

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

In re:

Case No. _____-jtg

Chapter 13

Hon. John T. Gregg

Debtor(s).

_____ /

**MOTION TO APPROVE FINAL
MORTGAGE MODIFICATION**

The debtor(s) in the above-captioned case (the “Debtor”) hereby file(s) this motion (the “Motion”) requesting entry of an order approving a Final Modification, certain material terms of which are summarized herein.¹ In support of the Motion, the Debtor states as follows:

1. The Debtor filed a petition for relief under chapter 13 on _____ .
2. The Debtor _____ confirmed a plan on _____ has not yet confirmed a plan.
3. The court has previously entered an order _____ referring the Debtor, the Mortgagee and any Co-Obligor to the MMP with respect to the following real property (the “Real Property”) constituting the Debtor’s primary residence:

Street Address: _____

Tax Parcel I.D. No.: _____

County: _____

4. The Mortgagee _____ filed proof of claim no.: _____ has not filed a proof of claim as of the date of this Motion other _____.

5. The Debtor and the Mortgagee have entered into a Final Modification, a copy of which has already been transmitted to the Trustee and may be promptly obtained by other parties in interest by sending a request via electronic mail to the Debtor’s counsel of record. Any Co-Obligor has agreed in writing to the Final Modification.

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the MMP procedures available at <https://www.miwb.uscourts.gov/content/judge-john-t-gregg>.

4. The following is a summary of the material terms of the Final Modification:

	Current Terms	Under Trial Modification (if any)	Under 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	

5. The following terms are applicable (check all applicable):

The principal balance due under the Mortgage and related promissory note will increase as a result of the Final Modification.

The pre-petition arrearages due under the Mortgage and related promissory note in the amount of _____ will be:

due as a balloon payment

re-amortized in the loan

reduced to

eliminated.

other

The Trustee is the disbursing agent with respect to prepetition arrears due under the Mortgage in the amount of _____. As of the date of this Motion, the Trustee previously disbursed the aggregate amount of _____ on account of the prepetition arrears. Prepetition arrears in the amount _____ remain outstanding and are addressed in the Final Modification.

The Trustee shall make not make any further disbursements on account of prepetition arrears due under the Mortgage.

The Debtor is the disbursing agent with respect to prepetition arrears due under the Mortgage in the amount of _____. As of the date of this Motion, the Debtor previously disbursed the aggregate amount of _____ on account of the prepetition arrears. Prepetition arrears in the amount of _____ remain outstanding and are addressed in the Final Modification.

The Trustee will make continuing Mortgage payments to the Mortgagee in the amount of _____ per month.

The Debtor will make continuing Mortgage payments to the Mortgagee in the amount of _____ per month.

The post-petition arrearages due under the Mortgage and related promissory note in the amount of _____ will be:

due as a balloon payment

re-amortized in the loan

reduced to _____

eliminated.

other _____

As a result of the Final Modification, the Debtor's plan payment to the Trustee will not change.

As a result of the Final Modification, the Debtor's plan payment to the Trustee will change to the amount of _____ per month, as reflected in a separately filed and served plan amendment.

The Final Modification requires the Debtor to make a down payment of _____. The Debtor the Trustee the Co-Obligor other: _____ will make the down payment to the Mortgagee.

The Final Modification does not require a down payment.

The Final Modification does not adversely affect unsecured creditors.

Because the Final Modification adversely affects unsecured creditors, this Motion needs to be served on the matrix subject to any notice provisions in the confirmed plan or other order or the court.

Other: _____.

6. The Debtor has filed or is concurrently filing a plan amendment and amended Schedules I and J to the extent required by the MMP.

7. The Debtor is providing the Mortgagee, the Trustee, any Co-Obligor and any other entity asserting an interest in the Real Property with twenty-one (21) days to respond to this Motion and the requisite plan amendment pursuant to LBR 9013(c) by serving them in accordance with Fed. R. Bankr. P. 7004.

WHEREFORE, the Debtor requests entry of an order approving the Final Modification and for such additional relief as the court deems just and proper.

Dated: _____, 20__

Respectfully submitted,

/s/ _____

Telephone: _____

Email: _____