**LMM Form 12 September 2021**

**UNITED STATES BANKRUPTCY COURT**

**WESTERN DISTRICT OF NORTH CAROLINA**

**[insert correct division name] DIVISION**

IN RE: )

)

)CASE NO.

)CHAPTER 13

TIN: XXX-XX- )

)

Debtor(s).)

)

**MOTION TO APPROVE TRIAL LOAN MODIFICATION AGREEMENT**

NOW COMES [Debtor(s) names] (“Debtor(s)”) and hereby submits the following motion and shows unto the Court as follows:

1. The Debtor(s) in this case hereby request that the Court enter an order approving a trial loan modification agreement (the “Trial Modification”) with [NAME OF LENDER/SERVICER] (“Creditor”) pursuant to the Court’s Loan Modification Management Program (“LMM”) with respect to the [FIRST/SECOND/THIRD] mortgage on the Debtor’s property at [PROPERTY ADDRESS].
2. The terms of the Trial Modification require monthly payments in the amount of [$ AMOUNT] to begin on [DUE DATE OF FIRST TRIAL PAYMENT] and to continue in that amount until [DUE DATE OF LAST TRIAL PAYMENT].
3. A true and accurate copy of the Trial Modification documents are attached hereto as Exhibit A and incorporated herein by reference.
4. Beginning with the first month of the trial modification period and continuing thereafter, the Chapter 13 trustee shall cease making Adequate Protection Payments to the Creditor, shall commence making the trial modification payments set forth above, and shall continue to reserve cure payments on all existing prepetition and administrative arrearage claims pending further order of the Court.
5. Counsel for Debtor(s) hereby requests that the Court approve a non-base fee in the amount of $500 pursuant to section 11(a)(i) of the Court’s LMM Procedures.

WHEREFORE, based upon the foregoing, the Debtor(s) respectfully requests that the Court enter an order approving the Trial Modification and for any other relief the Court deems just and proper.

Date:

[Attorney Name]

[State Bar #]

[Address]

[Telephone #]

[Email address]

Attorney for Debtor(s)

**UNITED STATES BANKRUPTCY COURT**

**WESTERN DISTRICT OF NORTH CAROLINA**

***[insert correct division name]* DIVISION**

IN RE: ) Case No.:

) Chapter:

)

) **NOTICE OF**

) **OPPORTUNITY FOR HEARING**

) (No Protest Notice: No

) Hearing Will Be Held Unless

TIN: XXX-XX- ) Request For Hearing Is Filed)

)

Debtor(s). )

)

**TAKE NOTICE** that [name of moving party] has filed papers with the court to [relief sought in motion]. A copy of these paper(s) is included with this notice or copied on the reverse side of this notice.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.**

If you do not want the court to order [relief sought in motion], or if you want the court to consider your views on the motion, then on or before **[DATE RESPONSE DUE]** from the date of this notice, you or your attorney must do three things:

1. **File a written response with the court requesting that the court hold a hearing and explaining your position. File the response at:**

U.S. Bankruptcy Court

[Courtroom #]

[Address]

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

1. **On or before the date stated above for written responses, you must also mail or fax a copy of your written request to:**

[Name/address/fax # of movant’s attorney]

[Name/address/fax # of other parties to be served]

1. **Attend the hearing scheduled for [date], [year], at [time] a.m./p.m.** in Courtroom [#], United States Bankruptcy Court, [court address].

If you or your attorney do not take these steps, **A HEARING WILL NOT BE HELD,** and the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date:

[Attorney Name]

[State Bar #]

[Address]

[Telephone #]

[Email address]

Attorney for Debtor(s)