

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-FLINT**

IN RE:

**CHAPTER 13
CASE NO:
JUDGE JOEL D. APPLEBAUM**

Debtor(s)

**STIPULATION FOR ENTRY OF ORDER ALLOWING DEBTORS TO ENTER INTO A TRIAL MORTGAGE
LOAN MODIFICATION WITH AND AUTHORIZING THE CHAPTER 13 TRUSTEE TO DISBURSE TRIAL
PERIOD PAYMENTS**

This matter comes before the Court upon the Stipulation of the Debtors, their attorney, _____ and the Chapter 13 Trustee. This Stipulation is brought on an ex-parte basis. Prior notice has not been provided to interested parties because the delay cause by the notice may cause irreparable harm. The debtors have been offered a trial loan modification of their current mortgage. Due to time constraints imposed by the terms of the modification, Debtors believe that the request for relief is appropriate for consideration without prior notice to interested parties.

WHEREFORE the Trustee and Debtors hereby stipulate as follows:

1. The parties and terms of the proposed modification include:

Mortgage Creditor/Service: _____
Borrower Name(s): _____
Property Address: _____
Mortgage Account No: _____
Proposed Modified Trial Payment: 3 Trial Payments in the amount of \$ _____
First Trial Payment Due: _____, 20__

2. The Chapter 13 Trustee shall disburse three (3) Trial Payments to debtors' Mortgage Creditor in the amount of \$ _____ as follows:
- a. First Trial Payment Due _____, 20__: The Trustee shall disburse this trial payment from available funds by manual check upon entry of this Order and shall attempt to ensure delivery of the check is delivered to the creditor before the due date indicated.
 - b. Second Trial Payment Due _____, 20__: The Trustee shall disburse this trial payment from available funds by manual check upon entry of this Order and shall attempt to ensure delivery of the check is delivered to the creditor before the due date indicated.
 - c. Third Trial Payment Due _____, 20__: The Trustee shall disburse this trial payment from available funds by manual check upon entry of this Order and shall attempt to ensure delivery of the check is delivered to the creditor before the due date indicated.

**THE TRUSTEE'S DISBURSEMENTS SHALL BE MADE PAYABLE TO _____ AND SHALL BE MAILED TO
THE CREDITOR AT THE FOLLOWING ADDRESS:**

**** INSERT MORTGAGEE TRIAL LOAN MODIFICATION ADDRESS****

3. The Chapter 13 Trustee shall not disburse on the pre-confirmation arrearage claim until further order of this Court granting a permanent loan modification or a correspondence from the Creditor indicating that the loan modification was denied.
4. The Chapter 13 Trustee is authorized to continue the post-trial period payments within the Trustee's regular disbursement cycle to the Creditor in the amount of the Trial Payment consistent with the terms provided in the attached Loan Modification Agreement (See EXHIBIT) until further order of the court. In the event the final modification is denied or the terms altered, the creditor's right to object to the amount of its continuing monthly payment is preserved.
5. Within 28 days of the last payment under the trial modification, debtors must advise the Chapter 13 Trustee whether the modification was made permanent continued or denied and provide proof of the terms of the implementation or denial of a final modification.
6. If the Loan Modification is made permanent, the creditor is to either file amendments to the creditor's claim to reflect the proposed changes to the mortgage payment and treatment of the pre-petition arrearages claim or if the creditor does not file the amendments, the debtors shall file a modification of the plan addressing the modifications of the claim consistent with the terms of the final loan modification.
7. Within 7 days of the entry of this order, debtor's counsel shall serve a copy of the order on the Mortgage Creditor and their attorney of record. Service on the Mortgage Creditor shall be by mail to the payment address listed above, at the address listed for notice in the Creditor's Proof of Claim and any other address where the creditor has specifically requested notice.

Stipulated and approved for entry:

/s/ _____
Carl L. Bekofske P10645
Melissa Caouette P62729
Chapter 13 Standing Trustee
400 N. Saginaw Street, Suite 331
Flint, MI 48502
(810) 238-4675
ecf@flint13.com

Stipulated and approved for entry:

/s/ _____
Attorney for Debtor(s)

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
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IN RE:

**CHAPTER 13
CASE NO:
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Debtor(s)

_____ /

**ORDER ALLOWING DEBTORS TO ENTER INTO A TRIAL MORTGAGE LOAN MODIFICATION WITH
AND AUTHORIZING THE CHAPTER 13 TRUSTEE TO DISBURSE TRIAL PERIOD PAYMENTS**

Upon Stipulation of the Debtors, their attorney and the Chapter 13 Trustee, and the Court being fully advised of the said premises. The proposed modification is a three (3) month trial period.

IT IS HEREBY ORDERED that the parties and terms of the proposed modification include:

Mortgage Creditor/Servicer: _____
Borrower Name(s): _____
Property Address: _____
Mortgage Account No: _____
Proposed Modified Trial Payment: 3 Trial Payments in the amount of \$ _____
First Trial Payment Due: _____, 20__

IT IS FURTHER ORDERED that the Chapter 13 Trustee shall disburse three (3) Trial Payments to debtors' Mortgage Creditor as follows:

- a. First Trial Payment Due _____, 20__: The Trustee shall disburse this trial payment from available funds by manual check upon entry of this Order and shall attempt to ensure delivery of the check is delivered to the creditor before the due date indicated.
- b. Second Trial Payment Due _____, 20__: The Trustee shall disburse this trial payment from available funds by manual check upon entry of this Order and shall attempt to ensure delivery of the check is delivered to the creditor before the due date indicated.
- c. Third Trial Payment Due _____, 20__: The Trustee shall disburse this trial payment from available funds by manual check upon entry of this Order and shall attempt to ensure delivery of the check is delivered to the creditor before the due date indicated.

**THE TRUSTEE'S DISBURSEMENTS SHALL BE MADE PAYABLE TO _____ AND SHALL BE MAILED TO
THE CREDITOR AT THE FOLLOWING ADDRESS :**

**** INSERT MORTGAGEE TRIAL LOAN MODIFICATION ADDRESS ****

IT IS FURTHER ORDERED that the Chapter 13 Trustee shall not disburse on the pre-confirmation arrearage claim until further order of this Court granting a permanent loan modification or a correspondence from the Creditor indicating that the loan modification was denied.

IT IS FURTHER ORDERED that the Chapter 13 Trustee is authorized to continue the post-trial period payments within the Trustee's regular disbursement cycle to the Creditor in the amount of the Trial Payment consistent with the terms provided in the attached Loan Modification Agreement (See EXHIBIT) until further order of the court. In the event the final modification is denied or the terms altered, the creditor's right to object to the amount of its continuing monthly payment is preserved.

IT IS FURTHER ORDERED that within 28 days of the last payment under the trial modification, debtors must advise the Chapter 13 Trustee whether the modification was made permanent continued or denied and provide proof of the terms of the implementation or denial of a final modification.

IT IS FURTHER ORDERED that if the Loan Modification is made permanent, the creditor is to either file amendments to the creditor's claim to reflect the proposed changes to the mortgage payment and treatment of the pre-petition arrearages claim or if the creditor does not file the amendments, the debtors shall file a modification of the plan addressing the modifications of the claim consistent with the terms of the final loan modification.

IT IS FURTHER ORDERED that within 7 days of the entry of this order, debtor's counsel shall serve a copy of the order on the Mortgage Creditor and their attorney of record. Service on the Mortgage Creditor shall be by mail to the payment address listed above, at the address listed for notice in the Creditor's Proof of Claim and any other address where the creditor has specifically requested notice.

“Exhibit A”