# UNITED STATES BANKRUPTCY COURT DISTRICT OF VERMONT

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

In re:

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Chapter \_\_**

**Debtor(s). Case # \_\_\_\_\_\_\_\_\_**

# \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**ORDER**

**GRANTING MOTION FOR MORTGAGE MEDIATION**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (the “Movant”) filed a motion seeking an order directing \_\_\_\_\_\_\_\_\_\_\_ [*name of other party*] to engage in mediation with respect to a certain mortgage dated \_\_\_\_\_\_ (the “Motion”), more fully described in that Motion, filed on \_\_\_\_ [*date*], with respect to property located at \_\_\_\_\_\_\_\_\_\_\_[*address*]. Any objections filed in response to this Motion have been withdrawn or overruled.

Based upon the record in this case and the representations set forth in the Motion, THE COURT FINDS that adequate notice has been given, the Motion satisfies the procedural requirements of the Local Rules, the mediation is in the best interest of the bankruptcy estate, and good cause has been shown for entry of an order granting the Motion for Mortgage Mediation.

Based upon those findings, IT IS HEREBY ORDERED that the Motion for Mortgage Mediation is GRANTED.

IT IS FURTHER ORDERED the parties shall proceed with mediation as follows:

1. Upon entry of this Order, the Clerk shall send the parties a list of all Bankruptcy Court approved mediators (the “List”). Within 7 days of [*creditor-mortgagee*]'s participation in the case,[[1]](#footnote-1) the parties must file a joint selection of a mediator. If the parties are unable to agree on a mediator within 7 days, the debtor shall file a motion asking the Court to designate a mediator. Upon selection or appointment of a mediator, the Court shall enter an order via a docket entry.
2. The parties shall split equally the mediation fee in the amount set forth in the local fees schedule. See Vt. LB Appendix XI. If a party seeks to shift the expense of a portion or all of the mediator’s fee, that party shall file a motion with the Court, on 14 days’ notice to all parties to the mediation and the case trustee, showing cause for such relief.
3. The mediator shall complete the mediation within 120 days of appointment as mediator and file a Final Report of Mediation (VTB MM Form # 12) within 7 days of completing the mediation. SeeVt. LBR 4001-7(d)(2)(C).
4. If the parties do not complete the mediation within 120 days of the mediator’s appointment, the Parties shall file an Interim Report of Mediation (VTB MM Form # 12) no later than 7 days after the expiration of that 120-day period. SeeVt. LBR 4001-7(d)(4).
5. If the mediator fails to file a Final or Interim Report of Mediation within the time periods specified in Vt. LBR 4001-7(d)(2)(C), the mediator and the parties shall appear at a status hearing to explain why mediation has not been completed and provide an anticipated date by which mediation will be completed. See Vt. LBR 4001-7(d)(2)(C).
6. Within 14 days of the filing of the Final Report of Mediation, the party who filed the Motion for Mortgage Mediation shall file (A) a motion to declare mediation closed with a proposed order attached (VTB MM Form #11), OR (B) a stipulation requesting that mediation not be closed until a particular date or the occurrence of a particular event. See Vt. LBR 4001-7(f).

SO ORDERED.

\_\_\_\_\_\_\_\_\_, 20\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Burlington, Vermont Heather Z. Cooper

United States Bankruptcy Judge

1. Pursuant to Vt. LBR 4001-7(d)(1)(A), the participation of the creditor-mortgagee is evidenced by the earlier of the creditor-mortgagee’s filing of (i) a proof of claim or (ii) notice of appearance in the case (either by counsel or *pro se*). [↑](#footnote-ref-1)