

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

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In re:

**MODIFICATION OF  
LOCAL RULES OF PRACTICE AND  
PROCEDURE IN BANKRUPTCY COURT,  
DISTRICT OF VERMONT**

**STANDING ORDER # 15-02**

**TO REVISE LOCAL RULE 4001-7,  
ADOPT MM FORMS ## 12 AND 13, AND  
REVISE MM FORMS ## 3, 5, 8, AND 9.**

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On January 1, 2012, this Court established a mortgage mediation program (the "Program") via Standing Order # 11-05, and then incorporated the Program into its Local Rules as Vermont Local Bankruptcy Rule 4001-7. On May 1, 2013, the Court modified the Program through an amendment to Vt. LBR 4001-7, in Standing Order # 13-05.

On May 6, 2014, the Court reconvened its Mortgage Mediation Task Force to assess the effectiveness and efficiency of mortgage mediations conducted through the Program in Vermont bankruptcy cases, and whether Vt. LBR 4001-7 provides an efficient and transparent process which serves both debtors and creditors. Now, in light of the Court's experience with the Program for nearly three years, and the thoughtful recommendations of the Mortgage Mediation Task Force, **THE COURT FINDS** the Program would be more efficient and effective, and would better serve the needs of the bar, the parties, and the Court, if the pertinent Local Rule was modified, four of the Program forms were revised, and two additional forms were created.

Therefore, **IT IS HEREBY ORDERED** that Vt. LBR 4001-7 is revised to incorporate the changes set forth in Attachment A, appended to this Standing Order.


**IT IS FURTHER ORDERED** that local forms MM Form ## 3, 5, 8, and 9 are revised to incorporate the changes set forth in Attachments B - E.

**IT IS FURTHER ORDERED** that Attachment F shall be designated as MM Form # 12.

**IT IS FURTHER ORDERED** that Attachment G shall be designated as MM Form # 13.

**IT IS FURTHER ORDERED** that these changes are effective upon entry of this Standing Order.

February 2, 2015  
Burlington, Vermont

  
Colleen A. Brown  
United States Bankruptcy Judge

Attachment A: Copy of revised Vt. LBR 4001-7

Attachment B: Revised Order Granting Mortgage Mediation, MM Form # 3

Attachment C: Revised Debtor's Notice of Compliance, MM Form # 5

Attachment D: Revised Lender's Response to Notice of Compliance, MM Form # 8

Attachment E: Revised Debtor's Demand for Documents, MM Form # 9

Attachment F: Interim Mediator's Report, MM Form # 12

Attachment G: Alternate Scheduling Order, MM Form # 13

## VT. LBR 4001-7. MORTGAGE MEDIATION AND LOSS MITIGATION PROGRAM

### (a) Availability of Mediation in Bankruptcy Cases.

- (1) In any case filed under Chapter 7, 11, 12, or 13, a party may file a motion for mortgage mediation/loss mitigation (hereinafter "mediation") (Vt. LB MM Form #1).
- (2) Parties may seek mediation with respect to any mortgage on the debtor's primary residence provided the property has four units or less (regardless of whether the mortgage is subject to the HAMP guidelines).
- (3) With the creditor's consent, mediation will be available at any time during the pendency of any Chapter 7, 11, 12, or 13 bankruptcy case.
- (4) In the absence of the creditor's consent, the Court will not grant a debtor's motion for mediation if the Court has already entered either: (A) a discharge order; or (B) an order granting relief from stay to that creditor on the subject property.
- (5) Mediation will not be permitted if the creditor objects and:
  - (A) mediation has already been completed, or was begun and abandoned by the debtor; or
  - (B) modification of the mortgage is essential to the confirmation of a plan and the debtor has failed to file a motion for mediation prior to the confirmation hearing; or
  - (C) the parties have filed a stipulation in the bankruptcy case with respect to the debtor's obligations under the subject mortgage.

### (b) The Mediation Process.

- (1) The parties engaged in mediation under this Rule shall cooperate in good faith under the direction of the mediator to produce the information required by this Rule in a timely manner so as to maximize the effectiveness of the mediation.
- (2) The creditor must consider all available foreclosure prevention tools, including but not limited to reinstatement, loan modification, forbearance, and short sales.
- (3) Where the creditor claims that a pooling and servicing or other similar agreement prohibits modification, the creditor must produce a copy of the agreement. All agreement documents are confidential and are not to be included in the mediator's report.
- (4) The following persons must participate in any mediation conducted under this Rule:
  - (A) the creditor, or a person designated by the creditor or its servicer, who
    - (i) has authority to agree to a proposed settlement, loan modification, or pursuit of lift stay relief; and
    - (ii) has real-time access during the mediation to the creditor's account information and to the records relating to consideration of the options available;
  - (B) counsel for the creditor, if any;
  - (C) the debtor and counsel for the debtor, if any; and
  - (D) the Court-appointed mediator.
- (5) The case trustee and holders of other liens on the subject property may also participate, subject to the mediator's approval.
- (6) The mediator, in the exercise of his or her discretion, may permit any party or attorney to participate in mediation by telephone or through video conferencing.
- (7) All mediations conducted under this Rule will take place in a mutually convenient location, as determined by the mediator.

### (c) Time Frame for the Mediation Process.

- (1) A debtor-mortgagor or creditor-mortgagee may file a motion for mediation (Vt. LB MM Form #1) that seeks an order directing the parties to engage in mediation, in compliance with the following procedures:

- (A) the movant must serve the motion on 14 days' notice to all creditors who would claim an interest in the property and the case trustee, along with a notice of motion regarding the motion for mediation (Vt. LB MM Form #2), and may use the default procedure;
  - (B) in the motion, the movant must specify why mediation would be useful to the parties and how it would benefit the estate;
  - (C) any objection to the motion must specify why mediation is not likely to be useful to the parties or likely to be of benefit to the estate;
  - (D) if the motion is granted, the Clerk will promptly enter a mediation order (Vt. LB MM Form # 3) and then
    - (i) the Clerk will forthwith send the parties a list of all Bankruptcy Court approved mediators;
    - (ii) within 7 days of the creditor's participation in the case, evidenced by the earlier of:
      - (aa) the creditor-mortgagee's filing of a proof of claim in the case;
      - (bb) the creditor-mortgagee appearing by counsel in the case, or
      - (cc) an individual creditor-mortgagee's appearing either by counsel or pro se, the parties may stipulate to the selection of a mediator; and
    - (iii) no party shall file a notice of selection of a mediator prior to the creditor-mortgagee's participation in the case (as defined in (ii) above).
  - (E) if the parties are unable to stipulate to the selection of a mediator within 7 days of the events specified in part (D) above, the debtor shall file a motion asking the Court to designate a mediator; and
  - (F) the mediator will be deemed appointed on the date the parties file the list identifying the mediator they have selected, unless the Court orders otherwise.
- (2) Within 14 days of the appointment of the mediator, the parties may file a stipulated proposed scheduling order (on Vt. LB MM Form # 13). If they fail to do so, the parties shall be bound by the deadlines set out below.
- (3) Within 21 days of the appointment of the mediator:
- (A) the debtor must serve on the mediator and the creditor all documents set forth on the mediation document list, with the complete loan number set forth on each page, along with a notice of compliance (Vt. LB MM Form #5) with the mediation order, and file with the Court a copy of the notice (without attachments) and a certificate of service; and
  - (B) if the debtor determines that he or she cannot proceed with mediation until the debtor has obtained certain information from the creditor, the debtor must serve on the creditor and the mediator a demand for documents from the creditor (Vt. LB MM Form #9) that identifies the documents the debtor needs from the creditor (e.g., copy of the promissory note, copy of the loan history) and why, and file with the Court a copy of the demand for creditor documents.
- (4) Within 45 days of the appointment of the mediator, the mediator must hold a pre-mediation telephone conference with the debtor and creditor to identify any missing documents, expedite exchange of any necessary documents, and address any impediments to moving forward or other pre-mediation issues. At the pre-mediation telephone conference, the mediator must, at a minimum, record the status of the parties' efforts, the progress the parties have made on the production and exchange of financial documents, any review of information that occurs during the conference, any request for additional information, the anticipated time frame for submission of any additional information and the creditor's review of the information, and the scheduling of the mediation session. The mediator may require the creditor's representative to participate in the pre-mediation telephone conference, and any other meetings the mediator deems appropriate in order to expeditiously conclude the mediation process.
- (5) Within 21 days of the date the debtor filed the notice of compliance (Vt. LB MM Form #5):
- (A) the creditor must serve the debtor and the mediator with a creditor's response to the adequacy of the debtor's mediation documents (Vt. LB MM Form #8) and file the same with the Court, with a certificate of service; or

- (B) if the creditor finds the documents from the debtor to be incomplete, finds the debtor has not served all documents articulated on the list, or determines additional documents are necessary in this particular case, the creditor may file a motion to compel compliance with the mediation order (Vt. LB MM Form #4) in lieu of the response; and
  - (C) if the debtor files a demand for documents from the creditor (Vt. LB MM Form #9), the creditor must serve the documents requested by the debtor on the debtor and mediator, along with a response to the demand for creditor documents, and file a copy of the response (without attachments) and a certificate of service with the Court.
- (6) If the creditor serves a motion to compel compliance with the mediation order (Vt. LB MM Form #4), the debtor will have 14 days to file a response and serve upon the creditor any documents required to bring the debtor into compliance with the mediation order. A motion to compel is a non-routine motion for purposes of this Rule. Cf. Vt. LBR 9013-2(b), (c)(5)(C). The creditor may set a hearing thereon, to be held shortly after the expiration of the debtors' response time; if the creditor does not set a hearing, the Court will do so if it deems a hearing necessary.
  - (7) The mediator must schedule the mediation session to be held within 21 days of the filing of the creditor's response, or of an order adjudicating the motion if the creditor files a motion in lieu of the creditor's response, whichever is later. The first mediation session must be held within 90 days of the appointment of the mediator, unless the Court grants a motion to enlarge the time. The mediation must conclude within 14 days of the first mediation session, unless the mediator determines there is good cause to extend the mediation period. The mediator shall have broad discretion and authority to manage the mediation process, including the authority to enlarge the 90-day time period between appointment of the mediator and the convening of the first mediation session, provided the mediator files (A) a statement setting forth the basis for enlarging this time period and (B) a precise and firm schedule for commencing and completing the mediation.
  - (8) If a modification is denied, the creditor must provide a written explanation at the time of denial as to why a modification is denied (including the input figures used in calculating eligibility for a modification). If the debtor believes the creditor denied the modification in bad faith, or reached a conclusion on the basis of erroneous facts or calculations, the debtor may file, within 14 days of the conclusion of the mediation, a motion to compel the creditor to participate in further mediation.
  - (9) The mediator must file a report of mediation (Vt. LB MM Form #6) within 14 days of the conclusion of the mediation. In lieu of Vt. LB MM Form # 6, the mediator may file a Vermont Foreclosure Mediation Report, as described in 12 V.S.A. § 4634.
  - (10) Unless, within 120 days of the date the mediator was appointed,
    - (A) the mediator files a statement and schedule, or a report (or interim report, Vt. LB MM Form # 12) of mediation, or
    - (B) the debtor files a stipulation between the debtor, creditor, and mediator deferring mediation due to a temporary payment plan,
 the Clerk shall set a status hearing for the next hearing date, at which the parties' representative and the mediator shall be required to appear and explain why the mediation has not been completed.

**(d) Required Documents.** Unless waived by the creditor, the debtor must deliver the following documents to the creditor and mediator:

- (1) a request for modification and affidavit or an alternative, analogous form required by the creditor;
- (2) an IRS Form 4506T (with § 5 left blank);
- (3) a fully completed financial worksheet for loan modification (Vt. LB MM Form #10) with all supporting information required by the worksheet;
- (4) the two most recent bank statements for each account on which the debtor is a signatory (all pages; no computer printouts);
- (5) the two most recently filed federal tax returns with affidavit affirming that the debtor has signed them and that these are true and correct copies of what the debtor has filed;

- (6) a copy of the Schedules I & J filed with the bankruptcy petition, and, if the bankruptcy case has been pending more than 60 days, amended Schedules I & J showing income and expenses as of the date of the motion for mediation;
- (7) a Dodd-Frank Certification;
- (8) a debtor's hardship letter (Vt. LB MM Form #7, or the hardship form required by the creditor, if any) specifying the circumstances pertinent to the debtor;
- (9) the debtor's two most recent electric utility bills;
- (10) the debtor's current property tax bill;
- (11) a copy of the debtor's current driver's license or a statement from the debtor affirming s/he does not have a driver's license;
- (12) the debtor's homeowner's insurance declarations page;
- (13) a contribution letter from each household member who, though not liable on the loan, has been contributing to loan payments, specifying the amount of any continuing contribution, along with other income information from that person and his or her consent to any credit check required by the creditor;
- (14) the debtor's payment advices representing the most recent consecutive 30-day period;
- (15) if the debtor is self-employed, profit and loss statements for the last two quarters and for the year to date, and the most recent four months of business bank statements (all pages; no computer printouts);
- (16) if the debtor receives social security, disability, pension, or other public assistance benefits, the award letter and the most recent benefit statement;
- (17) if the debtor owns real property that the debtor rents, including rental of part of the property subject to the mediation, a copy of the current rental agreements (or an affidavit describing lease terms), a listing of monthly rental income, and two months' canceled rent checks;
- (18) if the debtor is divorced, a copy of all divorce decrees and all separation agreements signed by the debtor in the past eight years, and a copy of any quitclaim deed to the occupant spouse;
- (19) a statement describing any alimony and/or child support award paid to either debtor, if the debtor wishes to have that income considered; and
- (20) a statement articulating whether the debtor is a member of a homeowners' association.

**(e) Cost of Mediation.**

- (1) The mediator is entitled to a flat fee of \$900 per mediation. This fee covers all services of the mediator, including but not limited to the pre-mediation telephone conference(s), communications with the parties, the filing of an interim and final report, and conduct of the mediation session(s).
- (2) The fee for the mediator will be split equally among the parties to the mediation, except that the case trustee shall not be required to pay any portion of the mediator's fee, even if he participates.
- (3) If the mediator or a party seeks any of the following relief, that person must 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:
  - (A) a different fee for the mediator;
  - (B) a different allocation of the mediator's fee; or
  - (C) an assessment of costs against a party to the mediation.
- (4) An application for any of these forms of relief must:
  - (A) show good cause for the relief sought, including an explanation of the circumstances giving rise to the application;
  - (B) be on notice to all parties to the mediation plus the case trustee; and
  - (C) include a specific breakdown of the time spent, any costs incurred, and a computation of the amount sought.

**(f) Post-Mediation Requirements and Obligations.**

- (1) Within 14 days of the conclusion of the mediation, the mediator must file a report of mediation (Vt. LB MM Form #6) that:

- (A) sets out the names and addresses of all persons who participated in the mediation session(s), identifying each person's role in the mediation, and specifying which representative of each party had decision-making authority;
  - (B) states whether any person required to participate in mediation failed to
    - (i) participate in the mediation,
    - (ii) make a good faith effort to mediate,
    - (iii) timely supply documentation, information, or input figures necessary to the mediation, or
    - (iv) timely supply responses, information, or data requested by the mediator;
  - (C) summarizes the results of the mediation, stating whether full or partial settlement was reached and appending any agreement of the parties, if available; and
  - (D) if the mediation failed because a party (or parties) failed to follow through on a proposal or an instruction from the mediator, describes those circumstances.
- (2) Within 14 days of the filing of the report of mediation, the party who filed the motion for mediation (Vt. LB MM Form #1) must file a post-mediation motion or stipulation, with a proposed order declaring mediation closed (Vt. LB MM Form #11), seeking entry of an order that:
- (A) finds that the parties have had a full opportunity to mediate the subject mortgage;
  - (B) states whether the mediation proceeded in good faith;
  - (C) states whether an agreement was reached; and
  - (D) sets a status hearing for a date shortly after the conclusion of any trial modification period, or establishes a scheduled next step necessary to move the case forward.

**(g) Preclusion on Mediator Testifying.** No mediator will be required to testify in any action relating to any mortgage or debt at issue in a mediation conducted pursuant to this Rule.

**(h) Criteria for Eligibility as a Mediator in Bankruptcy Court Mediations.** In order to be on the panel of approved bankruptcy mediators, an attorney must meet the minimum certification requirements of the Vermont state court mediation program and have significant bankruptcy experience.

**(i) Retention of Jurisdiction.** This Court retains jurisdiction to interpret and enforce any agreement reached through mortgage mediation conducted pursuant to this Rule or in a bankruptcy case in this District.

**(j) Service.** Whenever the debtor is required to serve the creditor under this Rule, the debtor must serve the creditor at the address set forth on the creditor's proof of claim in this case, or the address on record with the Clerk for such purposes. If the creditor has not filed a proof of claim in this case or given the Clerk a preferred service address, the debtor must serve the creditor by serving the attorney who represents the creditor in a pending foreclosure action against the subject property. If there is no foreclosure action pending and no other address on record, the debtor must serve the creditor as required by Fed. R. Bankr. P. 7004.

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT

In re \_\_\_\_\_  
[\_\_\_\_\_] ,  
Debtor(s).

Case # \_\_\_\_\_  
Chapter \_\_

ORDER GRANTING MOTION FOR MORTGAGE MEDIATION

[Debtor] filed a motion seeking an order directing [name of other party] to proceed with mediation with respect to a certain mortgage dated [date], 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 approving 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 [name of other party]'s participation in the case, the parties must file a joint selection of 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. Within 14 days of appointment of the Mediator, the parties may file a stipulated proposed scheduling order (Vt. MM Form # 13). If the parties fail to do so within 14 days, the parties shall comply with the schedule set forth in Vt. LBR 4001-7(c)(3)-(10).

3. The parties shall split equally the Mediator's \$900 flat fee. 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.



4. The Mediator shall file a Report of Mediation (Vt. MM Form # 6) within 14 days of the conclusion of the mediation.

5. Unless, within 120 days of the date the mediator was appointed,

- (A) the mediator files a statement and schedule, or a report (or interim report, Vt. LB MM Form # 12) of mediation, or
- (B) the debtor files a stipulation between the debtor, creditor, and mediator deferring mediation due to a temporary payment plan,

the Clerk shall set a status hearing for the next hearing date, at which the parties' representative and the mediator shall be required to appear and explain why the mediation has not been completed.

6. Within 14 days of the filing of the Report of Mediation, the party who filed the Motion for Mortgage Mediation shall file a Post-Mediation Motion or Stipulation, with a proposed Order Declaring Mediation Closed, seeking entry of an Order that: (A) finds that the parties had a full opportunity to mediate; (B) states whether the parties mediated in good faith; (C) states whether an agreement was reached; and (D) if needed, sets a status hearing or other next step necessary to move the case forward.

SO ORDERED.

\_\_\_\_\_, 20\_\_\_\_  
Burlington, Vermont

\_\_\_\_\_  
Colleen A. Brown  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT

In re:

[ \_\_\_\_\_ ],

Debtor(s)

Case # \_\_\_\_\_

Chapter \_\_\_\_

DEBTOR'S NOTICE OF COMPLIANCE WITH MEDIATION ORDER\*

I/We, \_\_\_\_\_, hereby certify under penalty of perjury that on \_\_\_\_\_ (enter date), I/we have complied with the Mediation Order issued by this Court on \_\_\_\_\_ (enter date) by providing the following documents (check all that apply) to \_\_\_\_\_ via \_\_\_\_\_ (describe method of service (e.g., "by first-class mail, postage prepaid)) to the following address: \_\_\_\_\_.

- a request for Modification and Affidavit (RMA) or alternative, analogous form required by the Creditor [specify];
- a IRS form 4506T (with § 5 left blank);
- a fully completed financial worksheet for loan modification (Vt. LB MM Form #10) with all supporting information required by the worksheet;
- the two most recent bank statements for each account on which the Debtor is a signatory (all pages; no computer print-outs);
- the two most recently filed federal tax returns with affidavit affirming that the Debtor has signed and that these are true and correct copies of what the Debtor has filed;
- a copy of the Schedules I & J filed with the bankruptcy petition, and, if the bankruptcy case has been pending more than 60 days, amended Schedules I & J showing income and expenses as of the date of the Motion for Mediation;
- a Dodd-Frank Certification;
- a debtor's hardship letter (Vt. LB MM Form #7, or the hardship form required by the creditor, if any) specifying the circumstances pertinent to the debtor;
- the Debtor's two most recent electric utility bills;
- the Debtor's current property tax bill;
- a copy of the debtor's current driver's license or a statement from the debtor affirming s/he does not have a driver's license
- the Debtor's homeowner's insurance declarations page;
- a contribution letter from each household member who, though not liable on the loan, has been contributing to loan payments, specifying the amount of any continuing contribution, along with other income information from that person and his or her consent to any credit check required by the creditor;
- the Debtor's payment advices representing the most recent 30 consecutive day period;
- if the Debtor is self-employed, profit and loss statements for the last 2 quarters and for the year-to-date, and the most recent 4 months of business bank statements (all pages; no computer print outs);
- if the Debtor receives social security, disability, pension, or other public assistance benefits, the award letter and the most recent benefit statement;
- if the debtor owns real property that the debtor rents, including rental of part of the property subject to the mediation, a copy of the current rental agreements (or an affidavit describing lease terms), a listing of monthly rental income, and two months' canceled rent checks;
- if the debtor is divorced, a copy of all divorce decrees and all separation agreements signed by the debtor in the past eight years, and a copy of any quitclaim deed to the occupant spouse;
- a statement describing any alimony and/or child support award paid to either Debtor, if the Debtor wishes to have that income considered; and
- a statement articulating whether the debtor is a member of a homeowners' association.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Signature [or /s/ + typed name]  
Printed Name  
Address, E-Mail Address,  
Phone Number, Fax Number

\* The Debtor must file this Notice within 21 days of entry of the appointment of the mediator, unless otherwise directed by this Court.

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

**In re**  
\_\_\_\_\_  
[ \_\_\_\_\_ ],  
**Debtor(s)**

**Case #** \_\_\_\_\_  
**Chapter** \_\_

**CREDITOR’S RESPONSE TO THE DEBTOR’S MEDIATION DOCUMENTS\***

NOW COMES [name of Creditor representative] acting as agent for [name of Creditor] and responds to the Debtor’s filing of mediation documents as follows:

1. As of [date] the Creditor received the following documents from the Debtor in connection with the mortgage mediation taking place in this Court [can be itemized here or a list can be attached].

\_\_\_\_\_  
\_\_\_\_\_

2. Based upon my review of the documents from the Debtor, I affirm that  
\_\_\_\_\_ the Debtor has now satisfied the document requirements for the mediation OR  
\_\_\_\_\_ the Debtor has not satisfied the requirements for mediation as the following required documents have not been delivered to Creditor as of today’s date:

\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature [or /s/ + typed name]  
Title  
Name of Lender / Servicer  
Address, E-Mail Address,  
Phone Number, Fax Number

\_\_\_\_\_

\* The Lender shall file this Response within 21 days of the date the Debtor filed the Notice of Compliance, unless provided otherwise by an Order of this Court.

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

**In re**  
\_\_\_\_\_  
[ \_\_\_\_\_ ],  
**Debtor(s)**  
\_\_\_\_\_

**Case #** \_\_\_\_\_  
**Chapter** \_\_\_\_

**DEBTOR’S DEMAND FOR DOCUMENTS FROM CREDITOR\***

I am the Debtor in the above-referenced bankruptcy case.

1. I affirm that I need the following documents from the Creditor in order to prepare for mediation:

\_\_\_\_\_  
\_\_\_\_\_

2. \_\_\_\_ I requested these documents from the Creditor on [date] as follows: \_\_\_\_\_,  
and have not yet received them; OR

\_\_\_\_ I have not previously requested these documents.

3. I anticipate mediation will occur on [date] and need these documents at least one week in  
advance of mediation, and therefore request that the Creditor provide them to me no later than  
[date – one week before mediation].

4. I request that the Creditor send these documents via [specify mode of delivery] to the following  
address.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature [or /s/ + typed name]  
Address, E-Mail Address,  
Phone Number, Fax Number

\_\_\_\_\_  
\* If the Debtor needs documents from the Creditor, the Debtor shall serve this Demand on the Creditor’s attorney within 21  
days of the date the mediator was appointed.

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT

\_\_\_\_\_  
In re  
[\_\_\_\_\_] ,  
Debtor(s).

Case # \_\_\_\_\_  
Chapter \_\_\_\_

MEDIATOR'S INTERIM REPORT [FILED PURSUANT TO VT. LBR 4001-7(C)(10)]

1. Name of Mediator: \_\_\_\_\_
2. Date Mediator was appointed: \_\_\_\_\_
3. Date Mediator held a pre-mediation telephone conference: \_\_\_\_\_
4. Date Mediator has set for first mediation session: \_\_\_\_\_
5. Date by which Mediator anticipates mediation will conclude: \_\_\_\_\_
6. Mediator's assessment of progress : progress \_\_ has/ \_\_ has not been made in this mediation.  
*(If progress is not being made, Mediator to specify why, and if lack of progress is due to a lack of document production, Mediator to specify which documents still needed and from whom.  
If progress is being made, Mediator to specify why mediation is behind schedule and set forth new date by which Mediator expects mediation to conclude and deadlines in place for moving forward.)*
7. Mediator's position for moving forward:  
 it would advance the mediation to have a status hearing in the case,  
 it would be more effective for the Court to hold an in-chambers conference to address the mediation process,  
 no Court intervention is necessary at this time because the mediation is likely to conclude within 30 days, or because of the following circumstances: \_\_\_\_\_,  
 another course of action is warranted at this time, namely, \_\_\_\_\_, because \_\_\_\_\_.
8. Mediator's disclosure of other information pertinent to the status or conduct of this mediation:  
\_\_\_\_\_.

Date: \_\_\_\_\_

By : \_\_\_\_\_  
Signature [or /s/ + typed name]  
with Mediator's printed name,  
address, e-mail address,  
telephone number, and fax number

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT

In re

\_\_\_\_\_,  
Debtor(s).

Case # \_\_\_\_\_  
Chapter \_\_\_\_

STIPULATED PROPOSED SCHEDULING ORDER

1. The parties to this mediation are \_\_\_\_\_ [Debtors] and \_\_\_\_\_ [Creditor], and the Mediator is \_\_\_\_\_.
2. We propose that the following deadlines govern this mediation :
  - a. By \_\_\_\_\_ [date], the Mediator shall conduct a pre-mediation telephone conference in which the following parties shall participate: \_\_\_\_\_.
  - b. By \_\_\_\_\_ [date], the Debtor shall (i) serve on the Mediator and the Creditor all documents set forth on the mediation document list, with the complete loan number set forth on each page, along with a notice of compliance (Vt. LB MM Form #5) with the mediation order, and (ii) file with the Court a copy of the notice (without attachments) and a certificate of service.
  - c. By \_\_\_\_\_ [date], the Creditor shall (i) serve the Debtor and the Mediator with its response to the adequacy of the debtor's mediation documents (Vt. LB MM Form #8), and (ii) file with the Court a copy of the response and a certificate of service.
  - d. By \_\_\_\_\_ [date], the Mediator shall schedule the first mediation session.
  - e. By \_\_\_\_\_ [date], the Mediator shall hold the first mediation session.
  - f. By \_\_\_\_\_ [date], the Mediator shall conclude the mediation.
  - g. By \_\_\_\_\_ [date], the following other events [necessary in this particular case] shall be completed:  
\_\_\_\_\_.
3. The parties request the following additional requirements or conditions be imposed in this mediation: \_\_\_\_\_, and/or the following status hearing be set: \_\_\_\_\_, because \_\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney for Debtor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney for Creditor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mediator

**ORDER**

Based upon the stipulation of the parties, IT IS HEREBY ORDERED that the dates proposed for this mediation, and as set out above, are approved; and

IT IS FURTHER ORDERED that the parties and mediator shall comply with these deadlines unless the Court modifies these dates or conditions in a subsequent Order.

SO ORDERED.

Date: \_\_\_\_\_  
Burlington, Vermont

\_\_\_\_\_  
Colleen A. Brown  
United States Bankruptcy Judge