

MOTION TO APPROVE TRIAL LOAN MODIFICATION AGREEMENT

1. **PARTIES:** Debtor(s) in this bankruptcy case are in possession of real property located at _____
_____ (“Eligible Property”) that is the subject of this court’s Loan Modification Management
Program (“LMM”). Servicer _____ (“Creditor”) is the servicer of loan # _____ (last 4
digits) (“Eligible Loan”) that is secured by the Eligible Property, specifically a (insert first/second/third) _____
deed of trust on the Eligible Property.
2. **TRIAL AGREEMENT:** Creditor and Debtor(s) have entered into a Trial Loan Modification Agreement (the “Trial
Modification”) regarding the Eligible Loan. A summary of the terms of the Trial Modification are:
 - a. Duration: The Trial Modification period is for _____ months (“Trial Period”), with the first payment due on
_____ (insert date) and the final payment due on _____ (insert date).
 - b. Monthly Payment: Total of \$_____ (the “Trial Payments”), which includes \$_____ for principal,
\$_____ for taxes and insurance, and \$_____ for other items.
 - c. TPP Document: Attached as **Exhibit A** is a copy of the TPP document or a summary hat contains information to
support the Trial Modification.
3. **AFTER TRIAL PERIOD:** Pursuant to the LMM Procedures (*Stage Three, section III.C.*), all parties understand
and agree that when a Debtor satisfies all obligations under the Trial Modification, the following provisions apply:
 - a. Permanent Modification. The Creditor will offer the Debtor a permanent loan modification within 30-days of the
due date of the final Trial Payment.
 - b. Ongoing Payments. The Debtor will continue making the Trial Payment on the same day of each month as in the
Trial Period, and continue payments until the start date of a permanent modification.
 - c. Status Reports. If in good faith the Creditor is unable to offer a permanent loan modification within 30-days after
the Trial Period ends, the Creditor must submit a status report into the LMM Portal within 30-days of the due date
of the final Trial Payment, and every 30-days until the parties enter into either a permanent loan modification or a
LMM resolution that does not involve loan modification.
4. **DECLARATION:** Movant declares under penalty of perjury under the laws of the State of California that the facts
asserted in this Motion are true and correct.
5. **WHEREFORE**, Movant requests that the court grant the Motion and approving the Trial Modification.

Date: _____

Printed name of Movant

Signature of Movant

Printed name of Attorney for Movant

Signature of Attorney for Movant

ADDITIONAL SIGNATURES (if applicable)

Printed name of Borrower Who Did Not File Bankr. Case

Signature of Borrower Who Did Not File Bankr. Case

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A true and correct copy of the foregoing document entitled: **MOTION AND NOTICE OF MOTION TO APPROVE TRIAL LOAN MODIFICATION AGREEMENT UNDER LMM PROCEDURES** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On *(date)* _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date

Printed Name

Signature