

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**

_____ Division

IN RE:

Debtor Name

Case No.

Chapter 13

Debtor(s)

**MOTION FOR AUTHORITY TO INCUR SECURED DEBT FOR THE PURPOSE
OF MODIFYING THE TERMS OF AN EXISTING SECURED LOAN FOR REAL
PROPERTY AND NOTICE OF OPPORTUNITY TO OBJECT**

The Debtor(s) hereby seeks Court authority to incur secured debt for the purpose of modifying the terms of an existing secured loan for real property, and submits the following information regarding the modified loan:

1. The address of the real property is

_____.

2. The holder of the secured claim is

_____.

3. The amount of the proposed modified secured claim is

\$_____. This amount does _____ or does not _____

(check one) include pre-petition arrears currently being paid through the plan.

4. The monthly amount of the modified secured claim payment is

\$_____. This amount does _____ or does not _____ **(check one)**

include real estate taxes and hazard insurance to be escrowed by the holder of the

modified secured claim. The monthly escrow amount is \$_____.

The current monthly secured claim payment is \$_____.

5. INTEREST TERMS:

A. **Fixed rate loan** with an interest rate of _____% for a duration of _____

years.

OR

B. **Adjustable rate loan** or **ARM** with a fixed interest rate of ____% for a duration of ____ years; then interest will adjust every ____ years. The total loan duration is ____ years. Additional information:

a. Rate adjustment is limited to an increase of ____ per each adjustment.

b. Rate adjustment over the life of the loan is limited to ____.

6. The loan modification does ____ or does not ____ (check one) affect the terms of the confirmed plan in the case. If the loan modification does affect the terms of the confirmed plan in the case, the Debtor(s) will separately file a motion to modify the confirmed plan. This motion does not constitute a motion to modify the confirmed plan. The Debtor(s) hereby acknowledges that the terms of the confirmed plan remain in effect until such time as any plan modification is approved by the Court.

7. The loan modification will not alter or affect the status or priority of any other existing lien(s) on the real property.

8. The Debtor has advised the holder of the modified secured claim that it must either file an amended proof of claim or withdraw the filed proof of claim within 30 days of the closing of the loan modification transaction.

WHEREFORE, the Debtor submits that this loan modification is in the best interest of the Debtor and the creditors as it will increase the feasibility of the Chapter 13 plan.

Date:

Respectfully submitted,

/s/ _____

Debtor

Debtor's Address: _____

Phone number: _____

/s/ _____

Debtor

Debtor's Address: _____

Phone number: _____

**NOTICE OF OPPORTUNITY TO REQUEST A HEARING
TO CREDITORS AND PARTIES IN INTEREST**

You are notified of the filing of the foregoing Motion by the Debtor requesting Court authority to incur secured debt for the purpose of modifying the terms of an existing secured loan for real property. Any interested party objecting to the loan modification must file an objection with the United States Bankruptcy Court for the District of Maryland within twenty-one (21) days after the date of this motion. You are further notified that unless an objection is filed, the Court may grant the motion without a hearing.

CERTIFICATE OF SERVICE

I hereby certify that this Motion for Approval of Loan Modification was served this ____ day of _____, 20__ electronically to those recipients authorized to receive a Notice of Electronic Filing by the Court, and/or by first class mail, postage prepaid to:

Debtor
Chapter 13 Trustee
All Creditors and Parties in Interest

/s/ _____

Debtor

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
Greenbelt Division**

IN RE:

Debtor Name

Debtor(s)

Case No.
Chapter 13

ORDER AUTHORIZING LOAN MODIFICATION

Upon a motion and/or notice by the debtor for authority to enter into an agreement to modify an existing secured loan for real property, it is by the United States Bankruptcy Court for the District of Maryland,

ORDERED, that the Debtor(s) is/are authorized to enter into a modification of an existing secured loan agreement according to the terms set out in the motion; and it is further

ORDERED, that the terms of the confirmed plan in this case are not hereby modified, and any plan modification must be effected by separate motion and order pursuant to section 1329 of the Bankruptcy Code; and it is further

ORDERED, that this order does not alter or affect the status or priority of any other existing lien(s) on the real property that is the subject of the loan modification, and it is further

ORDERED, that upon the finalization of the loan modification, the Debtor shall immediately transmit a copy of the signed loan modification agreement to the Chapter 13 Trustee.

copies to:

Debtor
Chapter 13 Trustee
All Creditors and Parties in Interest

END OF ORDER