

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

Debtor.

C/A No.

(JOINT) STATEMENT OF DISPUTE
AND STIPULATION

The undersigned hereby certify that after consultation, the hearing on [type of hearing] originally scheduled for [date and time], after good faith efforts cannot be settled and remains contested so as to require the presentation of evidence and/or argument to the Court for determination. The following information is presented by way of stipulation of the parties:

1. Issues to be decided by the Court.
2. Position of Party/Parties (state w/ specificity).
3. Names of Witnesses to be called at the hearing.
4. Exhibits/Evidence to be presented (state whether admission is stipulated or any grounds for objection).
5. Statutory, Case Law or other Applicable Authority.
6. Estimated Length of Hearing.
7. Telephone and Facsimile Number, Electronic Mail address of Counsel/Party/Parties.
8. Final Authority. Unless otherwise indicated by a separately filed motion, filed simultaneously herewith, which requests that the Court determine whether this proceeding is subject to the entry of final orders or judgments by this Court, **the parties submitting this Joint Statement of Dispute consent to this Court entering final orders and judgments in this proceeding.**

(DATED)

(SIGNATURE)

(DATED)

(SIGNATURE)

EXHIBIT B

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

IN RE:

[Debtor Name],

Debtor(s).

C/A No. _____

Chapter ____

**ORDER GRANTING MOTION TO
SUBSTITUTE COLLATERAL OR USE
INSURANCE PROCEEDS**

Before the Court is the Debtors' Motion to Substitute Collateral or Use Insurance Proceeds (the "Motion") regarding the secured claim of _____ (hereinafter "Creditor"). Having reviewed the pleadings and heard the arguments of counsel, it is hereby

ORDERED that Debtors' Motion be granted to allow Debtors to use insurance proceeds to purchase a vehicle of equal or greater value to the [description of wrecked vehicle] under lien to the Creditor under the condition that the new vehicle purchased by the Debtors will be substituted as collateral for the allowed secured claim of Creditor and the lien of Creditor will be properly noted on the title of the newly purchased vehicle;

IT IS FURTHER ORDERED that the insurance proceeds shall be forwarded to the Debtors' attorney, _____ for proper disbursement;

IT IS FURTHER ORDERED that Debtors and Debtors' attorney shall ensure that the seller of the new vehicle shall forward the title of said vehicle to Creditor so that Creditor may record its lien and hold it until either its claim has been satisfied or the Plan has been discharged;

IT IS FURTHER ORDERED that Creditor shall forward the title to the [description of wrecked vehicle] to the insurance company which distributes the proceeds, so that such insurance company may dispose of the wrecked vehicle. The name and address of the insurance company will be provided by Debtors and Debtors' attorney to Creditor; and

IT IS FURTHER ORDERED that Debtors' attorney shall timely monitor all transactions and hold the insurance proceeds in trust to be disbursed for the replacement vehicle and that Debtors' attorney shall ensure that the seller has notice of and complies with this Order.

AND IT IS SO ORDERED.

EXHIBIT C¹

UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

[Debtor Name],

Debtor(s).

C/A No. _____

Chapter 13

**ORDER GRANTING RELIEF FROM
AUTOMATIC STAY**

This matter comes before the Court pursuant to the motion of _____ (“Movant”), which seeks relief from the automatic stay in this case. According to the affidavit of Movant, no objection to the requested relief was filed by Debtor(s) or the Trustee, or any objections filed were subsequently withdrawn. It appearing that the motion should be granted, it is therefore

ORDERED that relief from the automatic stay is granted as to the property described as (insert brief description), and that Movant may proceed with its state court remedies against the property, including sending any required notice to Debtor(s). The Movant has agreed to waive any claim arising under 11 U.S.C. § 503(b) or § 507(b) as a result of this Order, and has further agreed that any funds realized in excess of all liens, costs, and expenses will be paid to the Trustee;

IT IS FURTHER ORDERED that:

- Based upon Debtor(s)' failure to object to Movant's request regarding the Fed. R. Bankr. P. 4001(a)(3) stay, this order is effective immediately.
- Pursuant to Fed. R. Bankr. P. 4001(a)(3), this order is stayed until the expiration of 14 days after its entry.

AND IT IS SO ORDERED.

¹ This order may be automatically generated using the text only CM/ECF event “Certification of No Response and Request for 362 Default Order.”

EXHIBIT D¹

UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

[Debtor Name],

Debtor(s).

C/A No. _____

Chapter 13

**SETTLEMENT ORDER
ON
MOTION FOR RELIEF FROM
AUTOMATIC STAY**

This matter comes before the Court on the motion for relief from the automatic stay filed by _____ (“Movant”). The Chapter 13 Trustee did not object to the motion or has agreed to the settlement. The property which is the subject of the motion is described as follows:

[Property Description]

Upon the agreement of the parties, it is hereby ORDERED:

According to the certifications of facts, the value/equity in the subject property above the movant’s lien is \$_____.²

As of _____, Debtor has accrued a post petition arrearage in the amount of \$_____. The post petition arrearage consists of:

- Payments for the month(s) of _____ in the amount of \$_____ per month.
- Late charges in the amount of \$_____.
- Attorney’s fees and costs in the amount of \$_____.
- Other costs (specify below) in the amount of \$_____.

Debtor shall continue to remit to Movant the regular post petition monthly payments beginning _____, 20____, and continuing thereafter in accordance with the terms of the loan agreement and the chapter 13 plan.

In addition to the regular post petition monthly payments set forth above, Debtor shall cure the post petition arrearage of \$ _____ as follows:

- Pay initial payment of \$_____ by _____, 20_____.

¹ This order may be automatically generated using the text only CM/ECF event “Request for Settlement Order on Motion for Relief from Stay.”

² The amount of equity stated should be the total equity or value above the movant’s lien in the Property without regard to any claimed exemptions or junior liens. If the value/equity exceeds \$5,000.00, Exhibit F should be used.

Pay \$ _____ per month beginning _____, 20__ for ___ months.

Pay final payment of \$ _____ by _____, 20__.

Failure to make a payment within 20 days from its due date shall be considered a default under the terms of this settlement order.

Payments shall be paid directly to Movant at:

[Address for Payment]

In the event of a default under the terms of this Order, relief from stay may be provided without further hearing upon the filing of an affidavit of default by Movant and the entry of the proposed order by the Court. Movant may then proceed with its state court remedies against the property, including sending any required notice to Debtor(s). **This *ex parte* relief provision of this Order shall expire and no longer be effective 12 months from the expiration of the cure period set forth above.**

Movant agrees to waive any claim arising under 11 U.S.C. § 503(b) or § 507(b) as a result of this Order. In the event relief from the automatic stay is granted due to Debtor's default under the terms of this Settlement Order, Movant agrees that any funds received in excess of all liens, costs, and expenses will be paid to the Trustee.

The parties agree that the Fed. R. Bankr. P. 4001(a)(3) stay:

- is applicable to any order granting relief for default on this settlement order.
- is not applicable to any order granting relief for default on this Settlement Order.

NON-STANDARD LANGUAGE
(Hearing May Be Required for Approval)

AND IT IS SO ORDERED.

WE SO MOVE AND CONSENT:

/s/ Attorney for Movant _____

Attorney for Movant

District Court I.D. _____

/s/ Attorney for Debtor _____

Attorney for Debtor

District Court I.D. _____

CERTIFICATION:

Prior to consenting to this settlement order, the payment obligations set forth in this Order, including the amounts, method, and timing of payments, and consequences of default were reviewed with and agreed to by the Debtor or the party obligated to pay.

/s/ Attorney for Debtor _____

Attorney for Debtor

District Court I.D. _____

EXHIBIT E

UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

Debtor(s).

C/A No. _____

Chapter ____

**ORDER GRANTING
RELIEF FROM STAY
BASED UPON FAILURE TO COMPLY
WITH SETTLEMENT ORDER**

This matter comes before the Court upon the Affidavit of Default filed by _____ (“Movant”), which indicates that Debtor(s) have failed to comply with the terms of the Settlement Order entered on _____, by failing to make the payment(s) due on _____ in accordance with the Settlement Order. Therefore, it is

ORDERED that relief from the automatic stay is granted as to the property described as [insert brief description], and that Movant may proceed with its state court remedies against the property, including sending any required notice to Debtor(s). The Movant has agreed to waive any claim arising under 11 U.S.C. § 503(b) or § 507(b) as a result of this Order, and has further agreed that any funds realized in excess of all liens, costs, and expenses will be paid to the Trustee.

IT IS FURTHER ORDERED that:

- Based upon Debtor(s)’ prior agreement to Movant’s request regarding the Fed. R. Bankr. P. 4001(a)(3) stay, this order is effective immediately.
- Pursuant to Fed. R. Bankr. P. 4001(a)(3), this order is stayed until the expiration of 14 days after its entry).

AND IT IS SO ORDERED.

EXHIBIT F⁴

UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

[Debtor Name],

Debtor(s).

C/A No. _____

Chapter 13

**SETTLEMENT ORDER
ON
MOTION FOR RELIEF FROM
AUTOMATIC STAY
(Value/Equity Exists
Above Movant's Lien)⁵**

This matter comes before the Court on the motion for relief from the automatic stay filed by _____ ("Movant"). The Chapter 13 Trustee did not object to the motion or has agreed to the settlement. The property which is the subject of the motion is described as follows:

[Property Description]

Upon the agreement of the parties, it is hereby ORDERED:

According to the certifications of facts, the value/equity in the subject property above the movant's lien is \$_____.⁶

As of _____, Debtor has accrued a post petition arrearage in the amount of \$_____. The post petition arrearage consists of:

- Payments for the month(s) of _____ in the amount of \$_____ per month.
- Late charges in the amount of \$_____.
- Attorney's fees and costs in the amount of \$_____.
- Other costs (specify below) in the amount of \$_____.

Debtor shall continue to remit to Movant the regular post petition monthly payments beginning _____, 20____, and continuing thereafter in accordance with the terms of the loan agreement and the chapter 13 plan.

⁴ This order may be automatically generated using the text only CM/ECF event "Request for Settlement Order on Motion for Relief from Stay."

⁵ This form is to be used if the value/equity above the movant's lien in the property exceeds \$5,000.00.

⁶ The amount of equity stated should be the total equity or value above the movant's lien in the property without regard to any claimed exemptions or junior liens.

In addition to the regular post petition monthly payments set forth above, Debtor shall cure the post petition arrearage of \$ _____ as follows:

Pay initial payment of \$ _____ by _____, 20__.

Pay \$ _____ per month beginning _____, 20__ for ___ months.

Pay final payment of \$ _____ by _____, 20__.

Failure to make a payment within 20 days from its due date shall be considered a default under the terms of this settlement order.

Payments shall be paid directly to Movant at:

[Address for Payment]

In the event of a default under the terms of this Order, Movant may file an affidavit of default and request for further hearing, and a hearing will be scheduled to determine whether relief from stay is warranted. The debtor(s) and Trustee shall have ten (10) days from the date of service of the notice of further 362 hearing to object to the Movant's request for relief. If no timely objections are filed, the Court may grant relief without any further hearing.

Movant agrees to waive any claim arising under 11 U.S.C. § 503(b) or § 507(b) as a result of this Order. In the event relief from the automatic stay is granted due to Debtor's default under the terms of this Settlement Order, Movant agrees that any funds received in excess of all liens, costs, and expenses will be paid to the Trustee.

The parties agree that the Fed. R. Bankr. P. 4001(a)(3) stay:

- is applicable to any order granting relief for default on this settlement order.
- is not applicable to any order granting relief for default on this Settlement Order.

NON-STANDARD LANGUAGE
(Hearing May Be Required for Approval)

AND IT IS SO ORDERED.

WE SO MOVE AND CONSENT:

/s/ Attorney for Movant
Attorney for Movant
District Court I.D. _____

/s/ Attorney for Debtor
Attorney for Debtor
District Court I.D. _____

CERTIFICATION:

Prior to consenting to this settlement order, the payment obligations set forth in this Order, including the amounts, method, and timing of payments, and consequences of default were reviewed with and agreed to by the Debtor(s) or the party obligated to pay.

/s/ Attorney for Debtor
Attorney for Debtor
District Court I.D. _____

EXHIBIT G

(RESERVED FOR FUTURE USE)

EXHIBIT H

(RESERVED FOR FUTURE USE)

EXHIBIT I

UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

[Debtor Name],

Debtor(s).

C/A No. _____

Chapter ____

**CONSENT ORDER GRANTING RELIEF
FROM STAY TO CONTINUE OR
PURSUE ACTION IN FAMILY COURT**

This matter comes before the Court upon the request of _____ for an Order granting relief from the automatic stay provided under 11 U.S.C. § 362(a) to permit _____ to adjudicate the following actions in Family Court:

- Divorce
- Child Support
- Alimony
- Equitable Distribution of Marital Property & Debts
- Other _____

The parties consent to relief from the automatic stay. It is therefore,

ORDERED that relief from the automatic stay is granted to allow the Family Court to adjudicate the above-referenced actions and to accord such other relief as is appropriate under state law. However, additional relief from stay is necessary for the enforcement of a marital obligation against property of the estate or to hold the Debtor in civil contempt. Notwithstanding any determination by the Family Court, property of the estate may be subject to further order of this Court.

AND IT IS SO ORDERED.

WE SO MOVE AND CONSENT:

/s/ Attorney for Movant _____
Attorney for Movant
District Court I.D. _____

/s/ Attorney for Debtor _____
Attorney for Debtor
District Court I.D. _____

/s/Chapter 13 Trustee _____
Chapter 13 Trustee

EXHIBIT J

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

IN RE:

[Debtor Name],

Debtor(s).

C/A No. _____

Chapter _____

**NOTICE AND MOTION FOR
LOSS MITIGATION/MORTGAGE
MODIFICATION PURSUANT TO
JUDGE WAITES' CHAMBERS
GUIDELINES**

To: _____ ("Mortgage Creditor") and Parties in Interest

The Debtor(s), through counsel, hereby move the Court for an Order Requiring Loss Mitigation/Mortgage Modification with respect to the following property:

[Identify the Property]

[Last Four Digits of Loan Number]

[Mortgage Creditor's Name and Address]

The Debtor(s) request an order directing the parties to participate in the Loss Mitigation/Mortgage Modification via the Portal as set forth in Judge Waites' Chambers Guidelines, available at <http://www.scb.circ4.dcn/ChambersJW.htm>.

Prior to filing this Motion, Debtor(s)' Counsel has determined that:

The Mortgage Creditor is registered with the Portal. Debtor(s)' Counsel will upload to the Portal Debtor(s)' Prepared Package together with any additional forms or documents which the Mortgage Creditor may post on the Portal within 14 days after entry of the Order.

The Mortgage Creditor is not registered. The Debtor(s) request that the Court require Mortgage Creditor to register with the Portal within 7 days after entry of the Order. Debtor(s)' Counsel will upload to the Portal Debtor(s)' Prepared Package together with any additional forms or documents which the Mortgage Creditor may post on the Portal within 14 days after entry of the Order.

The Debtor(s) have or have not previously sought loss mitigation/mortgage modification through any procedure/process during this bankruptcy case or within the previous two years. List dates and results: _____

If a previous attempt at loss mitigation/mortgage modification was made or is ongoing, the change of circumstances which makes this attempt more likely to succeed is as follows:

TAKE FURTHER NOTICE that any response, return and/or objection to this Motion should be filed with the Court no later than 14 days from service of the Motion and a copy simultaneously served on all parties in interest.

TAKE FURTHER NOTICE that no hearing will be held on this Motion, except as required by the Judge, unless a response, return and/or objection is timely filed and served, in which case, the Court will conduct a hearing on _____, ____ at ____ a.m./p.m. at _____, _____, South Carolina. No further notice of this hearing will be given.

Attorney Name & Fed. ID #
Address
Email

NOTE REGARDING THIS FORM: If the Debtor(s) propose a moratorium of plan payments as a means of allowing payment of the no-look fee attributable to loss mitigation/mortgage modification services, if the debtor(s) seek to pay Debtor(s)' Counsel a \$2,000 initial distribution through the Chapter 13 plan, or if the debtor(s) propose to delay the resumption of regular mortgage payments, notice of such proposal shall be provided in this Notice and Motion for Loss Mitigation/Mortgage Modification and notice served on the affected mortgage creditor and the Chapter 13 Trustee.

EXHIBIT K

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

IN RE:

[Debtor Name],

Debtor(s).

C/A No. _____

Chapter ____

**ORDER REQUIRING
LOSS MITIGATION/MORTGAGE
MODIFICATION**

A Motion for Loss Mitigation/Mortgage Modification was filed by [Debtor Name] (“Debtor(s)”) on [Date] _____, 20__ and the parties have had notice and an opportunity to object. It appearing that no objections were filed or that any objections filed have been withdrawn or otherwise ruled upon or that the applicable parties now consent, it is hereby

ORDERED that the Debtor(s), acting through counsel, and _____ (“Mortgage Creditor”) [and additional parties, if any] are directed to participate in the Loss Mitigation/Mortgage Modification Portal Program; it is further

ORDERED that the Debtor(s), Debtor(s)’ counsel, the Mortgage Creditor and its counsel, and any participating co-borrower or obligor shall comply with the Loss Mitigation/Mortgage Modification Procedures set forth in Judge Waites’ Chambers Guidelines (available at www.scb.uscourts.gov/ChambersJW.htm) and engage in the Loss Mitigation/Mortgage Modification (“LM/MM”) process in good faith, and that failure to do so may result in the scheduling of a hearing to consider sanctions or other relief; and it is further

ORDERED that the Debtor(s), Debtor(s)’ Counsel, and the Mortgage Creditor and its counsel shall observe the following deadlines:

- (1) Upon entry of this Order, Debtor(s)’ Counsel shall immediately register on the Portal.¹ Once registered, all communication between the parties regarding the loss mitigation review shall be sent through the Portal. Communication and negotiation by the Debtor shall be through Debtor(s)’ Counsel unless otherwise allowed by the Court.
- (2) Within 7 days after entry of this Order, the Mortgage Creditor shall advise its counsel of entry of the Order, register to use the Portal (if not previously registered), assign to the Portal the Mortgage Creditor’s designated counsel, and ensure that the Portal provider has been provided with any and all application forms and documentation requirements necessary for consideration of all available types of LM/MM. Debtor(s)’ Counsel shall report, by correspondence filed on the Court’s docket, any failure to timely register to use the Portal.
- (3) Within 14 days after entry of this Order, Debtor(s)’ Counsel shall upload the standard LM/MM forms (the "Debtor(s)’ Prepared Package") to the Portal. Unless exempted by the Court, the Court's approved online document preparation program (the “Document

¹ The Portal is available at <https://www.dclmwp.com>.

Preparation Program”), provided at www.documods.com, must be used to complete the Debtor(s)’ Prepared Package.

- (4) Within 7 days after submission of the Debtor(s)’ Prepared Package and any additional documentation on the Portal, the Mortgage Creditor shall:
 - i. Acknowledge receipt of the information on the Portal;
 - ii. Provide on the Portal all contact information of the representative in charge of the Debtor(s)’ account; and
 - iii. Notify Debtor(s)’ Counsel of any additional or updated information required to process the application.
- (5) **Unless a shorter time is set by applicable law, rules or regulations**, the Mortgage Creditor shall have a total of 90 days from entry of this Order (“Loss Mitigation Period”) to conclude its consideration and provide a final response to the Loss Mitigation request by advising on all means of Loss Mitigation, including mortgage modification, or verify a denial by filing a Mortgage Loan Modification Report. Any denial shall state specific reasons for the denial. Upon the failure to reach a final disposition regarding LM/MM within the 90-day Loss Mitigation Period, any party may request by motion that the Loss Mitigation Period be extended.
- (6) Upon acceptance of the Debtor(s) in any Trial Period Plan and before the first trial period payment is due, Debtor(s)’ Counsel shall submit a proposed Order Approving Trial Period Plan for consideration and approval by the Court.
- (7) **Other requirements set forth in Chambers Guidelines, which may include additional required steps and deadlines, are incorporated herein and shall be effective. Failure to adhere to the Order and Chambers Guidelines may subject parties and counsel to sanctions or other relief.**

It is further **ORDERED** that the parties must submit and seek Court approval of any final agreement providing for any loss mitigation/mortgage modification using forms and procedures outlined in Judge Waites’ Chambers Guidelines referenced above. Dismissal of the bankruptcy case, relief from the automatic stay as to the affected property, or reaffirmation of the debt shall not be a condition of loss mitigation, including modification of mortgage loan, unless allowed by the Court after consideration at a hearing; and it is further

ORDERED that, absent entry of a Consent Order Approving Loss Mitigation/Mortgage Modification, a final report must be submitted within thirty (30) days of the expiration of the Loss Mitigation efforts; and it is further

ORDERED that the Mortgage Creditor, via counsel, is ordered to inform the Court, the Debtor(s), Debtor(s)’ Counsel, the Trustee, and any participating co-borrower or obligor if the applicable loan is sold or securitized to another company during the LM/MM process within 7 days of the transfer. The transferee or new servicer of the loan shall be advised of these requirements by the original Mortgage Creditor and shall be bound by all prior orders, agreements, forms, and documentation. The transferee or servicer shall register for the Portal within 7 days and the Mortgage Creditor shall transfer the Portal account to the transferee so that the transferee may review all previously submitted transmissions and continue with the process.

ORDERED that Debtor(s)' Counsel, in consideration for assisting the Debtor(s) with the LM/MM process and in addition to any other fees charged in connection with the case, shall be permitted to charge an additional attorney's fee of \$1,500. Said fee shall be paid in a manner described below and reflected in a fee disclosure [**select applicable provision and include only that provision in the order**]:

- The Debtor(s) shall pay \$1,500 directly to Debtor(s)' Counsel outside of the bankruptcy in accordance with a separate fee or retainer agreement. If Debtor(s) fail to make such payment, Debtor(s)' Counsel is authorized to file a request for supplemental fees to seek payment through the Chapter 13 Plan;
- Debtor has or shall pay a partial payment of \$___ directly to Debtor(s)' Counsel outside of the bankruptcy, leaving a balance of \$_____to be paid from the Chapter 13 Plan. Debtor(s)' Counsel shall either (a) in the event that a plan has previously been confirmed, file a supplemental fee application under the expedited fee procedure in which case the Trustee shall apply any monthly distributions that would previously have been allocated for mortgage arrearage toward the attorney's fees,² or (b) in the event that the loan modification process has or will begin prior to confirmation of Debtor(s)' plan, increase the fees that are being paid through the plan by said remaining balance, with an increased initial disbursement of up to \$2,000 rather than the normal initial disbursement of \$1,000;³
- The entire fee of \$1,500 shall be paid to Debtor(s)' Counsel from the Chapter 13 Plan. Debtor(s)' Counsel shall either (a) in the event that a plan has previously been confirmed, file a supplemental fee application under the expedited fee procedure in which case the Trustee shall apply any monthly distributions that would previously have been allocated for mortgage arrearage toward the attorney's fees, or (b) in the event that the LM/MM process has or will begin prior to confirmation of Debtor(s)' plan, increase the fees that are being paid through the plan by said remaining balance, with an increased initial disbursement of up to \$2,000 rather than the normal initial disbursement of \$1,000;⁴
- In a Chapter 13 plan, the Debtor(s) shall propose resuming regular monthly mortgage payments to be paid directly by the Debtor(s) beginning in the month of _____, 20___, during which time Debtor(s) shall pay installments of \$_____ per month directly to Debtor(s)' Counsel beginning on _____, 20__.
- Other: (to be completed by Debtor(s)' counsel and subject to Court approval)

² The Trustee will only be required to pay attorney's fees out of the payments allocated to the Mortgage Creditor at the time the Trustee ceases to make such payments to the Mortgage Creditor, which would normally be at the time of entry of the final order for loss mitigation/mortgage modification or at the time of relief from the automatic stay.

³ The increased initial disbursement of anything more than \$1,000 shall only apply in cases in which the plan payment is \$750 per month or higher. The Debtor(s) must provide notice that this relief is sought in Motion for Loss Mitigation/Mortgage Modification or by separate motion served upon the affected Mortgage Creditor. An order providing this manner of payment must include the consent of the Chapter 13 Trustee.

⁴ The Trustee will only be required to pay attorney's fees out of the mortgage arrearage allocation at the time the Trustee ceases to make such payments to the Mortgage Creditor, which would normally be at the time of entry of the final order for loss mitigation/mortgage modification or at the time of relief from the automatic stay. Debtor(s) must provide notice that this relief is sought in Motion for Loss Mitigation/Mortgage Modification or by separate motion served upon the affected Mortgage Creditor. An order providing this manner of payment must include the consent of the Chapter 13 Trustee.

IT IS FURTHER ORDERED that should the Debtor(s) at any time fail to meet a payment obligation as described above, regardless of whether it is a direct payment to the attorney or a plan payment to the Trustee, Debtor(s)' counsel shall report that failure to the Court by correspondence and is under no obligation to continue to assist the Debtor(s) with the mortgage modification or loss mitigation process.

AND IT IS SO ORDERED.

EXHIBIT L

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

IN RE:

[Debtor Name],

Debtor(s).

C/A No. _____

Chapter ____

**MORTGAGE LOAN
MODIFICATION/LOSS MITIGATION
REPORT**

Following efforts to negotiate loss mitigation/mortgage modification of the below described loan, the parties report that loss mitigation/mortgage modification was denied or has failed for the following reasons:¹

Name of Mortgage Creditor: _____

Property Address: _____

Dated:

Signature: _____

¹ Indicate if a Trial Period Plan was previously approved but was not successfully completed.

EXHIBIT M

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

IN RE:

[Debtor Name],

Debtor(s).

C/A No. _____

Chapter ____

**LIMITED NOTICE OF APPEARANCE,
REQUEST FOR NOTICE, AND
DISCLOSURE OF COMPENSATION**

The undersigned attorney files this Limited Notice of Appearance on behalf of [Debtor(s)' Name] ("Debtor(s)") in this case for the sole purpose of seeking Loss Mitigation/Mortgage Modification for the Debtor(s). The undersigned further states that s/he will receive \$_____ compensation for this limited appearance to be paid through the Chapter 13 Trustee's distribution or through direct payment by Debtor(s) from post petition income or exempt assets. An attorney fee disclosure statement shall be filed upon the earning of the fee according to Chambers Guidelines.

Attorney Name & Fed. ID #
Address
Email

CERTIFICATE OF SERVICE

The above signing attorney certifies that on [date of service], a copy of the foregoing Limited Notice of Appearance, Request for Notice, and Disclosure of Compensation was served on the Debtor(s), the Chapter 13 Trustee and any affected creditor by first class U.S. Mail at the following addresses:

EXHIBIT N

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

IN RE:

[Debtor Name],

Debtor(s).

C/A No. _____

Chapter ____

**ORDER GRANTING APPROVAL OF
TRIAL PERIOD PLAN
(PORTAL)**

This matter comes before the Court upon the Debtor(s)' Request to Approve Trial Period Plan with _____ ("the Mortgage Creditor"), and this Court having considered the matter
ORDERS AS FOLLOWS:

- a. The request is granted.
- b. The Trial Period Plan with the Mortgage Creditor is hereby approved and the parties are ordered to comply with the terms of the Trial Period Plan:
 - The Trial Period Plan is described in the attachments hereto (**with private information redacted**) **or**
 - The terms are as follows:
 - i. The Trial Period Plan Payments are in the amount of \$_____, representing principal, interest, taxes and insurance beginning _____, 20_____.
 - ii. The payments will be sent to: [insert address]

Debtor(s)' counsel shall timely submit for Court approval any final loss mitigation or mortgage modification agreement after the Trial Period Plan Payments are made.

AND IT IS SO ORDERED.

APPROVAL REQUESTED BY:

Attorney Name & Fed. ID #

Address

Email

EXHIBIT O

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

IN RE:

[Debtor Name],

Debtor(s).

C/A No. _____

Chapter ____

**CONSENT ORDER APPROVING LOSS
MITIGATION/MORTGAGE
MODIFICATION¹
(PORTAL)**

This matter comes before the Court upon the request of [Debtor(s)' Name(s)] ("Debtor(s)") and [Creditor Name] ("Mortgage Creditor") for approval of the parties' agreement for loss mitigation/mortgage modification ("LM/MM"). Mortgage Creditor has an existing loan secured by the Debtor(s)' real property. Using the Portal procedure set forth in the undersigned's Chamber's Guidelines, the parties have reached an agreement for LM/MM, which will have the following benefits to the Debtor(s):

- Reduction of the Debtor(s)' mortgage payments from the current amount of \$_____ per month to approximately \$_____ per month.
- Interest rate reduced from ____% to ____% [Fixed or Variable]
- Arrearage in the amount of \$_____ forgiven or postponed.
- Other – Describe below:

Regarding LM/MM, the parties represent and agree that:

1. There will be no extension of additional funds beyond what is already owed;
2. Payments to other lien holders under the plan will not be affected;
3. That the LM/MM has no detrimental effect on other creditors and is in the best interest of Debtor(s) and the estate;
4. That payments to Creditor for arrearage are/are not being made by the Trustee, and will/will not be made upon the effective date of the LM/MM agreement; any overage paid by the Trustee will be refunded to the Trustee within 60 days;
5. Stay relief has not been granted to any secured creditor on the property as a prerequisite of the agreement for loss mitigation;
6. The trial period has been successfully completed [if applicable]; and
7. The documents finalizing the LM/MM shall be executed by the parties within 60 days from the entry of this Order.

¹ Mortgage Creditor's consent may be demonstrated by attachment of document evidencing Mortgage Creditor's offer.

Debtor(s) certify that the costs of DMM have been previously paid by Debtor(s) (or other source) and the attorney's fees specifically attributable to services required for participation in LM/MM have been previously paid by Debtor or will be paid through the Trustee's distributions.

Now, therefore, upon the agreement of Debtor and Mortgage Creditor and with the consent of the Trustee, as indicated by the signatures below,

IT IS HEREBY ORDERED that the LM/MM is hereby approved.

AND IT IS SO ORDERED.

WE SO MOVE AND CONSENT:

/s/ Attorney for Mortgage Creditor
Attorney for Mortgage Creditor
District Court I.D. _____

/s/ Attorney for Debtor
Attorney for Debtor
District Court I.D. _____

Chapter 13 Trustee

EXHIBIT P

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

IN RE:

[Debtor Name],

Debtor(s).

C/A No. _____

Chapter ____

**CONSENT ORDER APPROVING
TRIAL PERIOD PLAN
(NON-PORTAL)**

This case came before the Court upon the Debtor(s)' Motion to Approve Non-Portal Trial Period Plan with _____ ("Mortgage Creditor"), and this Court having considered the matter **ORDERS AS FOLLOWS:**

- a. The Motion is granted.
- b. The Trial Period Plan with Mortgage Creditor is hereby approved and the parties are ordered to comply with the terms of the Trial Period Plan:
 - The Trial Period Plan is described in the attachments hereto (with private information redacted) **or**
 - The terms are as follows:
 - iii. The Trial Period Plan Payments are in the amount of \$_____, representing principal, interest, taxes and insurance beginning _____, 20_____.
 - iv. The payments will be sent to: [insert address]

Debtor(s)' counsel shall timely submit for Court approval any final loss mitigation or mortgage modification agreement after the Trial Period Plan Payments are made and file an amended plan if the confirmed plan does not provide for Loss Mitigation/Mortgage Modification or provide that all payments shall be made directly to the Mortgage Creditor.

AND IT IS SO ORDERED.

WE SO MOVE AND CONSENT:

/s/ Attorney for Mortgage Creditor
Attorney for Mortgage Creditor
District Court I.D. _____

/s/ Attorney for Debtor
Attorney for Debtor
District Court I.D. _____

Chapter 13 Trustee

EXHIBIT Q

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

IN RE:

[Debtor Name],

Debtor(s).

C/A No. _____

Chapter ____

**CONSENT ORDER APPROVING LOSS
MITIGATION/MORTGAGE
MODIFICATION¹³
(NON-PORTAL)**

This matter comes before the Court upon the request of [Debtor(s)' Name(s)] ("Debtor(s)") and [Creditor Name] ("Mortgage Creditor") for approval of the parties' agreement for loss mitigation/mortgage modification ("LM/MM"). Mortgage Creditor has an existing loan secured by the Debtor(s)' real property. The parties have reached an agreement for LM/MM without using the Portal, which will have the following material benefits to the Debtor(s):

- Reduction of the Debtor(s)' mortgage payments from the current amount of \$_____ per month to approximately \$_____ per month.
- Interest rate reduced from ____% to ____% [Fixed or Variable]
- Arrearage in the amount of \$_____ forgiven or postponed.
- Other – Describe below:

Regarding LM/MM, the parties represent and agree that:

1. There will be no extension of additional funds beyond what is already owed;
2. Payments to other lien holders under the plan will not be affected;
3. That the LM/MM has no detrimental effect on other creditors and is in the best interest of Debtor(s) and the estate;
4. That payments to Mortgage Creditor for arrearage are/are not being made by the Trustee, and will/will not be made upon the effective date of the LM/MM agreement; any overage paid will be refunded to the Trustee within 60 days;
5. The Debtor(s) have amended the plan, if necessary, to provide for mortgage payments to be made directly to Mortgage Creditor.
6. Relief from the automatic stay shall be granted for the benefit of Mortgage Creditor upon submission of a proposed order by Mortgage Creditor via counsel which specifies that the automatic stay is not lifted as to other lienholders.¹⁴ Unless otherwise ordered, the automatic stay shall remain effective as to all other lienholders; and

¹³ Mortgage Creditor's Consent may be demonstrated by attachment of document evidencing Mortgage Creditor's offer.

¹⁴ The order granting relief from stay should be titled "Order Granting Relief from Automatic Stay as to [Mortgage Creditor] Only."

7. The documents finalizing the LM/MM shall be executed by the parties within 60 days from the entry of this Order.

Now, therefore, with the consents of Debtor(s), Mortgage Creditor, and the Trustee, as indicated by the signatures below,

IT IS HEREBY ORDERED that LM/MM is hereby approved.

AND IT IS SO ORDERED.

WE CONSENT:

/s/ Attorney for Mortgage Creditor
Attorney for Mortgage Creditor
District Court I.D. _____

/s/ Attorney for Debtor
Attorney for Debtor
District Court I.D. _____

Chapter 13 Trustee

EXHIBIT R

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

IN RE:

[Debtor Name],

Debtor(s).

C/A No. _____

Chapter ____

**CONSENT ORDER APPROVING LOSS
MITIGATION/MORTGAGE
MODIFICATION¹⁵
(STREAMLINED MODIFICATION)**

This matter comes before the Court upon the request of [Debtor(s)' Name(s)] ("Debtor(s)") and [Creditor Name] ("Mortgage Creditor") for approval of the parties' agreement for a streamlined loss mitigation mortgage modification ["Streamlined LM/MM"]. Mortgage Creditor has an existing loan secured by the Debtor(s)' real property. The parties have reached an agreement for Streamlined LM/MM, which will have the following benefits to the Debtor(s):

- Reduction of the Debtor(s)' mortgage payments from the current amount of \$_____ per month to approximately \$_____ per month.
- Interest rate reduced from ____% to ____% [Fixed or Variable]
- Arrearage in the amount of \$_____ forgiven or postponed.
- Other – Describe below:

Regarding the Streamlined LM/MM, the parties represent and agree that:

1. There will be no extension of additional funds beyond what is already owed;
2. Payments to other lien holders under the plan will not be affected;
3. That the Streamlined LM/MM has no detrimental effect on other creditors and is in the best interest of Debtor(s) and the estate;
4. That payments to Mortgage Creditor for arrearage are/are not being made by the Trustee, and will/will not be made upon the effective date of the Streamlined LM/MM agreement; any overage paid will be refunded to the Trustee within 60 days;
5. The Debtor(s) have amended the plan, if necessary, to provide for mortgage payments to be made directly to Mortgage Creditor;
6. Stay relief has not been granted to any secured creditor on the property as part of the Streamlined LM/MM agreement;
7. The trial period has been successfully completed [if applicable]; and
8. The documents finalizing the Streamlined LM/MM shall be executed by the parties within 60 days from the entry of this Order.

¹⁵ Mortgage Creditor's Consent may be demonstrated by attachment of document evidencing Mortgage Creditor's offer.

Now, therefore, upon the agreement of Debtor and Mortgage Creditor and with the consent of the Trustee, as indicated by the signatures below,

IT IS HEREBY ORDERED that the Streamlined LM/MM is hereby approved.

AND IT IS SO ORDERED.

WE SO MOVE AND CONSENT:

/s/ Attorney for Mortgage Creditor _____
Attorney for Mortgage Creditor
District Court I.D. _____

/s/ Attorney for Debtor _____
Attorney for Debtor
District Court I.D. _____

Chapter 13 Trustee