**UNITED STATES BANKRUPTCY COURT**

**SOUTHERN DISTRICT OF OHIO**

|  |  |  |
| --- | --- | --- |
| In re:    Debtor(s) | )  )  ) | Case No.  Chapter  Judge |

**MOTION TO APPROVE MORTGAGE MODIFICATION**

Now comes **[Movant(s) Name(s)]** (the “Movant”) and requests approval of the attached mortgage modification.

**Memorandum in Support**

1. **[Debtor(s) Name(s)]** (the “Debtor,” whether individually or collectively) filed this case on  **[ (month) (day) (year) ]**  (the “Petition Date”).
2. This is a(n) **[ above / below ]** median income case.
3. The mortgage creditor affected by the mortgage modification is **[full name of Creditor]** (the “Creditor”).
4. The following is a summary of the proposed mortgage modification:

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Current Terms** | **Under Trial Mortgage Modification (if any)** | **Under Proposed Modification** |
| **Principal Balance** | $ | $ | $ |
| **Interest Rate** | % | % | % |
| **Principal and Interest Payment** | $ | $ | $ |
| **Escrow Payment:**  **Insurance**  **Real Estate Taxes** | $  $ | $  $ | $  $ |
| **Total Payment** | $ | $ | $ |
| **Paid by Debtor or Disbursed by Trustee** |  |  |  |
| **Maturity Date of Mortgage** |  | N/A |  |

(4)(a) If the principal balance increases as a result of the proposed mortgage modification, the principal balance under the proposed mortgage modification includes:

|  |  |
| --- | --- |
| **Current Principal Balance** | $ |
| **Unpaid Interest** | $ |
| **Late Charges** | $ |
| **Private Mortgage Insurance** | $ |
| **Escrow Shortage** | $ |
| **Attorneys’ Fees** | $ |
| **Court Filing Fees** | $ |
| **Fees or Costs Other than Attorneys’ Fees (specify)** | $ |
| **Less Credit** | ($ ) |
| **Principal Balance Under the Proposed Modification** | $ |

1. The pre-petition arrearages, if any, in the amount of $ will be:

□ due as a balloon payment at the maturity of the loan with interest accruing on said arrears at the rate of %.

□ re-amortized in the loan in full.

□ re-amortized in the loan at the reduced amount of $ .

□ reduced to the amount of $ and due as a balloon payment at the maturity of the loan with interest accruing at the rate of %.

□ eliminated.

□ other (please explain): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
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1. The post-petition arrearages, if any, in the amount of $ will be:

□ due as a balloon payment at the maturity of the loan with interest accruing on said arrears at the rate of %.

□ re-amortized in the loan in full.

□ re-amortized in the loan at the reduced amount of $ .

□ reduced to amount of $ and due as a balloon payment at the maturity of the loan with interest accruing at the rate of \_\_\_\_ %.

□ eliminated.

□ other (please explain): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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1. The down payment, if any, to be paid to the Creditor is $ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Wherefore, the Movant requests approval of the forgoing *Motion to Approve Mortgage Modification*.

Respectfully submitted,

**/s/ Name**

**Attorney Name/State Bar Number (if any)**

**Law Firm Name**

**Mailing Address**

**Ph: Telephone Number**

**Fx: Fax Number**

**Email Address**

**NOTICE OF MOTION**

The Debtor has filed a *Motion* *to Approve Mortgage Modification*.

**Your rights may be affected**. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief sought in the motion, then on or before **twenty-one (21) days from the date set forth in the certificate of service for the motion**, you must file with the Court a response explaining your position by mailing your response by first class mail to:

United States Bankruptcy Court, Clerk’s Office [Enter Appropriate Court Address]

OR your attorney must file a response using the Court’s ECF System.

The Court must **receive** your response on or before the above date.

You must also send a copy of your response either by 1) the Court’s ECF System or by 2) first class mail to:

**[Debtor(s) Name(s)], [Enter Debtor(s) Address(es)]**

Chapter 13 Trustee **[Enter Chapter 13 Trustee Name and Address]**

United States Trustee **[Enter United States Trustee Address]**

**[ENTER NAMES AND ADDRESSES OF OTHERS TO BE SERVED]**

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting the relief without further hearing or notice.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *Motion* *to Approve Mortgage Modification* was served **electronically** on the date of filing through the Court’s ECF System on all ECF participants registered in this case at the email address registered with the Court and

by first class mail on **[ (month) (day) (year) ]** addressed to:

[**ENTER NAMES AND ADDRESSES OF OTHER PARTIES TO BE SERVED]**

**/s/ Name**