

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

**IMPORTANT NOTICE TO THE BAR AND PUBLIC
CONCERNING THIRD AMENDED GENERAL ORDER
ADOPTING LOSS MITIGATION PROGRAM
AND PROCEDURES AND REVISED LOCAL FORMS**

EFFECTIVE IMMEDIATELY

Please be advised that pursuant to a Third Amended General Order Adopting Loss Mitigation Program and Procedures (LMP) dated December 17, 2019, the Board of Judges of the United States Bankruptcy Court for the District of New Jersey has approved the following LMP amendments:

Section II. Loss Mitigation Defined - Amendment limits the definition of loss mitigation to loan modification or refinance.

Section III. Eligibility - Amendment removes availability of loss mitigation in Chapter 7 cases in Section III.A. and throughout the LMP. In Section III.B, the definition of real property is no longer limited to a principal residence.

Section V. Commencement of Loss Mitigation – Amendment includes additional service requirements as well as a statement confirming that LMP is no longer available in Chapter 7 cases. In addition, denial of loss mitigation within a specific time period may be grounds for an objection.

Section VI. Loss Mitigation Order – Amendment requires inclusion of specific adequate protection payment to be made in the proposed Loss Mitigation Order in Section VI.A. In Section VI.B.1., the amendment includes the provision that a request or motion for loss mitigation will not be considered as an objection to a motion for relief from stay. In addition, Section VI.B.3 clarifies distributions that may be included in interim confirmation orders.

Section VII. Duties of the Loss Mitigation Parties – Amendment eliminates Section VII.C., which required that a Loss Mitigation Final Report be filed. New Section VII.C. (formerly Section VII.D.) states that court approval is required to enter into any final agreement reached during loss mitigation. Section VII.D. has been eliminated.

Section VIII. Loss Mitigation Process – Amendment allows a party to request permission to exchange documents and communications conventionally if use of the portal would create an undue hardship. Previously, this relief was limited to a request by an attorney.

Section IX. Duration, Extension and Early Termination – Amendment reflects that parties may consent to extension or termination of the loss mitigation period. Where there is no consent, and an application to extend or terminate has been filed, the objection period has been extended from 3 days to 7 days. Amendment also modifies the impact on LMP when a case is dismissed.

Section X. Resolution – Amendment incorporates 2 new Local Form Orders: *Order on Motion for Authorization to Enter into Final Loan Modification Agreement (Chapter 13)* and *Order on Motion for Authorization to Enter into Final Loan Modification Agreement (Chapter 11 or 12)* which must be submitted with any motion seeking the Court’s authorization to enter into a loan modification.

Throughout LMP – Amendment replaces any 10-day timeframes with 14-day timeframes, includes additional service requirements, and implements several stylistic modifications.

The Third Amended General Order supersedes the General Orders of the Court entered on August 1, 2011, May 29, 2012, and September 19, 2013.

For ease of reference, this [link](#) may be used to review the Third Amended General Order and the revised LMP, including the following related local forms: *Notice of Request for Loss Mitigation – By The Debtor; Notice of Request for Loss Mitigation – By A Creditor; Loss Mitigation Order; Interim Confirmation Order; Application for Extension or Early Termination of Loss Mitigation Period; Order Respecting Request for Extension or Early Termination of Loss Mitigation Period; Order on Motion for Authorization to Enter Into Final Loan Modification Agreement (Chapter 11 or 12); and Order on Motion for Authorization to Enter Into Final Loan Modification Agreement (Chapter 13)*.

The revised LMP and related local forms are also available in the Clerk’s Office and on the Court’s website, www.njb.uscourts.gov.

Dated: December 17, 2019

Jeanne A. Naughton, Clerk

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

-----X
In re:

Adoption of Loss Mitigation Program Procedures
-----X

THIRD AMENDED GENERAL ORDER ADOPTING LOSS
MITIGATION PROGRAM AND PROCEDURES

By resolution of the Board of Judges of the United States Bankruptcy Court for the District of New Jersey, the Loss Mitigation Program and Procedures (LMP) adopted on August 1, 2011 by General Order and last amended effective September 19, 2013, is revised as follows:

Section II. Loss Mitigation Defined - Amendment limits the definition of loss mitigation to loan modification or refinance.

Section III. Eligibility - Amendment removes availability of loss mitigation in Chapter 7 cases in Section III.A. and throughout the LMP. In Section III.B, the definition of real property is no longer limited to a principal residence.

Section V. Commencement of Loss Mitigation – Amendment includes additional service requirements and a 14-day objection period, as well as a statement confirming that LMP is no longer available in Chapter 7 cases. In addition, denial of loss mitigation within a specific time period may be grounds for an objection.

Section VI. Loss Mitigation Order – Amendment requires inclusion of specific adequate protection payment to be made in the proposed Loss Mitigation Order in Section VI.A. In Section VI.B.1., the amendment includes the provision that a request or motion for loss mitigation will not be considered as an objection to a motion for relief from stay. In addition, Section VI.B.3 clarifies distributions that may be included in interim confirmation orders.

Section VII. Duties of the Loss Mitigation Parties – Amendment eliminates Section VII.C., which required that a Loss Mitigation Final Report be filed. New Section VII.C. (formerly Section VII.D.) states that court approval is required to enter into any final agreement reached during loss mitigation. Section VII.D. has been eliminated.

Section VIII. Loss Mitigation Process – Amendment allows a party to request permission to exchange documents and communications conventionally if use of the portal would create an undue hardship. Previously, this relief was limited to a request by an attorney.

Section IX. Duration, Extension and Early Termination – Amendment reflects that parties may consent to extension or termination of the loss mitigation period. Where there is no consent, and an application to extend or terminate has been filed, the objection period has been extended from 3 days to 7 days. Amendment also modifies the impact on LMP when a case is dismissed.

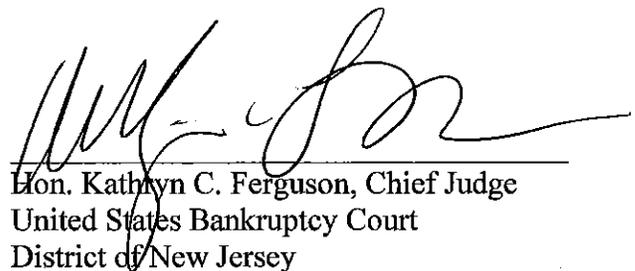
Section X. Resolution – Amendment incorporates 2 new Local Form Orders: *Order on Motion for Authorization to Enter into Final Loan Modification Agreement (Chapter 13)* and *Order on Motion for Authorization to Enter into Final Loan Modification Agreement (Chapter 11 or 12)* which must be submitted with any motion seeking the Court’s authorization to enter into a loan modification.

Throughout LMP – Amendment replaces any 10-day timeframes with 14-day timeframes, includes additional service requirements, and implements several stylistic modifications.

The revised LMP is attached as Exhibit A to this Third Amended General Order and is available in Clerk's Office and on the Court's website.

NOW, THEREFORE, IT IS ORDERED that the revised LMP is effective December 17, 2019.

Dated: December 17, 2019



Hon. Kathryn C. Ferguson, Chief Judge
United States Bankruptcy Court
District of New Jersey

EXHIBIT A

Amended December 17, 2019

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

LOSS MITIGATION PROGRAM AND PROCEDURES

I. PURPOSE.

The Loss Mitigation Program (“LMP”) is designed to function as a forum for debtors and lenders to reach a consensual resolution when a debtor’s residential property is at risk of foreclosure. The LMP aims to facilitate such resolution by opening and maintaining the lines of communication between the debtors’ and lenders’ decision makers. The LMP encourages the parties to finalize a feasible and beneficial agreement with the assistance and supervision of the Bankruptcy Court.

II. LOSS MITIGATION DEFINED.

The term “loss mitigation” includes loan modification or refinance. The terms of a loss mitigation solution will vary in each case according to the particular needs and goals of the parties.

III. ELIGIBILITY.

The following definitions describe the types of parties, properties and loans that are eligible for participation in the LMP.

A. DEBTOR.

The term “debtor” means any individual debtor in a case filed under Chapter 11, 12 or 13 of the Bankruptcy Code, including joint debtors.

B. PROPERTY.

The term “property” means any real property in which an eligible debtor holds an interest.

C. LOAN.

The term “loan” means any mortgage, lien or extension of money or credit secured by eligible property, regardless of whether the loan: (1) is considered to be “subprime” or “non-traditional,” (2) was in foreclosure prior to the bankruptcy filing, (3) is the first or junior mortgage or lien on the property, or (4) has been “pooled,” “securitized,” or assigned to a servicer or to a trustee.

D. CREDITOR.

The term “creditor” refers to any mortgage holder, assignee, servicer or trustee of an eligible loan.

IV. ADDITIONAL PARTIES.

A. OTHER CREDITORS.

Where it may be necessary or desirable to obtain a global resolution, any party may request, or the bankruptcy court may direct, that multiple creditors participate in loss mitigation.

B. CO-DEBTORS AND THIRD PARTIES.

Where the participation of a co-debtor or other third party may be necessary or desirable, any party may request, or the bankruptcy court may direct, that such party participate in loss mitigation, to the extent that the bankruptcy court has jurisdiction over the party.

C. CHAPTER 13 TRUSTEE.

The chapter 13 standing trustee may participate in loss mitigation to the extent that such participation would be consistent with the chapter 13 trustee's duties under the Bankruptcy Code.

V. COMMENCEMENT OF LOSS MITIGATION.

A. BY THE DEBTOR.

1. In a case filed under Chapter 11, 12 or 13

(a) A debtor seeking to commence the LMP must file with the court and serve on the creditor, its counsel, if known, the trustee and U.S. trustee Local Form, *Notice of Request for Loss Mitigation*, together with proposed Local Form, *Loss Mitigation Order*, at any time after the commencement of the case until 3 days before the first date scheduled for the First Meeting of Creditors. The creditor, or any party in interest will have 14 days to object. If no objection is filed, the bankruptcy court may enter the Local Form, *Loss Mitigation Order*.

(b) If a debtor seeks to engage in loss mitigation after the time prescribed in subsection V.A.1.(a), the debtor must file a motion with the court, on notice to the creditor, the trustee, and U.S. trustee, establishing good cause for the failure to have filed the *Notice of Request for Loss Mitigation* within the time period specified in Section V.A.1.(a). The motion must specify the amount of adequate protection payments proposed to be made by the debtor to the creditor during the loss mitigation period. (See Section VII. B).

2. The Court's Loss Mitigation Program is not available in Chapter 7 cases.

B. BY A CREDITOR.

A creditor seeking to commence the LMP must file with the court and serve on the debtor and debtor's counsel, if any, trustee and U.S. trustee, Local Form, *Notice of Request for Loss Mitigation*, together with proposed Local Form, *Loss Mitigation Order*. The creditor

must also file a *Certification of Service*. The debtor shall have 14 days to object. If no objection is filed, the bankruptcy court may enter the Local Form, *Loss Mitigation Order*.

C. BY THE BANKRUPTCY COURT.

The bankruptcy court may enter a *Loss Mitigation Order* at any time, provided that the parties bound by said order have had notice and opportunity to object and to be heard.

D. OPPORTUNITY TO OBJECT.

Where any party files an objection, a *Loss Mitigation Order* will not be entered until the bankruptcy court, after adequate notice, has either held a hearing to consider the objection, or overrules the objection without a hearing for failing to include specific grounds why loss mitigation would not be successful. Grounds for objection may include, but are not limited to, the assertion that loss mitigation has been requested in bad faith, or the assertion that loss mitigation has been previously requested by the debtor and has been denied in the six (6) months prior to the Debtor's bankruptcy filing or at any time after the bankruptcy filing. If a party objects on the grounds that loss mitigation has been requested in bad faith, the assertion must be supported by objective reasons.

VI. LOSS MITIGATION ORDER.

A. ENTRY OF ORDER.

The proposed *Loss Mitigation Order* must set forth the specified adequate protection payment amount and time frames for action by the parties, as specified in Section VIII.B or C and Section IX.A.

B. EFFECT OF REQUEST TO ENTER PROGRAM AND ENTRY OF ORDER.

Upon the entry of a *Loss Mitigation Order*, the following will apply to the Loss Mitigation Parties:

1. A *Notice of Request for Loss Mitigation* or a motion for approval to participate in loss mitigation will not be considered as an objection to a pending motion for relief from the stay. A separate objection to the motion must be filed.
2. 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 loss mitigation period, the court may condition the stay upon compliance by the debtor with the fulfillment of the debtor's obligations under the *Loss Mitigation Order*. If the debtor fails to comply with the loss mitigation-process and *Loss Mitigation Order*, the creditor may apply to terminate the *Loss Mitigation Order* as specified in Section IX. B., and to obtain relief from the stay.
3. In a chapter 13 case, the chapter 13 standing trustee may recommend entry of an *Interim Confirmation Order* pending the resolution of the loss mitigation process. The Interim Confirmation Order may provide for distributions to creditors, including the payment of arrearages and adequate protection. A date for a Confirmation Hearing, consistent with the terms of the *Loss Mitigation Order*, will be fixed.

4. Pursuant to Federal Rule of Evidence 408, all communications and information exchanged by the Loss Mitigation Parties during the loss mitigation procedure are without prejudice, and will be inadmissible in any subsequent judicial proceedings.

VII. DUTIES OF THE LOSS MITIGATION PARTIES.

Upon entry of a *Loss Mitigation Order*, the Loss Mitigation Parties have the following obligations:

A. GOOD FAITH.

The Loss Mitigation Parties will negotiate in good faith. A party that fails to participate in loss mitigation in good faith may be subject to sanctions.

B. ADEQUATE PROTECTION PAYMENTS BY DEBTORS.

Upon filing a Notice of Request for Loss Mitigation, the debtor must make adequate protection payments to the creditor in an amount that is at least 60% of the monthly principal and interest payment that is contractually due, plus 100% of any required monthly escrow payment. At any time, if the creditor objects to the amount of the adequate protection payment proposed by the debtor, after adequate notice, the court will hold a hearing to consider the objection.

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 will promptly advise the debtor of the correct address and any other requirements to ensure the proper posting and processing of the payments.

C. BANKRUPTCY COURT APPROVAL.

The Loss Mitigation Parties must seek bankruptcy court approval to enter into any final agreement reached during loss mitigation in accordance with Section X.

VIII. LOSS MITIGATION PROCESS.

A. USE OF A SECURE ONLINE PORTAL.

While the LMP provides a forum for debtors and lenders to discuss the debtor's options with respect to their residential property, structural issues often prevent debtors and creditors from communicating effectively. In an effort to resolve these communication issues, the Court has mandated the use of a secure online portal (the "Portal") that is designed to facilitate the communication and document exchange between debtor and creditor. The Portal will also provide for the much-needed transparency in the loss mitigation process by capturing all activity electronically and making the transactional history available to all stakeholders, including the Court.

The Court believes that the Portal is a valuable tool and that a single point of contact is advantageous in streamlining the loss mitigation process. Accordingly, when a debtor's attorney submits a loss mitigation request to a creditor, debtor's attorney must use the Portal to engage the creditor in the loss mitigation process by submitting the approved *Loss Mitigation*

Order together with all of the creditor's required forms and documents through the Portal. Any creditor that submits a loss mitigation request or otherwise becomes subject to a *Loss Mitigation Order* must register through the Portal and make available a complete list of all of the creditor's required forms and documents on the Portal. The Loss Mitigation Parties will continue to use the Portal to communicate with the creditor to the extent possible regarding the loss mitigation request. Use of the Portal will require debtors to pay a Portal Fee to the administrator of the Portal. If use of the Portal creates an undue hardship, a party may request permission to exchange documents and communications conventionally with the creditor. Such request must be included in the Notice of Request for Loss Mitigation and must specify why the use of the Portal creates an undue hardship. Parties may refer to the Court's web page on loss mitigation for free training materials regarding the Portal.

B. SUBMISSION OF DOCUMENTATION USING THE PORTAL.

1. Within 14 days after the issuance of the *Loss Mitigation Order*, if not already registered, the creditor must register on the Portal and ensure all of its initial loss mitigation document requirements ("Creditor's Initial Package") are available on the Portal. (Registration on the Portal is a one-time event – i.e., once the creditor is registered on the Portal, the creditor will not have to register again). Creditor's Initial Package must specify the forms and documentation the creditor requires to initiate a review of debtor's request for loss mitigation options.

2. Within 35 days after the issuance of the *Loss Mitigation Order*, the debtor must upload and submit through the Portal a completed Creditor's Initial Package.

(a) Within 14 days of the debtor's submission, creditor must acknowledge receipt of same and designate the single point of contact for debtor's review.

C. SUBMISSION OF DOCUMENTATION WHERE USE OF THE PORTAL IS EXCUSED.

1. Within 14 days after the issuance of the *Loss Mitigation Order*, the creditor must designate the single point of contact, including the name and contact information of the contact, and will specify to the debtor the forms and documentation the creditor requires to initiate a review of the debtor's request for loss mitigation options.

2. Within 21 days after receipt of the creditor's specifications regarding forms and documentation, the debtor must provide the requested information.

3. Within 14 days of the debtor's submission, the creditor must acknowledge receipt of the documentation.

D. MODIFICATIONS OF TIME FRAMES.

Upon the submission of a consent order, on notice to the trustee, and U.S. trustee or an application on notice to the other party and the trustee, the Court may modify the timeframes noted in paragraphs B and C above.

E. CONTACT BETWEEN THE DEBTOR AND THE CREDITOR.

1. Within 14 days after the submission of documents by the debtor, the loss mitigation contact identified by the creditor must contact the debtor's attorney, or the debtor, if specifically authorized, and any other Loss Mitigation Party. The debtor, or debtor's attorney, may contact the person or persons designated by the creditor as the loss mitigation contact at any time.

2. The purpose of the contact is to create a framework for the discussion at the loss mitigation session and to ensure that each of the Loss Mitigation Parties will be prepared to participate meaningfully in the loss mitigation session – it is not intended to preclude the introduction of additional issues or proposals that may arise during the session. The Loss Mitigation Parties should agree upon:

- (a) The time, place and method for conducting the loss mitigation sessions.
- (b) The types of loss mitigation solutions under consideration by each party.

F. LOSS MITIGATION SESSIONS.

Loss mitigation sessions may be conducted in person, telephonically, or by video conference. Prior to the conclusion of each loss mitigation session, the Loss Mitigation Parties should discuss whether additional sessions are necessary and set the time and method for conducting any additional sessions, including a schedule for the exchange of any further information or documentation that may be required.

G. BANKRUPTCY COURT ASSISTANCE.

At any time during the loss mitigation period, a Loss Mitigation Party may request a settlement conference or status conference with the bankruptcy court.

H. SETTLEMENT AUTHORITY.

Each Loss Mitigation Party must have a person with full settlement authority present during a loss mitigation session. During a status conference or settlement conference with the bankruptcy court, the person with full settlement authority must either attend the conference in person or be available by telephone or video conference.

IX. DURATION, EXTENSION AND EARLY TERMINATION.

A. TERMINATION OF LOSS MITIGATION PERIOD.

The initial loss mitigation period will terminate 90 days from the entry of the *Loss Mitigation Order*.

B. EXTENSION OR EARLY TERMINATION.

1. Agreement.

The Loss Mitigation Parties may consent to an extension or termination of the loss mitigation period. A party may file Local Form, *Application for Extension or*

Early Termination of Loss Mitigation Period together with Local Form, *Order Respecting Request for Extension or Early Termination of the Loss Mitigation Period*. The applicant must serve all Loss Mitigation Parties, the trustee and U.S. trustee and file a *Certification of Service*.

2. No Agreement.

Where a Loss Mitigation Party does not consent to the request for an extension or termination of the loss mitigation period, and an *Application for Extension or Early Termination of Loss Mitigation Period* together with the Court's Local Form, *Order Respecting Request for Extension or Early Termination of the Loss Mitigation Period* is filed, a party may file and serve an objection to the application no later than 7 days after the Application is filed. The court may schedule a hearing on the objection in its discretion. The applicant must serve all Loss Mitigation Parties, the trustee and U.S. trustee and file a *Certification of Service*. Extension of loss mitigation may be for any period of time the Court so orders, or for a period of time consented to by the parties.

3. Dismissal of the Bankruptcy Case Not Required.

A debtor is not required to request dismissal of the bankruptcy case in order to effectuate a resolution.

4. If a case is dismissed during the loss mitigation period, loss mitigation is terminated effective on the date of the order of dismissal. If dismissal is vacated, and the parties wish to reenter the loss mitigation program, they must comply with Section V. of the *Loss Mitigation Program and Procedures*.

X. RESOLUTION.

The bankruptcy court will consider any agreement reached during loss mitigation and may grant approval to enter into same, subject to the following:

A. IMPLEMENTATION.

1. Subject to subsections 2. and 3., a resolution may be noticed and implemented in any manner permitted by the Bankruptcy Code and Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules"), including, but not limited to, a stipulation, sale, plan of reorganization or amended plan of reorganization, or a motion to approve a loan modification.

2. In a chapter 13 case in which a loan modification has been agreed upon, the debtor or creditor must file a motion seeking the Court's authorization to enter into the loan modification, on 14 days' notice to the chapter 13 standing trustee, U.S. trustee, and to all creditors whose claims are secured by liens against the residence. A copy of the loan modification agreement must accompany the motion. Local Form *Order on Motion for Authorization to Enter into Final Loan Modification Agreement (Chapter 13)* must be submitted as a proposed order to the motion.

3. In a chapter 11 or 12 case in which a loan modification has been agreed upon, the debtor or creditor must file a motion seeking the Court's authorization to enter into

the loan modification, on 14 days' notice to the trustee, U.S. trustee, and to all creditors whose claims are secured by liens against the residence. A copy of the loan modification agreement must accompany the motion. Local Form *Order on Motion for Authorization to Enter into Final Loan Modification Agreement (Chapter 11 or 12)* must be submitted as a proposed order to the motion.

B. FEES, COSTS OR CHARGES.

If a resolution provides for a creditor to receive payment or reimbursement of any fee, cost or charge that arose from loss mitigation, all such fees, costs or charges must be disclosed to the debtor, the trustee, the U.S. trustee, and to the bankruptcy court prior to approval of the resolution.

C. SIGNATURES.

Consent to the resolution must be acknowledged in writing by (1) an authorized representative of the creditor, (2) the debtor, and (3) the debtor's attorney, if applicable.

D. HEARING.

Where a debtor is represented by counsel, approval to enter into the agreement may be granted by the bankruptcy court without further notice, or upon such notice as the bankruptcy court directs. Where a debtor is self-represented, approval to enter into an agreement will not be granted until the bankruptcy court has conducted a hearing at which the debtor must personally appear.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

In Re:

Case No.: _____

Chapter: _____

Judge: _____

NOTICE OF REQUEST FOR LOSS MITIGATION – BY THE DEBTOR

I am/ We are the debtor(s) in this case and hereby request loss mitigation with respect to:

Property address:

Creditor is the holder of: first mortgage second mortgage third mortgage.

I/We will make adequate protection payments to the above creditor each month in the following amount during the loss mitigation period: See Loss Mitigation Program and Procedures, Section VII.B.

Creditor _____ Amount: \$ _____ Due date: _____

I/We request to be excused from using the Loss Mitigation Portal due to undue hardship as set forth in detail below:

I understand that if the court orders loss mitigation in this case I am required to comply with the Loss Mitigation Program and Procedures and will participate in good faith. I understand that Loss Mitigation is voluntary, and that I am not required to enter into any agreement or settlement with any other party as part of this Loss Mitigation, and understand that no other party is required to enter into any agreement or settlement with me. I also understand **that I am not required to request dismissal of this case** as part of any resolution or settlement that is offered or agreed to during the Loss Mitigation Period.

I also certify that the property in question consists only of real property in which I hold a titled interest.

Date: _____
Debtor

Date: _____
Joint Debtor (if any)

Debtor Information:

Print full name: _____

Mailing address: _____

Telephone number: _____

Email address (if any): _____

Debtor's Attorney Information:

Name: _____

Address: _____

Telephone number: _____ Fax number: _____

Email address (if any): _____

Creditor Information: (if known)

Name: _____

Address: _____

Telephone number: _____ Fax number: _____

Email address (if any): _____

Creditor's Attorney Information: (if known)

Name: _____

Address: _____

Telephone number: _____ Fax number: _____

Email address (if any): _____

Under Section V. of the *Loss Mitigation Program and Procedures*, a party has 14 days from the filed date of this Request to file with the court, and serve on the debtor, debtor's attorney trustee, and U.S. trustee, an objection to this Request.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

In Re:

Case No.: _____

Chapter: _____

Judge: _____

NOTICE OF REQUEST FOR LOSS MITIGATION – BY A CREDITOR

I am a creditor, including a holder, assignee, servicer or trustee of a mortgage or lien secured by property of the debtor. I hereby request loss mitigation with respect to:

Property address: _____

Creditor is the holder of a: first mortgage second mortgage third mortgage.

During the Loss Mitigation Period, the Creditor proposes that the Debtor make monthly adequate protection payments in the amount of _____ on the due date set forth in the note, including any grace period.

I have reviewed the *Loss Mitigation Program and Procedures* and understand that if the court orders loss mitigation in this case I will be bound by the Loss Mitigation Procedures and will participate in good faith. I will not **require the debtor to request or cause dismissal of this case** as part of any resolution or settlement that is offered or agreed to during the Loss Mitigation Period.

Date: _____

Signature

Creditor Information:

Name: _____

Title: _____

Firm or Company: _____

Telephone number: _____ Fax number: _____

Email address (if any): _____

Under Section V. of the *Loss Mitigation Program and Procedures*, the debtor(s) has 14 days from the filed date of this Request to file with the court, and serve on the creditor, creditor's attorney, trustee, and U.S. trustee, an objection to this Request.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

In Re:

Case No.: _____

Chapter: _____

Judge: _____

LOSS MITIGATION ORDER

The relief set forth on the following pages, numbered 2 and 3, is hereby **ORDERED**.

- A Notice of Request for Loss Mitigation was filed by the debtor on _____ .
- A Notice of Request for Loss Mitigation was filed by the creditor, _____ on _____ .
- The court raised the issue of Loss Mitigation, and the parties having had notice and an opportunity to object, and the Court having reviewed any objections thereto.

The Request concerns the following:

Property: _____

Creditor: _____

- It is hereby ORDERED that the Notice of Request for Loss Mitigation is denied.
- It is hereby ORDERED that the Notice of Request for Loss Mitigation is granted, and:
 - The debtor and creditor listed above are directed to participate in Loss Mitigation and are bound by the court's *Loss Mitigation Program and Procedures* (LMP).
 - The Loss Mitigation process shall terminate on _____ (90 days from the date of entry of this order, unless an *Application for Extension or Early Termination of the Loss Mitigation Period* is filed under Section IX.B of the LMP.)
 - The debtor must make monthly adequate protection payments to the creditor during the Loss Mitigation Period in the amount of _____ on the due date set forth in the note, including any grace period. See Section VII.B. of the LMP.
 - If a relief from stay motion pursuant to section 362(d) is pending upon entry of this Order or if such a motion is filed during the loss mitigation period, the court may condition the stay upon compliance by the debtor with the fulfillment of the debtor's obligations under the Loss Mitigation Order. If the debtor fails to comply with the loss mitigation process and this Order, the creditor may apply to terminate the Order as specified in Section IX.B. of the LMP and to obtain relief from the stay.

- Extension or early termination of the LMP may be requested as specified in Section IX.B of the LMP.
 - If this case is dismissed during the loss mitigation period, loss mitigation is terminated effective on the date of the order of dismissal.
- ☐ It is ORDERED that parties shall utilize the Loss Mitigation Portal during the Loss Mitigation Period, and it is further ORDERED that:
- Within 14 days of the date of this order, the creditor shall ensure that it is registered on the loss mitigation portal and that all of its initial loss mitigation document requirements are available on the portal.
 - Within 35 days of the date of this order, the debtor shall upload and submit through the loss mitigation portal a completed Creditor's Initial Package.
 - Within 14 days of the debtor's submission of the Creditor's Initial Package, the creditor shall acknowledge receipt of same and designate the single point of contact for debtor's review.
- ☐ It is ORDERED that the debtor is excused from use of the Loss Mitigation Portal during the Loss Mitigation Period, and it is further ORDERED that:
- Within 14 days of the date of this order, the creditor shall designate a single point of contact, including the name and contact information of the contact and shall specify to the debtor the forms and documentation the creditor requires to initiate a review of the debtor's loss mitigation options.
 - Within 21 days after receipt of the creditor's specifications regarding forms and documentation, the debtor shall provide the requested information.
 - Within 14 days of the debtor's submission, the creditor shall acknowledge receipt of the documentation.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

In Re:

Case No.: _____

Chapter: 13

Judge: _____

INTERIM CONFIRMATION ORDER

The relief set forth on the following page is hereby **ORDERED**.

The Court finds that interim confirmation of the Chapter 13 Plan is in the best interest of debtor and the parties-in-interest. Therefore,

IT IS HEREBY ORDERED as follows:

1. The Chapter 13 Plan dated _____ is approved on an interim basis only. The plan is subject to final confirmation and further order of the Court. All of the rights of all parties are reserved until the final confirmation hearing.

2. The chapter 13 standing trustee is authorized to make distribution, with a percentage fee, on account of the following claims:

- a) allowed attorneys' fees;
- b) secured creditors;
- c) priority creditors,
- d) adequate protection payments provided for in the debtor's Chapter 13 plan, unless paragraph 5 applies; and
- e) unsecured creditors.

3. The arrearage claim of the creditor _____ will be paid by the chapter 13 standing trustee, as provided in the plan or as designated in the proof of claim, pending the termination of the Loss Mitigation Period.

4. The debtor(s) will make payments to the trustee until further order of the Court as follows: \$_____ per month, beginning _____ .

5. The debtor will make adequate protection payments to the loss mitigation creditor outside the plan in the amount set forth in the Loss Mitigation Order.

6. A hearing on final confirmation is scheduled for _____ at _____ , at the United States Bankruptcy Court, _____.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

In Re:

Case No.: _____

Judge: _____

Chapter: _____

**APPLICATION FOR EXTENSION OR
EARLY TERMINATION OF LOSS MITIGATION PERIOD**

The undersigned is the _____ in this matter. On
_____, a Loss Mitigation Order was entered concerning:

Property: _____

Creditor: _____

The Loss Mitigation Period will expire on _____.

For the reason(s) set forth below, the _____ hereby requests:

An extension of the Loss Mitigation Period to _____.

Early termination of the Loss Mitigation Period, effective _____.

Set forth the applicant's reason(s) for the above request:

The parties to this matter, listed on the *Certification of Service* filed with this Application, consent to immediate entry of the order granting this Application. A *Certification Concerning Order to Be Submitted* has been filed with the Court.

The parties to this matter, listed on the *Certification of Service* filed with this Application, do not consent to immediate entry of the order granting this application. (If the non-consenting party fails to file an objection to this Application within 7 days of the filed date of the Application, which objection must be served on all Loss Mitigation parties, the Court may grant the relief requested.)

Consent has not been requested.

Dated: _____

Applicant's signature

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

In Re:

Case No.: _____

Chapter: _____

Judge: _____

**ORDER RESPECTING REQUEST FOR EXTENSION
OR EARLY TERMINATION OF THE LOSS MITIGATION PERIOD**

The relief set forth on the following page is hereby **ORDERED**.

The court having granted the Notice of Request for Loss Mitigation concerning the following property and creditor on _____:

Property: _____

Creditor: _____

and a Request for

- Extension of the Loss Mitigation Period having been filed by _____, and for good cause shown,
- Early Termination of the Loss Mitigation Period having been filed by _____, and for good cause shown,

It is hereby ORDERED that,

- The Loss Mitigation Period is extended up to and including _____.
- The Loss Mitigation Period is terminated, effective _____.

And it is further ORDERED that,

If this case is dismissed during the loss mitigation period, loss mitigation is terminated effective on the date of the order of dismissal.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

In Re:

Case No.: _____

Chapter: _____

Judge: _____

**ORDER ON MOTION FOR AUTHORIZATION
TO ENTER INTO FINAL LOAN MODIFICATION AGREEMENT
(CHAPTER 11 or 12)**

The relief set forth on the following page is **ORDERED**.

The Court having reviewed the Motion for Authorization to Enter into Final Loan Modification Agreement filed on _____, as to the _____ mortgage [*enter first, second, etc.*] concerning real property located at

_____, and the Court having considered any objections filed to such motion, it is hereby ORDERED that:

The debtor is authorized to enter into the final loan modification agreement.

1) The final loan modification agreement must be fully executed no later than 14 days from the date of this order. If it is not, the secured creditor, within 14 days thereafter, must file with the Court and serve on the debtor, debtor's attorney, trustee, and creditors' committee, if any, a Certification indicating why the agreement was not fully executed. A response by the debtor, if any, must be filed and served within 7 days of the filed date of the secured creditor's Certification; and

2) The debtor must, within 30 days of the date of this Order, provide a copy of the finalized loan modification agreement to the U.S. Trustee, and the Trustee, if any; and

3) If the loan modification results in material changes in the debtor's expenses, the debtor must file amended Schedules I and J within 14 days of the date of this Order; and

4) If fees and costs related to loss mitigation/loan modification are sought by the debtor's attorney, an Application for Compensation in compliance with D.N.J. LBR 2016-1 must be filed.

The Motion for Authorization to Enter into Final Loan Modification Agreement is denied.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

In Re:

Case No.: _____

Chapter: 13

Judge: _____

**ORDER ON MOTION FOR AUTHORIZATION
TO ENTER INTO FINAL LOAN MODIFICATION AGREEMENT
(CHAPTER 13)**

The relief set forth on the following page is **ORDERED**.

The Court having reviewed the Motion for Authorization to Enter into Final Loan Modification Agreement filed on _____, as to the _____ mortgage [enter first, second, third, etc.] concerning real property located at _____, and the Court having considered any objections filed to such motion, it is hereby ORDERED that:

The debtor is authorized to enter into the final loan modification agreement.

1) The loan modification must be fully executed no later than 14 days from the date of this order. If it is not, the secured creditor, within 14 days thereafter, must file with the Court and serve on the debtor, debtor's attorney, if any, and the standing trustee a Certification indicating why the agreement was not fully executed. A response by the debtor, if any, must be filed and served within 7 days of the filed date of the secured creditor's Certification; and

2) Upon the filing of the Certification required above, and absent a response from the debtor, the standing trustee may disburse to the secured creditor all funds held or reserved relating to its claim. Absent the filing of the Certification within the time frame set forth above, the standing trustee will disburse funds on hand to other creditors pursuant to the provisions of the confirmed Plan and any proof of claim filed in this case with respect to the mortgage is deemed modified and incorporated into the Loan Modification Agreement; and

3) Unless the debtor's Plan has been confirmed with 100% paid to unsecured creditors, the debtor must file a *Modified Chapter 13 Plan and Motions* within 14 days of consummation of the loan modification. If the loan modification results in material changes in the debtor's expenses, the debtor must also file amended Schedules I and J within 14 days of the date of this Order; and

4) Check one:

There is no order requiring the debtor to cure post-petition arrears through the Plan; or

Post-petition arrears are capitalized into the loan modification agreement, and the Order filed on _____ requiring the Standing Trustee to make payments based on the arrearage is vacated as of the date of this order; or

Post-petition arrears have not been capitalized into the loan modification agreement, and the Standing Trustee will continue to make payments to the secured creditor based on the Order filed on _____; and

5) If fees and costs related to loss mitigation/loan modification are sought by the debtor's attorney, an Application for Compensation in compliance with D.N.J. LBR 2016-1 must be filed.

The Motion for Authorization to Enter into Final Loan Modification Agreement is denied.

new.12/17/19