**IN THE UNITED STATES BANKRUPTCY COURT**

**FOR THE NORTHERN DISTRICT OF ALABAMA**

**WESTERN DIVISION**

|  |  |  |
| --- | --- | --- |
| **In re:**  **Click to enter DEBTOR and JOINT DEBTOR,**  **Debtor(s).** |  | **Case No. Case number-JHH**  **Chapter 13** |

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| --- |
| NOTICE OF OPPORTUNITY TO OBJECT AND REQUEST HEARING  Pursuant to Western Division Administrative Order No. 20-01, the court will consider the relief requested in this motion (the "Motion") without further notice or hearing unless a party in interest files a response within 21 days from the date set forth on the attached certificate of service, plus an additional three days for service if any party was served by U.S. Mail.  If you oppose the relief requested in the Motion, then, within the time allowed, you must file a response with the clerk of court electronically (or by hand delivery or mail to the clerk's office at 2005 University Boulevard, Room 2300, Tuscaloosa, Alabama 35401), and you must serve a copy of your response on all appropriate persons. If you file and serve a response within the time permitted, the court will schedule and notify you of 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 Motion; the court may deem admitted the allegations set forth in the Motion; the court will proceed to consider the Motion without further notice or hearing; and the court may grant the relief requested. |

# DEBTOR'S MOTION TO APPROVE PERMANENT LOAN MODIFICATION AGREEMENT

The chapter 13 debtor(s) (whether a single debtor or joint debtors, the "Debtor") in the above-captioned bankruptcy case (the "Case") move the court, pursuant to 11 U.S.C. § 363, for entry of an order substantially in the form of the proposed order attached hereto as "Exhibit A" (the "Proposed Order"),[[1]](#footnote-1) approving the below-described loan modification agreement by and between the Debtor and Enter creditor name (the "Creditor"). In support of the Motion, the Debtor shows the court as follows:

1. The Debtor and the Creditor have agreed to enter into a permanent loan modification agreement (the "Modification Agreement"). A true and correct copy of the Modification Agreement is attached hereto as "Exhibit B."
2. The subject loan (the "Loan") is secured by a mortgage on the Debtor's principal residence.
3. The current Loan maturity date, interest rate, unpaid principal balance, and monthly principal and interest payment are as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Maturity Date** | **Interest Rate** | **Unpaid Principal Balance** | **Monthly Principal & Interest** |
| Enter Maturity Date | Interest Rate% | $Amount | $Amount |

1. Pertinent terms of the Modification Agreement are as follows:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Maturity Date** | **Interest Rate** | **Unpaid Principal Balance** | **Monthly Principal & Interest** | **Monthly Escrow (will adjust)** | **Total Monthly Payment** | **Modified Payment Begins** |
| Enter Maturity Date | Interest Rate% | $Amount | $Amount | $Amount | $Amount | $Amount |

1. [*Optional*] Pursuant to the Modification Agreement, the following amounts will be added to the principal balance of the Loan:

|  |  |
| --- | --- |
| **Pre-Modification Unpaid Principal Balance:** | $Enter Amount |
| 1. Plus, Delinquent Interest: | * $Enter Amount |
| 1. Plus, Escrow Advances: | * $Enter Amount |
| 1. Plus, Projected Escrow Shortage: | * $Enter Amount |
| 1. Plus, Corporate Advances/Fees: | * $Enter Amount |
| 1. Plus, Late Charges: | + $Enter Amount |
| 1. (Less) Suspense: | * $Enter Amount |
| **Post-Modification Unpaid Principal Balance:** | **= $**Enter Total Amount |

1. [*Omit if not applicable*] Pursuant to the Modification Agreement, the Creditor has agreed to Select: waive or defer the following amounts: Describe.
2. [*Omit if not applicable*] The Loan Modification does not fully amortize the Loan, and there will be a balloon payment due at maturity.
3. [*Omit if not applicable*] The Loan Modification will cure certain arrearages owed to the Creditor and provided for by the Debtor's chapter 13 plan; accordingly, the Debtor requests that the chapter 13 trustee suspend disbursements on the following arrearage claims of the Creditor for a period of 90 days after the date of the Motion: Enter Claim #('s).

**WHEREFORE, PREMISES CONSIDERED,** the Debtor respectfully requests the entry of an order substantially in the form of the attached Proposed Order.

Dated: Enter or select a date.

Signature of Attorney for Debtor or pro se Debtor

Print Name: Enter Name

Address: Enter Address

Telephone No. Enter Telephone No.

Email: Enter Email Address

**CERTIFICATE OF SERVICE**

I hereby certify that on the date of this certificate of service, I caused the Motion, the exhibit(s) to the Motion (the "Exhibit(s)"), including the Proposed Order, and this certificate of service[[2]](#footnote-2) to be served on the creditors and other interested parties identified on the attached mailing matrix[[3]](#footnote-3) by First-Class United States Mail.

I also hereby certify that on the date of this certificate of service, I caused the Motion, the Exhibit(s), and this certificate of service to be served on the parties listed below by the means specified (if none, leave blank):

|  |  |
| --- | --- |
| **Name and Address**  (If any entity is served care of an officer or agent, identify the person served by name and by title.) | **Method of Service**  (If service is made by certified mail, include the certified mail number.) |
| Click here to enter text. | Click here to enter text. |

Dated: Enter or select a date.

Signature of Attorney for Debtor or pro se Debtor

**EXHIBIT A**

(Proposed Order)

**IN THE UNITED STATES BANKRUPTCY COURT**

**FOR THE NORTHERN DISTRICT OF ALABAMA**

**WESTERN DIVISION**

|  |  |  |
| --- | --- | --- |
| **In re:**  **Click to enter DEBTOR and JOINT DEBTOR,**  **Debtor(s).** |  | **Case No. Case number-JHH**  **Chapter 13** |

**ORDER GRANTING DEBTOR'S MOTION TO APPROVE PERMANENT LOAN MODIFICATION AGREEMENT**

This matter is before the court on the *Debtor's Motion to Approve Permanent Loan Modification Agreement* (Doc. Enter Doc #) (the "Motion"). Capitalized terms used herein and not otherwise defined have the meanings ascribed to them in the Motion. The Motion was served on all creditors and other interested parties with the Western Division Administrative Order No. 20-01 negative notice legend informing the parties of their opportunity to respond. No party filed a response within the time permitted, and, therefore, the court considers the Motion to be unopposed and deems admitted the uncontroverted factual allegations set forth in the Motion. (*See* Admin. Order No. 20-01.) It appears to the court that the Motion should be granted. Accordingly, it is ORDERED that the Motion is granted, the Debtor is authorized to enter into the Modification Agreement, and the Creditor shall deliver fully executed copies of the Modification Agreement to the Debtor, the Debtor's attorney, and the chapter 13 trustee within 14 days after the Modification Agreement is fully executed.

Dated:

UNITED STATES BANKRUPTCY JUDGE

**EXHIBIT B**

(Modification Agreement)

1. The movant must submit a Word version of the Proposed Order to the court's e-orders e-mail address ([ordersjhh@alnb.uscourts.gov](mailto:ordersjhh@alnb.uscourts.gov)) in accordance with Western Division Administrative Order Number 20-01. [↑](#footnote-ref-1)
2. This certificate of service must be attached to, and filed with, the Motion. [↑](#footnote-ref-2)
3. Attach a current, official mailing matrix for the Case. [↑](#footnote-ref-3)