

## LOSS MITIGATION/MORTGAGE MODIFICATION

Loss mitigation/mortgage modification affects case administration, property of the estate and the Debtor's payment obligations/distributions to creditors. Therefore, individuals in bankruptcy cases assigned to Judge Waites,<sup>13</sup> including joint debtors, who seek consensual modifications of mortgage loans or other types of loss mitigation during the bankruptcy case shall submit such modifications for court consideration and approval as follows:<sup>14</sup>

### **1. General Responsibilities in all Cases.**

- a. Debtor's counsel shall review the requirements of these Guidelines with each Debtor considering loss mitigation/mortgage modification during the bankruptcy case.
- b. The Debtor, Debtor's Counsel, Trustee & affected Mortgage Creditor shall have an affirmative duty to **immediately advise** the Court by correspondence (filed on the Court's docket) of all loss mitigation/mortgage modification efforts during the case, which shall include the date of commencement, participating parties and agents, ongoing status and ultimate completion/results.
- c. The Debtor, through counsel, shall seek approval by the Court of the terms of any Trial Period Plan utilizing **Exhibit L**.
- d. The Debtor, through counsel, and affected Mortgage Creditor shall seek approval by the Court of the terms of any final loss mitigation/mortgage modification agreement according to paragraph 6 below.
- e. The Debtor, through counsel, shall report to the Court unsuccessful results of loss mitigation/mortgage modification efforts utilizing **Exhibit J**.

### **2. Loss Mitigation/Mortgage Modification Portal.** The Portal provides a mechanism for secure, real time, transparent communication with reasonable time deadlines and Court oversight, and allows for consideration of continuances of hearings and other proceedings related to the subject property. The Portal described herein is the **preferred method** for seeking loss mitigation/mortgage modification in bankruptcy cases before Judge Waites.

- a. **Required Use of Portal.** Absent an order otherwise, if loss mitigation or mortgage modification efforts will affect or delay case proceedings (including, but not limited to, hearings on confirmation, relief from stay, objections to claim or petitions to dismiss), the Portal is required as the **exclusive method** allowed by Judge Waites in his cases. The Portal is also required if loss mitigation or mortgage modification is requested after any of the following:
  - i. The Debtor has failed to make any payment to the Trustee or Mortgage Creditor after confirmation of a plan.

---

<sup>13</sup> **References herein to the Court shall mean Judge Waites only.**

<sup>14</sup> The term "loss mitigation" is intended to describe the full range of solutions that may avert the loss of a debtor's home to foreclosure, promote communication between parties, and reduce costs; for example, loan modification or refinance, forbearance, short sale or surrender of property in satisfaction of debt.

- ii. A motion for § 362 relief from stay has been filed by the Mortgage Creditor.
- iii. Plan feasibility depends upon the Debtor's prosecution of an objection to the amount of the claim of the Mortgage Creditor.
- iv. The Trustee or Mortgage Creditor has filed a motion to dismiss based upon a lack of feasibility due to the claim of the Mortgage Creditor.

Debtor's Counsel shall have an affirmative duty to report the status of all loss mitigation/mortgage modification efforts, if any, when requesting a continuance or delay in any case proceedings.

- b. **Responsibilities of Debtor's Counsel**. Absent approval by the Court, the Debtor's participation in all loss mitigation/mortgage modification efforts through the Portal (including the submission of documents, communication and negotiation) shall be through counsel. Counsel filing the Debtor's case shall be presumed the counsel for these efforts unless separate special counsel is employed as indicated by the filing of Exhibit K or the Court approves otherwise.

**3. Portal Procedures**. The procedures for participation in the Loss Mitigation/Mortgage Modification through the Portal are as follows:

- a. Prior to the filing of the Notice and Motion for Loss Mitigation/Mortgage Modification (attached as **Exhibit H**) by the Debtor, if seeking mortgage modification, Debtor's Counsel shall:
  - 1. Determine that mortgage modification is feasible—with the Debtor typically required to devote 31% of his gross monthly income to repayment of the mortgage (which would include principal + interest + taxes + insurance + assessments) **or** such different amount designated by the applicable Mortgage Creditor
  - 2. Use the Court's approved online document preparation program (the "Document Preparation Program") to prepare the standard loan modification/loss mitigation forms (the "Debtor's Prepared Package") to expedite the exchange of information between the Debtor and the Mortgage Creditor and ensure greater accuracy in the preparation of the required documentation.<sup>15</sup> The Debtor's Prepared Package is completed through [www.documods.com](http://www.documods.com).<sup>16</sup>
- b. **Chapter 13 cases**: Once the steps described above are complete, Debtor's Counsel shall serve on the Mortgage Creditor, co-borrowers or obligors on the applicable loan, and their

---

<sup>15</sup> The online document preparation systems and portal described herein are provided by Default Mitigation Management, LLC ("DMM"). DMM is identified for use due to its experience and reasonable cost (\$40 for each Debtor's Prepared Package and \$40 for the portal submission by each party). Free training on the use of the portal provided by DMM is available to attorneys licensed for practice in this Court and all Mortgage Creditors. Registration for portal use can be completed online at <https://www.dclmwp.com> or by contacting DMM at 1-800-481-1013. The Court may, upon application and review, approve other service providers in which even such providers shall be listed on the Court's website.

<sup>16</sup> Enter **scbkdocs40** for the \$40.00 rate.

counsel, if known, and file with the Court, a Notice and Motion for Loss Mitigation/Mortgage Modification according to the form attached as **Exhibit H**.<sup>17</sup>

For pre-confirmation motions, the notice and motion should be served no later than 14 days after the filing of a Chapter 13 plan unless extended by the Court. If the Loss Mitigation/Mortgage Modification process is not likely to conclude before the confirmation hearing, the Debtor should also consider the use of the plan language in paragraph no. 2 (below).

For post confirmation motions, there is no deadline for the filing of the Notice and Motion. However, the Notice and Motion must indicate whether there have been any previous loss mitigation/mortgage modification efforts during the course of the bankruptcy case or a prior bankruptcy case and should be filed in time to allow completion of the procedures before case closing.

- c. **Chapter 7 or 11 Cases:** The Notice and Motion for Loss Mitigation/Mortgage Modification should be filed before discharge of the Debtor and in time to allow completion of the procedures before case closing.
- d. The applicable Mortgage Creditor, co-borrowers, and other obligors shall have 14 days from the date of service of the Notice and Motion to object. In the absence of an objection, the Court may grant, without a hearing, an Order Requiring Loss Mitigation/Mortgage Modification (hereinafter, “the Order”). Any objection must state specific reasons verified as accurate by counsel for the objecting party. Upon timely objection, a hearing shall be held on the date identified in the notice and all applicable parties and counsel shall attend.
- e. Debtor’s Counsel shall timely serve the Order on affected parties and file a Certificate of Service. Once the Order is issued, all communication between the parties regarding the loss mitigation review should be sent through a secure portal for document exchange. DMM provides a secure portal at <https://www.dclmwp.com> (“Portal”). Following entry of an Order Requiring Loss Mitigation/Mortgage Modification, Debtor’s Counsel shall immediately register on the Portal.<sup>18</sup>
- f. Within 7 days after entry of the Order, the Mortgage Creditor (if not previously registered on the Portal) shall register to use the Portal 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 Loss Mitigation. Debtor’s Counsel shall report any failure to timely register to use the Portal to the Court.
- g. Within the later of 14 days after the entry of the Order or 7 days after the Mortgage Creditor has registered on the Portal, Debtor’s Counsel shall:
  - 1. Upload the Debtor’s Prepared Package as well any other forms required by the Mortgage Creditor to the Portal; and
  - 2. Remit any required fees to DMM or other portal provider.

---

<sup>17</sup> The Court may order use of the Loss Mitigation/Mortgage Modification Portal *sua sponte* or upon the parties’ agreement in order to benefit case administration.

<sup>18</sup> Failure to timely register or other unexcused delay by any party or counsel will result in a hearing being scheduled to consider sanctions, including attorney’s fees.

- h. The Mortgage Creditor shall, within 7 days after Debtor's Counsel has submitted the Debtor's Prepared Package and any additional required documentation to the Portal:
  1. Acknowledge receipt of the information on the Portal;
  2. Provide on the Portal all contact information of the representative in charge of the Debtor's account
  3. Assign to the Portal the Mortgage Creditor's designated counsel;<sup>19</sup> and
  4. Notify Debtor's Counsel of any additional or updated information required to process the application.
- i. The Mortgage Creditor shall have a total of 120 days from entry of the Order to respond to the Loss Mitigation request by advising on all means of Loss Mitigation, including mortgage modification, or verify a denial.
- j. If necessary, any party may request, or the Court may direct, the *ex parte* appointment of a mediator to facilitate discussions and resolve disputes raised by the parties. In such instance, the no look fee discussed in paragraph **m** below may be increased. Costs for a mediator shall not, without Court order, exceed \$300.00 per 1 hour session, and shall be equally divided and paid in advance of the session by the parties. In the event a mediator is appointed, the mediator shall have 7 days to register to the Portal at no cost. Once registered, Debtor's Counsel shall assign said mediator to the account on the Portal so that said mediator may review the file and have access to the account on the Portal. Each mediation session shall be conducted via telephone on a conference call established by Debtor's Counsel, and last no longer than one hour. Debtor's Counsel shall publish the phone number to the Portal not later than 3 days before the scheduled mediation. An expedited hearing may be requested by any party on issues not resolved by mediation.
- k. The Mortgage Creditor is obligated to inform the Court, the Debtor, Debtor's Counsel, and any participating co-borrower or obligor within 7 days if the loan is sold or securitized to another company during the Loss Mitigation/Mortgage Modification process. The transferee or 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 transferee may review all previously submitted transmissions and continue with the process.
- l. Upon acceptance of the Debtor in a Trial Period Plan, Debtor's Counsel **shall** timely submit a proposed order according to Exhibit L for consideration and approval by the Court.
- m. Counsel assisting the Debtor with the Loss Mitigation/Mortgage Modification Program shall be permitted to charge an attorney's fee for services provided under the Loss Mitigation/Mortgage Modification Program. In Chapter 13 cases, a **\$1500** no-look fee shall be allowed in addition to the no-look fee established under the Guidelines for compensation for professionals, with **\$1000** of that fee allowed to be distributed in the initial distribution by the Trustee or paid directly by the Debtor from post petition income. Alternatively, an

---

<sup>19</sup> The Mortgage Creditor's designated counsel shall be the attorney who files a notice of appearance in the case or any motion, objection or other document on behalf of the Mortgage Creditor to ensure timely responses to inquiries from the Court.

application seeking additional compensation may also be submitted for expedited consideration. The fee provides additional compensation for all services through the completion of the Loss Mitigation/Mortgage Modification process and includes:

- a. Assembling and submitting Debtor's Prepared Package;
- b. Filing of the Motion for Loss Mitigation/Mortgage Modification and proposed Order;
- c. Filing of other required pleadings and preparation of proposed orders, as applicable;
- d. Communicating with the Mortgage Creditor, co-borrower or obligor, and the Mediator;
- e. Filing of the proposed Interim Order Granting Approval of Trial Period Plan, Consent Order Allowing Mortgage Loan Modification, or a Mortgage Loan Modification/Loss Mitigation Report.<sup>20</sup>

The fee may be charged upon the filing of an Attorney Fee Disclosure Statement. Upon submission of an Order Approving Trial Period Plan (attached as **Exhibit L**) or Mortgage Loan Modification/Loss Mitigation Report (attached as **Exhibit J**) indicating the final disposition of loss mitigation efforts, Debtor's counsel certifies that the aforesaid listed services were or will be performed and therefore the fee is justified.

Special counsel with expertise in the Loss Mitigation/Mortgage Modification Program may be employed by the Debtor with notice to the Court using the form attached as **Exhibit K**.<sup>21</sup> In such event, the allowed initial distribution amount to that counsel shall be \$1000.

4. **Within a Chapter 13 plan:** In order to avoid delay in confirmation and distribution to creditors, the use of the Loss Mitigation/Mortgage Modification Program **may** also be evidenced by a Chapter 13 Plan, subject to objection, by including the following language:

- a. Option One (The Debtor is capable of making regular contract payments)

No less than 7 days before the confirmation hearing, the Debtor, acting through Debtor's Counsel, will submit a complete application to [Mortgage Creditor] seeking loss mitigation or a consensual modification of the Debtor's mortgage loan through an applicable program, such as the Home Affordable Modification Program (HAMP). The subject mortgage loan is secured by real property located at:

[Real Property Description]

Beginning on [date], the Debtor will pay regular contract payments directly to [Mortgage Creditor]. The Debtor will also be responsible for payment of any arrearage directly to [Mortgage Creditor] if not cured through a loss mitigation or loan modification process. No payment will be made by the Trustee on this secured claim.

---

<sup>20</sup> Upon motion, the Court may approve a no look fee in a lesser amount if counsel is not used to submit documents or to communicate with the Mortgage Creditor.

<sup>21</sup> In the event that the no-look fee for Loss Mitigation/Mortgage Modification purposes is to be paid to separate counsel from the attorney representing the Debtor in the filing and administration of the bankruptcy case, the attorneys' fees shall be paid in equal amounts in each distribution from the Trustee, unless otherwise agreed by counsel.

Upon acceptance of the Debtor in a Trial Period Plan, Debtor's Counsel shall submit a proposed Order Approving Trial Period Agreement (using Form attached as **Exhibit L**). Upon completion of the Trial Period Plan or to seek final approval of the loss mitigation/mortgage modification, Debtor's Counsel shall submit a proposed Consent Order Allowing Mortgage Modification. If the loss mitigation or loan modification request is denied, Debtor's Counsel shall timely file a Mortgage Loan Modification/Loss Mitigation Report indicating that denial with the Court.

b. Option Two (The Debtor is unable to make regular contract payments)

The Debtor is unable to resume regular contract payments to [Mortgage Creditor] at this time, and therefore, the Debtor's plan relies upon loss mitigation or a consensual mortgage loan modification.

No less than 7 days before the confirmation hearing, the Debtor, acting through Debtor's Counsel, will submit a complete application to [Mortgage Creditor] seeking loss mitigation or a consensual modification of the Debtor's mortgage loan through an applicable program, such as the Home Affordable Modification Program (HAMP). The subject mortgage loan is secured by real property located at:

[Real Property Description]

Upon acceptance of the Debtor in a Trial Period Plan, Debtor's Counsel shall submit a proposed Order Approving Trial Period Plan (using form attached as Exhibit L), and the Debtor will commence payments directly to [Mortgage Creditor] in an amount equal to the payment called for under the Trial Period Plan of the applicable modification program.

If the mortgage loan modification is approved, the Debtor shall directly pay [Mortgage Creditor]'s allowed mortgage claim, including any prepetition and post petition amounts. No payment will be made by the Trustee on the secured claim. Upon completion of the Trial Period Plan or to seek final approval of the loss mitigation/mortgage modification, Debtor's Counsel shall submit a proposed Consent Order Allowing Mortgage Modification. If the loss mitigation or loan modification request is denied, Debtor's Counsel shall timely file a Mortgage Loan Modification/Loss Mitigation Report indicating that denial with the Court.

In the event that (1) the request for mortgage loan modification (and any necessary documentation) is not submitted or is denied or (2) the Debtor fails to timely make the above referenced Trial Period Plan Payments, the Mortgage Creditor may, after 10 days' written notice to the Debtor, Debtor's Counsel, and the Trustee, submit an affidavit and proposed order seeking relief from the stay. However, the Mortgage Creditor may not obtain relief until its final consideration of loss mitigation or mortgage modification is concluded.

5. **Order Approving Trial Period Plan.** Upon acceptance of the Debtor in a Trial Period Plan, an Order for Approval shall be submitted to the Court using the form attached as **Exhibit L**.

6. **Consent Order Required for Final Approval of Loss Mitigation/Mortgage Modification:**

- a. Since Loss Mitigation/Mortgage Modification affects case administration, property of the estate and the Debtor's payment obligation under an applicable plan, any final agreement for loss mitigation or a mortgage modification shall be submitted for approval by the Court by way of a proposed Consent Order Allowing Mortgage Loan Modification, which specifies the terms of the loss mitigation or modification agreement and includes in its provisions:<sup>22</sup>
  1. That there will be no extension of additional funds beyond what is already owed;
  2. That payments to other lien holders under the Plan will not be affected;
  3. That the proposed modification has no detrimental effect on other creditors and is believed to be in the best interest of the debtor(s) and the estate;
  4. Whether any payments from the Chapter 13 Trustee to the Mortgage Creditor whose loan is to be modified will continue or terminate upon entry of the order;
  5. Relief from the automatic stay has not been previously granted to any secured creditor on the property affected by the Loss Mitigation/Mortgage Modification;
  6. A statement setting forth or attaching a short summary of the specific benefits received as a result of Loss Mitigation or mortgage modification, including deferral or forgiveness of arrearage/debt or change in interest rate, term, or payment amount; and
  7. The Debtor certifies that the costs of DMM and the attorney's fees specifically attributable to services required in the use of the Loss Mitigation/Mortgage Modification Portal have been previously paid by the Debtor or through the Trustee's distributions.
- b. If the modification to the mortgage involves an extension of new funds or credit, a motion to incur debt or obtain credit should also be filed and properly noticed to all creditors and parties in interest.
- c. Dismissal of the bankruptcy case or relief from the automatic stay as to the affected property may not be a condition of loss mitigation, including modification of mortgage loan, unless ordered by the Court after consideration at an actual hearing.

**Reporting and Events**

Reports required by any of the above procedures shall be reported by filing the document attached as **Exhibit J**, using the CM/ECF event, *Mortgage Loan Modification Report*. The Notice and Motion for Loss Mitigation/Mortgage Modification should be filed using the *Loss Mitigation/Mediation* event. A proposed Consent Order Allowing Mortgage Loan Modification shall be submitted under the CM/ECF event, *Proposed Consent Order Modifying Mortgage (no motion filed)*.

---

<sup>22</sup> If a final agreement is subject to the Debtor's successful completion of the Trial Period Plan, an order in the form of **Exhibit L** should be separately submitted.

**EXHIBIT H**

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

IN RE:

C/A No. \_\_\_\_\_

[Debtor Name],

Chapter \_\_\_\_

Debtor(s).

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

**To: \_\_\_\_\_ (“Mortgage Creditor”) and Parties in Interest**

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

*[Identify the Property]*

*[Loan Number]*

*[Mortgage Creditor's Name and Address]*

The Debtor requests an order directing the parties to participate in the Loss Mitigation/Mortgage Modification Portal Program as set forth in Judge Waites' Chambers Guidelines, available at <http://www.scb.circ4.dcn/ChambersJW.htm>, and requiring the parties and counsel to use the mortgage modification portal operated by Default Mitigation Management, LLC while participating in Program.

Prior to filing this Motion, Debtor's Counsel completed the Debtor's Prepared Package and collected all of the required supporting documentation as required by the Document Preparation Software and is prepared to submit the supporting documentation along with the modification forms to the Portal.

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

- The Mortgage Creditor is registered with the approved loss mitigation 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 7 days after entry of the Order.
  
- The Mortgage Creditor is not registered. The Debtor requests 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 7 days after the Mortgage Creditor has registered.

The Debtor  has or  has not previously sought loss mitigation/mortgage modification through any procedure/process during this or a prior bankruptcy case. List case number(s): \_\_\_\_\_



If a previous attempt at loss mitigation/mortgage modification was made or is ongoing, briefly describe it and any change of circumstances which makes this attempt more likely to succeed:

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

**EXHIBIT I**

**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”) on [Date] \_\_\_\_\_, 2014 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, it is hereby

**ORDERED** that the Debtor, 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, 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](http://www.scb.uscourts.gov/ChambersJW.htm)) and engage in the Loss Mitigation/Mortgage Modification 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, Debtor’s Counsel, and the Mortgage Creditor and its counsel shall observe the following deadlines:

- (1) Debtor’s Counsel shall immediately serve this Order on the applicable parties and register on the Portal.
- (2) If not previously registered, the Mortgage Creditor and its designated counsel shall, within seven (7) days, register for the Portal<sup>3</sup> and ensure that it has provided to the approved Portal provider all application forms and documentation requirements necessary for consideration of all types of Loss Mitigation, including mortgage modification.
- (3) Debtor’s Counsel shall upload the prepared mortgage modification package described in Chambers Guidelines to the Portal within the later of fourteen (14) days after the entry of this Order or 7 days after the Mortgage Creditor registers to the Portal. Debtor’s counsel shall timely report to the Court any failure to register.

---

<sup>3</sup> The Portal is available at <https://www.dclmwp.com>.

- (4) Once the Order has issued, all communication between the parties regarding the loss mitigation review should be sent through the Portal. Communication and negotiation by the Debtor shall be through Debtor's Counsel.
- (5) Within seven (7) days after the Debtor's submission to the Mortgage Creditor on the portal, the Mortgage Creditor shall take the following actions on the Portal:
  - a. Acknowledge receipt of the Debtor's package;
  - b. Provide the Debtor and Debtor's Counsel with notice of any additional or updated documentation necessary for consideration of Loss Mitigation, including mortgage modification;
  - c. Assign its designated counsel to the account on the Portal; and
  - d. Provide the name, address and direct telephone number of the person responsible for the review on the Portal.
- (6) A mortgage modification or other form of loss mitigation shall be agreed to or denied within 120 days of the entry of this Order unless extended by this 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 participation in any Trial Period Plan and, separately, any final agreement providing for any loss mitigation/mortgage modification using forms and procedures outlined in Judge Waites' Chambers Guidelines referenced above. Loss Mitigation, including modification of the mortgage loan, may not be conditioned upon dismissal of the bankruptcy case or relief from the automatic stay, unless allowed by the Court after an actual hearing; and it is further

**ORDERED** that, absent entry of a Consent Order Allowing Mortgage Loan Modification, a final report must be submitted within thirty (30) days of the expiration of the Loss Mitigation efforts and no later than 180 days after the entry of this Order.

**AND IT IS SO ORDERED.**

**EXHIBIT J**

**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**

Name of Mortgage Creditor: \_\_\_\_\_

Property Address: \_\_\_\_\_

Last Four Digits of Account Number of Loan: \_\_\_\_\_

Date of Entry of Order Requiring Loss Mitigation/Mortgage Modification: \_\_\_\_\_

Date of Entry of Consent Order Allowing Mortgage Loan Modification (*if any*): \_\_\_\_\_

***State the result/status of the parties' efforts to negotiate mortgage loan modification/loss mitigation (please check the appropriate box below):***

- |   |   |
|---|---|
| <input type="checkbox"/> Loan modification. | <input type="checkbox"/> Short sale.                    |
| <input type="checkbox"/> Loan refinance.    | <input type="checkbox"/> Surrender of property.         |
| <input type="checkbox"/> Forbearance.       | <input type="checkbox"/> No agreement has been reached. |
| <input type="checkbox"/> Trial Period Plan  |   |

Other: \_\_\_\_\_

***State the specific benefit, if any, received as a result of the loss mitigation:***

- Payments reduced from \$ \_\_\_\_\_ to \$ \_\_\_\_\_.
- Interest reduced from \_\_\_\_% to \$ \_\_\_\_%.
- Principal reduced from \$ \_\_\_\_\_ to \$ \_\_\_\_\_.
- Term of repayment extended by \_\_\_\_ years.

Other \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

No benefit.

Dated:

Signature: \_\_\_\_\_

**EXHIBIT K**

**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 Name] (“Debtor”) in this case for the sole purpose of seeking Loss Mitigation/Mortgage Modification for Debtor. 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 from post petition income. 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, the Chapter 13 Trustee and any affected creditor by first class U.S. Mail at the following addresses:

**EXHIBIT L**

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

IN RE:

[Debtor Name],

Debtor(s).

C/A No. \_\_\_\_\_

Chapter \_\_\_\_

**INTERIM ORDER GRANTING  
APPROVAL OF TRIAL PERIOD PLAN**

This case came 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:**

1. The request is granted.
2. 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 **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]
3. 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