

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE


In Re:)
)
GENERAL ORDER – Order Governing)
Mortgage Forbearance Notices in)
Chapter 13 Cases)

AND NOW, this 13th day of May, 2020, it is hereby

ORDERED, that any creditor (mortgage holder or servicer) who provides a temporary suspension of mortgage payments to a debtor in this Court shall file with the Court, pursuant to Fed. R. Bankr. P. 3002.1, a Notice of Temporary Forbearance in the form attached as Exhibit A to this General Order (the “Notice”); and it is further

ORDERED, that communication by a creditor to a debtor regarding forbearance and any statement or communication that follows during the forbearance period shall not be considered a violation of the automatic stay. An order is not needed for a debtor to enter a forbearance agreement, but the terms of the Notice shall be binding upon the parties.

Dated: Wilmington, Delaware
May 13, 2020



Brendan Linehan Shannon
United States Bankruptcy Judge

EXHIBIT A

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:) **Chapter 13**
)
) **Case No.**
Debtor(s).)

NOTICE OF TEMPORARY FORBEARANCE

Bankruptcy Court Claim No. _____
Date of Filing: _____, 2020
Effective Date of Forbearance: _____
Number of monthly payments in Forbearance: _____

SERVICER NAME (“SERVICER”) hereby provides notice that due to a recent financial hardship resulting directly or indirectly from the COVID-19 emergency, the Debtor(s) has/have requested, and SERVICER has provided a temporary suspension of mortgage payments.

During this short-term relief, all terms and provisions of the mortgage note and security instrument, other than the payment obligations, will remain in full force and effect unless otherwise adjusted by this court or through a loan modification.

NOTE: This Temporary Forbearance does not forgive any indebtedness; it only suspends the date that such indebtedness must be paid.

During the forbearance period and up to and including the time when that period ends, SERVICER will work with the Debtor(s), the Debtor(s) attorney (if applicable) and the Bankruptcy Trustee on how to address the suspended payments in the long-term, including obtaining any necessary court consent and approval. Should the parties fail to address the suspended payments within 21 days after the end of the forbearance period, the Debtor(s) and the Servicer shall seek appropriate relief from the Court.

/s/ _____
Signature

CERTIFICATE OF SERVICE

I certify that on _____, 2020, I served a true and correct copy of the Notice of Temporary Forbearance on the Debtor(s), attorney (if any) Trustee, U.S. Trustee, and any other interested parties via the Court's ECF system. In the event the Debtor(s) is/are pro se, a paper copy of the Notice is being mailed to the Debtor(s) address on file with the Court

/s/ _____