

1 NVB 105-2(1/15)

2 Debtor Attorney \_\_\_\_\_  
 3 Nevada Bar # \_\_\_\_\_  
 4 Firm Name \_\_\_\_\_  
 5 Address \_\_\_\_\_  
 6 City, State, Zip \_\_\_\_\_  
 7 Phone Number \_\_\_\_\_  
 8 Email Address \_\_\_\_\_  
 9 Pro-se Debtor \_\_\_\_\_

10 **UNITED STATES BANKRUPTCY COURT**  
 11 **DISTRICT OF NEVADA**

12 \* \* \* \* \*

13 In re: ) BK  
 14 )  
 15 ) CHAPTER 13  
 16 )  
 17 Debtor(s). ) DEBTOR'S VERIFIED EX PARTE  
 18 ) MOTION FOR REFERRAL TO  
 19 ) MORTGAGE MODIFICATION  
 20 ) MEDIATION

21 The Debtor files this Verified Ex Parte Motion for Referral to Mortgage Modification  
 22 Mediation ("Ex Parte Motion") and requests the Court enter an Order Granting Debtor's Ex Parte  
 23 Motion for Referral to Mortgage Modification Mediation" ("Ex Parte Order") referring Debtor  
 24 and \_\_\_\_\_ ("Lender") to Mortgage Modification Mediation ("MMM")  
 25 and states as follows:

- 26 1. Debtor is an individual who has filed for bankruptcy relief under, or converted to,  
 27 chapter 13 on \_\_\_\_\_.
- 28 2. Debtor requests MMM for real property ("Property") located at the following  
 street address: \_\_\_\_\_

\_\_\_\_\_ ; 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: \_\_\_\_\_

Email: \_\_\_\_\_

Other:

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

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

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

Email: \_\_\_\_\_

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

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

- modify the mortgage on the Debtor's primary residence.
- modify the mortgage on Property that is not the Debtor's primary residence.
- surrender the Property to the Lender.

4. Prior to filing this motion, Debtor's information was entered into the court-approved on-line program that facilitates the preparation of the Debtor's loan modification package ("Document Preparation Software"). Debtor's initial loan modification forms have been generated and are ready for signature and submission. Debtor has also collected all of the required supporting documentation as required by the Document Preparation Software (such documentation and forms referred collectively to as "Debtor's Prepared Package") and is prepared to submit the supporting documentation along with the modification forms. Debtor has paid the Document Preparation Software fee to the approved vendor.

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

- Lender is registered with the approved Mortgage Modification Mediation Portal ("MMM Portal");
- Lender is not registered. Debtor requests the Court require Lender, within seven days after the entry of the Order, to register with the MMM Portal and provide to the MMM Portal vendor any forms or documents which Lender may require to initiate a review under the

1 MMM. The MMM Portal vendor shall post any such forms or  
2 documents to the Lender's profile on the MMM Portal.

3  
4 6. Debtor requests Lender consider (check as many boxes as applicable):

5  a HAMP or government sponsored loan modification.

6  a conventional loan modification.

7  a deed in lieu of foreclosure.

8  surrender options.

9  other: \_\_\_\_\_  
10

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

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

14 b. Debtor represents that the property  has or  has not been listed for sale.  
15

16  
17 8. If the Debtor is represented by an attorney, Debtor remitted the required  
18 Mediator's fee pursuant to the MMM Procedures to the Debtor's attorney. Debtor  
19 understands and acknowledges that after the mediator is designated, the  
20 mediator's fee is not refundable for any reason at any time;  
21

22 9. If the Debtor is not represented by an attorney, the Debtor obtained a money order  
23 or a cashier's check to pay the required mediator's fee pursuant to the MMM  
24 Procedures; a copy of that money order or cashier's check is attached. Debtor  
25 understands and acknowledges that after the mediator is designated, the  
26 mediator's fee is not refundable for any reason at any time;  
27  
28

1           10.     Within seven days after filing the MMM Local Form “Debtor’s Notice of  
2                   Selection of Mortgage Modification Mediator” (or “Notice of Clerk’s Designation  
3                   of Mortgage Modification Mediator”) or the Lender’s registration on the MMM  
4                   Portal, whichever occurs later, Debtor shall upload and submit through the MMM  
5                   Portal, Debtor’s Prepared Package, together with any additional forms or  
6                   documents which Lender has posted on the MMM Portal, and pay a non-  
7                   refundable MMM Portal submission fee. In addition, the Debtor will upload the  
8                   Order to the MMM Portal and designate the selected mediator as part of the  
9                   Debtor’s submission;  
10

11  
12           11.     Debtor will forward the mediator’s fee directly to the mediator within seven days  
13                   after designation of the mediator;  
14

15           12.     If Debtor is represented by counsel, Debtor consents to Lender communicating  
16                   directly with Debtor’s attorney for any and all aspects of the mortgage  
17                   modification mediation program;  
18

19           13.     If Debtor is not represented by counsel, Debtor may be contacted at the following  
20                   phone number(s) and email address: \_\_\_\_\_  
21

22                   \_\_\_\_\_

23  
24           WHEREFORE, Debtor requests that the Ex Parte Motion be granted and for such other  
25 and further relief as this Court deems proper.  
26  
27  
28

**DEBTOR'S VERIFICATION**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury the foregoing is true and correct  
on \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Debtor

\_\_\_\_\_  
Debtor

Submitted by:

\_\_\_\_\_  
Attorney for Debtor(s) or Pro Se Debtor

Dated: \_\_\_\_\_