

*** Click here to access the Local Bankruptcy Forms (as *one* PDF file) ***

** Click here to access the Local Bankruptcy Forms (as *separate* fillable PDF files) **

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA**



LOCAL BANKRUPTCY RULES

Effective: January 1, 2005

(Modified: ~~September 1, 2014~~ June 1, 2016)



UNITED STATES BANKRUPTCY COURT Middle District of Pennsylvania

Honorable Mary D. France, Chief Judge | Terrence S. Miller, Clerk

Text Size:

Search this site

GO

Understanding
Bankruptcy

Court Info

Judges' Info

For Attorneys

Filing Without
an Attorney

Forms

Case Info

Office of the
US Trustee

Programs &
Services

Archive

2011-01

(1)

2011-10

(2)

2012-02

(1)

2012-03

(1)

2012-04

(5)

2012-05

(2)

2012-07

(3)

2012-08

(1)

2012-09

(3)

2012-10

(6)

1

2

3

4

5

next >

last >

Home

Public Notice regarding Proposed Amendments to Local Bankruptcy Rules and Forms

Monday, March 7, 2016

The U.S. Bankruptcy Court for the Middle District of Pennsylvania proposes to amend certain of its Local Bankruptcy Rules and Forms. The changes have been provisionally approved by the Bankruptcy Judges. The Court hereby offers public notice of the proposed amendments and seeks public comment by April 15, 2016. The amendments to the Local Rules and Forms will become effective on June 1, 2016.

PUBLIC NOTICE

OF PROPOSED AMENDMENTS TO THE LOCAL BANKRUPTCY RULES AND FORMS FOR THE U.S. BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA TO BECOME EFFECTIVE JUNE 1, 2016

PUBLIC COMMENT PERIOD ENDS APRIL 15, 2016
NOTICE DATE: MARCH 7, 2016

The U.S. Bankruptcy Court for the Middle District of Pennsylvania proposes to amend certain of its Local Bankruptcy Rules and Forms. The changes have been provisionally approved by the Bankruptcy Judges. The Court hereby offers public notice of the proposed amendments and seeks public comment. The amendments to the Local Rules will become effective on June 1, 2016.

Briefly, the Rule amendments include: (1) amending LBR 1007-3 to comply with the renaming/renumbering of the Official Forms; (2) amending LBR 2002-1 to align with the current procedures for service of notices by Chapter 7, 11, 12, and 13 trustees; (3) amending LBR 3002.1-1 to require use of the Official Director's Form 4100R when filing a response to a Notice of Final Cure Payments; (4) amending LBR 3015-3(a) and (b) to align with current procedures for filing of Pre-Confirmation Certifications in Chapter 12 and 13 cases; (5) amending LBR 3015-5 to require filing of new Official Form 2830 and to provide that either the debtor or course provider may file Official Form 423 in order for debtors to obtain a discharge; (6) amending LBRs 4004-1, 4006-1, and 4008-1 to comply with the renaming/renumbering of the Official Forms; (7) adding LBR 5005-3(c) to allow attorneys not registered with CM/ECF to obtain permission from the court to file initial papers in person, by facsimile, or email and adding LBR 5005-3(d) to allow attorneys who are registered with CM/ECF to file papers in person, by facsimile, or email for up to 72 hours due to a failure in the CM/ECF filer's system; (8) adding LBR 5005-4 to allow filing of documents in person, by facsimile, or email in the event of a technical failure; (9) adding LBR 5011-1 to provide for procedures for the filing of a Withdrawal of Reference from the Bankruptcy Court to the District Court; (10) amending LBR 6004-1 noticing requirements; (11) amending LBRs 7003-1 and 7007-1 to comply with the renaming/renumbering of the Official Forms; (12) adding LBR 7008-1 to require a statement of consent or non-consent to final orders or judgment to be included in each complaint, counterclaim, cross-claim, or third party complaint; (13) adding LBR 7012-1 to require a statement of consent or non-consent to be included in each responsive pleading; (14) amending LBR 9001-1 to add the definition of technical failure; (15) amending LBR 9004-1 to comply with the renaming/renumbering of the Official Forms; (16) amending LBR 9019-3 to streamline the Mortgage Modification Mediation Program and to allow for the use of a DMM or other designated Portal; (17) amending LBR 9029-1 to add the Chair of the Rules Committee as a permanent member of the Attorney Advisory Committee; and, (18) amending LBR 9070-1 to add provisions for the filing of electronic exhibits for use at hearing or trial.

Briefly, the Form amendments include: (1) amending LBF 2016-2(c); (2) amending LBF 3015-1, Section 2.G.; (3) amending LBF 3015-1, Section 3.B.2.; (4) amending LBF 3015-3(b); (5) eliminating LBF 3002.1-1; (6) eliminating LBF 3015-5; (7) eliminating LBF 9004-2; (8) amending LBFs 9019-3(a), 9019-3(b), and 9019-3(c); and, (9) eliminating LBF 9019-3(d).

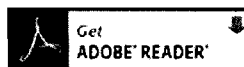
The proposed amendments reflect the input of members of the creditors' and debtors' bar, as well as the Chapter 13 Trustee, and the Clerk's Office.

Comments on the proposed amendments may be submitted either by email to PAMB_Local_Rules@pamb.uscourts.gov or by U.S. Mail to the Honorable Robert N. Opel, II, Max Rosenn Federal Courthouse, 197 South Main Street, Suite 144, Wilkes-Barre, Pennsylvania, 18701. Comments must be submitted no later than April 15, 2016.

A redlined version of the proposed amendments to the Local Bankruptcy Rules may be obtained here*.

A redlined version of the proposed amendments to the Local Bankruptcy Forms may be obtained here*.

* This file is in PDF format. You will need Adobe Acrobat Reader to view and print this document. If you do not already have it, you can download it for free by clicking the button below.



PART II
OFFICERS AND ADMINISTRATION; NOTICES;
MEETINGS; EXAMINATIONS; ELECTIONS; ATTORNEYS
AND ACCOUNTANTS

Rule 2002-1 *Notice to Creditors and Other Interested Parties.*

- (a) *Passive Notice.* A notice served under F.R.B.P. 2002(a)(3), (6), (7), or (8) must provide that if no objections are filed by the objection deadline, the court may grant the relief requested. No hearing date will be included in the notice unless a written request is filed.
- (b) *Notice to Parties in Interest.* In a case filed under any chapter, a proponent must give notice to all parties in interest as required under F.R.B.P. 2002(a)(2), (4), (5), and (6). In a chapter 11 case, a proponent also must give the notice required by F.R.B.P. 2002(b) and (d).
- (c) *Notices by a Chapter 7, 11, 12, or 13 Trustee.* Generally, the clerk will provide any notice required to be served on all parties in interest by a chapter 7, 11, 12, or 13 trustee. Notwithstanding the above, a chapter 7 trustee pursuing assets is required to provide notice to all creditors and parties in interest, under these rules or under the Federal Rules of Bankruptcy Procedure, of the following:
- (1) a trustee's application for compensation;
 - (2) an attorney for trustee's application for compensation;
 - (3) any notice of sale; ~~and~~
 - (4) any notice of compromise or settlement pursuant to F.R.B.P. 9019; and
 - (45) notice of a trustee's final report, if the net proceeds realized exceed \$1,500.00.
- (d) *Notice of § 341(a) Meeting.*
- (1) *General Rule.* The clerk must serve notice of a meeting under 11 U.S.C. § 341(a) on all parties in interest listed on the mailing matrix.
 - (2) *Amended Mailing Matrix.* The debtor must serve notice of a meeting under 11 U.S.C. § 341(a) on all parties in interest added to the mailing matrix after notice of the meeting has been served pursuant to L.B.R. 2002-1(d)(1).
 - (3) *Notice of Rescheduled Meeting.* If the meeting under 11 U.S.C. § 341(a) is rescheduled before the meeting is called to order, notice of the rescheduled meeting must be given to all parties in interest by the party requesting the

PART III
CLAIMS AND DISTRIBUTION TO CREDITORS AND
EQUITY INTEREST HOLDER; PLANS

Rule 3001-1 *Claims and Equity Security Interests - General.*

- (a) *Proof of Claim - Contents.* Any proof of claim filed must be substantially in compliance with the Proof of Claim (Official Form 410) and F.R.B.P. 3001.
- (b) *Proof of Claim - Service.* In a chapter 7 asset case, a chapter 12 case, or a chapter 13 case, a claimant must serve a copy of its proof of claim, with all attachments, on a pro se debtor.

COMMENTS: *L.B.R. 3001-1 was amended effective December 1, 2011, to avoid repetition of the provisions of F.R.B.P. 3001 and to incorporate the requirements of F.R.B.P. 3001(c) for proofs of claim filed in individual debtor cases.*

Rule 3002-1 *Filing Proofs of Claim in Closed Cases.* Unless filed electronically, any proof of claim received by the clerk in a closed case will be returned to the claimant and marked: "Not Filed, Case Closed."

Rule 3002.1-1 *Response to Notice of Final Cure Payments.* In chapter 13 cases, a holder's response to a notice of final cure payment made pursuant to F.R.B.P. 3002.1(g) must be made by filing and serving the Response to Notice of Final Cure Payment (Director's Form 4100R) ~~L.B.R. 3002.1-1~~. Filing and service must be made in accordance with the provisions of F.R.B.P. 3002.1(g).

Rule 3003-1 *Filing Proofs of Claim in Chapter 11 Cases.* In chapter 11 cases, notice of a deadline for proofs of claim must be given in the following manner:

- (a) *Party Request.* A party requesting the court to set a date within which claims must be filed must provide notice of the bar date and a form of proof of claim to all creditors.
- (b) *Sua Sponte.* If the court *sua sponte* sets a date within which claims must be filed, the clerk must provide notice of the bar date and a form of proof of claim to all creditors.

Rule 3004-1 *Filing of Proofs of Claim by Debtor or Trustee.* A debtor or trustee filing a proof of claim in the name of a creditor under F.R.B.P. 3004 must file an original and serve a copy on the creditor.

Rule 3005-1 *Filing of Proofs of Claim by Co-Debtor.* A co-debtor filing a proof of claim in the name of a creditor under F.R.B.P. 3005 must file an original and serve a copy on the creditor, any co-debtors, and the debtor.

Rule 3006-1 *Claims - Withdrawal.* A request to withdraw a claim must state:

order must be attached to the motion to modify. The pro se debtor must, within five (5) days, mail a copy of the amended plan, the motion to modify, and a proposed order to each creditor and party in interest. The pro se debtor must also file a certificate of service, which complies with L.B.R. 9013-2. After the certificate of service is filed, the clerk will then issue and send to creditors and parties in interest a passive notice setting the objection date on the post confirmation amended plan.

- (j) *Waiver of Objections to Chapter 12 or Chapter 13 Plans.* The failure to file a timely objection, upon notice, is deemed a waiver of all objections to the amended plan and any prior plans, and the court may confirm the amended plan without further notice or hearing.
- (k) *Time for Filing Chapter 12 or Chapter 13 Amended Plans.* Within thirty (30) days after an order is entered that determines whether a lien may be avoided, determines the priority or extent of a lien, or resolves an objection to a claim, the debtor must file an amended plan to provide for the allowed amount and priority of the claim, if the allowed amount or priority differs from the claim as stated in the plan.

Rule 3015-3 *Chapter 12 or Chapter 13 - Confirmation Hearing.*

- (a) *Chapter 13 Pre-Confirmation Certifications.* Debtor must file with the clerk ~~submit to the chapter 13 trustee~~ a Pre-Confirmation Certification in conformity with L.B.F. 3015-3(a) and a Certification Regarding Domestic Support Obligation(s) in conformity with L.B.F. 3015-3(b), if applicable, at least twenty-four (24) hours prior to the time of the hearing.
- (b) *Chapter 12 Pre-Confirmation Certification.* Debtor must file with the clerk ~~submit to the chapter 12 trustee~~ a Pre-Confirmation Certification in conformity with L.B.F. 3015-3(c) certifying compliance with 11 U.S.C. § 1225(a)(7) at least twenty-four (24) hours prior to the time of the hearing.
- (c) *Appearances at Hearing.* Neither the debtor nor debtor's counsel need appear at the confirmation hearing if:
 - (1) No objections to the chapter 13 plan have been timely filed or any timely filed objections have been withdrawn; and
 - (2) The Pre-Confirmation Certifications have been filed in conformity with L.B.R. 3015-3(a).

If neither the debtor nor debtor's counsel appear at the hearing under this subsection and a party in interest appears and is permitted to lodge an untimely objection, the court will reschedule the hearing on confirmation. Otherwise, debtor and debtor's counsel must attend all scheduled confirmation hearings.

- (d) *Payment of Filing Fee.* The entire case filing fee must be paid prior to the confirmation of any chapter 13 plan. Provided, the requirements of this subparagraph may be waived by the court, upon motion for cause.

Rule 3015-4 *Chapter 13 - Adequate Protection Payments.* For cases filed on or after October 17, 2005, the debtor must make pre-confirmation adequate protection payments as follows:

- (a) *Adequate Protection Payments to Lessors.* Adequate protection payments to a lessor of personal property must be made by the debtor directly to the lessor if the debtor's plan so provides. If the debtor's plan provides for the lease payments to be made by the trustee, the debtor's plan payments must be made timely so that the trustee may begin prompt distribution.
- (b) *Adequate Protection Payments to Secured Creditors.* Pre-confirmation adequate protection payments to a secured creditor must be made by the debtor directly to the secured creditor if the debtor's plan so provides. If the plan does not so provide, the adequate protection payments must be paid to the trustee and not directly to the secured creditor. The adequate protection payments must be made timely so that the trustee may begin prompt distribution.
- (c) *Creditor Identification.* The debtor's plan must separately identify by creditor name, address, account number, and monthly payment amount each creditor entitled to receive adequate protection payments.
- (d) *Adequate Protection Payment Distribution.* The trustee will distribute pre-confirmation adequate protection payments to any creditor identified in the plan as receiving payments from trustee and for which a proof of claim has been filed, less the trustee's statutory compensation and expenses, as soon as practicable after receipt of said payment from the debtor.

Rule 3015-5 *Entry of Chapter 13 Discharge for Cases Filed on or After October 17, 2005.* For all ~~chapter 13 cases filed on or after October 17, 2005, a~~ A Chapter 13 discharge will not be entered unless the debtor has filed, after the completion of plan payments, ~~Debtor's Certifications Regarding Domestic Support Obligations and 11 U.S.C. § 522(q) (L.B.F. 3015-5)~~ the Chapter 13 Debtor's Certifications Regarding Domestic Support Obligations and Section 522(q) (Official Form 2830) and has completed an instructional course concerning personal financial management described in 11 U.S.C. §§ 111 and 1328(g)(1), and either the debtor or the course provider has filed a ~~copy of Official Form 23 (Debtor's Certification of Completion of Instructional Course Concerning Personal Financial Management~~ Certification About a Financial Management Course (Official Form 423)).

Rule 3015-6 *Chapter 12 - Individual Debtor Discharge.* For all individual chapter 12 cases, a discharge will not be entered unless the debtor has filed, within seven (7) days after completion of plan payments, an Individual Chapter 12 Debtor's Certification

- (c) *Affidavit.* The movant may file a verified affidavit setting forth the substantial changes in the financial or personal affairs of the debtor since the dismissal of the next most previous bankruptcy case. In the absence of timely filed objections, the court may enter an order extending the automatic stay without a hearing where a sufficient affidavit has been filed.

Rule 4001-6 *Service of Motions under F.R.B.P. 4001.* In addition to the parties identified in F.R.B.P. 4001, the following motions must also be served upon creditors listed on the schedules as holding claims secured by the asset(s) identified in the motion:

- (a) A motion for relief from the stay;
- (b) A motion seeking an order prohibiting or conditioning the use, sale, or lease of property;
- (c) A motion to use cash collateral;
- (d) A motion for authority to obtain credit;
- (e) Any agreement regarding any of the preceding motions;
- (f) A motion to extend, continue, or impose the automatic stay; or
- (g) A motion to confirm the termination or absence of the automatic stay.

Rule 4003-1 *Exemptions.*

- (a) *Notice of Response Date to Objection.* When an objection is filed to a debtor's exemptions, the clerk will give twenty-one (21) days notice by mail of the time fixed for filing a response to the objection.
- (b) *Hearing Date for Objection to Exemptions.* Except as provided in subdivision (c), the clerk will set a hearing date on the objection if a response is filed by the debtor.
- (c) *Request for Hearing Required.* If the chapter 13 trustee files an objection to exemptions, the clerk will not set a hearing date until requested by the debtor or the trustee.

Rule 4004-1 *Motion to Defer Entry of Discharge Order.* A motion to defer entry of the discharge order for the purposes of obtaining additional time to file ~~Official Form 23 (Debtor's Certification of Completion of Instructional Course Concerning Personal Financial Management~~ the Certification About a Financial Management Course (Official Form 423) must indicate why debtor is unable to obtain and file the certification within the required time period.

Rule 4006-1 *Closing Chapter 7 or Chapter 13 Cases Without Discharge.* If the ~~Official Form 23~~ (~~Debtor's Certification of Completion of Instructional Course Concerning Personal Financial Management~~ Certification About a Financial Management Course (Official Form 423) is not filed in accordance with F.R.B.P. 1007(b)(7) and (c) and the time limits contained therein, the clerk may close the case without the issuance of an order of discharge and notify creditors thereof.]

Rule 4008-1 *Reaffirmation.*

- (a) *General Procedure.* A reaffirmation agreement must be substantially in compliance with L.B.F. 4008-1(a). A reaffirmation agreement must be accompanied by ~~Official Form 27 - Reaffirmation Agreement Cover Sheet~~ the Cover Sheet for Reaffirmation Agreement (Official Form 427). If the presumption arises that the reaffirmation agreement will impose an undue hardship on the debtor, and if the presumption is not rebutted to the satisfaction of the court by a statement on the reaffirmation agreement that identifies additional sources of funds to make the agreed payments, the court will set the matter for hearing.]
- (b) *Hearings.* Hearings will be held on all reaffirmation agreements filed by pro se debtors and debtors whose counsel has not signed the certification page of the agreement. Hearing will be held on any agreement which, in the judgment of the court, may impose an undue hardship on the debtor.

COMMENTS: *L.B.R. 4008-1 was amended effective December 1, 2009, to provide for the filing of a reaffirmation cover sheet in accordance with F.R.B.P. 4008 and to delete the former requirement for submission of a proposed order complying with L.B.F. 4008-1(b), which form was eliminated as part of the amendments.*

- (c) *Stamped "Filed" Copies.* To receive a time-stamped copy of a document, the filing party must provide the clerk with a copy of the document and a self-addressed, stamped envelope.

Rule 5005-3 *Electronic Filing.*

- (a) *Filing of Documents.* Pursuant to Miscellaneous Order 5:05-mp-50007, except as provided in paragraph (b) of this rule, documents must be filed, signed, and verified by electronic means in accordance with the Administrative Procedures available on the court's website (www.pamb.uscourts.gov). A document filed under this rule constitutes a written document for the purpose of these Local Bankruptcy Rules, the Federal Rules of Bankruptcy Procedure, and 11 U.S.C. § 107.
- (b) *Filing of Proofs of Claim.* Notwithstanding the requirements of paragraph (a), pursuant to Miscellaneous Order 5:14-mp-00003, claims may be filed, amended, or withdrawn through the court's Electronic Proof of Claim (ePOC) system without the need to register or login as a user in the court's ECF system (CM/ECF). Any claim filed, amended, or withdrawn electronically through the ePOC system will constitute the filer's approved signature and have the same force and effect as if the authorized individual signed a paper copy of the proof of claim form, amendment, or withdrawal.
- (c) *Temporary Paper Filing.* An attorney who is not a registered CM/ECF filer may file initial papers in person, by facsimile, or by email after seeking permission from the court as set forth in Miscellaneous Order 5:05-mp-50007. Before any additional papers are filed, the attorney must apply for and obtain a CM/ECF login and password. Registration may be completed through the court's website: www.pamb.uscourts.gov using "Electronic Filing Registration" under the Court Info tab.
- (d) *CM/ECF Filer Systems Failure.* A registered CM/ECF filer may file papers in person, by facsimile, or by email for up to seventy-two (72) hours when electronic filing is not possible due to a failure in the CM/ECF filer's systems, including, without limitation, hardware, software, or internet connection. Any filing made by means other than CM/ECF must be accompanied by an affidavit stating why the document was not filed electronically.

COMMENTS: *L.B.R. 5005-3 was amended effective June 1, 2016, to provide for temporary paper filings by an attorney who is not a registered CM/ECF filer and to provide for temporary paper filings for a registered CM/ECF filer who cannot file electronically due to a failure of his or her own systems.*

Rule 5005-4 *Filings During Technical Failures.* In the event of a technical failure, as defined in L.B.R. 9001-1, an electronic filer may use any of the following filing methods:

- (a) file the documents as a PDF attachment to an email sent to the following address: PAMB ECF Failure@pamb.uscourts.gov;

- (b) file the documents in person by bringing the documents to the clerk's office in paper, accompanied by an electronic storage format (i.e., flash drive, CD-ROM) that contains the document in PDF format without any password requirement;
- (c) file the documents via facsimile to: 570-829-0249 (Wilkes-Barre) or 717-901-2822 (Harrisburg); or
- (d) seek appropriate relief from the court or proceed pursuant to any generally applicable order that may have been entered addressing the technical failure.

Electronic filers are cautioned that the court's ability to grant relief may be limited by F.R.B.P. 9006(b).

COMMENTS: *L.B.R. 5005-4 was adopted effective June 1, 2016, to provide for filing alternatives in the event of a technical failure as now defined in L.B.R. 9001-1.*

Rule 5005-4 5 *Filing Papers After Hours.*

- (a) *After Hours Filings.* Except as otherwise authorized by the court, non-ECF filers may file petitions and other papers by facsimile only pursuant to the provisions of this rule.
- (b) *Time and Manner of Filing.* Papers may be filed by facsimile to the Harrisburg or Wilkes-Barre facsimile numbers indicated on the court's website (www.pamb.uscourts.gov) when the clerk's office is not open. After 4:00 p.m. EST, and before Midnight (12:00 a.m.) EST, transmit by facsimile only the first page and the signature page of the document.
- (c) *Filing of Original Document.* The entire original paper document, together with any required filing fee, must be filed in person and time-stamped by the clerk no later than 4:00 p.m. EST on the next business day after the facsimile filing when the clerk's office is open.
- (d) *Clerk's Procedures Concerning Facsimile Documents.* If the original document is not timely filed after the facsimile transmittal, the clerk will note that fact and the facsimile will have no force or effect. The clerk's office will not acknowledge the filing of a document or assign a case number or adversary number to a document unless the original is timely filed pursuant to the provisions of this rule. Upon timely receipt of the original document and any required fee, the clerk will stamp the following notation on the document: "This document is deemed filed on _____ (date) pursuant to L.B.R. 5005-4 5 - Filing Papers After Hours." Documents filed in accordance with this rule will be deemed filed on the date and at the time printed on the document by the facsimile machine in the clerk's office which received the facsimile.

Rule 5010-1 *Reopening Cases.* A motion to reopen a case, which may be granted summarily, must be accompanied by the appropriate filing fee unless waived by the court. The filing fee may be waived if the case is opened to correct an administrative error, to assert the protection of the discharge injunction, or for cause shown. The motion must be served on:

- (a) the debtor; and
- (b) any other party as directed by the court.

Rule 5011-1 *Withdrawal of Reference.*

- (a) *Filing of Motion.* The movant must file a motion, proposed order, and supporting brief with the clerk of the bankruptcy court. The clerk of the bankruptcy court will transmit the motion and supporting documents to the district court. All documents filed after the initial motion, proposed order, and supporting brief must be filed with the clerk of the district court.
- (b) *Motion Contents.* The motion must address the following:
 - (1) whether the proceeding for which withdrawal is being sought is core under 28 U.S.C. § 157(b) or non-core under 28 U.S.C. § 157(c) and, if core, whether the bankruptcy court lacks the constitutional authority to enter a final order or judgment;
 - (2) whether withdrawal of the reference is permissive under 11 U.S.C. § 157(d);
 - (3) whether withdrawal of the reference is mandatory under 11 U.S.C. § 157(d).
- (c) *Notice of the Motion.* The movant must provide notice to all creditors and parties in interest if the motion requests withdrawal of the entire bankruptcy case or provide notice to the parties in the adversary proceeding if the motion requests withdrawal of an adversary proceeding or counts within the proceeding.
- (d) *Objections to the Motion.* Any party opposing the motion must file with the district court and serve on the movant and other interested parties an objection and brief within fourteen (14) days after service of the motion and a supporting brief.
- (e) *Bankruptcy Court Report and Recommendations.* After the time for filing objections has expired, the bankruptcy judge assigned to the bankruptcy case will file with the district court, within fourteen (14) days, a report and recommendation on the motion to withdraw the reference. Once the report and recommendation is submitted by the bankruptcy judge, any party may object to the report and recommendations within fourteen (14) days after being served with a copy thereof. Thereafter, the motion will be ripe for disposition by the district court.

- (f) *Procedure After Grant of the Motion.* If the district court grants the motion, all further proceedings will be governed by the Rules of Court for the Middle District of Pennsylvania.

COMMENTS: *L.B.R. 5011-1 was adopted effective June 1, 2016, to provide the procedure for filing a motion to withdraw the reference.*

PART VI
COLLECTION AND LIQUIDATION OF THE ESTATE

Rule 6002-1 *Accounting by Prior Custodian of Property of the Estate.* A prior custodian must submit a report and accounting to the United States trustee that contains sufficient detail to inform the trustee or any other party in interest of the custodian's activities while in possession of what is now the property of the estate. No particular format is required under this rule.

Rule 6004-1 *Use, Sale, or Lease of Property.*

- (a) *Sale on Notice.* A sale of assets, other than in the ordinary course of business, under and subject to liens, may be conducted, on notice, pursuant to 11 U.S.C. § 363(b). The notice of sale is subject to the notice requirements of this rule.
- (b) *Sale Upon Motion.* Any sale on motion is subject to the notice requirements of this rule. Any motion for a free and clear sale is subject to the notice requirements of this rule and to the additional requirements of L.B.R. 6004-5.
- (c) *Sale Notices.* When the proposed use, sale, or lease of property is upon notice or motion (unless subject to the exceptions in F.R.B.P. 6004(d) or L.B.R. 9075-1), the required notice must include:
 - (1) the caption of the case;
 - (2) the name and address of the seller;
 - ~~(3) the place, date, and time of the sale;~~
 - ~~(4) the hearing date;~~
 - (5 3) a general description of the property to be sold;
 - ~~(6) a statement describing where a complete description or inventory of the property may be obtained or examined;~~
 - [(7 4) the place, date, and time the property may be examined prior to the sale or an explanation of how a prospective buyer an interested party may be afforded an opportunity to examine the property prior to the sale;]
 - (8 5) the terms and conditions of sale, including the terms of any pending offers, or minimum bid requirements, or breakup fee provisions;
 - (6) the date, time, and place of any public sale;]

- (9 7) whether the sale is subject to higher and better offers and how such offers must be submitted;
- (10 8) in any private sale, the identity of the purchaser and any affiliation or relationship with the debtor or an insider of the debtor;
- ~~(11) whether the sale will be advertised and, if so, how and when;~~
- (12 9) the last date by which objections to the sale must be filed with the court - which must be not less than twenty-one (21) days after the notice is mailed, unless the court shortens the time under F.R.B.P. 9006 or directs another method of giving notice; and
- (13 10) a statement that inquiries regarding the sale should be directed to the seller or their counsel or agent and not to the clerk.
- (d) *Service.* Unless the court directs otherwise, and unless service is made electronically through the ECF system, the notice of sale must be served on the following:
- (1) the debtor;
 - (2) the trustee, if any;
 - (3) indenture trustees, if any;
 - (4) all creditors;
 - (5) all committees appointed under the Bankruptcy Code, if any;
 - (6) the United States trustee;
 - (7) the United States as required by F.R.B.P. 2002(j); and
 - (8) all holders of liens or encumbrances against the property.
- (e) *Address for Service.* Service of a notice of sale must be made at the address set forth in any request for notices filed under F.R.B.P. 2002(g)(1). If a request has not been filed, the notice must be served under F.R.B.P. 2002(g)(2) unless a different address is listed in a later-filed proof of claim. In the latter instance, the address stated in the proof of claim must be used.

Rule 6004-2 *Objections to Section 363(b) Sale.* Any party who objects to a proposed sale must file an objection within the time period fixed by the notice of sale. The objecting party must serve a copy of the objection on the seller and the seller's counsel of record.

**PART VII
ADVERSARY PROCEEDINGS**

Rule 7002-1 *District Court Rules.* Local Rules of the United States District Court for the Middle District of Pennsylvania LR 7.1 through 7.8 and 15.1 (www.pamd.uscourts.gov) apply in adversary proceedings unless modified by these rules.

COMMENTS: *L.B.R. 7002-1 was amended effective September 1, 2014, to make District Court Rule 15.1, concerning amended pleadings, applicable to adversary proceedings.*

Rule 7003-1 *Adversary Proceeding Cover Sheet.* Any paper complaint filed under Part VII of the Federal Rules of Bankruptcy Procedure must be accompanied by an Adversary Proceeding Cover Sheet (Official Form ~~B104~~ 1040), ~~which is available for download and printing at <http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx>.~~

Rule 7005-1 *Filing of Discovery Materials.*

- (a) *Discovery Motions.* A party seeking a protective order, an order to compel discovery, or other relief under F.R.B.P. 7026 must attach to the motion only that portion of the deposition, interrogatory, request for document, or request for admissions that is the subject of the objection. An attachment to the motion must conform with the requirements of L.B.R. 5005-3 and any administrative order issued regarding electronic case filing.
- (b) *Documentation Not in Record.* When discovery documentation not previously in the record is needed for appeal purposes, upon motion and order of the court, or by stipulation of counsel, the necessary discovery papers must be filed with the clerk. See Local Rule 5.4(d) of the Local Rules of the United States District Court for the Middle District of Pennsylvania (www.pamd.uscourts.gov).
- (c) *Original Response and Certificate of Service.* A party who serves a discovery request must retain the original response as its custodian. Certificates of service of discovery materials must not be filed separately with the clerk. The original of any deposition upon oral examination must be retained by the party taking such deposition. See Local Rule 5.4(b) of the Local Rules of the United States District Court for the Middle District of Pennsylvania (www.pamd.uscourts.gov).

Rule 7007-1 *Motions in Adversary Proceedings.*

- (a) *Written Motion.* A motion must be in writing unless made during a hearing or trial.
- (b) *Grounds and Relief to be Stated.* A motion filed in an adversary proceeding must contain a descriptive title of the motion in addition to the complete adversary caption. The caption must be substantially in compliance with the Caption for Use in Adversary Proceeding (Official Form 416D) ~~conform to L.B.F. 9004-3.~~]

- (c) *Response.* The response to any motion must be filed and served within fourteen (14) days after service of the motion. If no response is timely filed, the motion may be deemed uncontested, and the court may dispose of the motion.
- (d) *Continuances.* A request for continuance of a trial date must be made in conformity with L.B.R. 9013-3.
- (e) *Hearing.* Oral argument or hearing on a contested motion will be held only if requested by the court.
- (f) *Proposed Order.* A proposed order of court as required under L.B.R. 9013-1(b) must be filed as an attachment to any motion and other pleading requesting relief in accordance with the procedures set forth in the Miscellaneous Order 5:05-mp-50007 and the Administrative Procedures available on the court's website (www.pamb.uscourts.gov).

Rule 7008-1 *Statement of Consent to Final Orders or Judgment.* In any adversary proceeding, each complaint, counterclaim, cross-claim, or third-party complaint must contain a statement that the pleader does or does not consent to the entry of final orders or judgment by the bankruptcy court.]

Rule 7012-1 *Statement of Consent to Final Orders or Judgment in Responsive Pleadings.* In any adversary proceeding, each responsive pleading must contain a statement that the pleader does or does not consent to the entry of final orders or judgment by the bankruptcy court.]

Rule 7016-1 *Pre-Trial Procedure.*

- (a) *Applicability of Fed. R. Civ. P. 16(b).* Unless the court directs otherwise, an adversary proceeding is exempt from the provisions of Fed. R. Civ. P. 16(b), as incorporated in F.R.B.P. 7016.
- (b) *Scheduling Order.* Notwithstanding subdivision (a), the court generally will issue a scheduling order.
- (c) *Pre-trial Motions.* The court may dispose of pre-trial motions in summary fashion at any time during their pendency.

Rule 7021-1 *Misjoinder and Non-Joinder of Parties.* When an adversary is severed into two or more proceedings, a separate filing fee is payable to the clerk for each severed proceeding.

COMMENTS: *L.B.R. 7024-2 was eliminated effective September 1, 2014, because the subject matter is covered by F.R.B.P. 9005.1.*

- (l) “*Retainer agreement*” means an agreement between a client and an attorney in which the client deposits funds with the attorney for services to be performed whether entered before the filing of a bankruptcy petition or during the pendency of the case.
- (m) “*Schedules and statements*” include all documents required to be filed by a debtor under 11 U.S.C. § 521.
- (n) “*Semi passive notice*” is a notice setting an objection/response deadline and a proposed hearing date if objections/responses are filed. If no objections/responses are filed, the court may enter an order without conducting a hearing. If objections/responses are filed, the matter will proceed to hearing at the date, time, and location indicated in the notice. If a default order has not been signed and entered on the docket, the parties or their counsel are required to appear in court.
- (o) “*Technical failure*” means any day on which the court’s CM/ECF site is unable to accept filings continuously over a period of more than two (2) hours after 7:00 a.m.]

COMMENTS: *L.B.R. 9001-1 was amended effective September 1, 2014, to add definitions for the terms “Hearing required notice” and “semi passive notice”.*

Rule 9002-1 *Self-Scheduled Matters.*

- (a) *Filing a Self-Scheduled Matter.* When a motion or other document is filed using self-scheduling, the electronic filer must use the Courtroom Hearing Scheduler (“CHS”).
- (b) *Self-Scheduled Matters.* A list of the matters that may be self-scheduled, as well as the filing procedures, are posted on the court’s website under the Self-Scheduling Hearings button. (www.pamb.uscourts.gov).
- (c) *Matters Which Cannot Be Self-Scheduled.* No matters other than those listed under the Self-Scheduling Hearings button can be self-scheduled.

COMMENTS: *L.B.R. 9002-1 was amended effective September 1, 2014, to refer electronic filers to the court’s website to determine what matters can and cannot be self-scheduled.*

Rule 9003-1 *Ex Parte Relief.* The following requests may be considered ex parte by the court:

- (a) for conversion or dismissal under 11 U.S.C. §§ 1208(b) or 1307(b);
- (b) for entry of a wage order under 11 U.S.C. §§ 1225(c) or 1325(c);
- (c) for approval to pay filing fees in installments;
- (d) for waiver of filing fees for documents including the bankruptcy petition;

- (e) to limit notice;
- (f) for admission *pro hac vice*;
- (g) for emergency relief;
- (h) for an extension of time to file documents required under 11 U.S.C. § 521;
- (i) for protection from or application of disclosure of information under 11 U.S.C. § 107; and
- (j) for relief after dismissal of an involuntary case.

Rule 9004-1 *Caption of Pleadings.* Unless additional information is required under 11 U.S.C. § 342(c), any pleading filed with the clerk in a contested matter must contain a caption substantially in compliance with L.B.F. 9004-1. Unless additional information is required under 11 U.S.C. § 342(c), any pleading filed with the clerk in an adversary proceeding must contain a caption substantially in compliance with the Caption for Use in Adversary Proceeding (Official Form 416D). L.B.F. 9004-2.]

Rule 9010-1 *Attorneys - Notice of Appearance.*

- (a) *General Appearance.* An attorney who files with the clerk any application, motion, stipulation, or other document, other than as set forth in subdivision (b), is deemed to have entered an appearance for the party on whose behalf the document is filed.
- (b) *Limited Appearance.* An attorney filing a proof of claim or interest is deemed to have entered an appearance only for the purpose of any objection that may be filed to that claim.
- (c) *Change of Address.* When attorneys, or parties representing themselves, change their e-mail or physical addresses, they are required to provide notification as follows:
 - (1) Electronic filers must immediately update their addresses in the ECF system. If an address changes in a specific case, electronic filers must docket a change of address in each case in which the change should appear to enable the clerk to update the information.
 - (2) Paper filers must notify the clerk in writing of their new address so that the clerk may enter it in the ECF system. If an attorney has entered an appearance in more than one case, he also must file with the clerk a listing of all such cases so the new address may be entered by the clerk on the docket of each case.
- (d) *Withdrawal of Appearance.* The debtor's attorney or an attorney in a pending adversary or contested matter may not withdraw his or her appearance except upon

- (D) the position of the parties relative to settlement.
- (3) Unless otherwise provided in this rule, and as may be necessary to the reporting of or the processing of complaints about unlawful or unethical conduct, nothing communicated during the mediation process - including any oral or written statement made by a party, attorney, or other participant, and any proposed settlement figure stated by the mediator or on behalf of any party - may be placed in evidence, made known to the trial court or jury, or construed for any purpose as an admission. No party may be bound by anything done or said during the mediation process except to enforce a settlement agreement or any other agreement achieved in that process.
- (4) In the event the mediator determines that no settlement is likely to result from the mediation session, the mediator must terminate the session and promptly send a report to the court that there has been compliance with the requirements of these paragraphs, but that no resolution has been reached. In the event that a settlement is achieved at the mediation session, the mediator must send a written report to the judge to whom the case is assigned stating that a settlement has been achieved. The parties are responsible for the circulation of any required notice of settlement.
- (5) Notwithstanding the above paragraph, the mediator must submit a written report to the court advising the court of the status of the mediation within sixty (60) days after the order of appointment of the mediator.
- (6) No one may have a recording or transcript made of the mediation session, including the mediator, unless otherwise agreed to by the parties.
- (7) The mediator cannot be called as a witness at trial.
- (j) *Neutral Evaluator.* Anytime after an action or proceeding has been filed, the action may be referred to a neutral evaluator to be selected with the approval of the parties.
- (k) *Relationship to Other Procedures.* Nothing in this rule modifies the provisions of Fed.R.Civ.P. 16 and 26, or L.B.R. 7016-1 or any order of court, nor does it preclude the use of any kind of mediation outside of the mediation process established by this rule or the use of any other means of alternative dispute resolution.

Rule 9019-3 *Mortgage Modification Mediation Program.*

- (a) *Program Description.* The Mortgage Modification Mediation Program (“MMM Program”) is available to any chapter 13 debtor seeking to modify a mortgage obligation with respect to his or her principal residence. In order to qualify for the MMM Program, debtor must meet the following criteria:

- (1) Debtor has regular, verifiable income and is the owner/occupant of a residential property used as debtor's primary residence.
 - (2) Debtor has a mortgage balance of less than \$729,750.00, and the mortgage payment is unaffordable due to financial hardship.
 - (3) Debtor will make monthly post-petition mortgage payments of seventy-five percent (75%) of debtor's current mortgage payment starting with the next monthly scheduled due date (plus any grace period, after the Motion to Participate is filed and granted). Debtor agrees that in the event debtor misses one of the modified mortgage payments, the lender and/or servicer for the mortgagee of record ("Mortgage Creditor") may file a motion for relief from the automatic stay and seek removal of debtor from the MMM Program.
 - (4) Debtor has filed complete bankruptcy schedules and must supply Mortgage Creditor with the last two (2) years' signed tax returns, last sixty (60) days' payment advices, and any other document Mortgage Creditor requests. Failure to supply the documents within thirty (30) days of admission to the MMM Program is grounds for dismissal from the MMM Program.
 - (5) If a mediator is used, debtor must pay a mediation fee of \$125.00 to the mediator. Mortgage Creditor must also pay \$125.00 to the mediator. Neither fee is refundable under any circumstances. Mediation is to be completed within sixty (60) days, unless otherwise extended consistent with the paragraphs contained herein.
- (b) *Application to the MMM Program.*
- (1) *Motion.* To seek admission to the MMM Program, debtor must file a Motion to Participate in the Mortgage Modification Mediation Program ("Motion to Participate"), together with the Notice of Filing of Motion to Participate in Mortgage Modification Mediation Program, L.B.F. 9019-3(a), and serve copies of same on Mortgage Creditor and any counsel of record. In the Motion to Participate, debtor must state whether he wishes to utilize the DMM Portal, or such other portal as may be designated by the court, (the "Portal") or to communicate directly with Mortgage Creditor and its counsel. Additional information related to the Portal is posted on the court's website at www.pamb.uscourts.gov and may be updated from time to time by the court.
 - (2) *Response.* Mortgage Creditor will have twenty-one (21) days to file a response to the Motion to Participate.
 - (A) *Acceptance.* If Mortgage Creditor agrees to participation, Mortgage Creditor will file a Consent to Participation in Mortgage Modification Mediation Program ("Creditor Consent Form"), L.B.F. 9019-3(b) and

the court will enter an Order Granting Entry in MMM Program. Prior to filing the Creditor Consent Form, the parties will confer as to whether they wish to utilize the Portal or to communicate directly with one another outside the Portal for the modification process. The Creditor Consent Form will reflect the decision of the parties. Should the Creditor Consent Form not contain a designation as to whether or not the Portal will be used, the preference stated by debtor in the Motion to Participate will govern. Should both the Motion to Participate and the Creditor Consent Form fail to include a designation as to the Portal, the parties will be deemed to have opted not to use the Portal.

- (B) *Objection.* If Mortgage Creditor objects to participation, a written response stating the basis for the objection must be filed with the court. Upon filed written objection, the Motion to Participate will be denied without prejudice to re-filing.
- (C) *Failure to Respond.* If Mortgage Creditor fails to file either the Creditor Consent Form or an objection to participation within twenty-one (21) days, Mortgage Creditor will be deemed to have waived any objection and the court may enter an Order Granting Entry in MMM Program (“Participation Order”) without further notice or hearing. The preference elected by debtor as to the Portal in the Motion to Participate will govern. Should the Motion to Participate fail to elect a preference, the parties will be deemed to have opted not to use the Portal.
- (D) *Re-filing the Motion to Participate.* A Motion to Participate may be re-filed after an objection by Mortgage Creditor, only with written concurrence of Mortgage Creditor unless the motion includes information demonstrating a material change in debtor’s circumstances that either renders Mortgage Creditor’s prior objection moot or otherwise rebuts the objection. If Mortgage Creditor files an objection to the refiled Motion to Participate, the court may set a hearing thereon or rule on the refiled Motion to Participate without a hearing.

(c) *Proceeding in the MMM Program Using Portal.*

- (1) Within fourteen (14) days of entry of a Participation Order, unless not previously registered, Mortgage Creditor must, register with the Portal and post on the Portal the required loss mitigation application to be completed by debtor.
- (2) Debtor must upload and submit a completed loss mitigation application on the Portal within thirty (30) days after Mortgage Creditor registers with the Portal.

If Mortgage Creditor is registered with the Portal at the time the Participation Order is entered, debtor will be required to upload and submit a completed loss mitigation application on the Portal within thirty (30) days after such Participation Order is entered. Failure to do so may result in debtor being removed from the MMM Program upon written motion of Mortgage Creditor.

- (3) Within fourteen (14) days after debtor's submission of the loss mitigation application, Mortgage Creditor must designate, via the Portal, a specific individual who is the single point of contact for the loss mitigation process. The designated representative will be responsible for all communications in the Portal with debtor. Mortgage Creditor must provide the designated representative's name, title, email address, and either a direct telephone number or direct extension. At the same time, Mortgage Creditor must acknowledge, via the Portal, receipt of debtor's loss mitigation application and advise debtor of any additional or missing information required for Mortgage Creditor to proceed with its review.
- (4) Debtor must promptly submit any and all additional or missing information required for Mortgage Creditor to proceed with its review, but in no event may the documents be submitted more than twenty-one (21) days after the date they are requested by Mortgage Creditor. Mortgage Creditor must continue reviewing the loss mitigation application in good faith while awaiting submission of additional or missing information.
- (5) Once the parties have opted to utilize the Portal, all material communications between debtor and Mortgage Creditor must be conducted exclusively through the Portal.
- (6) In the event that the loan being reviewed under the MMM Program becomes subject to a transfer or the service rights are scheduled to be assigned to a new servicer, then no less than fourteen (14) days prior to the scheduled transfer/assignment, Mortgage Creditor must file a Proposed Order Substituting MMM Servicer, L.B.F. 9019-3(c), and update the Portal to identify the successor creditor ("Substituted Creditor"). In addition to updating the Portal, Mortgage Creditor must forthwith provide Substituted Creditor with all loss mitigation notes, applications, and correspondence related to the pending loss mitigation review. Substituted Creditor is responsible for ensuring all such documents are received from Mortgage Creditor and must continue the loss mitigation review without requiring a new Motion to Participate or initial application from debtor. Within thirty (30) days of the service transfer, Substituted Creditor must designate a representative who is the single point of contact for the loss mitigation process on behalf of Substituted Creditor. The designated representative is responsible for all communications in the Portal with debtor. Substituted Creditor must provide the designated representative's name, title, email address, and either a direct telephone number or direct

extension. To the extent updated or additional documents are required by Substituted Creditor in order to complete the loss mitigation review, Substituted Creditor must request such information or documents contemporaneously with designating its single point of contact on the Portal.

(d) *Proceeding in the MMM Program Outside the Portal.*

- (1) Upon entry of a Participation Order, Mortgage Creditor must provide debtor with the required loss mitigation package and document checklist within fourteen (14) days. Documents that may be requested include, but are not limited to, IRS Form 4506-T, utility bills, bank statements, payment advices, and federal tax returns.
- (2) Within thirty (30) days of the entry of the Participation Order, debtor must provide the last two (2) years' signed tax returns, last sixty (60) days' payment advices, and any other document Mortgage Creditor requests. Failure to do so may result in debtor being removed from the MMM Program upon written motion of Mortgage Creditor.
- (3) Within fourteen (14) days after debtor's submission of the loss mitigation application, Mortgage Creditor must designate, via written notice to debtor and debtor's counsel, a specific individual who is the single point of contact for the loss mitigation process. The designated representative is responsible for all communications with debtor with respect to the loss mitigation review. Mortgage Creditor must provide the designated representative's name, title, email address, and either a direct telephone number or direct extension. At the same time, Mortgage Creditor must acknowledge receipt of debtor's loss mitigation application and advise debtor of any additional or missing information required for Mortgage Creditor to proceed with its review.
- (4) Debtor must promptly submit all additional or missing information required for Mortgage Creditor to proceed with its review, but in no event may the documents be submitted more than twenty-one (21) days after the date they are requested by Mortgage Creditor. Mortgage Creditor must continue reviewing the loss mitigation application in good faith while awaiting submission of additional or missing information.
- (5) In the event that the loan being reviewed under the MMM Program becomes subject to a transfer or the service rights are scheduled to be assigned to a new servicer, then no less than fourteen (14) days prior to the scheduled transfer/assignment, Mortgage Creditor must file a Proposed Order Substituting MMM Servicer, L.B.F. 9019-3(c), identifying the successor creditor ("Substituted Creditor"). Mortgage Creditor must forthwith provide Substituted Creditor with all loss mitigation notes, applications, and correspondence related to the pending loss mitigation review. Substituted

Creditor is responsible for ensuring all such documents are received from Mortgage Creditor and must continue the loss mitigation review without requiring a new Motion to Participate or initial application from debtor. Within thirty (30) days of the service transfer, Substituted Creditor must designate a representative who is the single point of contact for the loss mitigation process on behalf of Substituted Creditor and provide written notice thereof to debtor and debtor's counsel of record. The designated representative is responsible for all loss mitigation communications with debtor. Substituted Creditor must provide the designated representative's name, title, email address, and either a direct telephone number or direct extension. To the extent updated or additional documents are required by Substituted Creditor in order to complete the loss mitigation review, Substituted Creditor will request such information or documents contemporaneously with providing written notice of its single point of contact.

(e) *Request for Status Conference and/or Appointment of Mediator.*

- (1) Upon the motion of either party, the court may schedule a status conference concerning the loss mitigation process. Such motion must include the grounds for requesting said conference along with a description of the efforts made to resolve any differences prior to requesting the status conference. The motion must be served upon the other party and his counsel. The court may, on its own initiative, schedule a status conference.
- (2) At the time of the status conference, both parties must be prepared to provide the court with sufficient detail as to the status of the loss mitigation review so that the court can assess whether further two-party negotiations are likely to be productive and/or whether the appointment of a mediator may be beneficial to the parties.
- (3) After the status conference, if the court determines that the appointment of a mediator may be beneficial, the court will issue an order of referral to the mediator, all counsel, and any unrepresented party, directing the mediator to establish the date, place, and time of the mediation session. The order will include the address, telephone number, email address, and facsimile number of the mediator, counsel, and unrepresented parties. The date of the mediation session will be a date within thirty (30) days from the date of the order of referral.
- (4) The appointment is effective unless the mediator rejects the appointment within seven (7) days of the date of the order of referral.
- (5) Upon docketing of the order of referral to mediation, the clerk must transmit to the mediator a copy of the docket sheet that reflects all

filings to date. The mediator may specify those documents in the case that the mediator wishes to review for the mediation. Unless otherwise ordered by the court, the clerk will provide the mediator with electronic or paper copies of the requested documents.

- (6) Mediation must be completed within thirty (30) days, but the mediator may extend the time to complete the mediation for a period up to forty-five (45) days from the date of the order of referral. Any continuance of the session beyond forty-five (45) days must be approved by the court.
 - (7) Debtor must pay a mediation fee of \$125.00 to the appointed mediator. Mortgage Creditor (or, if applicable, Substituted Creditor) must also pay \$125.00 to the appointed mediator. Neither fee is refundable under any circumstances.
- (f) *The Mediation Process.*
- (1) Not later than seven (7) days before the scheduled mediation session, debtor and Mortgage Creditor (or, if applicable, Substituted Creditor) must each deliver or send by facsimile or email to the mediator and the opposing party a mediation conference memorandum no longer than two (2) pages, summarizing the status of the loss mitigation process.
 - (2) The memoranda required by this subdivision are solely for use in the mediation process and are not to be filed with the clerk.
- (g) *The Mediation Session.*
- (1) The mediation session must take place on the date and at the time set by the mediator. The mediation session must take place at a neutral setting as designated by the mediator that may include the mediator's office. A party must not contact or forward any document to the mediator unless the mediator requests the information or unless as otherwise provided under these rules.
 - (2) Debtor must appear in person at the mediation session with counsel, unless unrepresented. Counsel for Mortgage Creditor (or, if applicable, Substituted Creditor) who is primarily responsible for the case must appear in person. A representative of Mortgage Creditor (or, if applicable, Substituted Creditor) must be available by phone for the mediation session. The participants must be prepared to discuss:
 - (A) the status of the loss mitigation process; and

- (B) the position of the parties relative to settlement.
- (3) Unless otherwise provided in this rule, and as may be necessary to the reporting or processing of complaints about unlawful or unethical conduct, nothing communicated during the mediation process - including any oral or written statement made by a party, attorney, or other participant, and any proposed settlement figure stated by the mediator or on behalf of any party - may be placed in evidence, made known to the trial court or jury, or construed for any purpose as an admission. No party may be bound by anything done or said during the mediation process except to enforce a settlement agreement or any other agreement achieved in that process.
- (4) In the event the mediator determines that no settlement is likely to result from the mediation session, the mediator must terminate the session and promptly send a report to the court that there has been compliance with the requirements of L.B.R. 9019-3(g), but that no resolution has been reached. In the event that a settlement is achieved at the mediation session, the mediator must send a written report to the court stating that a settlement has been reached.
- (5) Notwithstanding the above paragraph, the mediator must submit a written report to the court describing the status of the mediation no later than thirty (30) days after the completion of the mediation session.
- (6) No one may have a recording or transcript made of the mediation session, including the mediator, unless otherwise agreed to by the parties.
- (7) The mediator cannot be called as a witness at trial.
- (h) *Compensation and Expenses of Mediators.* A mediator who accepts a case for mediation initially will receive a total of \$250.00 from the parties for up three (3) hours' of actual mediation services for time expended to prepare and conduct a mediation conference or conferences. After completion of three (3) hours' service, the mediator may either
- (1) continue to volunteer the mediator's time; or
- (2) give the mediation parties the option to agree to pay the mediator his prevailing hourly rate for bankruptcy services for the additional time spent on the mediation. The parties must each pay a pro rata share of the mediator's compensation, unless they agree among themselves to a different allocation. A motion to enforce a party's obligation to compensate a mediator is governed by F.R.B.P. 9014.

- (i) *Frequency of Service.* An individual certified as a mediator will not be called upon more than four (4) times in a twelve (12) month period to serve as a mediator under the MMM Program without the prior approval of the mediator.
- (j) *MMM Program Results.*
 - (1) If the MMM Program is successful, Mortgage Creditor (or, if applicable, Substituted Creditor) will file a motion to approve final modification with a copy of the modification agreement.
 - (2) When debtor's primary residence remains property of the estate, notice of the filing of the motion to approve final modification must be provided to creditors and parties in interest. Such notice must be provided by Mortgage Creditor (or, if applicable, Substituted Creditor). A passive notice, pursuant to L.B.R. 2002-1(a), is required allowing a twenty-one (21) day objection period. A certificate of mailing evidencing compliance with this notice provision must be filed within seven (7) days following the date of the notice.
 - (3) If the MMM Program is unsuccessful and no loan modification is agreed to by the parties, debtor must file an amended/modified chapter 13 plan within twenty-one (21) days to address the pre-petition mortgage arrears and any post-petition arrears that may have accrued as a result of the reduced monthly payments. If an amended/modified chapter 13 plan is not timely filed, Mortgage Creditor (or, if applicable, Substituted Creditor) may file a motion for relief from the automatic stay.
 - (4) If within one hundred and twenty (120) days from the entry of the Participation Order, neither a motion to approve loan modification nor an amended/modified chapter 13 plan to address Mortgage Creditor's lien has been filed, debtor must file and serve a Loss Mitigation Status Report with an attached printout of the current and complete account history from the Portal. If the parties opted not to use the Portal, the Loss Mitigation Status Report must include a history of the loss mitigation review process along with the outcome of same. Such Status Report is to be filed on the bankruptcy docket and, if applicable, in the Portal. The obligation to timely file a Loss Mitigation Status Report applies in all cases in the MMM Program unless the bankruptcy case has been dismissed or converted prior to the time for filing the Status Report, in which case no report is required. Upon the motion of any party, or on its own initiative, the court may set a hearing on the Status Report.

(k) *Relationship to Other Procedures.* Nothing in this rule modifies the provisions of F.R.C.P. 16 and 26, or L.B.R. 7016-1 or any order of court, nor does it preclude the use of any kind of mediation outside of the mediation process established by this rule or the use of any other means of alternative dispute resolution.

~~(a) *Program Description.* The Mortgage Modification Mediation Program (“MMM Program”) is available to any chapter 13 debtor seeking to modify a mortgage obligation with respect to his or her principal residence. In order to qualify for the MMM Program, the debtor must meet the following criteria:~~

~~(1) Debtor has regular, verifiable income and is the owner/occupant of a residential property used as debtor’s primary residence.~~

~~(2) Debtor has a mortgage balance of less than \$729,750.00, and the mortgage payment is unaffordable due to financial hardship.~~

~~(3) Debtor will make monthly post-petition mortgage payments of seventy-five percent (75%) of the debtor’s current mortgage payment starting with the next monthly scheduled due date (plus any grace period, after the Motion to Participate is filed and granted). Debtor agrees that in the event debtor misses one of the modified mortgage payments, the lender and/or servicer for the mortgagee of record (“mortgage creditor”) may file a motion for relief from the automatic stay and seek removal of the debtor from the MMM Program.~~

~~(4) Debtor has filed complete bankruptcy schedules and must supply mortgage creditor with the last two (2) years’ signed tax returns, last sixty (60) days’ payment advices, and any other document mortgage creditor requests. No mediation will be scheduled until all documents are provided. Failure to supply the documents within sixty (60) days of admission to the MMM Program is grounds for dismissal from the MMM Program.~~

~~(5) Debtor must pay a mediation fee of \$125.00 to the mediator. Mortgage creditor must also pay \$125.00 to the mediator. Neither fee is refundable under any circumstances and is unrecoverable. Mediation is to be completed within sixty (60) days, unless otherwise extended consistent with the paragraphs contained herein.~~

~~(b) *Application to the MMM Program.*~~

~~(1) *Motion.* To seek admission to the MMM Program, a debtor must file a Notice of Motion and Motion to Participate in the Mortgage Modification Mediation Program (“Motion to Participate”), L.B.F. 9019-3(a), and serve a copy of same on the mortgage creditor and any counsel of record.~~

- ~~(2) *Response.* Mortgage creditor will have twenty-one (21) days to file a response to the Motion to Participate. A response is required.~~
- ~~(A) *Acceptance.* If the mortgage creditor agrees to participation, mortgage creditor will file a Consent to Motion to Participate in Mortgage Modification Mediation Program (“Creditor Consent Form”), L.B.F. 9019-3(b).~~
- ~~(B) *Objection.* If the mortgage creditor objects to participation, a written response stating the basis for the objection must be filed with the court. Upon written objection, the Motion to Participate will be denied without prejudice to re-filing.~~
- ~~(C) *Failure to Respond.* If the mortgage creditor fails to file the Creditor Consent Form or an objection to participation within twenty-one (21) days, the Motion to Participate will be dismissed without prejudice to re-filing the mortgage creditor will be deemed to have waived any objection and the court may enter an order granting the Motion to Participate.~~
- ~~(D) *Re-Filing the Motion to Participate.* A Motion to Participate may only be re-filed after an objection by the mortgage creditor, if filed with written concurrence of the mortgage creditor.~~
- ~~(c) *Proceeding in the MMM Program.*~~
- ~~(1) After the filing of the Creditor Consent Form, an order admitting the debtor into the MMM Program will be entered by the court. Upon entry of an order admitting the debtor into the MMM Program, L.B.F. 9019-3(c), the mortgage creditor must provide the debtor with the required loss mitigation package and document checklist within twenty-one (21) days. Documents that may be requested include, but are not limited to, IRS Form 4506-T, utility bills, bank statements, payment advices, and federal tax returns.~~
- ~~(2) Within sixty (60) days of the order admitting the debtor into the MMM Program, the debtor must provide the last two (2) years’ signed tax returns, last sixty (60) days’ payment advices, and any other document mortgage creditor requests. Failure to do so may result in the debtor being removed from the MMM Program upon written request of the mortgage creditor. Debtor must file L.B.F. 9019-3(d), Debtor’s Certification of Readiness for Mediation, (“Debtor’s Certification”) as soon as the above documentation has been provided to the mortgage creditor.~~
- ~~(3) Upon filing of the Debtor’s Certification, the court will issue an order of referral to the mediator, all counsel, and any unrepresented party directing the~~

~~mediator to establish the date, place, and time of the mediation session. The order will include the address, telephone number, email address, and facsimile number of the mediator, counsel, and unrepresented parties. The date of the mediation session will be a date within sixty (60) days from the date of the order of referral.~~

~~(4) The appointment is effective unless the mediator rejects the appointment within seven (7) days of the date of the order of referral.~~

~~(5) Upon docketing of the order of referral to mediation, the clerk must transmit to the mediator a copy of the docket sheet that reflects all filings to date. The mediator may identify to the clerk those filed documents which the mediator wishes to review for the mediation. Unless otherwise ordered by the court, the clerk will provide the mediator with electronic or paper copies of the requested documents.~~

~~(6) A mediator may change the date and time for the mediation session if the session takes place within seventy-five (75) days of the date of the order of referral. Any continuance of the session beyond seventy-five (75) days must be approved by the court.~~

~~(d) *The Mediation Process.*~~

~~(1) Not later than seven (7) days before the conference, the mortgage creditor must deliver or send by facsimile or email to the mediator and debtor and/or debtor's counsel, a mediation conference memorandum no longer than two (2) pages, summarizing the status of the loss mitigation process.~~

~~(2) Not later than seven (7) days before the conference, the debtor may deliver or send by facsimile or e-mail to the mediator and the mortgage creditor, a mediation conference memorandum no longer than two (2) pages, summarizing his or her position with respect to the loss mitigation process.~~

~~(3) The memoranda required by this subdivision are solely for use in the mediation process and are not to be filed with the clerk.~~

~~(e) *The Mediation Session.*~~

~~(1) The mediation session must take place on the date and at the time set forth by the mediator. The mediation session must take place at a neutral setting as designated by the mediator that may include the mediator's office. A party must not contact or forward any document to the mediator unless the mediator requests the information or unless as otherwise provided under these rules.~~

- ~~(2) Counsel primarily responsible for the case and any unrepresented party must attend the mediation session. Debtor will appear in person at the mediation session. Counsel for the mortgage creditor will appear in person and a representative of the mortgage creditor will be available by phone for the mediation session. The participants must be prepared to discuss:~~
- ~~(A) the status of the loss mitigation process; and~~
- ~~(B) the position of the parties relative to settlement.~~
- ~~(3) Unless otherwise provided in this rule, and as may be necessary to the reporting or processing of complaints about unlawful or unethical conduct, nothing communicated during the mediation process - including any oral or written statement made by a party, attorney, or other participant, and any proposed settlement figure stated by the mediator or on behalf of any party - may be placed in evidence, made known to the trial court or jury, or construed for any purpose as an admission. No party may be bound by anything done or said during the mediation process except to enforce a settlement agreement or any other agreement achieved in that process.~~
- ~~(4) In the event the mediator determines that no settlement is likely to result from the mediation session, the mediator must terminate the session and promptly send a report to the court that there has been compliance with the requirements of L.B. R. 9019-3(e), but that no resolution has been reached. In the event that a settlement is achieved at the mediation session, the mediator must send a written report to the judge to whom the case is assigned stating that a settlement has been achieved.~~
- ~~(5) Notwithstanding the above paragraph, the mediator must submit a written report to the court advising the court of the status of the mediation no more than thirty (30) days after the completion of the mediation session.~~
- ~~(6) No one may have a recording or transcript made of the mediation session, including the mediator, unless otherwise agreed to by the parties.~~
- ~~(7) The mediator cannot be called as a witness at trial.~~
- ~~(f) *Compensation and Expenses of Mediators.* A mediator who accepts a case for mediation initially will receive a total of \$250.00 from the parties for up three (3) hours of actual mediation services for time expended to prepare and conduct a mediation conference or conferences. After completion of three (3) hours of service, the mediator may either:~~
- ~~(1) continue to volunteer the mediator's time; or~~

- ~~(2) give the mediation parties the option to agree to pay the mediator his prevailing hourly rate for bankruptcy services for the additional time spent on the mediation. The parties must each pay a *pro rata* share of the mediator's compensation, unless they agree among themselves to a different allocation. A motion to enforce a party's obligation to compensate a mediator is governed by F.R.B.P. 9014.~~
- ~~(g) *Frequency of Service.* An individual certified as a mediator will not be called upon more than four (4) times in a twelve (12) month period to serve as a mediator under this MMM Program without the prior approval of the mediator.~~
- ~~(h) *MMM Program Results.*~~
- ~~(1) If the MMM Program is successful, the mortgage creditor will file a motion to approve final modification which includes a copy of the modification agreement.~~
- ~~(2) In the event there is either no confirmed plan or, the confirmed plan does not provide for the vesting of property in the debtor upon confirmation, the debtor's primary residence remains property of the estate. When a debtor's primary residence remains property of the estate, notice of the filing of the motion to approve final modification must be provided to creditors and parties in interest. Such notice must be provided by either the mortgage creditor or the debtor. A passive notice, pursuant to L.B.R. 2002-1(a), is required allowing a twenty-one (21) day objection period. A certificate of mailing evidencing compliance with this notice provision must be filed within seven (7) days following the date of the notice.~~
- ~~(3) If the MMM Program is unsuccessful, the debtor will file an amended chapter 13 plan within twenty-one (21) days to address the pre-petition mortgage arrears and any post-petition arrears that may have accrued as a result of the reduced monthly payments. If an amended chapter 13 plan is not filed, the mortgage creditor may file a motion for relief from the automatic stay.~~
- ~~(i) *Relationship to Other Procedures.* Nothing in this rule modifies the provisions of Fed.R.Civ.P. 16 and 26, or L.B.R. 7016-1 or any order of court, nor does it preclude the use of any kind of mediation outside of the mediation process established by this rule or the use of any other means of alternative dispute resolution.~~

Rule 9023-1 *Motions for Reconsideration.* A motion for reconsideration must be filed within fourteen (14) days after the entry of the judgment, order, or decree concerned.

Rule 9023-2 *Post-Trial Motions.*

- (a) *Post-Trial Motions to be Written.* All motions after trial must be written and must contain a certification by counsel for the movant that he or she has sought concurrence in the motion from each party and that it has been either given or denied. In accordance with the procedures set forth in the Miscellaneous Order 5:05-mp-50007 and the Administrative Procedures available on the court's website (www.pamb.uscourts.gov), every motion must be accompanied by a proposed order. (See L.B.R. 9013-1(b)).
- (b) *Documents Supporting Post-Trial Motions.* When allegations of fact not of record are relied upon in support of a motion, all pertinent affidavits, transcripts of depositions, and other documents must accompany the motion whenever practicable. In any event, such supporting documents must be filed within fourteen (14) days after the motion has been filed, unless otherwise ordered by the court. Affidavits in support of a motion for new trial must be served with the motion as required by Fed.R.Civ.P. 59(c).
- (c) *Grounds.* Post-trial motions must state with particularity any trial errors alleged as grounds for relief.
- (d) *Post-Trial Brief of Moving Party.* The brief of the moving party must be filed within fourteen (14) days after the filing of the motion, unless, upon motion and for good cause shown, the court directs otherwise. If a supporting legal brief is not filed within the time provided, the motion may be deemed to be withdrawn.
- (e) *Post-Trial Brief of Respondent.* The brief of the respondent must be filed within fourteen (14) days after service of the brief of the moving party, unless, upon motion and for good cause shown, the court directs otherwise. If a responsive legal brief is not filed within the time provided herein, the respondent may be deemed not to oppose such motion.
- (f) *After-Discovered Evidence.* A motion for a new trial on the ground of after-discovered evidence must, in addition to all other requirements, be accompanied by the affidavits of the witnesses relied upon, stating the substance of their testimony and the reasons why it could not have been introduced at trial.
- (g) *Disposal of Post-Trial Motions.* Notwithstanding the deadlines set forth in this rule, the court may summarily dispose of post-trial motions at any time during their pendency.

Rule 9024-1 *Relief from Judgment or Order.* A motion filed under F.R.B.P. 9024 is governed by the provisions of L.B.R. 9023-1.

Rule 9029-1 *Attorney Advisory Committee.* The court will appoint a committee of attorneys who regularly practice in the Bankruptcy Court for the Middle District of Pennsylvania to advise the court on issues identified by the court and by the members of the bar.

- (a) *Membership.* The committee consists of the three (3) judges of the court, the Assistant United States trustee for the District, or his or her designee, the chapter 13 trustee, or his or her designee, the President of the Middle District Bankruptcy Bar Association, or his or her designee, the Chair of the Middle District Bankruptcy Bar Association Rules Committee, and eight (8) attorneys who are engaged in bankruptcy practice in the District and who represent the diverse interests of the District. The bankruptcy attorney members of the committee will be appointed by the Chief Judge after consultation with the other judges of the court and the President of the Middle District Bankruptcy Bar Association. The names of the committee members will be posted on the court's website (www.pamb.uscourts.gov). The clerk, or his or her designee, will serve as the secretary of the committee, and may invite staff to attend the meetings in order to facilitate the discussion of agenda items.
- (b) *Term of Office.* Each bankruptcy attorney member of the committee will serve a three (3) year term, beginning January 1 of each year. In the event of a vacancy on the committee, the Chief Judge will select a bankruptcy attorney to fill the vacancy for the remainder of the term.
- (c) *Meetings.* The committee will meet quarterly or as otherwise determined by the Chief Judge. All minutes of the committee meetings will be posted on the court's website (www.pamb.uscourts.gov).
- (d) *Duties.* The committee will advise the court on matters of court administration and serve as a liaison between the bankruptcy bar and the court on administrative matters. The committee, or designated subcommittees thereof, will make any studies and render any reports and recommendations requested by the court. The committee, or designated subcommittees thereof, will recommend amendments to the Local Bankruptcy Rules and Forms.

Rule 9037-1 *Redaction of Personal Identifiers in Filings Made with the Court.*

- (a) *Personal Identifiers.* As used in this rule, the term "Personal Identifiers" includes:
 - (1) A social security number, taxpayer-identification number, or financial-account number showing more than the last four (4) digits;
 - (2) An individual's birth date showing more than the year; and
 - (3) The name of an individual, other than the debtor, known to be and identified as a minor.
- (b) *Redacted Documents.* Any attorney, party, or other person filing documents with the court shall ensure that Personal Identifiers are redacted in accordance with F.R.B.P. 9037.

- (c) *Responsibility for Redaction.* The clerk is not responsible for reviewing documents filed to ensure compliance with F.R.B.P. 9037. Unless the court orders otherwise, the clerk is not required to redact any pleadings or documents filed in violation of F.R.B.P. 9037.
- (d) *Request to Redact.* Any party in interest or person whose Personal Identifiers are contained in a document filed with the court may file a request to redact. A redaction request may be made using the court's Application Requesting Redaction of Personal Information form (L.B.F. 9037-1). The request must include the applicable redaction fee, unless the court has granted a waiver of the fee. A person making a redaction request must serve the request on the debtor, any individual whose Personal Identifiers have been exposed, the case trustee (if any), and the United States trustee. A certificate of service conforming to L.B.R. 9013-2 demonstrating service on the above-referenced parties must be filed within five (5) days of filing the request. If the request is approved, the clerk will promptly restrict the original documents from public view and make a notation on the docket that the original has been restricted from public view. Unless the court orders otherwise, the requesting party must then file the redacted document within ten (10) days of the court's approval.

Rule 9070-1 *Exhibits.*

- (a) *Paper Exhibits.* Whenever the number of exhibits in any case to be presented at hearing or trial by either party exceeds fifteen (15), the party intending to offer such exhibits must tab, number, and index them in a binder. A complete copy of the exhibits must be provided to all parties at least seven (7) days prior to the trial or hearing, and to the court at the time of trial or hearing, unless otherwise ordered by the court. This requirement applies only to exhibits used in a party's case in chief and not to exhibits used for purposes of impeachment or rebuttal. Failure to timely exchange proposed exhibits in accordance with this rule may result in the court barring the admissions of any unexchanged exhibits.
- (b) *Electronic Exhibits.* A party who wishes to electronically display exhibits must contact the assigned judge's courtroom deputy at least seven (7) days before the trial or hearing to coordinate with the court's automation department to allow for such electronic display. Any party using electronically displayed exhibits must, at the time of trial or hearing, provide the court with three (3) copies of the exhibits on digital storage devices, such as USB flash drives.

Rule 9070-2 *Exhibits After Final Judgment.* Fourteen (14) days after entry of final, non-appealable judgment, each party is responsible for retrieving any exhibits, models, diagrams, or other physical evidence introduced at trial or hearing. If exhibits are not retrieved within the required time period, the clerk may dispose of the items without notice.

Rule 9071-1 *Stipulations.* Any proposed order requesting approval of a stipulation must be submitted as a separate document.

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA**



LOCAL BANKRUPTCY FORMS

Effective: January 1, 2005

(Modified: ~~September 1, 2014~~ June 1, 2016)

LOCAL BANKRUPTCY FORM 3002.1-1

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

In re: _____ CHAPTER 13
CASE NO. ____-____-bk-_____

STATEMENT IN RESPONSE TO NOTICE OF FINAL CURE PAYMENT

Part 1: Pre-Petition Arrears

Creditor agrees or does not agree that the debtor(s) has paid in full the amount required to cure the pre-petition default to be paid through the Chapter 13 Plan.

_____ If creditor disagrees:

_____ Amount due to cure pre-petition arrears: \$ _____

_____ Attach an itemized account of any required pre-petition amounts that the secured creditor contends remain unpaid as of the date of the *Notice of Final Cure Payment*.

Part 2: Post-Petition Arrears

Outside the plan: Creditor agrees or does not agree that the debtor(s) has paid all post-petition amounts due to be paid outside the Chapter 13 Plan directly to the secured creditor.

_____ If the creditor disagrees:

_____ Amount due to cure post-petition arrears due outside the plan: \$ _____

_____ Attach an itemized account of any required post-petition amounts that the secured creditor contends remain unpaid as of the date of the *Notice of Final Cure Payment*.

Inside the plan: Creditor agrees or does not agree that the debtor(s) has paid all post-petition amounts due to be paid through the Chapter 13 Plan.

_____ If the creditor disagrees:

_____ Amount due to cure post-petition arrears due inside the plan: \$ _____

_____ Attach an itemized account of any required post-petition amounts that the secured creditor contends remain unpaid as of the date of the *Notice of Final Cure Payment*.

Part 3: Sign Here

The person completing this Statement must sign it. Please print your name and other identifying information.

Check the appropriate box:

- I am the creditor. I am the creditor's authorized agent.
(Attach a copy of power of attorney, if any.)

I certify under penalty of perjury that the foregoing is true and correct.

Signature Date: _____

Print: _____
Name Title

Company

Address

Phone Email

Part 4: Service

Statement in Response to Notice of Final Cure Payment mailed to:

Debtor(s) (address): _____

Debtor(s) Counsel:

- Via CM/ECF
 Via email (email address): _____
 Via US Mail (address): _____

Trustee:

- Via CM/ECF

LOCAL BANKRUPTCY FORM 3007-1

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

	:	CHAPTER ____
	:	
	:	
	:	CASE NO. ____-____-bk-_____
	:	
Debtor(s)	:	
	:	
	:	
	:	
v. Objector	:	
	:	
	:	
	:	
Claimant	:	

TO: _____ (“Claimant”)

NOTICE OF OBJECTION TO CLAIM AND HEARING DATE

_____ has filed an objection to the proof of claim you filed in this bankruptcy case.

Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to eliminate or change your claim, you or your lawyer must attend the hearing on the objection, scheduled to be held:

United States Bankruptcy Court (Address of Court) (Address of Court) (Address of Court)	Date: _____ Time: _____
--	--------------------------------

If you or your attorney do not attend the hearing on the objection, the court may decide that you do not oppose the objection to your claim.

Attorney for Objector

(Address)

(Phone)

(Facsimile)

(Email)

(Attorney ID No.)

Date of Notice: _____

LOCAL BANKRUPTCY FORM 3015-1

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

Debtor(s) : **CHAPTER 13**
: **CASE NO. ___-___-bk-_____**
:
: **CHAPTER 13 PLAN**
:
: **(Indicate if applicable)**
: **() # MOTIONS TO AVOID LIENS**
: **() # MOTIONS TO VALUE COLLATERAL**
:
: **() ORIGINAL PLAN**
: **() AMENDED PLAN**
: **(Indicate 1ST, 2ND, 3RD, etc.)**

YOUR RIGHTS WILL BE AFFECTED

READ THIS PLAN CAREFULLY. If you oppose any provision of this plan you must file a timely written objection. This plan may be confirmed and become binding on you without further notice or hearing unless a written objection is filed before the deadline stated on the Notice issued in connection with the filing of the plan

PLAN PROVISIONS

DISCHARGE: (Check one)

- The debtor will seek a discharge of debts pursuant to Section 1328(a).
- The debtor is not eligible for a discharge of debts because the debtor has previously received a discharge described in Section 1328(f).

NOTICE OF SPECIAL PROVISIONS: (Check if applicable)

- This plan contains special provisions that are not included in the standard plan as approved by the U.S. Bankruptcy Court for the Middle District of Pennsylvania. Those provisions are set out in Section 8 of this plan. Other than to insert text into the designated spaces or to expand the tables to include additional claims, the preprinted language of this form may not be altered. This does not mean that the Debtor is prohibited from proposing additional or different plan provisions in Section 8. The Debtor may propose additional or different plan provisions or specify that any of the provisions will not be applicable, provided however, that each such provision or deletion shall be set forth herein in Section 8.

1. PLAN FUNDING AND LENGTH OF PLAN

A. Plan Payments

1. To date, the Debtor(s) has paid \$ _____ (enter \$0 if no payments have been made to the Trustee to date). Debtor(s) shall pay to the Trustee for the remaining term of the plan the following payments. If applicable, in addition to monthly plan payments, Debtor(s) shall make conduit payments through the Trustee as set forth below. The total base plan is \$ _____, plus other payments and property stated in Section 1B below:

Start mm/yy	End mm/yy	Plan Payment	Estimated Conduit Payment	Total Payment
----------------	--------------	--------------	------------------------------	---------------

_____ \$

2. If the plan provides for conduit mortgage payments, and the mortgagee notifies the Trustee that a different payment is due, the Trustee shall notify the Debtor and the attorney for the Debtor, in writing, to adjust the conduit payments and the plan funding accordingly. Debtor(s) is responsible for all post-petition mortgage payments due prior to the initiation of conduit mortgage payments.
3. Debtor(s) shall take appropriate action to ensure that all applicable wage attachments are adjusted to conform to the terms of the plan.
4. CHECK ONE: () Debtor(s) is at or under median income
 () Debtor(s) is over median income. Debtor(s) calculates that a minimum of \$ _____ must be paid to unsecured, non-priority creditors in order to comply with the Means Test.

B. Liquidation of Assets

1. In addition to the above specified plan payments, Debtor(s) shall dedicate to the plan proceeds in the estimated amount of \$ _____ from the sale of property known and designated as _____ . All sales shall be completed by _____.

_____, 20____. If the property does not sell by the date specified, then the disposition of the property shall be as follows:

2. Other payments from any source(s) (describe specifically) shall be paid to the Trustee as follows: _____
3. The Debtor estimates that the liquidation value of this estate is \$_____. (Liquidation value is calculated as the value of all non-exempt assets after the deduction of valid liens and encumbrances and before the deduction of Trustee fees and priority claims.)

2. SECURED CLAIMS

A. Pre-Confirmation Distributions. Adequate protection and conduit payments in the following amounts will be paid by the Debtor to the Trustee. The Trustee will disburse these payments for which a proof of claim has been filed as soon as practicable after receipt of said payments from the Debtor.

Name of Creditor	Address	Account #	Estimated Monthly Payment
			\$
			\$

The Trustee will not make a partial payment. If the Debtor makes a partial plan payment, or if it is not paid on time and the Trustee is unable to pay timely a payment due on a claim in this section, the Debtor's cure of this default must include any applicable late charges.

Upon receipt, Debtor shall mail to the Trustee all notices from mortgagees including statements, payment coupons, impound and escrow notices, and notices concerning changes of the interest rate on variable interest rate loans. If any such notice informs the Debtor that the amount of the payment has increased or decreased, the change in the plan payment to the Trustee will not require modification of this plan.

B. Mortgages and Other Direct Payments by Debtor. Payments will be made outside the plan according to the original contract terms, with no modification of contract terms, unless otherwise agreed to by the contracting parties, and with liens retained. All mortgage and other lien claim balances survive the plan if not avoided or paid in full under the plan.

Name of Creditor	Description of Collateral	Contractual Monthly Payment	Principal Balance of Claim
		\$	\$
		\$	\$
		\$	\$
		\$	\$

C. Arrears. The Trustee shall distribute the amount of pre-petition arrearages set forth in the allowed proof of claim to each secured creditor set forth below. If the Debtor or the Trustee objects to a proof of claim and the objection is sustained, or if the plan provides for payment of amounts greater than the allowed proof of claim, the creditor's claim will be paid in the amount allowed by the court.

Name of Creditor	Description of Collateral	Estimated Pre-petition Arrears to be Cured	Estimated Post-petition Arrears to be Cured	Estimated Total to be paid in plan
		\$	\$	\$
		\$	\$	\$
		\$	\$	\$
		\$	\$	\$

D. Secured Claims Paid According to Modified Terms. These amounts will be paid in the plan according to modified terms, and liens retained until entry of discharge. The excess of the creditor's claim will be treated as an unsecured claim. Any claim listed as "NO VALUE" in the "Modified Principal Balance" column below will be treated as an unsecured claim. THE LIENS WILL BE AVOIDED OR LIMITED THROUGH THE PLAN OR DEBTOR(S) WILL FILE AN ADVERSARY ACTION TO DETERMINE THE EXTENT, VALIDITY, AND PRIORITY OF THE LIEN (Select method in last column):

Name of Creditor	Description of Collateral	Modified Principal Balance	Interest Rate	Total Payment	Plan* or Adversary Action
		\$	%	\$	
		\$	%	\$	
		\$	%	\$	

*** "PLAN" INDICATES THAT THE DEBTOR(S) PROPOSES TO AVOID OR LIMIT THE LIEN OF THE CREDITOR IN THIS PLAN. CONFIRMATION OF THE PLAN SHALL CONSTITUTE A FINDING OF VALUATION PURSUANT TO SECTION 506(a). NO ADVERSARY COMPLAINT OR MOTION WILL BE FILED AND THE LIEN WILL BE AVOIDED BY A CONFIRMATION ORDER UPON DISCHARGE. IF THE CREDITOR WISHES TO CONTEST THE AVOIDANCE OF THE LIEN, THE CREDITOR MUST FILE AN OBJECTION TO THIS PLAN. OTHERWISE CONFIRMATION OF THE PLAN WILL AVOID THE LIEN UPON DISCHARGE.**

E. Other Secured Claims. (Including conduit payments)

Name of Creditor	Description of Collateral	Principal balance of Claim	Interest Rate	Total to be paid in plan
		\$	%	\$
		\$	%	\$
		\$	%	\$

F. Surrender of Collateral. Debtor(s) surrenders the following assets to secured creditors. Upon confirmation of the plan, bankruptcy stays are lifted as to the collateral to be surrendered. This provision does not prejudice a creditor's right to move to lift the stay prior to confirmation.

Name of Creditor	Description of Collateral to be Surrendered
------------------	---

- G. Lien Avoidance. The Debtor moves to avoid the following judicial and/or nonpossessory, non-purchase money liens of the following creditors pursuant to Section 522(f) (this section should not be used for statutory or consensual liens such as mortgages):

Name of Creditor

Description of Collateral

THE DEBTOR(S) PROPOSES TO AVOID THE JUDICIAL LIEN OF THE CREDITOR(S) IN THIS PLAN. CONFIRMATION OF THE PLAN SHALL CONSTITUTE A FINDING OF VALUATION AND ALLOWANCE OF EXEMPTIONS PURSUANT TO § 522(f). NO ADVERSARY COMPLAINT OR MOTION WILL BE FILED AND THE JUDICIAL LIEN WILL BE AVOIDED BY A CONFIRMATION ORDER UPON DISCHARGE. IF THE CREDITOR(S) WISHES TO CONTEST THE AVOIDANCE OF THE LIEN, THE CREDITOR(S) MUST FILE A TIMELY OBJECTION TO THIS PLAN. OTHERWISE, CONFIRMATION OF THE PLAN WILL AVOID THE LIEN UPON DISCHARGE.

- H. Optional provisions regarding duties of certain mortgage holders and servicers. Property of the estate vests upon closing of the case, and Debtor elects to include the following provisions. (Check if applicable)
- () Confirmation of the plan shall impose an affirmative duty on the holders and/or servicers of any claims secured by liens, mortgages and/or deeds of trust on the principal residence of the Debtor to do the following:
- (1) Apply the payments received from the Trustee on the pre-petition arrearage, if any, only to such arrearage. If the plan provides for an allowed payment of post-petition arrearages as set forth in Section 2C, apply those payments to only the post-petition arrearages.
 - (2) Deem the pre-petition arrearage as contractually current upon confirmation of the plan for the sole purpose of precluding the imposition of late payment charges or other default-related fees and services based solely on the pre-petition default or defaults.
 - (3) Apply the post-petition monthly mortgage payments made by the Debtor to the post-petition mortgage obligations as provided for by the terms of the underlying mortgage note. Late charges may be assessed on post-petition payments as provided by the terms of the mortgage and note.

3. PRIORITY CLAIMS

- A. Allowed unsecured claims entitled to priority under section 1322(a) will be paid in full unless modified under Section 8:

Name of Creditor	Estimated Total Payment
------------------	-------------------------

\$
\$
\$

B. Administrative Claims:

(1) Trustee fees. Percentage fees payable to the Trustee will be paid at the rate fixed by the United States Trustee, not to exceed 10%.

(2) Attorney fees. Check only one box:

- In addition to the retainer of \$_____ already paid by the Debtor, the amount of \$_____ in the plan. This represents the unpaid balance of the presumptively reasonable fee specified in L.B.R. 2016-2: (c); or
- \$_____ per hour, to be adjusted in accordance with the terms of the written fee agreement between the Debtor and the attorney. Payment of such lodestar compensation shall require a separate fee application with the requested amount of compensation approved by the Court pursuant to L.B.R. 2016-2(b).

(3) Other administrative claims.

Name of Creditor	Estimated Total Payment
------------------	-------------------------

\$
\$
\$

4. UNSECURED CLAIMS

A. Claims of Unsecured Nonpriority Creditors Specially Classified. Includes unsecured claims, such as co-signed unsecured debts, that will be paid in full even though all other unsecured claims may not be paid in full.

Name of Creditor	Reason for Special Classification	Amount of Claim	Interest Rate	Total Payment
		\$	%	\$
		\$	%	\$

B. All remaining allowed unsecured claims shall receive a pro-rata distribution of any funds remaining after payment of the other classes.

5. **EXECUTORY CONTRACTS AND UNEXPIRED LEASES.** The following executory contracts and unexpired leases are assumed (and pre-petition arrears to be cured in the plan) or rejected (so indicate):

Name of Creditor	Description of Collateral	Monthly Payment	Interest Rate	Pre-petition Arrears	Total Payment	Assume/Reject
		\$	%	\$	\$	
		\$	%	\$	\$	

6. **REVESTING OF PROPERTY: (Check One)**

() Property of the estate will vest in the Debtor upon confirmation. (Not to be used with Section 2H)

() Property of the estate will vest in the Debtor upon closing of the case.

7. **STUDENT LOAN PROVISIONS**

A. Student loan provisions. This plan does not seek to discharge student loan(s) except as follows:

(NOTE: If you are not seeking to discharge a student loan(s), do not complete this section.)

Name of Creditor	Monthly Payment	Interest Rate	Pre-petition Arrears	Total Payment
	\$	%	\$	\$
	\$	%	\$	\$

8. **OTHER PLAN PROVISIONS**

A. Include the additional provisions below or on an attachment. **(NOTE: The plan and any attachment must be filed as one document, not as a plan and exhibit.)**

9. ORDER OF DISTRIBUTION:

Payments from the plan will be made by the Trustee in the following order:

- Level 1: _____
- Level 2: _____
- Level 3: _____
- Level 4: _____
- Level 5: _____
- Level 6: _____
- Level 7: _____
- Level 8: _____

If the above Levels are not filled-in, then the order of distribution of plan payments will be determined by the Trustee using the following as a guide:

- Level 1: Adequate protection payments.
- Level 2: Debtor's attorney's fees.
- Level 3: Domestic Support Obligations.
- Level 4: Priority claims, pro rata.
- Level 5: Secured claims, pro rata.
- Level 6: Specially classified unsecured claims.
- Level 7: General unsecured claims.
- Level 8: Untimely filed unsecured claims to which the Debtor has not objected.

GENERAL PRINCIPLES APPLICABLE TO ALL PLANS

All pre-petition arrears and cramdowns shall be paid to the Trustee and disbursed to creditors through the plan.

If a pre-petition creditor files a secured, priority or specially classified claim after the bar date, the Trustee will treat the claim as allowed, subject to objection by the Debtor. Claims filed after the bar date that are not properly served on the Trustee will not be paid. The Debtor is responsible for reviewing claims and filing objections, if appropriate.

Dated: _____

Attorney for Debtor

Debtor

Joint Debtor

LOCAL BANKRUPTCY FORM 9019-3(a)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

: CHAPTER 13

:

:

: CASE NO. - -bk-

:

:

Debtor(s)

:

**MOTION TO PARTICIPATE IN
MORTGAGE MODIFICATION MEDIATION PROGRAM**

The undersigned debtor [and joint debtor if applicable] (the "Debtor") moves as follows:

1. Debtor seeks to participate in the Mortgage Modification Mediation Program ("MMM Program") pursuant to L.B.R. 9019-3.
2. Debtor states the following preference for the MMM Program loss mitigation review process (check only ONE box):
 - Debtor wishes to utilize the DMM Portal, or such other portal as may be designated by the Court, (the "Portal") for the modification process and hereby requests the concurrence of the Mortgage Creditor for use of the Portal.
 - Debtor wishes to communicate directly with the Mortgage Creditor and its counsel during the modification process and will not utilize the Portal. Debtor hereby requests the concurrence of the Mortgage Creditor to opt out of the Portal.
3. By filing this Motion, Debtor certifies as follows:
 - a. Debtor is the owner/occupant of a one- to four-unit residential property used as the Debtor's primary residence.
 - b. Debtor has regular income.
 - c. Debtor has an unpaid principal mortgage balance that is equal to or less than \$729,750.00 (for a one-unit property).
 - d. Debtor has a mortgage payment that is not affordable due to a financial hardship that can be documented.

4. Debtor agrees to make post-petition mortgage payments to Mortgage Creditor of seventy-five percent (75%) of Debtor's current mortgage payment ("Modified Mortgage Payment").
5. The first Modified Mortgage Payment will be due and must be received by Mortgage Creditor no later than the next monthly scheduled mortgage due date (plus any grace period) after the filing of this Motion. The only exception to this requirement is if Debtor does not know the identity of Mortgage Creditor at the time the payment is due; in that event Debtor will make the Modified Mortgage Payment to Debtor's attorney to be held in trust until Mortgage Creditor is identified.
6. Debtor will continue to make the Modified Mortgage Payments to Mortgage Creditor each month until the MMM Program is concluded or a court order expressly states otherwise.
7. Debtor has filed his or her Schedules and Statement of Financial Affairs which may be relied upon by Mortgage Creditor in evaluating Debtor's mortgage loan for modification.
8. Debtor will submit a completed loss mitigation application to Mortgage Creditor as provided in L.B.R. 9019-3 within thirty (30) days of the entry of an order granting this Motion. Failure to timely submit a completed loss mitigation application may result in Debtor being removed from the MMM Program upon written motion of Mortgage Creditor.
9. By filing this Motion, Debtor understands and consents to a modification of the automatic stay imposed by § 362(a) of the Bankruptcy Code as follows:
 - a. The automatic stay is immediately modified to permit Mortgage Creditor to request information, evaluate and analyze Debtor's financial situation, and to fully participate in the mortgage modification process and negotiate loan modification terms.
 - b. In the event Debtor misses a Modified Mortgage Payment, Mortgage Creditor may file a motion for relief from the automatic stay and seek removal of Debtor from the MMM Program.
 - c. If a request for loan modification is denied, Debtor must file an amended/modified plan within twenty-one (21) days of receiving notice of the denial. The amended/modified plan must address the treatment of the pre-petition mortgage arrears and any post-petition arrears that may have accrued. If an amended/modified Chapter 13 Plan is not timely filed, Mortgage Creditor may file a motion for relief from the automatic stay. A rejection of an offered loan modification by Debtor shall be treated as a denial for the purposes of this paragraph.

10. If a loan modification is agreed upon, Debtor will cooperate in promptly formalizing any needed legal documents and seeking any necessary court approval for the mortgage modification.
11. If within one hundred and twenty (120) days from the entry of an order admitting Debtor into the MMM Program, no motion to approve loan modification has been filed and/or no amended/modified Chapter 13 plan has been filed, Debtor agrees to file a Loss Mitigation Status Report as required by L.B.R. 9019-3(j)(4).

WHEREFORE, Debtor requests that this Court enter an order authorizing Debtor and Mortgage Creditor to enter into the MMM Program.

Dated: _____

Attorney for Debtor(s)

Dated: _____

Debtor's Signature

Dated: _____

Joint Debtor's Signature

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

: CHAPTER 13
:
:
: CASE NO. - -bk-
:
:
: Debtor(s)

**NOTICE OF FILING OF MOTION TO PARTICIPATE
IN MORTGAGE MODIFICATION MEDIATION PROGRAM**

TO: _____, and its successors, assigns, and servicing agents
("Mortgage Creditor")

PLEASE TAKE NOTICE CONCERNING THE FOLLOWING:

On this date, Debtor filed a Motion to Participate in Mortgage Modification Mediation Program
("Motion to Participate")

**Mortgage Creditor has twenty-one (21) days from the filing of the Motion to Participate to
accept or object to Debtor's entry into the MMM Program.**

If Mortgage Creditor agrees to participation, Mortgage Creditor will file a Consent to
Participation in Mortgage Modification Mediation Program ("Creditor Consent Form"), L.B.F. 9019-
3(b).

Prior to filing the Creditor Consent Form, the parties shall confer as to whether loss mitigation
review will be done by DMM Portal, or such other portal as may be designated by the Court, (the
"Portal") or between the parties outside of the Portal. The Creditor Consent Form shall reflect the
decision of the parties.

If Mortgage Creditor objects to participation, a written objection must be filed with the Court.

Upon written objection, the Motion to Participate will be denied without prejudice to re-filing.

If Mortgage Creditor fails to file the Creditor Consent Form or an objection to participation within twenty (21) days, the Motion to Participate may be granted without further notice or hearing and the preference elected by Debtor as to the Portal use will govern.

Should a mediator be appointed by the Court at any point during the loss mitigation process, Debtor and Mortgage Creditor will each pay \$125.00 (the "Mediation Fee") to the mediator no later than fourteen (14) days after appointment of the mediator. Mediators do not accept personal checks for the Mediation Fee.

Should a mediator be appointed by the Court at any point during the loss mitigation process, Debtor agrees to appear and participate in good faith in the mediation session(s). The Mediation Fee is nonrefundable regardless of the outcome of the mediation session.

Dated: _____

Attorney for Debtor(s)
Address
Telephone:
Facsimile:
Email:

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:

_____: CHAPTER 13
_____:
_____: CASE NO. ____-____-bk-_____
_____:
_____: Debtor(s)
_____:

NOTICE OF MOTION AND MOTION TO PARTICIPATE IN
MORTGAGE MODIFICATION MEDIATION PROGRAM

To: _____ and its successors, assigns and servicing agents ("mortgage creditor"), please take notice:

The undersigned debtor [and joint debtor, if applicable] (the "Debtor") files this Motion seeking to enter into a mortgage modification agreement through the Court's sanctioned Mortgage Modification Mediation Program ("MMM Program").

The mortgage creditor has twenty-one (21) days from the filing of this Motion to accept or object to entry into the MMM Program. If the mortgage creditor agrees to participation, the mortgage creditor will file a Consent to Motion to Participate in Mortgage Modification ("Creditor Consent Form"), L.B.F. 9019-3(b). If the mortgage creditor objects to participation, a written objection must be filed with court. Upon written objection, the Motion to Participate will be denied without prejudice to re-filing. A Motion to Participate may only be re-filed after an objection by the mortgage creditor, if filed with the written concurrence of the mortgage creditor.

If the mortgage creditor fails to file the Creditor Consent Form or an objection to participation within twenty (21) days, the Motion to Participate will be dismissed without prejudice to re-filing.

The Debtor hereby moves the Court for authority to enter into the MMM Program. By this Motion, the Debtor agrees and certifies as follows:

Eligibility

1. The Debtor is the owner-occupant of a one- to four-unit residential property used as the Debtor's primary residence.
2. The Debtor has regular income.
3. The Debtor has an unpaid principal mortgage balance that is equal to or less than \$729,750.00 (for a one-unit property).
4. The Debtor has a mortgage payment that is not affordable due to a financial hardship that can be documented.

Participation Requirements

5. The Debtor agrees to make post-petition mortgage payments to the mortgage creditor of seventy-five percent (75%) of the Debtor's current mortgage payment (the "Modified Mortgage Payment").
6. The first Modified Mortgage Payment will be due and must be received by the mortgage creditor no later than the next monthly scheduled mortgage due date (plus any grace

period) after the filing of this Motion. The only exception to this requirement is if the Debtor does not know the identity of the mortgage creditor at the time the payment is due; in that event, the Debtor will make the Modified Mortgage Payment to the Debtor's attorney to be held in trust until the mortgage creditor is identified.

- ~~7. The Debtor will continue to make the Modified Mortgage Payments to the mortgage creditor each month until the MMM Program is concluded or an Order of the Court expressly states otherwise.~~
- ~~8. The Debtor has filed the Schedules and Statement of Financial Affairs which may be relied upon by the mortgage creditor in evaluating the Debtor's loan for modification. The Debtor will provide the mortgage creditor with the following documents:
 - ~~(A) Signed copies of the state and federal tax returns filed in the past two (2) years; and~~
 - ~~(B) All payment advices received within the last sixty (60) days of the date of this Motion.~~~~
- ~~9. The Debtor will provide the mortgage creditor with all other reasonably requested financial records no later than twenty-one (21) days after the creditor files the Creditor Consent Form.~~
- ~~10. The Debtor and the mortgage creditor will each pay \$125.00 (the "Mediation Fee") to the Mediator, no later than fourteen (14) days after appointment of the Mediator. Mediators do not accept personal checks for the Mediation Fee.~~
- ~~11. The Debtor agrees to appear and participate in good faith in the mediation sessions. The Mediation Fee is nonrefundable even if the Debtor does not appear or does not agree with the outcome of the mediation session.~~

~~Agreed Modification of the Automatic Stay~~

~~The Debtor understands, agrees, and consents to a Court order modifying the automatic stay as follows:~~

- ~~12. The automatic stay is immediately modified as of the date of this Motion to permit the mortgage creditor to request information, evaluate, and analyze the Debtor's financial situation, participate in the mortgage modification process and negotiate loan modification terms.~~
- ~~13. Debtor agrees that in the event Debtor misses one of the modified mortgage payments, the mortgage creditor may file a Motion for Relief from the Automatic Stay and seek removal of the debtor from the MMM Program.~~
- ~~14. If no agreement is reached as a result of the mediation, unless the creditor expressly agrees to extend the time, or the Court orders otherwise, the Debtor shall file a modified plan within 21 days of the filing of the Mediator's report to address the treatment of the pre-petition mortgage arrears and any post-petition arrears that may have accrued. If an amended Chapter 13 Plan is not filed, the mortgage creditor may file a Motion for Relief from the Automatic Stay.~~

~~Mediation Conclusion~~

- ~~15. The MMM Program will conclude no later than sixty (60) days after a mediator is selected, unless the mediator changes the date and time for the mediation session. In any event, the mediation session must place within seventy-five (75) days of the date of the order of referral. Any continuance of the session beyond seventy-five (75) days must be approved by the court. At that conclusion of the mediation session, the Mediator will~~

issue a report to the Court:

No Modification Agreement Reached

- 16. If the Mediator's report advises that no agreement was reached, the Debtor and mortgage creditor can agree to extend the deadline for the parties to attempt to reach agreement. The extension agreement must be in writing, and filed with the Court.
- 17. If no such extension agreement is filed within seven (7) days of the Mediator's report, then the Debtor will have fourteen (14) additional days (twenty-one (21) days after the filing of the mediator's report) to file a modified, feasible plan. Failure to file a modified, feasible plan within this deadline may be grounds for the mortgage creditor to file a Motion for Relief.

Mortgage Modification Agreement Reached

- 18. If a modification is agreed upon, the Debtor will cooperate in promptly formalizing any needed legal documents and seek any necessary court approval for the mortgage modification.

WHEREFORE, the Debtor requests that the Court enter an Order authorizing the Debtor and the mortgage creditor to enter into the MMM Program.

Dated: _____
_____ Debtor's Signature

Dated: _____
_____ Joint Debtor's Signature

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:

Debtor(s)

: **CHAPTER 13**
:
: **CASE NO. ___-___-bk-_____**
:
:
:

CERTIFICATE OF SERVICE

The Debtor's attorney certifies that on _____ (date), I served, or caused to be served, a copy of the **NOTICE OF MOTION AND MOTION TO PARTICIPATE IN MORTGAGE MODIFICATION MEDIATION PROGRAM** by (describe method of service) on the mortgage creditor, its counsel (if known), and the Chapter 13 Trustee at the following addresses:

LOCAL BANKRUPTCY FORM 9019-3(b)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

: CHAPTER 13

:

:

: CASE NO. - -bk-

:

:

Debtor(s)

:

**CONSENT TO PARTICIPATION IN
MORTGAGE MODIFICATION MEDIATION PROGRAM**

_____ (“Mortgage Creditor”) consents to Debtor’s Motion to Participate in the Mortgage Modification Mediation Program (“MMM Program”).

1. The current monthly mortgage payment is _____, and seventy-five percent (75%) of same is _____.
2. The parties have conferred and have chosen (check only ONE box):
 - to use the DMM Portal, or such other portal as may be designated by the Court (the “Portal”)
 - not to use the Portal
3. If the Portal is being used, Mortgage Creditor (to the extent not already registered), must register with the Portal and post the required loss mitigation application within fourteen (14) days after entry of the Order Granting Entry in MMM Program (“Participation Order”). If the parties are not using the Portal, Mortgage Creditor agrees to provide Debtor with the required loss mitigation package and document checklist advising Debtor of what information is needed to review for loss mitigation.
4. Within fourteen (14) days of receiving Debtor’s completed application, Mortgage Creditor will designate (via the Portal or in written correspondence, whichever is applicable) a specific individual who will be a single point of contact for all communication with Debtor during the loss mitigation review process.
5. If at any time during the loss mitigation review process the loan being reviewed becomes subject

to a transfer to another creditor ("Substituted Creditor"), Mortgage Creditor agrees to file a Proposed Order Substituting MMM Servicer as required by L.B.R. 9019-3(c)(6) or 9019-3(d)(5), whichever is applicable. Mortgage Creditor further agrees to ensure that all loss mitigation notes, applications, and correspondence related to loss mitigation review are forwarded to Substituted Creditor.

6. If at any time during the loss mitigation review process the Court appoints a mediator as permitted under L.B.R. 9019-3(e), Mortgage Creditor agrees that a specialist from Mortgage Creditor's mortgage modification department or other representative with full authority to settle will participate in one or more mediation sessions with Debtor for the purpose of evaluating and considering Debtor's request for a permanent mortgage modification on Debtor's primary residence, and that attendance of a representative will be continuous throughout the mediation. The representative may participate by telephone or video conference.
7. If a mediator is appointed, Mortgage Creditor agrees to pay \$125.00 to the mediator no later than fourteen (14) days after appointment of the mediator.
8. Mortgage Creditor agrees to engage in the loss mitigation review and mediation processes in good faith, and understands that failure to do so may result in the imposition of damages and sanctions. Mortgage Creditor understands that the goal of the MMM Program is to negotiate toward a permanent loan modification.
9. In the event a mortgage modification is agreed upon, Mortgage Creditor agrees to promptly file a motion to approve loan modification, attaching a copy of the modification agreement thereto, and to file any appropriate amendments or withdrawals of its proof of claim.

Dated: _____

Attorneys for Mortgage Creditor

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:

Debtor(s)

: CHAPTER 13
:
:
CASE NO. ____-____-bk-_____
:
:
:
:

CONSENT TO MOTION TO PARTICIPATE IN
MORTGAGE MODIFICATION MEDIATION PROGRAM

_____ (the "mortgage creditor") consents to the
Debtor's Motion to participate in the Mortgage Modification Mediation Program ("MMM Program").

1. The current monthly mortgage payment is _____, and seventy-five percent (75%) of same is _____.
2. Attached hereto is a checklist of documents, in addition to the bankruptcy schedules, last two years' signed tax returns, and last sixty 60 days' payment advices, that are needed to evaluate the Debtor's request for a mortgage modification. (If no checklist is attached, no additional documents are needed).
3. By this Consent, the mortgage creditor agrees that a specialist from the mortgage creditor's mortgage modification department or other representative with full authority to settle will participate in one or more mediation sessions with the Debtor for the purpose of evaluating and considering the Debtor's request for a permanent mortgage modification on the Debtor's primary residence, and that attendance of a representative will be continuous throughout the mediation. The representative may participate by telephone or video conference.
4. The mortgage creditor agrees to pay \$125.00 to the Mediator no later than fourteen (14) days after appointment of the Mediator.
5. The mortgage creditor agrees to engage in the mediation process in good faith, and understands that failure to do so may result in the imposition of damages and sanctions. The mortgage creditor understands that the goal of the MMM Program is to negotiate toward a permanent loan modification.
6. In the event a mortgage modification is agreed upon, the mortgage creditor agrees to promptly prepare any necessary documents and to file any appropriate amendments or withdrawals of its proof of claim.

Dated: _____

Attorneys for mortgage creditor

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:

Debtor(s)

: **CHAPTER 13**
:
: **CASE NO. ___ - ___ -bk- _____**
:
:
:
:

CERTIFICATE OF SERVICE (OR AFFIDAVIT OF MAILING)

_____ The mortgage creditor's attorney certifies that on _____ (date), I served, or caused to be served, a copy of the Consent to Motion to Participate Participation in Mortgage Modification Mediation Program by (describe method of service) on the Debtor, Debtor's counsel, and the Chapter 13 Trustee at the following addresses:

After due consideration of the above, it is ORDERED that:

1. (Mortgage Creditor) is relieved from any further responsibility pursuant to the Order Granting Entry in the MMM Program referred to above and that Order is VACATED as to it.

2. (Substituted Creditor) is now designated as the current servicer responsible for completion of all MMM Program duties, responsibilities, and obligations previously imposed on Mortgage Creditor referred to in Paragraph 1, above. Substituted Creditor is now fully responsible for compliance with all MMM Program requirements as if originally designated in the Order Granting Entry in MMM Program in the first instance.

~~mortgage creditor is advised that the goal of the MMM program is a permanent modification. Attendance of a representative will be continuous throughout the mediation. The representative may participate by telephone or video conference.~~

~~7. All statements made by the parties, attorneys and other participants at or associated with the mediation shall be privileged and not reported, recorded or placed into evidence, made known to the court or construed for any purposes as an admission. No party shall be bound by any statement made or action taken at the mediation conference unless an agreement is reached. The mediator will keep confidential all statements made at the mediation and will report to the Court only whether or not the mediation was successful.~~

~~8. The automatic stay is modified, to the extent necessary, to allow the Debtor and the mortgage creditor to negotiate loan modification terms during the pendency of this case.~~

~~9. The Debtor will comply with all payment terms in the Motion to Participate in Mortgage Modification Mediation Program. **Failure to comply with all payment terms may result in a Motion for Relief.**~~

~~10. All parties are directed to comply with the express terms of the Order and to engage in the mediation process in good faith. Failure to do so may result in the imposition of damages and sanctions.~~

~~11. The Debtor and the mortgage creditor are directed to promptly take all necessary and appropriate actions to formalize the modification, including filing an amendment to or withdrawal of the mortgage creditor's claim, and/or filing a modified plan.~~



UNITED STATES BANKRUPTCY COURT
Middle District of Pennsylvania
 Honorable Mary D. France, Chief Judge | Terrence S. Miller, Clerk

Text Size:

Search this site

GO

Understanding
Bankruptcy

Court Info

Judges' Info

For Attorneys

Filing Without
an Attorney

Forms

Case Info

Office of the
US Trustee

Programs &
Services

After Hours Filing Procedure for
Non-CM/ECF Filers

Case Management / Electronic Case Filing

- Administrative Procedures
- Electronic Filing - Registration
- FAQs
- Filing Instructions
- Practice Your E-Filing Techniques
- Technical Tips
- Training

Comments

Contact Us

Case Administrators

Court Holidays

Court Locations

Financial (Filing Fees)

Unclaimed Funds Search

Job Announcements

Local Rules and Orders

Local Rules

General Orders

Noticing Information

Court Info

Home » Court Info

Noticing Information

Register of Governmental Units is a list of Federal and State governmental units which have provided mailing addresses pursuant to Federal Rules of Bankruptcy Procedure 5003(e).

National Creditor Registration System (NCRS) is a free service provided by the US Bankruptcy Court to give creditors options to specify a preferred US mail, e:mail or fax number to which notices should be sent.

Electronic Bankruptcy Noticing (EBN) is a free service that allows court notices to be transmitted electronically thereby reducing delivery time and postage costs associated with US mail.



ATTENTION CREDITORS: NO DELAYS • EASIER FORWARDING

Free Electronic Bankruptcy Noticing

REGISTER NOW

Debtor Electronic Bankruptcy Noticing (DeBN) - This FREE program allows debtors to request to receive court notices and orders from the Bankruptcy Noticing Center (BNC) by email rather than by U.S. mail. DeBN only applies to court issued notices and orders. DeBN will not email notices, pleadings, or other filings that are to be served by other parties in a bankruptcy case such as the Trustee, creditors or attorneys. These other parties will continue to serve papers by other means, such as U.S. mail or personal service. Debtors can enroll at any time and the program is available to all debtors with an open bankruptcy case.

Bankruptcy Noticing Center (BNC) ByPass Notices - The Administrative Office of the U.S. Courts authorizes the BNC to bypass notices with incomplete addresses. The BNC notifies the debtor or debtor's attorney of notices that are bypassed and for whom. Please refer to Local Rule 1007-2(d) regarding debtor responsibilities to notify the court of creditor address corrections.

Bankruptcy Noticing Center (BNC) Centralized Processing of Returned Mail - The Administrative Office of the U.S. Courts authorizes the BNC to accept, process and securely dispose of notices that would otherwise be returned to the bankruptcy courts by the United States Postal Service (USPS). This BNC notifies the debtor's attorney of notices that are returned and for whom. Please refer to Local Rule 1007-2(d) regarding debtor responsibilities to notify the court of creditor address corrections.

Bankruptcy Notice Providers: A list of Approved Bankruptcy Notice Providers pursuant to Fed. R. Bankr. P. Rules 2002(g)(4) and 900(9) is available here. An Application to the Administrative Office of the United States Courts for Approval as a Notice Provider pursuant to Fed. R. Bankr. P. Rules 2002(g)(4) and 900(9) is available here.

Noticing Motions or Objections

Passive Notice	Provides an objection/response deadline. No hearing will be scheduled unless an objection/response has been filed. If no objections/responses are filed, the court may enter an order without a hearing. If objections/responses are filed, the court will generate a Court Hearing Notice advising parties of the date, time, location, and matter set for hearing.
Semi-Passive Notice	Provides an objection/response deadline and a proposed hearing date if objections/responses are filed. If no objections/responses are filed, the court may enter an order without conducting a hearing. If objections/responses are filed, the matter will proceed to hearing at the date, time, and location indicated in the notice. If a default order has not been signed and entered on the docket, the parties or their counsel are required to appear in court.
Hearing Required Notice	May provide an objection/response deadline and sets the matter for hearing. The hearing will take place at the date, time and location indicated in the notice regardless if objections/responses are filed.
Court Hearing Notice	Generated by the court and will advise parties of the date, time, location, and matter set for hearing.



Sample Notice for passive, semi-passive, and hearing required notices.

Sample Notice for Amended Ch. 13 Plans (Pre-Confirmation)

****** The court, at its discretion, may set any matter for hearing. ******

For an overview of noticing requirements and notices to be sent by movants, please refer to the court's Guide to Docketing and Noticing. For detailed filing and noticing instructions, please refer to the court's CM/ECF Filing Instructions.

For notices required to be served by movants, the signature line will be adapted to identify the actual sender of the notice. **DO NOT** identify the court in the signature line.

Examples of forms and notices can be found at:

- Local Mandatory Forms
- Local Recommended Forms
- Official Bankruptcy Forms - Official forms are approved by the Judicial Conference of the United States and are mandatory. They must be used to file a bankruptcy petition and take certain other actions in a bankruptcy case, such as filing a Proof of Claim or applying to pay a filing fee in installments.

IMPORTANT - The forms and notices are not intended to dictate specific procedures. Please refer to the U.S. Bankruptcy Code, Federal Rules of Bankruptcy Procedure and the court's Local Rules for specific information required to be included in notices.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In Re:

[Debtor(s) Name]

Debtor(s)

Chapter: [x]

[Movant(s) Name]

Movant

Case No.: [case number]

v.

[Respondent(s) Name]

Respondent

NOTICE

The [who] filed a [what] on [when]. [Include where and why if applicable.]

If you object to the relief requested, you must file your objection/response [specify date certain OR when objections are otherwise due] with the Clerk of Bankruptcy Court [address of the Clerk's Office] and serve a copy on [appropriate parties].

Use only one of the following paragraphs depending on the type of notice being served.

[This is passive]

If you file and serve an objection/response within the time permitted, the Court will schedule a hearing and you will be notified. If you do not file an objection/response within the time permitted, the Court will deem the motion unopposed and proceed to consider the motion without further notice or hearing, and may grant the relief requested.

[This is semi-passive]

If you file and serve an objection/response within the time permitted, a hearing will be held on [date, time and location]. If you do not file an objection/response within the time permitted the Court will deem the motion unopposed and proceed to consider the motion without further notice or hearing, and may grant the relief requested.

[This is hearing required]

A hearing has been scheduled for [date, time and location] and will be held regardless of any objections or responses having been filed.

Date: [date of service]

[Attorney Name and Address]



UNITED STATES BANKRUPTCY COURT Middle District of Pennsylvania

Honorable Mary D. France, Chief Judge | Terrence S. Miller, Clerk

Text Size:

Search this site

GO

[Understanding Bankruptcy](#)

[Court Info](#)

[Judges' Info](#)

[For Attorneys](#)

[Filing Without an Attorney](#)

[Forms](#)

[Case Info](#)

[Office of the US Trustee](#)

[Programs & Services](#)

[Home](#) » [Forms](#) » [All Forms](#)

Search forms

SEARCH

Local Recommended Forms

Affidavit of Military/Nonmilitary Service

[Related Forms and Guidance](#) »

Application for Exemption from Electronic Public Access (EPA)/Public Access to Court Electronic Records (PACER) Fees

[Related Forms and Guidance](#) »

Certificate of Service (Administrative Procedures - Form C)

[Related Forms and Guidance](#) »

Debtor's Electronic Bankruptcy Noticing Request (DeBN)

[Related Forms and Guidance](#) »

Limited Use CM/ECF

[Related Forms and Guidance](#) »

List of Creditors/Matrix Fillable PDF Form

[Related Forms and Guidance](#) »

Notice for Amended Ch. 13 Plan (Pre-Confirmation)

[Related Forms and Guidance](#) »

Proposed Order for LBF 9037-1 Application Requesting Redaction of Personal Information

[Related Forms and Guidance](#) »

Request for Refund

[Related Forms and Guidance](#) »

Request to Discontinue Service of Notices (Administrative Procedures - Form D)

[Related Forms and Guidance](#) »

Transcript Order Form for Appeals

[Related Forms and Guidance](#) »

Unclaimed Funds Request Form

[Related Forms and Guidance](#) »



UNITED STATES BANKRUPTCY COURT Middle District of Pennsylvania

Honorable Mary D. France, Chief Judge | Terrence S. Miller, Clerk

Text Size:

Search this site

GO

Understanding
Bankruptcy

Court Info

Judges' Info

For Attorneys

Filing Without
an Attorney

Forms

Case Info

Office of the
US Trustee

Programs &
Services

Home

➔ Request for Entry of Default in Adversary Proceedings

Rev. 12/17/14

REQUEST FOR ENTRY OF DEFAULT IN ADVERSARY PROCEEDINGS

Overview: PLEASE READ CAREFULLY THIS IS A TWO-STEP (2) PROCESS

Before seeking default judgment in an adversary proceeding, the plaintiff's attorney should make certain that he or she has: (1) properly and timely served the defendant; and (2) filed an accurate certificate of service. Once the time to answer has expired, he or she may seek entry of default pursuant to Fed. R. Bankr. P. 7055(a) (Fed. R. Civ. P. 55(a)).

After the Clerk has entered default, Plaintiff's attorney may then apply for entry of default judgment pursuant to Fed. R. Bankr. P. 7055(b) (Fed. R. Civ. P. 55(b)(2)) using the procedures described below.

I. When the underlying action is a core matter:

In order to obtain a default judgment, the attorney for the plaintiff is to file: (1) an Application for Entry of Default Judgment addressed to the clerk of court; (2) appropriate motion/application to the Court for Judgment by Default (which should indicate whether the party against whom default is sought is an infant or incompetent); and (3) an Affidavit of Military/Nonmilitary Service. Sample form for the Affidavit of Military/Nonmilitary Service is available on the Court's website.

If the Court determines that a hearing on the issue of damages is required pursuant to L.B.R. 7055-2, the parties will be so notified.

II. When the underlying action is a noncore matter:

Parties must follow the procedures set forth in section I above. The Bankruptcy Judge to whom the matter had been assigned may execute a recommendation that default judgment be entered, but final judgment—even default judgment—must be entered by and in the district court.

Codes, Rules and Forms:

Bankruptcy Code: None	Bankruptcy Rule: 7012(a); 7012(b)	Civil Procedure: 55(a)	Local Recommended Form: Affidavit of Military/Nonmilitary Service
	Local Rule: 7055-1; 7055-2		

CM/ECF Event(s):

Miscellaneous, Request for Entry of Default
Miscellaneous, Affidavit

[Home](#) | [Contact Us](#) | [Employment](#) | [Glossary of Legal Terms](#) | [FAQs](#)

[Privacy Policy](#) | [BrowseAloud](#)

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN THE MATTER OF:

DEBTOR(S))
)
) Chapter: ____
)
) Case Number: ____ - ____ - bk- _____
)
)

AFFIDAVIT OF MILITARY/NONMILITARY SERVICE

I, _____, the undersigned affiant, states the following under oath:

The defendant/respondent is in military service. is not in military service.

The following facts support the statement above:

The affiant is unable to determine whether or not the defendant/respondent is in military service.
Pursuant to 50 U.S.C. app. § 521, if the court is unable to determine whether the defendant/respondent is in military service based upon the affiant's statement, the court, before entering judgment, may require the plaintiff/petitioner to file a bond in an amount approved by the court.

Date: _____

Name: _____
[signature of affiant]

[printed name of affiant]