

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA**

TAMPA DIVISION

This document is provided for informational purposes only. It is not to be submitted as a proposed order. The Court will prepare all such orders.

In re:

_____ ,

Case No. 8: _____

Chapter __

Debtor(s)*: _____ /

**ORDER DIRECTING MORTGAGE MODIFICATION
MEDIATION AND ESTABLISHING MEDIATION COMPENSATION**

THIS CASE came on for consideration of a motion for mortgage modification mediation (the “Motion”) in the form of

- a motion filed at Doc. No. __.
- an *ore tenus* motion made at a hearing held on _____.
- the Court’s own motion made at a hearing held on _____.

The Motion requests mediation for the purpose of modifying the mortgage agreement between the Debtor and _____ (the “Creditor”). Based on the Court’s review of the Motion and the record, the Court finds that the Motion should be granted. Accordingly, it is

ORDERED:

1. The Motion is granted.
2. If an attorney has not appeared in this case on behalf of the Creditor, then within 14 days of entry of this Order, the Creditor shall file a designation on the record of the attorney, or other person, who will serve as the Creditor’s representative in connection with this mediation and that person’s contact information, including e-mail address.

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

3. Within 21 days of entry of this Order, the Creditor shall supply the Debtor's counsel, or the Debtor if unrepresented, with the Creditor's loan modification requirements.
4. The Court appoints _____ to serve as Mediator.
 The Court directs the parties to mutually select a mediator and file a notice with the Court identifying the selected mediator. If the parties fail to file such notice within 21 days of entry of this Order, the movant shall file a request for the Court to appoint a mediator unless the debtor is pro se or this order is on the Court's own motion, in which case the Court will appoint a mediator.
5. The Mediator is entitled to compensation of \$350 for two hours of mediation, to be paid equally by the parties prior to commencement of the mediation. If the parties agree to continue the mediation beyond two hours, the Mediator shall thereafter be entitled to his/her normal hourly rate for residential mortgage modification mediation, or such other rate as the parties and the Mediator may agree upon, to be paid equally by the parties prior to the conclusion of the mediation.
6. The mediation shall be scheduled to occur within 60 days of entry of this Order.
 The mediation shall be scheduled to occur no later than _____.
7. The Mediator is responsible for coordinating a mutually convenient date, time, and place of the mediation.

8. At least 21 days prior to the scheduled mediation, the Debtor's counsel, or the Debtor if unrepresented, shall provide to the Creditor's representative the Debtor's following information:
 - a. Completed HAMP RMA Financial Disclosure Loan Modification Package;
 - b. Completed Lender Specific Modification Form;
 - c. Last two months' pay stubs for all non self-employed borrowers;
 - d. Six month profit/loss statement from self-employed borrowers, typed, signed and dated on business letterhead;
 - e. Benefit Statements (Social Security, Disability, Unemployment, Welfare, Pension Award Letter, etc.);
 - f. Lease agreement (if claiming rental income) or contribution letter;
 - g. Last two months' bank statements (all pages), personal and business, if applicable;
 - h. Last two years federal income tax returns (including all schedules), personal and business, if applicable, signed and dated;
 - i. IRS Form 4506-T;
 - j. Current utility bill (showing name and property address of debtor/debtors);
 - k. Homeowners' insurance quote/policy;
 - l. Current tax assessment for property;
 - m. Proof of HOA fees and payment status;
 - n. Hardship Letter, signed and dated;
 - o. Schedule I;
 - p. Schedule J;
 - q. Chapter 13 Plan, if applicable;
 - r. Consent to Escrow, signed and dated;
 - s. Completed Dodd-Frank Form;
 - t. Any additional information requested by the Creditor or identified as required information on the Creditor's website; and
 - u. Any appraisals or other evidence of value obtained or relied upon by the Debtor.
9. At least 14 days prior to the scheduled mediation, the Creditor shall review the Debtor's financial information and notify the Debtor of any additional or updated financial records the Debtor must provide to the Creditor. The Debtor must provide additional or updated records within three business days of such notification.
10. Each party or its representative having full authority to settle without further consultation shall attend the mediation with counsel, if any. If the failure of a

party to comply with this requirement results in an impasse, such party may be liable for sanctions to include payment of all fees incurred by the other parties to the mediation. Telephonic appearance may be authorized in advance by the Mediator, at the Mediator's discretion. At the Mediator's request, the trustee of a securitized loan or its fully authorized designee with complete and master servicer settlement authority shall provide the Mediator with a copy of any applicable settlement guidelines.

11. Debtor's counsel may charge the Debtor additional fees to prepare for and participate in the mediation, by filing an application for compensation for either a flat ("a la carte") fee of up to \$1,800 or attorney's fees in some other amount based on a reasonable hourly rate.
12. Within five days following the conclusion of mediation, the Mediator shall file a Mediator's Report and Completion of Mediation indicating whether the mediation resulted in settlement or an impasse.
13. Participation in mediation conducted pursuant to this Order does not preclude participation in state court foreclosure mediation.

DONE and ORDERED at Tampa, Florida, in Chambers on _____.

BY THE COURT

[Name of Judge]
United States Bankruptcy Judge

Copies furnished to:

Debtor's counsel
Creditor's counsel per matrix
Creditor's counsel per NoA

