

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re:

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

STANDING ORDER # 11-05

**TO IMPLEMENT A MORTGAGE MEDIATION PROGRAM
SPECIFICALLY DESIGNED FOR THIS COURT
AND TO REPLACE STANDING ORDER # 10-01**

Based upon the input from the bankruptcy bar that the adoption of the State Court mediation program (see Standing Order # 10-01) was not meeting all the needs of the parties in a bankruptcy case, and through the efforts of a Mortgage Mediation Task Force, the Court adopts the following procedure for mortgage mediation in this Court.

A. Mortgages Subject to Mediation:

Mediation under this Standing Order is available to any individual Debtor, with respect to any mortgage that encumbers a property that is the Debtor's primary residence and consists of 4 units or less.

B. Time Frame for the Mortgage Mediation Process:

1. A Debtor-Mortgagor or Creditor-Mortgagee may file a *Motion for Mediation* that seeks an order directing the parties to engage in mediation, in compliance with the following procedures:
 - (a) the Motion may be noticed using the default procedure, on 14 days' notice to all creditors who would claim an interest in the property and the case trustee;
 - (b) in the Motion, the Movant must specify why mediation would be helpful to the parties and how it would benefit the estate;
 - (c) any objection to the Motion must specify why mediation is not appropriate, or not likely to be productive or of benefit to the estate;
 - (d) if the Motion is granted, promptly after entry of a *Mediation Order*, the Clerk shall send the parties a list of three court-approved mediators, and the parties shall respond to the Clerk within five days, either jointly agreeing to the appointment of a particular mediator from the list or each striking one name from the list; and
 - (e) an Order shall thereafter be entered on the docket, appointing a mediator.
2. Within 21 days of entry of a *Mediation Order*, the Debtor must:
 - (a) serve on the Mediator and the Creditor all documents set forth on the *Mediation Document List*, with the complete loan number set forth on the top right of each page, along with a *Notice of Compliance with Mediation Order*, and file a copy of the Notice (without attachments) and a certificate of service with the Court; and
 - (b) if the Debtor feels s/he cannot proceed with mediation until s/he has certain information from the Creditor, the Debtor shall serve on the Creditor and the Mediator a *Demand for Creditor Documents* that identifies the documents the Debtor needs from the Creditor (e.g., copy of the promissory note, copy of the loan history) and why.

3. For purposes of serving these documents, and whenever the Debtor is required to serve the Creditor under this Standing Order, the Debtor shall 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 of the Court for such purposes. If the Creditor has not filed a proof of claim in this case, or given the Clerk a preferred service address, then the Debtor shall 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 shall serve the Creditor as required by Bankruptcy Rule 7004.
4. Within 21 days of the date the Debtor filed the *Notice of Compliance*, the Creditor must:
 - (a) serve the Debtor and the Mediator with a *Creditor's Response to the Adequacy of the Debtor's Mediation Documents* and file same with 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, file a *Motion to Compel Compliance with Mediation Order* in lieu of the *Response*; and
 - (c) serve the documents requested by the Debtor in the *Demand for Creditor Documents* on the Debtor and Mediator, with a *Response to Demand for Creditor Documents* and file a copy of the *Response* (without attachments) and a certificate of service with the Court.
5. If the Creditor serves a *Motion to Compel Compliance with Mediation Order*, the Debtor shall have 14 days to file a response with 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 the local bankruptcy rules. See Vt LBR 9013-2(c)(4)(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.)
6. The Mediator shall schedule the mediation session to be held within 21 days of the filing of the *Creditor's Response*, or an order adjudicating the motion if the Creditor files a Motion in lieu of the *Creditor's Response*, whichever is later. The mediation shall conclude within 14 days of the first mediation session, unless the Mediator determines there is good cause to extend the mediation period.
7. The Mediator shall file a *Report of Mediation* within 14 days of the conclusion of the mediation.

C. Availability of Mediation in Bankruptcy Cases:

1. A party may apply for mediation in any case filed in this District under chapter 7, 11, 12, or 13.
2. Parties may seek mediation with respect to any mortgage on the Debtor's primary residence (regardless of whether the mortgage is subject to the HAMP guidelines).
3. With the Creditor's consent, mediation shall 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 consider an application for mediation prior to entry of (i) a discharge order, or (ii) an order granting relief from stay to the Creditor on the subject property.
5. Mediation will not be permitted if the Creditor objects and:
 - (a) mediation has already been completed, or been begun and abandoned by the Debtor;

- (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 this bankruptcy case with respect to the Debtor's obligations under the subject mortgage.

D. The Mediation Process:

1. The parties to mediation under this Standing Order shall cooperate in good faith under the direction of the Mediator to produce the information required by this order in a timely manner so as to permit the mediation process to function effectively.
2. In mediation, the Creditor shall consider all available foreclosure prevention tools, including but not limited to reinstatement, loan modification, forbearance, and short sales.
3. The following persons shall participate in any mediation conducted under this Standing Order:
 - (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.The case trustee and holders of other liens on the subject property may also participate, subject to the Mediator's approval.
4. The Mediator, in the exercise of his or her discretion, may permit any party or attorney to participate in mediation by telephone or through videoconferencing.
5. All mediations conducted under this Standing Order shall take place in a mutually convenient location, as determined by the Mediator.

E. Required Documents:

The Debtor shall deliver the following documents to the Creditor:

1. a request for modification and affidavit (RMA) or alternative form required by the Creditor;
2. a form 4506T (with § 5 left blank);
3. a fully completed *Financial Worksheet* with all items required by that 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 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, PLUS 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 Certificate;
8. a *Hardship Letter* specifying the circumstances pertinent to the Debtor;
9. the Debtor's most recent electric utility bill;
10. the Debtor's current property tax bill;
11. the Debtor's homeowner's insurance declarations page;
12. a contribution letter from each household member who is not on the loan, but has been contributing to loan payments, specifying the amount of any continuing contribution;
13. the Debtor's paystubs representing the most recent 30 consecutive day period;
14. 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);
15. if the Debtor receives social security, disability, pension, or other public assistance benefits, the award letter and the most recent benefit statement;
16. if the Debtor owns real property, including rental of part of the property subject to the mediated mortgage, a copy of the current lease agreements (or an affidavit describing lease terms), a listing of monthly rental income, and two months' cancelled rent checks;
17. if the Debtor is divorced, a copy of all divorce decrees involving and all separation agreements signed by the Debtor in the past 8 years, and a copy of all quitclaim deeds to the occupant spouse; and
18. a statement describing any alimony and/or child support award paid to either Debtor, if the Debtor wishes to have that income considered.

F. List of Mediators to be used in Bankruptcy Court Mortgage Mediations:

- | | |
|------------------|--------------------------|
| 1. Carolyn Adams | 2. Heather Zubke Cooper |
| 3. David Edwards | 4. Jennifer Emens-Butler |
| 5. Richard Lang | 6. Tavian Mayer |
| 7. Rebecca Rice | 8. Richard Scholes |
| 9. Su Steckel | 10. Erik Valdes |

G. Cost of Mediation:

1. The Mediator shall be entitled to a flat fee of \$750.
2. The fee for the Mediator shall be split equally between (or among) the parties to the mediation.
3. If a party seeks any of the following relief, it 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:
 - (a) a different fee (i.e., a Mediator's fee that is other than \$750);
 - (b) a different allocation of the Mediator's fee (i.e., not an equal allocation among the parties); or
 - (c) an assessment of costs against a party to the mediation.

4. An application for any of these forms of relief must show good cause for the relief sought, include an explanation of the circumstances giving rise to the application, be on notice to all parties to the mediation plus the case trustee, and include a specific breakdown of the time spent and/or costs incurred and computation of the amount sought.

H. Post-Mediation Requirements and Obligations:

1. Within 14 days of the conclusion of the mediation, the Mediator shall file a Report that:
 - (a) sets out the names and addresses of all persons who attended the mediation session(s), identifying their role in the mediation and specifically identifying the representative of each party who had decision-making authority;
 - (b) a statement as to whether any person required to participate in mediation failed to (i) attend the mediation, (ii) make a good faith effort to mediate, or (iii) supply documentation, information, or data required by the Mediator;
 - (c) a summary of 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. No Mediator shall be required to testify in any action relating to any mortgage or debt at issue in a mediation conducted pursuant to this Standing Order.
3. Within 14 days of the filing of the Mediator's Report, the party who filed the Motion for Mediation shall file a motion or stipulation, with a proposed order, seeking entry of an order that:
 - (a) finds that the parties have had a full opportunity to mediate the subject mortgage;
 - (b) finds that there was or was not an agreement reached;
 - (c) finds that mediation did or did not proceed in good faith; and
 - (d) sets a status hearing for a date shortly after the conclusion of any trial modification period, or takes such other appropriate step as is necessary to move the case forward.

I. Retention of Jurisdiction:

This Court shall retain jurisdiction to interpret and enforce any agreement reached through mortgage mediation conducted pursuant to this Standing Order.

J. Revocation of Standing Order # 10-01:

This Standing Order creates a mortgage mediation procedure that supersedes and replaces Standing Order #10-01, which is hereby revoked.

K. Effective Date:

This Standing Order shall become effective on January 1, 2012.

SO ORDERED.

December 19, 2011
Burlington, Vermont



Colleen A. Brown
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re _____
[_____],
Debtor(s).

Case # _____
Chapter ____

MOTION FOR MORTGAGE MEDIATION

NOW COMES [name of Debtor / mortgagor or Creditor / mortgagee] by and through attorney [_____] of ___, Vermont, seeking an order directing the parties to proceed with mediation with respect to the mortgage described below. In support of this Motion, the movant states the following.

1. The above-named Debtor granted [name of Creditor] a mortgage [loan #] to secure a loan evidenced by a promissory note dated [date] payable to [Creditor name] in the original amount of \$_____ on [date], secured by real estate located at [address].
2. The Debtor sent the last payment, in the amount of [___], on [date] to [servicer or bank to which the Debtor makes payments] at [address to which the Debtor sends mortgage payments].
3. The Debtor filed for relief under Chapter [7, 11, 12, or 13] on [date].
4. As of the date of the bankruptcy filing, the status of the mortgage payments and any pending litigation with respect to this mortgage was as follows:

5. The Debtor seeks mediation for the following reasons [can specify here, or attach an affidavit or hardship letter].

6. The Debtor believes that the mediation is necessary to enable the Debtor to [enumerate benefits / needs].

WHEREFORE, the Debtor respectfully requests that this Court enter an order approving mortgage mediation and directing the parties to engage in mediation of the above-referenced mortgage, and also enter an order appointing a mediator to conduct that mediation.

Date: _____

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

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re _____
[_____],
Debtor(s).

Case # _____
Chapter ____

**NOTICE OF MOTION
REGARDING MOTION FOR MORTGAGE MEDIATION**

NOTICE IS HEREBY GIVEN to all parties entitled to notice that a motion has been filed seeking an order directing the parties to a certain mortgage to proceed with mediation with respect to that mortgage (described in that motion), given by the above-referenced debtor(s) (the "Motion"), and an Order appointing a mediator.

IF YOU OPPOSE THE MOTION you must file a written opposition with the Clerk of the Court, **by [date]. You must also serve a copy of your opposition on** the Movant, the Movant's counsel, the Office of the U.S. Trustee, and the case trustee. Addresses for those parties are set forth below.

IF AN OPPOSITION IS TIMELY FILED, the Court will hold a hearing on the Motion and any opposition at [time] on [date] at the following location: [indicate Rutland or Burlington location].

IF NO OPPOSITION IS TIMELY FILED, the Court may issue an order granting the Motion and directing the parties to proceed with the mortgage mediation without further notice or hearing.

Dated at [location] this [day] of [month] [year].

[Signature of Movant-Attorney]
[Printed Name of Movant-Attorney]
[Address]
[E-mail address]
[Phone #]
[Fax #]

[Name] Case Trustee
[Name of Law Firm, if any]
[Street Address or P.O. Box]
[City, State, Zip Code]

Counsel for Other Party to Mortgage
[Name of Law Firm, if any]
[Street Address or P.O. Box]
[City, State, Zip Code]

[Debtor's Name]
[Street Address or P.O. Box]
[City, State, Zip Code]

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re

[_____],

Debtor(s).

Case # _____

Chapter ____

ORDER GRANTING MOTION FOR MORTGAGE MEDIATION

[The Debtor/ Creditor] filed a motion seeking an order directing the parties to a certain mortgage dated [date] to proceed with mediation with respect to that mortgage, 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** as follows.

1. Upon entry of this Order, the Clerk shall send the parties a list of three court approved mediators (the "List") and the parties shall respond to the Clerk within five days, either jointly agreeing to the appointment of a particular mediator from the List or each striking one name from the List; upon the expiration of the five-day period, or receipt of the parties' response, whichever is first, the Court shall enter an Order, via a docket entry, appointing a mediator.
2. Within 21 days of entry of this Order, the Debtor shall (a) serve the Mediator and Creditor with a Notice of Compliance with Mediation Order and all documents required by that form, and (b) file with the Court a copy of the Notice (without attachments) and a certificate of service.
3. Within 14 days of the date the Debtor filed the Notice of Compliance, the Creditor must serve the Debtor and Mediator with its Response to the Debtor's Mediation Documents and file the same with certificate of service. If Creditor has found the documents to be incomplete, finds Debtor has not served all documents articulated on the list, or determines additional documents are necessary, the Creditor shall file a Motion to Compel Compliance with Mediation Order.
4. The Mediator shall schedule the mediation to be held within 21 days of the filing of the Creditor's Response, or an Order adjudicating the Motion to Compel Compliance, whichever is later. The mediation shall conclude within 14 days of the first mediation session, unless the mediator determines more time is necessary.
5. The parties shall split equally the Mediator's \$750 flat fee. If a party seeks to shift the expense of a portion or all of the fees associated with the mediation, 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.
6. The Mediator shall file a report of mediation within 14 days of the conclusion of the mediation.

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 __

MOTION TO COMPEL COMPLIANCE WITH MEDIATION ORDER

NOW COMES [name of Creditor or Debtor], by and through its attorney, to request this Court enter an order compelling the Debtor to comply with this Court's Mediation Order entered [date]. In support of this Motion, the Movant states the following:

WHEREFORE, the [Creditor or Debtor] respectfully request that this Court enter an order compelling [the Debtor or Creditor] to comply with this Court's Mediation Order by [date], or in the alternative, seeks the following relief [to be filled in by Movant with specification of relief sought].

Date: _____

Signature [or /s/ + typed name]

Printed Name

Address, E-Mail Address,

Phone Number, Fax Number

**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 form required by the Creditor;
- a form 4506T (with § 5 left blank);
- a fully completed Financial Worksheet with all items required by that 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, PLUS 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 Certificate;
- a Hardship Letter specifying the circumstances pertinent to the Debtor;
- the Debtor's most recent electric utility bill;
- the Debtor's current property tax bill;
- the Debtor's homeowner's insurance declarations page;
- a contribution letter from each household member who is not on the loan, but has been contributing to loan payments, specifying the amount of any continuing contribution;
- the Debtor's paystubs 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, including rental of part of the property subject to the mediated mortgage, a copy of the current lease agreements (or an affidavit describing lease terms), a listing of monthly rental income, and two month's cancelled rent checks;
- if the Debtor is divorced, a copy of all divorce decrees involving and all separation agreements signed by the Debtor in the past 8 years, and a copy of all quitclaim deeds to the occupant spouse; and
- a statement describing any alimony and/or child support award paid to either Debtor, if the Debtor wishes to have that income considered.

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 Mediation Order.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT

In re

[_____],

Debtor(s).

Case # _____

Chapter ____

REPORT OF MEDIATION*

Name of Lender: _____ Date of Mortgage: _____

Last Four Digits of Loan Account Number: _____ Current Loan Balance: _____

Property Address: _____ Date of Mediation Order: _____

Name of Mediator: _____ Date of Mediation: _____

1. Attached hereto is a list of the names of each person who participated in the mediation session(s) held on [insert date(s)], with their respective roles and contact information.
2. The Creditor's representative at the mediation session(s) did / did not have decision-making authority.
3. All parties participated in good faith [or, if not, details are set out here].
4. The mediation was completed [or if not, details set out as to why it was not completed].
5. The use of the mediation in this case has resulted in the following (check appropriate box):

Loan Modification

Describe all changes to terms of the loan documents, whether it is temporary or permanent, when it takes effect, and any conditions applicable to the modification.

Short Sale (to be concluded by ____ with payment to the Creditor in amount of \$____)

Surrender of property (by [date])

Other agreement (specify):

No agreement has been reached.

Date: _____

By : _____

Signature [or /s/ + typed name]

Printed Name

Address, E-Mail Address,

Phone Number, Fax Number

* This Report is to be filed by the Mediator within 14 days of the conclusion of the mediation.

[Borrower's Name]

[Borrower's Address]

[Lender's Name]

[Lender's Address]

Re: [Loan Number]

[Today's Date]

To Whom It May Concern:

I am writing this letter to explain the circumstances that have caused me to become delinquent on my mortgage payments. I would like you to consider restructuring my loan so that I will be able to keep my home.

The reasons I have fallen behind in my mortgage payments include the following (checking all that apply):

- Loss of job by myself or my spouse or partner as of ___[date]___
(specify status of current employment and projected date of re-employment or replacement income)
- Other loss of income: _____
(specify nature and amount of income, date it stopped and why)
- Illness or disability of myself or my spouse / partner or child or other family member
(specify name of person, relationship to debtor, date of illness or disability and impact on income)
- Death of a spouse, partner or other family member (name and relationship): _____
(specify name of decedent, relationship to debtor, date of death and impact on income)
- Emergency expenses/ repairs in connection with our home: _____
(specify nature of repairs made, costs, and any additional repairs projected for next three months relationship to debtor, date of death and impact on income)
- Emergency vehicle expenses or repairs: _____
(specify nature, date and cost of repairs)

[] Divorce or separation
(specify date of divorce or separation, and impact on income)

[] Other reason: _____
(specify circumstances, impact on ability to pay mortgage, and projected date for resuming payments)

Additional information pertinent to my mortgage payments and/or my failure to make mortgage payments in the past:

Because of the above facts, at this time I cannot afford to pay the amount of past due payments on my mortgage loan.

However, my situation has improved and I am now able to make mortgage payments going forward because (describe change in circumstances, amount of monthly mortgage payment the Debtor can now afford to make, and source of those payments):

I request that you restructure my mortgage loan such that I will be able to become current, afford the monthly payment going forward, and keep my house.

I have a filed a bankruptcy case (ch ___ # ___) and attorney [name of attorney] is representing me in that case. My attorney and I believe that restructuring my mortgage loan is more feasible now that I am in a bankruptcy case. You can reach my attorney to discuss this at [attorney's contact info].

Sincerely,

[Borrower's signature]

[with name printed below]

[cc: Debtor's attorney]

**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.

**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] at 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 Mediation Order is entered.

12/16/11

Financial Worksheet for Loan Modification

Borrower Name _____		Social Security # <u>XXX-XX-</u>	
Co-Borrower Name _____		Social Security # <u>XXX-XX-</u>	
Property Address _____	City _____	State _____	Zip _____
Mailing Address _____	City _____	State _____	Zip _____
Home Phone _____	Work Phone _____	Cell _____	Fax _____
Best time to Call _____		Email _____	
Borrower Employer _____		<input type="checkbox"/> Full-Time <input type="checkbox"/> Part-Time <input type="checkbox"/> Unemployed <input type="checkbox"/> Self-Employed <input type="checkbox"/> Retired	
Occupant Employer _____		<input type="checkbox"/> Full-Time <input type="checkbox"/> Part-Time <input type="checkbox"/> Unemployed <input type="checkbox"/> Self-Employed <input type="checkbox"/> Retired	
Borrower Income Frequency	<input type="checkbox"/> Weekly <input type="checkbox"/> Bi-Weekly <input type="checkbox"/> Semi Monthly <input type="checkbox"/> Monthly <input type="checkbox"/> Quarterly <input type="checkbox"/> Yearly		
Additional Occupants Income Frequency	<input type="checkbox"/> Weekly <input type="checkbox"/> Bi-Weekly <input type="checkbox"/> Semi Monthly <input type="checkbox"/> Monthly <input type="checkbox"/> Quarterly <input type="checkbox"/> Yearly		
Mortgage Company Name: 1 st _____		2 nd _____	
Loan Number 1 st _____		2 nd _____	

Income	Borrower Income		Occupant Income		Assets / Liabilities			
	Gross	Net	Gross	Net	Description	Value	Owe	Net
Income					Auto			
Disability					Checking/Saving			
Rental					IRA			
Unemployment					401K			
Child Support					Stocks/Bond/CDs			
Other					Other			
Total					Total			

Household Liabilities and Expenses						
Expenses	Payments	Balance Due	Expenses	Payments	Balance Due	
Alimony Child Support			Clothing			
Auto Expense(gas repairs)			Dry Cleaning			
Child Care/Elder Care			Monthly Parking			
Entertainment			Club or Union Dues			
Education			School or Work Lunch Cost			
Medical			HOA Dues / condo dues			
Pets			Food/groceries			
Spending Money			Dining Out			
Ch 13 Plan pmt			Auto Loan			
Auto Insurance			Credit Cards			
Health Insurance			Installment Loans			
Life Insurance			Mortgage Payment			
Hospital			2 nd Loan Payment			
Prescriptions			Property Tax & Insurance			
Cable			Personal Loans			
Electricity			Other Secured Debts			
Gas			Other Unsecured Debts			
Phone/Cell/Internet			Other			
Water/Sewage			Total Expense / Debts			

Debtor signature: _____

Date signed: _____

Co-Debtor signature: _____

Date signed: _____

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re

_____,

Debtor(s).

Case # _____

Chapter __

ORDER DECLARING MEDIATION CLOSED

The Debtor and [name of Creditor] engaged in mediation of a mortgage currently [held or serviced by ___]. Based upon the documents filed in connection with that mediation, the COURT FINDS

1. All parties to the mediation participated [did not participate] in good faith.
2. The parties have had a full opportunity to mediate the mortgage.
3. An agreement was [or was not] reached.

Therefore, IT IS HEREBY ORDERED that the mediation of this mortgage is closed.

IT IS FURTHER ORDERED that [the parties shall appear for a status conference on the plan on ___/ or the Court shall rule on pending motion – whatever needs to happen next so case can proceed].

SO ORDERED.

_____, 20____
Burlington, Vermont

Colleen A. Brown
United States Bankruptcy Judge

Mortgage Mediation Document Filing Guide *

- Submit all of your financial documents at the same time
- Submit the most recent documents available
- Write your loan number on the top right of each page submitted
- Do not fold pages or use staples
- Sign and date all forms and fill in completely unless instructed otherwise
- Submit financial information for each household member who contributes to loan payments even if not named on the loan

Required Documents:

- a request for Modification and Affidavit (RMA) or alternative form required by the Creditor;
- a form 4506T (with § 5 left blank);
- a fully completed Financial Worksheet with all items required by that 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, PLUS 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 Certificate;
- a Hardship Letter specifying the circumstances pertinent to the Debtor;
- the Debtor's most recent electric utility bill;
- the Debtor's current property tax bill;
- the Debtor's homeowner's insurance declarations page;
- a contribution letter from each household member who is not on the loan, but has been contributing to loan payments, specifying the amount of any continuing contribution;
- the Debtor's paystubs 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, including rental of part of the property subject to the mediated mortgage, a copy of the current lease agreements (or an affidavit describing lease terms), a listing of monthly rental income, and two months' cancelled rent checks;
- if the Debtor is divorced, a copy of all divorce decrees involving and all separation agreements signed by the Debtor in the past 8 years, and a copy of all quitclaim deeds to the occupant spouse; and
- a statement describing any alimony and/or child support award paid to either Debtor, if the Debtor wishes to have that income considered.

* This Mortgage Mediation Document Filing Guide is for reference only; it is not to be filed with the Court.