**EXHIBIT K**

**UNITED STATES BANKRUPTCY COURT**

**FOR THE DISTRICT OF SOUTH CAROLINA**

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| --- | --- |
| IN RE:  [Debtor Name],  Debtor(s). | C/A No. \_\_\_\_\_\_\_\_\_\_  Chapter \_\_\_  **ORDER REQUIRING**  **LOSS MITIGATION/MORTGAGE MODIFICATION** |

A Motion for Loss Mitigation/Mortgage Modification (LM/MM) was filed by [Debtor Name] (“Debtor(s)”), and the necessary 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 It appearing that no objections were filed or that any objections filed have been withdrawn or otherwise ruled upon or that the applicable parties now consent, it is hereby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 LM/MM Portal Program according to Chamber Guidelines; 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 LM/MM Procedures set forth in Judge Waites’ Chambers Guidelines (available at www.scb.uscourts.gov/ChambersJW.htm) and engage in the 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]](#footnote-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 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 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:

Acknowledge receipt of the information on the Portal;

Provide on the Portal all contact information of the representative in charge of the Debtor(s)’ account; and

Notify Debtor(s)’ Counsel of any additional or updated information required to process the application.

1. **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 a denial.
2. 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.
3. **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 LM/MM 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 LM/MM 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 $1,700. 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 $1,700 or such other agreed upon amount 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.

The entire fee of $1,700 shall be paid to Debtor(s)’ Counsel from the Chapter 13 Plan.

Other: (to be completed by Debtor(s)’ counsel and subject to Court approval)

**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 may report that failure to the Court by correspondence and request to be relieved from further obligation of LM/MM assistance.

**AND IT IS SO ORDERED.**

1. The Portal is available at <https://www.dclmwp.com>. [↑](#footnote-ref-1)