

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

NOTICE RE: REQUESTS FOR COURT APPROVAL OF
HOME MORTGAGE LOAN MODIFICATIONS

TO: Attorneys, debtors, lenders and other parties to loan modifications

The U.S. Bankruptcy Court for the District of Minnesota has seen an increase in requests for court orders or “court consent letters” approving loan modifications.

NOTICE IS GIVEN that all bankruptcy judges in this district endorse the disposition of this issue, as set forth by Judge Kressel in In re Cooper (Case No. 07-43597, Aug. 19, 2009) and by Judge Ridgway in In re Marberry (Case No. 12-60521, Nov. 14, 2013). Copies of both Judges’ orders are attached for reference.

Dated: January 27, 2015

Lori A. Vosejka
Clerk of Bankruptcy Court

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Brenda M. Cooper,

Debtor.

ORDER DENYING MOTION TO
APPROVE LOAN MODIFICATION

BKY 07-43597

At Minneapolis, Minnesota, August 19, 2009.

This case came on for hearing on the motion of the debtor asking the court to approve a loan modification agreement with Wells Fargo Home Mortgage. Neither the motion nor the accompanying memorandum cites to any provision of the Bankruptcy Code or real estate law, for that matter, which requires such approval. Since the debtor's homestead is exempt, it is no longer property of the estate and has vested in the debtor and no court approval is required. The motion is made only because an employee of Wells Fargo Home Mortgage has asked for a court order approving the loan modification. However, the misunderstanding of the bank employee is not grounds for granting such a motion. An order is not required.

THEREFORE, IT IS ORDERED: The debtor's motion to approve her loan modification is denied as moot.

/s/ Robert J. Kressel

ROBERT J. KRESSEL
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Paul Marberry
Lori Marberry
Debtors.

Case No. 12-60521

ORDER REGARDING EXPEDITED HEARING AND "COURT CONSENT LETTER"

At Fergus Falls, Minnesota:

This case came before the court on November 12, 2013 upon the motion of the debtors for an expedited hearing on the motion in question, and to obtain a "court consent letter". Appearances were noted on the record. Upon the files and records herein

IT IS HEREBY ORDERED:

1. The request for an expedited hearing is granted. The time required for notice of this motion is shortened to that actually given.
2. The court will not provide a "court consent letter". No such "court consent letter" is required by any provision of the United States Bankruptcy Code, nor is any such letter authorized by the provisions of the United States Bankruptcy Code.

If the lender and borrowers who are parties to the mortgage loan in question wish to consensually modify the mortgage loan, they are free to do so without the involvement of the court.

Dated: November 14, 2013

/e/ Michael E. Ridgway

United States Bankruptcy Judge

NOTICE OF ELECTRONIC ENTRY AND FILING ORDER OR JUDGMENT Filed and Docket Entry made on 11/14/2013 Lori Vosejka, Clerk, by KK
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