

## INSTRUCTIONS FOR COMMENCEMENT OF LOSS MITIGATION

### **WHERE DEBTOR REQUESTS LOSS MITIGATION IN CHAPTER 13 PLAN:**

Upon requesting loss mitigation in the Chapter 13 Plan, the Debtor must serve said plan on the Creditor and file proof of same on the Electronic Case Filing System (ECF).

The creditor has **21 days** to object from the date of mailing (service) of the plan.

If no objection is filed, the debtor shall submit an order as soon as possible. The order may be submitted after the expiration of the 21 days.

### **DEBTOR'S REQUEST FOR LOSS MITIGATION:**

Where a debtor does not make the request in a chapter 13 plan but does so separately, the debtor must file and serve the request, *Loss Mitigation Request – By the Debtor*, on the creditor and must file an affidavit of service (attorneys should do so electronically on the Court's ECF system). The form for making the request is available on the Court's website [please use the form, *Loss Mitigation Request – By the Debtor*].

The creditor has **14 days** to object from the date of mailing (service) of the notice.

If no objection is filed, the debtor shall submit an order as soon as possible. The order may be submitted: 1) after the expiration of the 14 days or 2) with the request [*Loss Mitigation Request – By the Debtor*] on Notice of Presentment on the 15<sup>th</sup> day.

### **WHERE DEBTOR REQUESTS LOSS MITIGATION DURING PENDENCY OF SECTION 362 MOTION FOR RELIEF FROM THE AUTOMATIC STAY:**

Where the debtor's request for loss mitigation is related to a pending section 362 motion (for relief from the automatic stay), the debtor must file and serve the request, *Loss Mitigation Request – By the Debtor*, on the creditor and must file an affidavit of service (attorneys should do so electronically on the Court's ECF system). The form for making the request is available on the Court's website [please use the form, *Loss Mitigation Request – By the Debtor*].

The debtor and creditor must appear at the hearing on the Lift-Stay Motion and the court will consider the loss mitigation request and any opposition thereto by the creditor. If the court approves the request, the debtor shall submit an order as soon as possible.

### **CREDITOR'S REQUEST FOR LOSS MITIGATION:**

The creditor must file and serve the request, *Loss Mitigation Request – By the Creditor*, on the debtor and debtor's attorney and must file an affidavit of service (attorneys and those with limited-access passwords to the Court's ECF system should do so electronically). The form for making the request is available on the Court's website [please use the form, *Loss Mitigation Request – By the Creditor*].

The debtor has **7 days** to object from the date of mailing (service) of the notice.

If no objection is filed, the creditor shall submit an order as soon as possible. The order may be submitted: 1) after the expiration of the 7 days or 2) with the request [*Loss Mitigation Request – By the Creditor*] on Notice of Presentment on the 8<sup>th</sup> day.