



United States Bankruptcy Court
Northern District of Florida
110 East Park Avenue, Suite 100
Tallahassee, FL 32301



United States Bankruptcy Court
Southern District of Florida
51 S.W. 1st Avenue, Room 1510
Miami, FL 33130



United States Bankruptcy Court
Middle District of Florida
400 West Washington Street, Suite 6100
Orlando, FL 32801

Memorandum

DATE: April 23, 2014

FROM: Bankruptcy Judges of the United States Bankruptcy Courts for the Northern, Southern, and Middle Districts of Florida

TO: Participants in Mortgage Modification Mediations in Bankruptcy Cases Filed in Florida

SUBJECT: Uniform State-Wide Procedures

On February 27, 2014, a state-wide summit was held in Orlando to discuss uniform procedures to adopt in the respective mortgage modification mediation (MMM) programs operating in Florida's Northern, Middle, and Southern Districts of the United States Bankruptcy Court. After listening to the positions of the various constituencies, the Bankruptcy Judges in all three districts support the following general terms, which shall remain subject to each district's unique practice and procedures:

1. MMM is available in all cases and for any type of real property.
2. A motion for MMM shall be filed within 90 days of the filing or conversion of the case. If not timely filed, the Court will set a hearing on any request for MMM not filed within this 90-day period and will grant the request only if good cause is demonstrated for the delay.

3. The parties will conclude the MMM process within 150 days of the filing or conversion of the case, unless that time is enlarged upon motion filed before the 150 days expires and good cause is shown.
4. The party seeking MMM shall include the address of the relevant property and the last four digits of the mortgage loan number in the MMM motion.
5. The three districts will work toward a uniform order directing MMM.
6. Parties shall have 14 days after entry of the order directing MMM to jointly select a mediator or to object to the mediator selection process or to mediation. If they cannot agree on a mediator, the Debtor will select the mediator, and the lender may file an objection within 7 days. If a timely objection to a mediator is filed, the Clerk or Chapter 13 Trustee, depending on District, will select the mediator.
7. The MMM mediator's fees shall be split equally between the parties and paid directly to the mediator before the mediation shall commence, unless an earlier date is ordered. Courts may fix deadlines as appropriate for the payment of the mediator's fees.
8. Parties must use a secure portal (the "Portal") that meets each District's criteria for submission of documents to initiate the MMM process.
9. The Portal must permit access to more than one attorney for each lender.
10. Lenders and servicers ordered to participate in the MMM process shall post on the Portal those documents required by that lender or servicer for the mediation to proceed.
11. If the lender has already posted on the Portal the documents it requires for mediations to proceed, then *prior* to filing a motion seeking MMM, Debtors must upload the required documents.
12. No negative notice or hearing is required for a motion seeking MMM, but Courts may allow parties in interest a 14-day period to seek reconsideration for cause.
13. The parties may communicate outside the Portal orally, but all written communication shall occur through the Portal.
14. Parties may seek approval of a *temporary* MMM agreement without negative notice or hearing.

15. Parties may seek approval of a *permanent* MMM agreement using the respective court's notice procedure.
16. An order approving a permanent MMM agreement (i) shall be in a format that can be recorded in the public records of the county where the relevant property is located, and (ii) should be recorded by the Debtor within 90 days of the entry of the order, unless the parties agree otherwise.
17. In Chapter 12 and 13 cases, Debtors seeking MMM must provide adequate protection to the lenders by paying 31% of their gross disposable income (after deducting homeowner association fees) to the Chapter 12 or 13 Trustee. The Trustee shall hold the funds pending either further order of the Court or a joint stipulation of the parties.
18. In Chapter 12 and 13 cases, the Court may confirm a plan of reorganization subject to pending MMM.