

Forms are generic suggestions. Parties and their attorneys should revise them to address the unique circumstances of each case.

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA

DIVISION
www.flmb.uscourts.gov

In re _____)
)
) Case No. ____: __-bk-____-____
) Chapter
Debtor.*)
_____)

MOTION FOR APPROVAL OF A PERMANENT MORTGAGE MODIFICATION AGREEMENT
(Re: [insert property address]; loan # [insert last 4 digits of loan number])

NOTICE OF OPPORTUNITY TO OBJECT AND REQUEST FOR HEARING

Pursuant to Local Rule 2002-4, the Court will consider the relief requested in this paper without further notice or hearing unless a party in interest files a response within 21 days from the date set forth on the attached proof of service, plus an additional three days for service if any party was served by U.S. Mail. You should read these papers carefully and discuss them with your attorney if you have one. If the paper is an objection to your claim in this bankruptcy case, your claim may be reduced, modified, or eliminated.

If you object to the relief requested in this paper, you must file a response with the Clerk of the Court at [address] and serve a copy on the movant's attorney, [name and address], and any other appropriate persons within the time allowed. If you file and serve a response within the time permitted, the Court will either schedule and notify you of a hearing, or consider the response and grant or deny the relief requested without a hearing.

If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

Debtor(s), by and through [his or her or their] undersigned counsel, and file this Motion for Approval of a Permanent Mortgage Modification Agreement, and in support state(s):

1. Debtor(s) sought a mortgage modification with [insert name of mortgage company] (“[insert name]”).

*All references to “Debtor” include and refer to both debtors in a case filed jointly by two individuals.

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2. [insert name of mortgage company] offered the Debtors a loan modification, and the Debtors have accepted the terms, as set forth in the attached “Loan Modification Agreement.”

3. The modified payment is \$[insert amount], of which \$[insert amount] is principal and interest and the balance includes escrow for taxes and insurance, and shall begin on [insert date].

4. The “New Principal Balance” on the note is \$_____, which shall be amortized as set forth below:

Years	Interest Rate	Interest Rate Change	Monthly Principal & Interest	Estimated Monthly Escrow	Total Monthly Payment*	Payment Begins on	Number of Monthly Payments
[insert years]	[insert interest rate]	[insert date]	[insert amount]	[insert amount]*	[insert amount]*	[insert date]	[insert number]

*adjusts periodically

5. The “New Principal Balance” and any other amounts still owed according to the terms of the Loan Modification Agreement shall be due and payable in full by the earliest of 1) the sale or transfer of any of Debtor(s) interest in the property subject to the mortgage, 2) the date Debtor(s) pay the entire “New Principal Balance”, or 3) the “Maturity Date” of [insert date].

6. The modification agreement should be filed in the public records of [insert county] County, Florida.

7. Payments to the Chapter 13 Trustee constitute timely payments to [insert name of mortgage company].

WHEREFORE, Debtor(s) request an order granting this motion, ordering that payments to the Chapter 13 Trustee constitute timely payments to [insert mortgage company name], and granting such other relief deemed appropriate in the circumstances.

/s/ Signature

Attorney Name

Attorney Bar No.

Attorney E-Mail

Attorney Address

Attorney Phone Number

Attorney for Debtor(s)

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PROOF OF SERVICE

A true and correct copy of the foregoing has been sent by either electronic transmission or U.S. Mail on _____ to: Chapter 13 Trustee; Debtors; [insert mortgage company name, address and any attorney contact information].

/s/ Signature

Attorney Name

Attorney Bar No.

Attorney E-Mail

Attorney Address

Attorney Phone Number

Attorney for Debtor(s)