

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF ARIZONA**

In re:

Chapter 13 Proceedings

Case No.

**MOTION FOR REFERRAL TO  
MORTGAGE MODIFICATION  
MEDIATION PROGRAM**

Debtor(s).

The Debtor files this Motion for Referral to Mortgage Modification Mediation Program (“Motion for Referral”) and requests that the Court enter an Order Granting Motion for Referral to Mortgage Modification Mediation” (“Referral Order”) referring Debtor and \_\_\_\_\_ (“Lender”) to Mortgage Modification Mediation (“MMM”) Program and states as follows:

1. Debtor is an individual who has filed for bankruptcy relief under, or converted to, Chapter 13 on \_\_\_\_\_. Debtor has paid the bankruptcy filing fee in full.

2. This Motion is being filed:

☐ within ninety (90) days after the petition date.

☐ later than ninety (90) days after the petition date for the following reason(s):

3. Debtor requests MMM for real property ("Property") located at the following street address:

The account number for this Property is \_\_\_\_\_ (last four digits).

a. The Property is (check one box):

☐ the Debtor's primary residence.

☐ not the Debtor's primary residence.

b. Borrowers obligated on the promissory note and mortgage on the Property are (check one box):

☐ Debtor only.

☐ Debtor and non-filing co-obligor/co-borrower/third party.

Contact information for co-obligor/co-borrower/third party:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

E-mail: \_\_\_\_\_

☐ Other:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

E-mail: \_\_\_\_\_

c. If applicable, Debtor has filed with this Motion the MMM Local Form "Third-Party Consent to Attend and Participate in Mortgage Modification Mediation" signed by each co-obligor/co-borrower/third party listed above.

1           4. Debtor: ☐ has ☐ has not (check one) previously sought Mortgage Modification  
2 Mediation for the subject property. (If previously sought in this or any other Chapter 13 case, identify  
3 all bankruptcy case number(s) and result of Mortgage Modification Mediation(s):  
4  
5  
6

7           5. Debtor intends to (check all boxes that apply):

8           ☐ modify the mortgage on the Debtor's primary residence.

9           ☐ modify the mortgage on Property that is not the Debtor's primary residence.

10          6. Prior to filing this motion, Debtor has completed the initial loan modification forms using  
11 the Document Preparation Software, and collected the supporting documentation required for  
12 submission to Lender for review through the MMM Portal. Debtor has paid the Document Preparation  
13 Software fee to the vendor.

14          7. Prior to filing this motion, Debtor has determined that:

15           ☐ Lender is registered with the approved Mortgage Modification Mediation Portal  
16 ("MMM Portal");

17           ☐ Lender is not registered. Debtor requests the Court require Lender, within fourteen  
18 (14) days after the entry of the Order, to register with the MMM Portal and provide to the  
19 MMM Portal vendor any forms or documents which Lender may require to initiate a  
20 review under the MMM. The MMM Portal vendor shall post any such forms or  
21 documents to the Lender's profile on the MMM Portal.

22          8. Debtor requests Lender consider (check as many boxes as applicable):

23           ☐ a loan modification.

24           ☐ a deed in lieu of foreclosure.

25           ☐ surrender options.

26           ☐ other:  
27  
28

9. IF DEBTOR IS REQUESTING NON-RETENTION (SURRENDER) OPTIONS:

a. Debtor will submit all additional documents required for surrender as provided for on the MMM Portal.

b. Debtor represents that the property ☐ has or ☐ has not been listed for sale.

10. Debtor has verified the eligibility of \_\_\_\_\_ to serve as a Mediator under the MMM Procedures and requests that the Court assign this individual as the Mediator in the case.

11. If the Debtor is represented by an attorney, Debtor remitted the required Mediator's fee pursuant to the MMM Procedures to the Debtor's attorney, or has made other arrangements with Debtor's attorney for payment of the Mediator's fee. Debtor understands and acknowledges that after the Mediator is assigned, the Mediator's fee is not refundable for any reason at any time.

12. If the Debtor is not represented by an attorney, the Debtor obtained a money order or a cashier's check to pay the required Mediator's fee pursuant to the MMM Procedures, and a copy of that money order or cashier's check is attached. Debtor understands and acknowledges that after the Mediator is assigned, the Mediator's fee is not refundable for any reason at any time.

13. Within seven (7) days after entry of a Referral Order, Debtor shall pay a non-refundable MMM Portal submission fee to the MMM Portal vendor and upload to the MMM Portal:

a. A copy of the Referral Order referring the case to the MMM Program; and

b. Debtor's Prepared Package (prepared using the Document Preparation Software);

14. Within seven (7) days after entry of a Referral Order, Debtor shall identify the assigned Mediator on the MMM Portal.

15. Debtor will forward the Mediator's fee directly to the Mediator within seven (7) days after receiving initial contact and payment instructions from the assigned Mediator on the MMM Portal.

16. If Debtor is represented by counsel, Debtor consents to Lender communicating directly with Debtor's attorney for any and all aspects of the mortgage modification mediation program.

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WHEREFORE, Debtor requests that this Motion for Referral be granted and for such other and further relief as this Court deems proper.

Attorney for Debtor(s), or Pro Se Debtor

I declare under penalty of perjury the foregoing is true and correct as of \_\_\_\_\_,  
20\_\_\_\_.

Debtor