a fee of up to \$40.00 to the provider of the Document Preparation Software. Use of the Portal requires the debtor to pay a fee of up to \$25.00 to the administrator of the Portal. If use of the Document Preparation Software and/or the Portal creates an undue hardship, the debtor may file a motion specifying why the use of the Document Preparation Software and/or the Portal creates an undue hardship and requesting permission to prepare and exchange documents and communications with the Creditor in another manner.

(b) If a proposed LMP resolution provides for a Creditor to receive payment or reimbursement of any fee, cost or charge that arose from the LMP process, all such fees, costs and charges shall be disclosed to the debtor, the trustee, the U.S. Trustee, and to the Court prior to approval of the resolution. Counsel for the Creditor may be entitled to receive a reasonable fee for all work involved with the LMP and shall clearly delineate such fee in the LMP resolution or by amended proof of claim.

(c) Counsel for the debtor is entitled to receive reasonable compensation for all work involved in connection with the LMP process and shall file an application for allowance of attorney fees and costs with the Court, or alternatively accept a “no look” fee in a reasonable amount not to exceed \$1,000.00 to be paid as an administrative expense. Debtor’s counsel may also treat the Document Preparation Software fee of up to \$40.00 and the Portal fee of up to \$25.00 as administrative expenses. Counsel for the debtor shall request compensation for LMP work in excess of the no look fee by way of a fee application substantially conforming to W.PA.LBR 2016-1 which shall separately itemize and designate fees and expenses arising from LMP-related services.





**II. CERTIFICATION OF COUNSEL TO DEBTOR(S)**

I, [ATTORNEY NAME] represent [NAME(S) OF DEBTOR(S)] (my “Client(s)”) in this case and hereby certify that:

1. I have discussed the details of the Court’s *Loss Mitigation Program (LMP)* set forth in *W.PA.LBR 9020-1 through 9020-7* with my Client(s).

2. I performed adequate due diligence to determine my Client’s eligibility for the LMP. As part of this process, I obtained and reviewed all loan documentation from my Client and confirmed all pertinent details of the Eligible Loan, including but not limited to, the following: (i) the complete loan number; (ii) the original loan amount, origination date and maturity date; (iii) the principal balance and interest rate; (iv) monthly principal, interest and escrow payments; (v) the specific amount of any arrearages; (vi) any applicable balloon payments or other conditions of repayment; and (vii) the details of any previous activities related to modification of the loan. I also confirmed that the debtor is named on the applicable loan documentation and I identified the complete name of the Creditor as registered on the Portal (to the extent the Creditor is registered on the Portal).

3. In light of my due diligence, I [am aware of no reasons why the commencement of the LMP in this case would be futile or otherwise contrary to reasonable expectations of a successful outcome.] OR [I have a colorable argument for LMP notwithstanding the following fact(s) which might hinder the pursuit of a successful outcome: [IF KNOWN, COUNSEL MUST SPECIFY THESE FACT(S), for example, the debt-to-income ratio is outside of the standard range for loan modification, the loan was recently denied for modification, the loan is currently under a modification, and any similarly problematic facts]. I am moving for the commencement of the LMP because [FOR EACH OF THE AFOREMENTIONED FACTS, PROVIDE SPECIFIC REASONS WHY LMP IS SOUGHT IN GOOD FAITH].

4. I have fully complied with the requirements set forth in *W.PA.LBR 9020-2(b)(1), (2), and (3)* and I am prepared to upload the required documents to the Portal upon entry of the Loss Mitigation Order.

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

\_\_\_\_\_  
Name of Attorney - Typed

\_\_\_\_\_  
Postal Address of Attorney

\_\_\_\_\_  
Email Address of Attorney

\_\_\_\_\_  
Phone Number of Attorney

\_\_\_\_\_  
Attorney’s Bar I.D. and State of Admission

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re: \_\_\_\_\_ : Bankruptcy No.  
: Chapter  
Debtor \_\_\_\_\_ :  
: \_\_\_\_\_ :  
: Related to Document No.  
Movant \_\_\_\_\_ :  
: \_\_\_\_\_ :  
v. \_\_\_\_\_ : Hearing Date and Time:  
: \_\_\_\_\_ :  
: \_\_\_\_\_ :  
Respondent (if none, then "No Respondent"):

**LOSS MITIGATION ORDER**

A *Motion for Loss Mitigation* was filed by \_\_\_\_\_ on \_\_\_\_\_. The Parties have had notice and an opportunity to object and the Court has reviewed any objections filed thereto.

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, it is hereby **ORDERED** that:

(1) The following parties are directed to participate in the Court's *Loss Mitigation Program (LMP)* as set forth in *W.PA.LBR 9020-1* through *9020-7*.

Debtor: \_\_\_\_\_

Creditor: \_\_\_\_\_

(2) **During the Loss Mitigation Period**, the Debtor shall make (or cause to be made) adequate protection payments in the amount of \$ \_\_\_\_\_ per month to the Creditor or the Creditor's designee pursuant to *W.PA.LBR 9020-3(g)*.

(3) **Within fourteen (14) days from the entry of this Order**, the Creditor shall register and post its entire Core LMP Package on the Portal (if not previously registered) pursuant to *W.PA.LBR 9020-4(b)*.

(4) **Within seven (7) days from the entry of this Order** or Creditor's registration on the Portal, whichever is later, the Debtor shall upload a completed Core LMP Package through the Portal pursuant to *W.PA.LBR 9020-4(c)*.

(5) **Within fourteen (14) days of the debtor's submission of the Core LMP Package**, the Creditor shall acknowledge receipt and designate a single point of contact for Debtor's review, pursuant to *W.PA.LBR 9020-4(d)*.

(6) **Within sixty (60) days from the entry of this Order**, the Debtor shall file and serve upon all interested parties an LMP Status Report, pursuant to *W.PA.LBR 9020-4(e)*.

(7) *Ninety (90) days from the entry of this Order*, the LMP Period shall terminate unless extended pursuant to *W.PA.LBR 9020-5(b)*.

(8) *Within seven (7) days of the termination of the Loss Mitigation Period*, the Debtor shall submit an LMP Final Report pursuant to *W.PA.LBR 9020-4(f)*.

(9) Debtor shall *immediately* serve a copy of this Order on Creditor and file a certificate of service evidencing same.

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United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re:	:	Bankruptcy No.
	:	Chapter
Debtor	:	
	:	
	:	[Related to Document No. ]
Movant	:	
	:	
v.	:	[Hearing Date and Time: ]
	:	
	:	
Respondent (if none, then "No Respondent")	:	

**MOTION TO EXTEND THE LOSS MITIGATION PERIOD**

[FULL NAME OF MOVANT] hereby requests an extension of the Loss Mitigation Period in this case, pursuant to *W.PA.LBR 9020-5(b)*, and in support for said request attests as follows:

**Part 1: LMP Background**

[In separately numbered paragraphs, and in chronological order, identify each docket event related to the LMP in this case; for example "1. On October 11, 2013, Debtor filed a *Motion For Loss Mitigation* at Docket NO. 23." Include in the chronology an account of each hearing and conference related to the LMP in this case; for example "13. On December 15, 2013 a status conference was held before the Honorable Thomas P. Agresti, resulting in the entry of an Order on December 16, 2013 at Docket No. 25. Said Order required Debtor to submit IRS Form 4506T to the creditor via the Portal on or before January 3, 2014."]

**Part 2: LMP Progress**

[In separately numbered paragraphs, and in chronological order, identify each of the specific steps taken by the debtor and creditor towards arriving at a consensual resolution as of the date of this Motion]

**Part 3: Reasons Supporting an Extension of the LMP Period**

[In separately numbered paragraphs, set forth the specific reasons why the creditor and debtor are unable to reach a consensual resolution on or before the present LMP termination date as ordered by the Court, and set forth the specific reasons why an extension of the LMP Period should be granted by the Court.]

A proposed order (substantially in the form of Local Bankruptcy Form 43) and a complete and current printout of the entire account history from the Portal are attached hereto pursuant to *W.PA.LBR 9020-5(b)*.

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

On behalf of: \_\_\_\_\_  
Name of Debtor(s)

\_\_\_\_\_  
Name of Attorney - Typed

\_\_\_\_\_  
Postal Address of Attorney

\_\_\_\_\_  
Email Address of Attorney

\_\_\_\_\_  
Phone Number of Attorney

\_\_\_\_\_  
Attorney's Bar I.D. and State of Admission

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re: \_\_\_\_\_ : Bankruptcy No.  
Debtor \_\_\_\_\_ : Chapter  
\_\_\_\_\_ :  
\_\_\_\_\_ :  
Movant \_\_\_\_\_ : Related to Document No.  
\_\_\_\_\_ :  
v. \_\_\_\_\_ : Hearing Date and Time:  
\_\_\_\_\_ :  
Respondent \_\_\_\_\_ :  
(if none, then "No Respondent"):

**ORDER**

A *Loss Mitigation Order* dated \_\_\_\_\_, was entered in the above matter at Document No. \_\_\_\_\_. On \_\_\_\_\_ [date] \_\_\_\_\_, a *Motion to Extend the Loss Mitigation Period* was filed by [movant] \_\_\_\_\_ at Document No. \_\_\_\_\_.

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, it is hereby **ORDERED, ADJUDGED AND DECREED** that the loss mitigation period is *extended up to and including* \_\_\_\_\_, **20** \_\_\_\_\_.

\_\_\_\_\_  
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re: : Bankruptcy No.  
: Chapter  
Debtor :  
: [Related to Document No. ]  
Movant :  
: [Hearing Date and Time: ]  
v. :  
: Respondent (if none, then "No Respondent") :

**MOTION TO TERMINATE THE LOSS MITIGATION PROGRAM**

[FULL NAME OF MOVANT] hereby requests the termination of the Loss Mitigation Program in this case, pursuant to *W.PA.LBR 9020-5(c)*, and in support for said request attests as follows:

**Part 1: LMP Background**

[In separately numbered paragraphs, and in chronological order, identify each docket event related to the LMP in this case; for example "1. On October 11, 2013, Debtor filed a *Motion For Loss Mitigation* at Docket NO. 23." Include in the chronology an account of each hearing and conference related to the LMP in this case; for example "13. On December 15, 2013 a status conference was held before the Honorable Thomas P. Agresti, resulting in the entry of an Order on December 16, 2013 at Docket No. 25. Said Order required Debtor to submit IRS Form 4506T to the creditor via the Portal on or before January 3, 2014."]

**Part 2: LMP Progress**

[In separately numbered paragraphs, and in chronological order, identify each of the specific steps taken by the debtor and creditor towards arriving at a consensual resolution as of the date of this Motion]

**Part 3: Reasons Supporting a Termination of the LMP Period**

[In separately numbered paragraphs, set forth the specific reasons why the creditor and debtor are unable to reach a consensual resolution, and/or set forth the specific reasons why the Court should terminate the Loss Mitigation Program in this case.]

A proposed order substantially in the form of Local Bankruptcy Form 45, and a complete and current printout of the entire account history from the Portal, are attached hereto pursuant to *W.PA.LBR 9020-5(c)*.

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

On behalf of: \_\_\_\_\_  
Name of Debtor(s)

\_\_\_\_\_  
Name of Attorney - Typed

\_\_\_\_\_  
Postal Address of Attorney

\_\_\_\_\_  
Email Address of Attorney

\_\_\_\_\_  
Phone Number of Attorney

\_\_\_\_\_  
Attorney's Bar I.D. and State of Admission

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re: \_\_\_\_\_ : Bankruptcy No.  
: Chapter  
Debtor \_\_\_\_\_ :  
: \_\_\_\_\_ :  
: \_\_\_\_\_ :  
Movant \_\_\_\_\_ : Related to Document No.  
: \_\_\_\_\_ :  
v. \_\_\_\_\_ : Hearing Date and Time:  
: \_\_\_\_\_ :  
: \_\_\_\_\_ :  
Respondent \_\_\_\_\_ :  
(if none, then "No Respondent") \_\_\_\_\_ :

**ORDER**

A *Loss Mitigation Order* dated \_\_\_\_\_, was entered in the above matter at Document No. \_\_\_\_\_. On \_\_\_[date]\_\_\_\_\_, a *Motion to Terminate the Loss Mitigation Program* was filed by \_\_\_[movant]\_\_\_\_\_ at Document No. \_\_\_\_\_.

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, it is hereby **ORDERED, ADJUDGED AND DECREED** that the loss mitigation program in this case is *terminated, effective* \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re:	:	Bankruptcy No.
	:	Chapter
Debtor	:	
	:	
Movant	:	Related to Document No.
	:	
v.	:	Hearing Date and Time:
	:	
Respondent	:	
(if none, then "No Respondent")	:	

**ORDER SUBSTITUTING LMP SERVICER**

On [DATE OF NOTICE OF REQUEST FOR LMP] the above named Debtor(s) filed a *Motion for Loss Mitigation* upon which the Court entered a *Loss Mitigation Order* dated [DATE OF DOCKETING], at Document No. \_\_\_, naming [FORMER SERVICER] ("Former Servicer") as the Party responsible for representing the creditor in the LMP and setting forth certain deadlines for the then named Respondent.

Subsequent to entry of the above-referenced Order, the Debtor(s) was notified that the Former Servicer changed and that the current Servicer/Lender is \_\_\_\_\_ [FULL AND COMPLETE NAME OF CURRENT SERVICER] with an address of [FULL AND COMPLETE ADDRESS OF CURRENT SERVICER] ("Current Servicer"). On \_\_\_[DATE], the Debtor complied with all its obligations to properly designate the Current Servicer on the LMP Portal and now it is incumbent on the Court to relieve the Former Servicer from any further responsibilities under the current *Loss Mitigation Order* and formally transfer those duties, responsibilities and obligations to the Current Servicer.

*AND NOW*, this [DAY] of [MONTH, 20\_\_], for the foregoing reasons it is hereby **ORDERED, ADJUDGED and DECREED** that:

(1) [FORMER SERVICER] is relieved from any further responsibility pursuant to the *Loss Mitigation Order* referred to above and that *Order* is **VACATED** as to it.

(2) [CURRENT SERVICER] is now designated as the Current Servicer responsible for completion of all LMP duties, responsibilities and obligations previously imposed on the Former Servicer referred to in Paragraph 1, above. The Current Servicer is now fully responsible for compliance with all LMP requirements as if originally designated in the *Loss Mitigation Order* in the first instance.

(3) Within three (3) days of entry of this *Order*, the party filing this proposed order shall upload this signed *Order* on the LMP Portal and serve this *Order* electronically on the Chapter 13 Trustee at the following email address: **LMP@chapter13trusteedpa.com**. The Debtor shall not be entitled to rely on CM/ECF or United States Mail for service of this *Order* on the Chapter 13 Trustee. The Debtor(s) Certificate of Service shall reflect service upon the above identified email address.

(4) The Chapter 13 Trustee is authorized and directed to make payments to the [CURRENT SERVICER], beginning with the next distribution date that is not less than ten (10) days from service of this *Order* upon the Chapter 13 Trustee.

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UNITED STATES BANKRUPTCY JUDGE

Case administrator to serve:  
Debtor(s)  
Counsel for Debtor(s)  
Ronda J. Winnecour, Esq. Ch 13 Trustee  
[Counsel for Creditor]

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re: : Bankruptcy No.  
: Chapter  
Debtor :  
: Related to Document No.  
Movant :  
: v. : Hearing Date and Time:  
: Respondent :  
(if none, then "No Respondent") :

**INTERIM MORTGAGE MODIFICATION ORDER**

On [DATE OF TRIAL MODIFICATION AGREEMENT] the above named Debtor(s) and Respondent [NAME OF LENDER/SERVICER] ("Creditor") entered into a trial modification (the "Trial Modification"), through the Court's *Loss Mitigation Program* (LMP), with respect to the [FIRST/SECOND/THIRD] mortgage on the Debtor's residence. The terms of the Trial Modification require monthly payments in the amount of [\$ AMOUNT] ("Trial Payments") to begin on [DUE DATE OF FIRST TRIAL PAYMENT] and to continue in that amount until [DUE DATE OF LAST TRIAL PAYMENT] (the "Trial Modification Period"). In light of the need for an immediate change in the distribution to the Creditor, the Debtor(s) request the Court to enter this *Interim Mortgage Modification Order* until a final, permanent modification can be presented to the Court for approval.

**AND NOW**, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, for the foregoing reasons it is hereby **ORDERED, ADJUDGED and DECREED** that:

(1) The Chapter 13 Trustee is authorized and directed to modify the distributions to the above-named Creditor for the Trial Modification Period. Each Trial Payment shall be made in the

amount of [\$AMOUNT] for the following months: [Month 1], [Month 2], [Month 3]. Following the Trial Modification Period, the Chapter 13 Trustee shall continue to make distributions in the same amount as the Trial Payments until further Order of Court.

(2) In the event that a Permanent Modification is reached between the Parties, the Debtor *immediately* shall file a *Motion to Authorize the Loan Modification* in compliance with *W.PA.LBR 9020-6(d)*.

(3) The LMP Period is extended until fourteen (14) days after the expiration of the Trial Modification Period. If the Debtor has not filed a *Motion to Authorize the Loan Modification* within fourteen (14) days after the expiration of the Trial Modification Period, then the Debtor shall *immediately* file and serve either a *Motion to Extend the Loss Modification Period* pursuant to *W.PA.LBR 9020-5(b)* or a *Motion to Terminate the Loss Modification Program* pursuant to *W.PA.LBR 9020-5(c)* that sets forth the specific reasons why an agreement was not reached.

(4) Any Party may seek a further hearing regarding the amendment or termination of this *Order* at any time during the Trial Modification Period by filing an appropriate Motion.

(5) Within three (3) days of entry of this *Order*, Debtor shall serve this *Order* electronically on the Chapter 13 Trustee at the following email address: **LMP@chapter13trusteedpa.com** and Debtor shall not be entitled to rely on CM/ECF or United States Mail for service of this *Order* on the Chapter 13 Trustee. The Debtor(s) Certificate of Service shall reflect service upon the above identified email address.

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UNITED STATES BANKRUPTCY JUDGE

Case administrator to serve:

Debtor(s)  
Counsel for Debtor(s)  
[Counsel for Creditor]  
Ronda J. Winnecour, Esq. Ch 13 Trustee

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re: \_\_\_\_\_ : Bankruptcy No.  
 \_\_\_\_\_ : Chapter  
 Debtor \_\_\_\_\_ :  
 \_\_\_\_\_ :  
 \_\_\_\_\_ : Related to Document No.  
 Movant \_\_\_\_\_ :  
 \_\_\_\_\_ :  
 v. \_\_\_\_\_ : Hearing Date and Time:  
 \_\_\_\_\_ :  
 Respondent (if none, then "No Respondent") \_\_\_\_\_ :

**LOAN MODIFICATION SUMMARY**

Property Valuation: \$ \_\_\_\_\_ Source: \_\_\_\_\_  
 Original Loan Amount: \$ \_\_\_\_\_ Origination Date: \_\_\_\_\_  
 Prepetition Arrears: \$ \_\_\_\_\_

As of Petition Date		Under Proposed Modification
	<b>Principal Balance</b>	
	<b>Interest Rate</b>	
	<b>Maturity Date</b>	
	<b>P&amp;I Payment</b>	
	<b>Escrow Payment</b>	
	<b>Total Payment</b>	
	<b>Balloon Payment</b>	
	<b>Cumulative Interest</b>	
	<b>LTV</b>	
	<b>Ch. 13 Payment</b>	
	<b>Ch. 13 Pmt. (Arrears)</b>	

**Any other term(s) in which there is a substantive difference between the original loan and the proposed modified loan:**