

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

In Re: \_\_\_\_\_  
\_\_\_\_\_

Debtor(s)

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Case No.: \_\_\_\_\_

**ORDER APPROVING TRIAL PERIOD PAYMENTS**

There came on for consideration before this Court the Notice of Trial Period Payments filed by [insert name of Debtor(s)] (“Debtor(s)”) and [insert the name of the Lender] (“Lender”). An objection to same was filed by [insert name of objecting party]. After hearing the evidence and argument of the parties, the Court enters the following findings of fact and conclusions of law:

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. Notice of this hearing was given in compliance with the provisions of the Loan Modification Program adopted by this Court.
3. The objection is [sustained] [overruled].

4. [Assuming the objection is overruled, please use the following language in the Order]:

The Trial Period Payments are approved and shall be made in the amount of §[insert amount of Trial Period Payment]. The Trial Period Payments shall begin on [insert date of first Trial Period Payment] and end on [insert the date of the last Trial Period Payment]. The name of the recipient of the Trial Period Payments and the address to which they should be sent are as follows:

*[insert name of recipient]*  
*[insert address of recipient]*

5. Check one of the statements below:

\_\_\_\_\_ [If the Debtor(s) disburse(s)/pay(s) the post-petition ongoing mortgage payment] – Debtor(s) shall disburse the Trial Period Payments as set out above.

\_\_\_\_\_ [If the Debtor(s) is(are) subject to a conduit program and the Chapter 13 Trustee disburses the post-petition ongoing mortgage payment] – The Chapter 13 Trustee is authorized to disburse the Trial Period Payments to the Lender as set out above. The Lender is not required to file a Notice of Payment Changes pursuant to Rule 3002.1 with regard to the Trial Period Payments. If the Debtor(s) is(are) current on Plan payments or the payments due pursuant to any wage directive, the Trial Period Payments shall be deemed current, even if not yet disbursed by the Trustee to the Lender. At the conclusion of the trial period, the Trustee is authorized to resume disbursing the periodic post-petition ongoing payments on the Eligible Loan in the amount of the payment immediately prior to the commencement of the trial period.

6. Check one of the statements below:

\_\_\_\_\_ Because the Trial Period Payments are less than the periodic post-petition ongoing payments on the Eligible Loan, the Trustee shall reserve the difference pending resolution of the Loan Modification Matter. These funds are designated as Reserve Funds.

\_\_\_\_\_ Because the Trial Period Payments are greater than the periodic post-petition ongoing payments on the Eligible Loan, the Debtor's(s') Plan payment shall increase by the difference plus the Trustee's percentage fee.

7. If the Debtor(s) make(s) all Trial Period Payments and satisfies any other terms and conditions required by the Lender as set out in the Notice of Trial Period Payments, Debtor(s) shall be entitled to a permanent and binding modification of the repayment terms of the Eligible Loan, if such loan modification is approved by the Court.

IT IS SO ORDERED.

### END OF ORDER ###