

Content of Motions to Approve Loan Modifications

When requesting that the Court approve a proposed loan modification, it is necessary to include in the motion, at a minimum, the following information:

- a. The related collateral, including the address of any real property
- b. The old terms of the loan, including unpaid principal balance, interest rate, maturity date, and total monthly payment with a breakdown of principal & interest and escrow
- c. The terms of the proposed modification, including any changes to any of the old terms
- d. Whether the proposed loan modification is a trial modification or a permanent one
- e. Whether any pre-petition and/or any post-petition arrearage is being capitalized

Even absent an objection, motions not complying with these requirements will either need to be heard so that the moving party can proffer the missing terms on the record, or the motion will need to be amended and reset to an appropriate date.