

## **Mortgage Modification Mediation (“MMM”) Program Checklist for Debtors Without an Attorney (“Pro Se Debtors”)**

The purpose of the MMM Program is to provide homeowners who are delinquent on their home mortgage loan, and who have filed for bankruptcy protection, an opportunity to save their home through loan modification. The MMM Program is designed to facilitate communication and sharing of information through the use of a confidential online portal, and to encourage debtors and lenders to reach a feasible and beneficial loan modification agreement.

While there is no guarantee of a successful modification of the debtor’s mortgage loan, even if all items on this MMM Program Checklist<sup>1</sup> and in the MMM Program Procedures (the “MMM Procedures”) are completed, it is recommended that Pro Se Debtors use the following MMM Program checklist in order to maximize the possibility of obtaining a successful mortgage loan modification.

1. Review the MMM Procedures in their entirety. The MMM Procedures are located on the Arizona Bankruptcy Court website at: [Mortgage Modification Mediation Procedures](#)
2. Consider whether to hire an attorney to assist with the MMM Program. Pro Se Debtors may contact the Bankruptcy Court’s Self-Help Center at 1-800-556-9230 for information and assistance.
3. Review monthly household budget to ensure that sufficient funds are available to make the Estimated Monthly Payments (“EMP”) and to pay all other (average) household expenses.

Estimated Monthly Payment (“EMP”) equals the lesser of:

- (a) 31% of total gross monthly income (the total dollar amount in paycheck(s) received monthly before any deductions are taken out) less any monthly amount paid towards HOA fees due for the property; OR
- (b) the regular monthly mortgage payment (according to the lender).

4. The following non-refundable fees must be paid, as specified below, in order for a Debtor to participate in the MMM Program:
  - The entire filing fee for the bankruptcy case (paid to the Clerk of the Court), unless waived by an Order of the Court, or unless the Court has issued an Order Denying a Fee Waiver which provides that the filing fee be paid in installments. If the Court has issued an order for the filing fee to be paid in installments, the Debtor must remain current on installment payments.
  - \$60 fee to the document preparation software company (this software will assist with preparing the documents needed to apply for a modification). This fee is due at the time debtor begins work on the Debtor’s Prepared Package.
  - \$60 fee for MMM Portal (all application documents are submitted through the MMM Portal). This fee is due within seven (7) days after entry of the Referral Order, or Lender’s registration on the MMM Portal, whichever occurs later (refer to Section IX(A) of the MMM Procedures).
  - \$300 fee payable to the Mediator (this is equal to one-half of the Mediator fee; your Lender also pays \$300 to the Mediator). This fee is due within seven (7) days of receiving payment instructions from the assigned Mediator.
5. Set up an account on the MMM Portal and provide an email address to receive MMM notifications. See <https://help.dclmwp.com/en/> for assistance.

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<sup>1</sup> This MMM Program Checklist is not intended to replace the MMM Procedures. It is only intended as a tool to assist Pro Se Debtors with the procedures and requirements of the MMM Program.

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6. Complete Step 1 on the MMM Portal, including all personal and budget information. After calculating the EMP, the calculated amount should be entered as the “1<sup>st</sup> Mortgage” payment amount.
7. Select a mediator from the Court’s Approved Mediator List, which list may be found on the Arizona Bankruptcy Court website at: <http://www.azb.uscourts.gov/mortgage-modification-mediator-registry>. Debtor is to communicate with the selected mediator to confirm that they are willing and able to act as Mediator.
8. **All** MMM pleadings, documents and proposed orders filed with the Court are to be prepared using the required official MMM Court forms (fillable pdf, with effective date of 7/23 or later), which may be found on the Arizona Bankruptcy Court’s website at: <http://azb.uscourts.gov/mortgage-modification-mediation-forms>.
9. Prepare and file the Motion for Referral to MMM Program (and related documents) with the Court and serve copies of the signed Order for Referral to MMM Program on all Required Parties, and on the case trustee if applicable (see Section (VI)(A) of the MMM Procedures).
10. Complete Step 2 on the MMM Portal (submit a Copy of the Referral Order and the Debtor’s Prepared Package. Also identify the assigned Mediator on the MMM Portal) and pay the required \$60 fee. It is important that debtor review all information submitted to the Lender in order to ensure that it is true and accurate. Failure to provide accurate information may be considered to be mortgage fraud.
11. Open a separate bank account (the “EMP Account”) within fourteen (14) days after filing the Motion for Referral to MMM Program, which account is for the sole purpose of depositing/holding the EMPs while the debtor is participating in the MMM Program. The deposited funds are to be held in this account until a Court Order is entered which directs disbursement of the funds.

Deposit the first EMP into the EMP Account within thirty (30) days of filing the Motion for Referral to the MMM Program. Deposit subsequent EMPs into the EMP Account at least every thirty (30) days thereafter, pursuant to Section XIII(B)(3) of the MMM Procedures. Upload proof of each deposit to the MMM Portal within seven (7) days after the deposit.  
**Note: Do not remove any funds from this EMP Account until the Court issues an order directing disbursement of the funds.** After the MMM Proceedings have ended, Debtor may request the release of funds in the EMP Account pursuant to Sections XIII(D)(1)(e) and (3) of the MMM Procedures (refer also to MMM Forms 25 and 26).

12. Debtor is to regularly check their email for notification of communications posted to the MMM Portal. Debtor is to also regularly log in to MMM Portal to review communications from the Lender and/or Mediator. If Lender requests additional information, Debtor must provide the requested information and/or documents within fourteen (14) days of the request.

**Note: All** communication with Lender and Mediator **must** be done through the MMM Portal. Be sure to check the boxes for Servicer and Mediator as recipients when sending communications through the MMM Portal.