

## **Bankruptcy Mortgage Project Website**

[www.bankruptcymortgageproject.org](http://www.bankruptcymortgageproject.org)

**July 2011**

### **Overview**

The National Consumer Law Center (NCLC) created this online resource for courts, trustees, attorneys, mortgage servicers, academics, and consumers in the bankruptcy community. It organizes and provides access to more than 500 local rules, forms, general orders, and court opinions addressing a variety of mortgage issues in consumer bankruptcy cases across the United States. This free “one-stop shop” collection can be a resource for those interested in adopting new programs and local rules to assist consumers, their attorneys and mortgage creditors in addressing mortgage claims and seeking alternatives to foreclosure. Many of the website’s documents are not easily accessible using traditional legal research tools. The website was funded in part by a grant from the Endowment for Education of the National Conference of Bankruptcy Judges.\*

The website is organized by topic: Loss Mitigation and Mediation, Cure Plan Requirements, Stay Relief Requirements, Lien Stripping, and Chapter 13 Plans. It is searchable by state, subject, court location (district and circuit), or document type. Visitors can also click on a map to pull up all relevant information for a particular state. Visitors can view and download all referenced documents.

### **Types of Documents**

The following eight types of documents are available to view and download in PDF format. An explanation of each document is available on the website (see About section).

- |                                  |                             |
|----------------------------------|-----------------------------|
| * Local Rule (LR)                | * Standing Order (SO)       |
| * General Order (GO)             | * Administrative Order (AO) |
| * Administrative Memorandum (AM) | * Local Form (LF)           |
| * Model Plan Provision (MP)      | * Court Opinion (CO)        |

### **Categories of Documents, According to Topic**

There are five categories of topics as outlined below.

#### **Loss Mitigation and Mediation**

- Formal Loss Mitigation Program
- Orders Related to State Foreclosure Mediation Programs
- Loss Mitigation Requirement before Plan Confirmation/Stay Relief
- Creditor Contact with Debtor not Stay Violation
- Loan Modification and Forbearance Agreement Terms
- Loan Modification Approval
- General Mediation / ADR [Alternative Dispute Resolution] Programs

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*\*In funding the grant, the Endowment does not endorse nor express any opinion about the methodology utilized, or any conclusions, opinions, or results contained in any report, article, book, or other writing based on the research funded by the Endowment.*

## **Cure Plan Requirements**

- Proof of Claim Attachments/Requirements
- Notice of Payment Changes and/or Periodic Statements
- Notice of Fees and Charges
- Payment Application Requirements
- Requirement for Trustee Mortgage Payment Disbursement
- Fee Dispute Resolution Procedure
- Effect of Cure
- Sanction for Noncompliance

## **Stay Relief Requirements**

- Itemization of Fees/Payment History
- Proof of Standing
- General Requirements including Worksheets, Declarations or Other Attachments

## **Lien Stripping**

Circuit courts have unanimously held that a completely “underwater” second mortgage may be “stripped off” in a Chapter 13 case, and many courts have adopted model Chapter 13 plans which contain a provision for valuing and treating secured claims. Chapter 13 plan provisions are included in the categories listed below only if they specifically addressed claims secured by real property or referred to "wholly unsecured" mortgages. Included are documents (mostly court opinions) related to the issue of whether a debtor who is not eligible for a Chapter 13 discharge may strip off a mortgage.

- Pleading Requirements
- Service Requirements
- Proof/Valuation Requirements
- Timing and Content of Order
- Availability in No Discharge Cases

## **Model Chapter 13 Plans**

Examples of plans from different districts around the nation are available to download.

## **Additional Content**

The National Consumer Law Center will periodically update the website. We encourage individuals to review the documents in their district and inform us of any omissions. Additional documents identified through this process will be added to the website. Feedback on the website is also welcome. Please contact NCLC Attorney John Rao at [jrao@nclc.org](mailto:jrao@nclc.org).

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*The National Consumer Law Center® (NCLC®) is a non-profit organization specializing in consumer issues on behalf of low-income and other vulnerable people. Since 1969, NCLC has worked with legal services and nonprofit organizations as well as government and private attorneys across the United States, to create sound public policy for low-income and elderly individuals on consumer issues. Visit us online at [www.nclc.org](http://www.nclc.org).*