**UNITED STATES BANKRUPTCY COURT**

**SOUTHERN DISTRICT OF OHIO**

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

**MOTION TO APPROVE MORTGAGE MODIFICATION TRIAL PERIOD PAYMENTS**

Now comes **[Debtor(s) Name(s)]** (the “Debtor,” whether individually or collectively) and requests approval of the attached mortgage modification trial period payments.

**Memorandum in Support**

1. The Debtor 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 ]**.
4. The mortgage trial period payments will be paid **[ directly by the Debtor OR through the Plan by the Trustee ]**.
5. The Debtor requests that the Trustee stop paying any prepetition or postpetition mortgage arrearage, if applicable.
6. The mortgage balance owed on the Petition Date was $ .
7. The current mortgage payment is $ and the current interest rate is \_\_\_\_\_%.
8. Effective **[ (month) (day) (year) ]**, the trial mortgage modification requires \_\_\_\_\_\_ payments in the amount of $ , consisting of:

$ principal and interest

$ escrowed real estate taxes

$ escrowed insurance.

1. Upon successful completion of the mortgage modification trial period payments, Debtor shall file a *Motion to Approve Mortgage Modification Agreement* within fourteen (14) days of the Final Mortgage Modification Mediation Report being filed with the Court.

Wherefore, the Debtor requests approval of the forgoing *Motion to Approve Mortgage Modification Trial Period Payments*.

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 Trial Period Payments*.

**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 Trial Period Payments* 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**