

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

(a) At any time after the commencement of the case until thirty (30) days after the first date originally scheduled for the First Meeting of Creditors whether or not it actually takes place, or at any time during the case with the lender's consent, 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 the 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.