

MMM – Pre-approved non-standard provision language

If a Ch 13 Plan provides for participation in the Mortgage Modification Mediation (MMM) program, Section 1.4 must check the box that a nonstandard provision is included in the Plan and the following language must be included in Section 10 of the Chapter 13 Plan, effective 1/1/2023:

- a. The plan payments set forth in Sections 2.1, 2.2, and 2.3 include the anticipated monthly installment payment that may be achieved during the MMM Program, which is typically required to be at least thirty one percent (31%) of Debtor's gross monthly income (exclusive of applicable Trustee's fees) or such other amount designated by the secured creditor for the real property subject to the MMM Program.
- b. Trustee shall retain and not distribute each Post-Petition Monthly Payment set forth in the table above until entry of an order by the Court authorizing such distributions.
- c. A plan payment received by Trustee on or before the deadline set forth in Section 2.2 and for a given month shall be deemed as a timely payment made pursuant to any trial loan modification agreement or final loan modification agreement for that month, notwithstanding that Trustee may distribute after the applicable deadline established by the secured creditor.
- d. In the event Debtor executes a final loan modification agreement and upon entry of an order confirming the plan, the Class 1 claim set forth in Section 10 shall automatically be deemed a Class 1 claim provided for in Section 5, Class 1, and shall no longer be a claim provided for in Section 10. For purposes of Section 5, Class 1, and unless otherwise specified, the rows set forth in the table above shall be appended to the next available row in the table set forth in Section 3.5.
- e. Entry of an order confirming the plan shall suspend and revoke any remaining obligations of Trustee to make disbursements pursuant to Paragraph (5) of an Order Granting Motion to Approve Trial Loan Modification Agreement and Authorizing Trustee to Make Distributions Prior to Confirmation (Form ND-MMM-105) or Paragraph (5) of an Order Granting Motion to Approve Loan Modification Agreement After Completion of Mortgage Modification Mediation Program (Form ND-MMM-107) in this case.
- f. In the event Debtor is unable to obtain a final loan modification agreement, Debtor shall, within 14 days after the mediator files the Final Report of Mortgage Modification Mediation Program Mediator (Form ND-MMM-202), file and serve an amended plan providing appropriate treatment for all pre-petition and post-petition arrearage claims or surrender of the property specified in the table above.
- g. If Debtor fails to file timely and serve an amended plan as required by paragraph f., Debtor shall be deemed to be in material default under this plan.