

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
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In re)	
)	
ADMINISTRATIVE ORDER)	Administrative Order
PRESCRIBING PROCEDURES FOR)	FLMB-2015-1
MORTGAGE MODIFICATION)	
MEDIATION,)	
)	
)	
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**AMENDED
ADMINISTRATIVE ORDER
PRESCRIBING PROCEDURES
FOR MORTGAGE MODIFICATION MEDIATION**

The Bankruptcy Court for the Middle District of Florida has unified its mortgage modification mediation (“MMM”) procedures throughout the district. Effective August 15, 2014, all parties participating in mortgage modification mediation process in the Middle District of Florida shall comply with these procedures. Accordingly, it is

ORDERED:

1. MMM is available in all cases and for any type of real property.
2. A motion seeking MMM shall include, **on the first page of the motion**, a complete property address of the relevant property and the last four digits of the mortgage loan number. If not included, the motion will be abated until an amended motion containing the required information is filed.
3. No negative notice is required for a motion seeking MMM but lenders may seek reconsideration for cause within 14 days of entry of an order directing MMM.

4. A motion seeking MMM shall be filed within 90 days of the filing or conversion of the case. The Court will prepare and enter an order directing MMM on timely filed motions. If not timely filed, the Court will set a hearing and will grant the request only if good cause is demonstrated for the delay.

5. The parties will conclude the MMM process within 150 days of the filing or conversion of the case, unless that time is enlarged by written consent on the portal, by stipulation of the parties, or by Court order.

6. Parties shall have 14 days after the entry of the order directing MMM to jointly select a mediator qualified pursuant to Administrative Order FLMB-2013-3 or to object to the mediator selection process. If the parties cannot agree on a mediator, the Debtor will select a mediator, and the lender may file an objection within 7 days. If a timely objection to a mediator is filed, the Chapter 12 or 13 Trustee or the Clerk in a Chapter 7 or 11 case will select the mediator.

7. Both Debtor and Lender each shall pay \$250 directly to the mediator within seven days of the designation of the mediator. Parties also shall equally pay the Mediator for any additional hourly fees incurred from MMM conferences that extend beyond two, one-hour sessions.

8. Parties must use the secure portal (the “Portal”) (e.g. <https://www.dclmwp.com/Home>) for submission of documents to initiate the MMM and follow guidelines included in the Court’s order directing MMM entered in each individual case.

9. The parties may communicate outside the Portal orally, but all written communication shall occur through the Portal.

10. Parties may submit a proposed order simultaneously with a motion seeking approval of a *temporary* MMM agreement without need of negative notice or hearing.

11. Parties may use negative notice when filing a motion seeking approval of a *permanent* MMM agreement.

12. 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.

13. Debtors seeking MMM must provide adequate protection to the lenders. For homestead properties, the Debtor must pay the lesser of (1) 31% of their gross disposable income (after deducting homeowner association fees), or (2) the normal monthly contractual mortgage payment. For non-homestead income producing property, the Debtor shall pay 75% of the gross rental income generated by the property. In Chapter 12 and 13 cases, the Debtor shall make the adequate protection payments to the Chapter 12 or 13 Trustee who shall hold the funds pending either further order of the Court or a joint stipulation of the parties. In all other chapters, the Debtor shall make the trial payments directly to the lender as agreed between the parties and without requiring Court approval or any modification of the automatic stay.

14. Unless the parties have agreed to the contrary, MMM payments made during the MMM process will be applied in accordance with the applicable loan documents and non-bankruptcy law.

15. When the MMM is concluded, if all payments provided by a Chapter 12 or Chapter 13 bankruptcy plan have not been distributed to the lender then the balance held by the trustee shall be distributed:

A. If MMM is successful, as specifically agreed to by the parties in the agreement reached by the parties (which may include the lender's decision to decline receipt of additional funds);

B. If MMM is *not* successful, then the balance:

(i) shall be distributed to the lender to be applied by the lender in accordance with the applicable loan documents and non-bankruptcy law, or

(ii) the lender may affirmatively reject the balance of the payments and the trustee shall distribute payments as provided by the Chapter 13 Plan or Confirmation Order.

16. In Chapter 12 and 13 cases, the Court may confirm a plan of reorganization subject to pending MMM.

17. The MMM procedures do not affect amounts of allowed attorney fees for debtor and creditor attorneys participating in the MMM program. Divisional practices and limitations on such fees still control.

DATED: March 9, 2015


KAREN S. JENNEMANN
Chief United States Bankruptcy Judge