

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
DIVISION**

IN RE:

Case No.
Chapter 13

NOTICE OF TRIAL PERIOD PAYMENTS

A TRIAL MODIFICATION OFFER, INCLUDING THE REMITTANCE OF TRIAL PERIOD PAYMENTS, HAS BEEN RECEIVED BY THE DEBTOR FROM THE LENDER IN THIS LOAN MODIFICATION MATTER.

ANY PARTY OPPOSING THE TRIAL PERIOD PAYMENTS SET OUT BELOW HAS FOURTEEN (14) DAYS FROM THE DATE OF THE SERVICE OF THIS NOTICE TO FILE A WRITTEN OBJECTION STATING ITS OBJECTION TO THE TRIAL PERIOD PAYMENTS. SAID OBJECTION MUST BE FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT, [INSERT ADDRESS FOR COURT]. IF A TIMELY OBJECTION IS NOT FILED, THE DEBTOR OR THE CHAPTER 13 TRUSTEE IS AUTHORIZED TO MAKE THE PAYMENTS SET OUT BELOW WITHOUT FURTHER HEARING OR ORDER OF THE COURT. IF A TIMELY OBJECTION IS FILED, THE COURT MAY SET A HEARING ON THE MATTER AT THE REQUEST OF ANY PARTY. NOTICE OF SAID HEARING WILL BE SERVED ONLY ON A PARTY FILING A WRITTEN OBJECTION.

Comes now _____ and files this Notice of Trial Period Payments and, for same, state the following:

1. All capitalized terms which are used in this document are used and defined as in the Loan Modification Program adopted by this Court.
2. The Loan Modification Matter which is the subject of this Motion is with regard to a note dated _____ held by _____ and secured by Eligible Property described as _____.
3. The Debtor has received a Trial Modification Offer which requires the remittance of Trial Period Payments in conjunction with a possible modification of the Eligible Loan. A true and correct copy of the offer regarding Trial Modification Offer, in its entirety, is attached hereto as Exhibit "A" and is incorporated herein fully by reference. The Trial Period Payments are \$ _____. The Trial Period Payments begin on _____ and _____.

end on _____ . The name of the recipient of the Trial Period Payments and the address to which they should be sent are as follows:

4. PICK ONE:

[If the debtor disburses/pays the post-petition ongoing mortgage payment] – Debtor shall disburse the Trial Period Payments as set out above.

[If the debtor is subject to a conduit program and the Chapter 13 Trustee disburses the post-petition ongoing mortgage payment] – The Chapter 13 Trustee will disburse payments in the amount set out herein to the Lender until the Resolution of the Loan Modification Matter. Pursuant to the provisions of the Loan Modification Program, the Lender is not required to file a Notice of Payment Changes pursuant to Rule 3002.1 with regard to these payments. To the extent that the amount of the payments set out herein is less than the previous periodic post-petition ongoing payments on the Eligible Loan, the Trustee will reserve the difference as Reserved Funds pending resolution of the Loan Modification Matter. To the extent that the amount of the payments set out herein is greater than the previous periodic post-petition ongoing payments on the Eligible Loan, the Debtor’s Plan payment will increase by the difference plus the Trustee’s percentage fee. Unless otherwise ordered by the Court, if the Debtor is current on Plan payments or the payments due pursuant to any wage directive, payments to the Lender, including the Trial Period Payments, will be deemed current, even if not yet disbursed by the Trustee to the Lender.

5. As provided in the Loan Modification Program, if the Debtor makes all Trial Period Payments and satisfies any other terms and conditions required by the Lender that are set out in the Trial Modification Offer, Debtor shall be entitled to a permanent and binding modification of the repayment terms of the Eligible Loan, if such modification is approved by the Court.

6. Contemporaneously with the filing of this Notice, a copy of it will be uploaded to the Portal.

DATED this _____ day of _____, 20____.

DEBTOR:

If signed in an individual capacity:

[Name of Debtor]

[Name of Debtor]

If signed by Debtor's counsel:

[Debtor's counsel's required signature block]

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a copy of the foregoing was served on each LMM Party by [describe method of service] and the Chapter 13 Trustee by [describe method of service] on the _____ day of _____, 20__.