

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE:)
)
DEBTOR NAME) CHAPTER 13 PROCEEDINGS
)
Debtor.) JUDGE _____
)

MOTION FOR AUTHORITY TO MODIFY MORTGAGE LOAN

Now comes Debtor, by and through the undersigned counsel, and hereby moves this Honorable Court for an order authorizing the Debtor to enter into a loan modification agreement for the reasons set forth below.

The Debtor currently has a mortgage loan with _____ (*Insert name of creditor*) for the Debtor's residence located at _____ (*Insert address of property*).

The principal balance on the current mortgage loan is \$_____ with interest at the rate of ____% per annum. The mortgage loan provides that the Debtor make monthly principal and interest payments of \$_____ and monthly escrow payments of \$_____. The maturity date for the loan is _____, 20__.

The Debtor wishes to enter into a loan modification agreement attached hereto as "Exhibit A". The terms of the loan modification are as follows:

Modified Principal Balance: (Principal balance and amount capitalizing)	\$_____
Modified Mortgage Term	_____ years
Interest Rate:	_____%
New Mortgage Payment Start Date	_____, 20__
Principal and Interest Monthly Payment:	\$_____

Projected Escrow Monthly Payment \$ _____

New Total Monthly Mortgage Payment \$ _____

Provide the reason(s) for the proposed loan modification. An Amended Budget attached hereto as "Exhibit B" should be filed with the Court in support of the Motion.

Example: The Debtor believes this loan modification is in her best interest and by removing the mortgage arrearage claim and lowering both the interest rate and monthly mortgage payment that it will be easier for the Debtor to retain her residence, avoid foreclosure and complete her Chapter 13 plan.

State how the trustee is to handle pre-petition mortgage loan arrearages that are being paid inside the plan.

Example: The Chapter 13 Trustee shall cease (or continue) paying the pre-petition mortgage loan arrearage claim of _____ (Insert name of creditor).

If the plan is non-conduit, state how the trustee is to handle post-petition mortgage loan arrearages that may have accumulated since the bankruptcy filing.

Example: _____ (Insert name of creditor) shall be allowed to file a supplemental proof of claim for the post-petition mortgage loan arrearages. The Chapter 13 Trustee shall pay the supplemental claim inside the plan.

WHEREFORE, Debtor prays this Court grant Debtor's motion, enter an order authorizing Debtor to enter into the loan modification agreement set forth herein [*If the trustee is to cease paying the pre-petition and/or post-petition mortgage arrearage claim, insert appropriate language*], and grant such other relief as this Court deems appropriate.

Respectfully submitted,

/s/ _____
Attorney Name (Attorney Number)

Address
City, State and Zip Code
Telephone number
Facsimile number
Email address

CERTIFICATE OF SERVICE

A copy of the foregoing Motion for Authority to Modify Mortgage Loan was served electronically and/or by regular U.S. Mail, postage prepaid, on this ____ day of _____, 20__.

Debtor
Name
Address
City, State Zip

Mortgage Loan Creditor
Name
Address
City, State Zip

Trustee
Craig Shopneck
Chapter 13 Trustee
(Via Electronic Service)

/s/ _____
Attorney Name