

EXHIBIT Q

**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 (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 It appearing that no objections were filed or that any objections filed have been withdrawn or otherwise ruled upon or that the applicable parties now consent, it is hereby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 as an authorized user on the Portal (if counsel has not already done so).¹ Once registered, all communication between the parties regarding the loss mitigation review shall be sent through the Portal. Communication and negotiation for the Debtor shall be by Debtor(s)’ Counsel unless otherwise allowed by the Court.
- (2) Within 7 days after service of this Order, the Mortgage Creditor shall register to use the Portal (if not previously registered), assign designated counsel to assist with the LM/MM review, and ensure that the Portal provider has been provided with the standard application forms and documentation requirements necessary for consideration of all types of LM/MM available to Debtor(s). Debtor(s)’ Counsel shall report, by correspondence filed on the Court’s docket, any failure to timely register to use the Portal.
- (3) Within 28 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 Debtor(s)’ Prepared Package on the Portal;
 - ii. Provide on the Portal all contact information of the representative in charge of the Debtor(s)’ account;
 - iii. Assign designated counsel on the Portal; and
 - iv. State on the Portal any grounds for ineligibility or disqualification of the requested LM/MM that are not based on a current financial review of the Debtor(s).
- (5) Within 14 days after the submission of the Debtor(s)’ Prepared Package, the Mortgage Creditor shall complete a full review of the Debtor’s Prepared Package and post in a single entry on the Portal of any and all additional or updated final information required to process the application for immediate and complete consideration. In addition, counsel for the Mortgage Creditor shall certify by **a correspondence filed on CM/ECF** that the Mortgage Creditor has complied with the requirements of this paragraph.
- (6) Within 28 days of the filing of counsel for the Mortgage Creditor’s certification, the parties shall exchange and review all necessary documentation in order to submit the LM/MM application to the underwriter or other approving party for final approval of LM/MM. If the parties are unable to complete this requirement within 28 days, the parties shall notify the Court by filing a correspondence on CM/ECF.
- (7) **Unless a shorter time is set by applicable law, rules or regulations**, the Mortgage Creditor shall have a total of 120 days from entry of this Order (“Loss Mitigation Period”) to conclude its consideration,² 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 (after the conclusion of all appeals) by filing a Mortgage Loan Modification Report. **Any denial shall include a detailed explanation for the denial, including specific and enumerated reasons.**
- (8) 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. During the trial payment period, the Mortgage Creditor shall timely post in the Portal receipt of each of Debtor(s)’ trial payments.
- (9) **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.**

² The expiration of the 120-day loss mitigation period or any extension therefor does not terminate the requirements of the LM/MM Order or conclude the LM/MM process. All parties remain obligated to act in good faith and to continue the LM/MM review until its final conclusion.

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 prerequisite 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 by the Mortgage Creditor within thirty (30) days after a denial (after the conclusion of all appeals) of LM/MM. **Any denial of LM/MM shall include a detailed explanation for the denial, including specific and enumerated reasons;** 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