



United States Bankruptcy Court
Northern District of Georgia

404-215-1190
FAX 404-215-1115

memorandum

TO: All Attorneys
FROM: Judge Hagenau
DATE: April 11, 2017
SUBJECT: Motions for Loan Modifications in Chapter 13 Cases

Many Chapter 13 debtors seek to modify the terms of their mortgage loans during the course of their bankruptcy cases. The Court requires either debtor's or movant's counsel to file a motion to approve such loan modifications. Counsel may use the following notice procedure to obtain approval of motions to approve loan modifications without a hearing. If this notice procedure is used, an order and notice in the form attached hereto shall be uploaded at the time the motion is filed. The Court will review the motion and determine whether execution of the order and notice is appropriate. If appropriate, the Court will sign the uploaded order and notice. If the Court decides not to sign the order and notice, counsel will be advised to set the matter for hearing. The order and notice requires counsel to serve the order and notice on the Debtor, Debtor's counsel, the Chapter 13 Trustee, creditor and creditor's counsel, and any other party requesting notice. A certificate of service must be filed. If no objections to the order and notice are filed within 21 days (plus 3 days for service), the order and notice is final and no appearance in court is required by counsel PROVIDED that the certificate of service is filed. The order and notice is not final unless a certificate of service is filed. If an objection is filed, the Court will set a hearing date on the objection.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	CASE NO. __-____-WLH
)	
_____,)	CHAPTER 13
)	
Debtor.)	JUDGE WENDY L. HAGENAU
_____)	
)	
_____,)	
)	
Movant.)	
)	
v.)	
)	
_____,)	
)	
Respondent.)	
_____)	

**ORDER AND NOTICE APPROVING LOAN MODIFICATION,
SUBJECT TO OBJECTION BY ANY PARTY IN INTEREST**

On [DATE], [Movant] (“Movant”) filed a Motion to Approve Loan Modification (the “Motion”) [Docket No. ____]. The Motion seeks approval of a loan modification with [Lender] for Debtor’s property located at [street address and city] under the following terms:

Upon review of the Motion and the docket in this case it is hereby

ORDERED that, subject to the objection process that follows, the Motion is APPROVED. The Debtor may enter into a loan modification under the terms shown above;

ORDERED FURTHER that this Order and Notice is subject to objection by the Chapter 13 Trustee, and any other party in interest within 21 days of the date of service hereof in accordance with BLR 9014-2. Any such objection must be timely filed with the Office of the Clerk, Room 1340, 75 Ted Turner Drive, S.W., Atlanta, Georgia 30303 and served on Movant at [ADDRESS]. If an objection is filed, the Court will set a hearing on the objection. If no objection is timely filed after proper notice and filing of a certificate of service, this Order and Notice shall be the final order of this Court and the Trustee [shall or shall not] cease funding Claim No. [] of [];

ORDERED FURTHER that Movant shall serve this Order and Notice on the Debtor, Debtor's counsel, the lender, lender's counsel, the Chapter 13 Trustee, and any party requesting notice within three (3) business days of its entry and file a certificate of service thereof.

END OF ORDER

Prepared by:

DISTRIBUTION LIST