

CHECKLIST FOR OUTSIDE LOAN APPLICATIONS

If you do not meet each requirement, a motion will need to be filed with the Court for approval

NEW MORTGAGE FOR NEW HOME PURCHASE

- Real Estate Contract
- Truth-in-lending Statement, Good Faith Estimate, Lender's 1003 Form/HUD 1 Form (lender's loan application)
- Lender's section of Trustee's loan application completed
- Copies of pay stubs from the two (2) most recent pay periods
- Signature of attorney who represents you in your Chapter 13 case
- Source of fund affidavit (if needed-if you are making a down payment)
- Ensure interest rate on loan is no higher than seven percent (7%)
- New Schedules I and J filed with the Court with the new mortgage payment (including taxes and insurance)
- Current on Chapter 13 Plan payments and case paying within 60 months
- Payment to unsecured creditors 100%
- You have been in your confirmed plan for at least 12 months

NEW MORTGAGE: REFINANCE OF EXISTING MORTGAGE ON HOME

- Truth in lending statement, Good Faith Estimate, Lender's 1003 Form/HUD 1 Form (lender's loan application)
- Lender's section of Trustee's loan application completed
- Copies of pay stubs from the two (2) most recent pay periods
- Source of fund affidavit (if needed-if you are making a down payment)
- Ensure interest rate on loan is no higher than seven percent (7%)
- Signature of attorney who represents you in your Chapter 13 case
- New Schedules I and J—need not be filed with Court if you are paying your Chapter 13 Plan in full

CAR PURCHASE

- Copy of proposed contract
- Copies of pay stubs from the two (2) most recent pay periods
- Lender's section of Trustee's loan application completed
- Signature of attorney who represents you in your Chapter 13 case
- Ensure interest rate on loan is no higher than fourteen percent (14%)
- Car payment cannot be greater than \$300.00

- New Schedules I and J accounting for new car payment- must be filed with Court
- Payment to unsecured creditors 100%
- Current on Chapter 13 Plan payments and case paying within 60 months
- You have been in your confirmed plan for at least 12 months

STUDENT LOAN

- Take outside loan application package to school or lender for completion
- Signature of attorney who represents you for the Chapter 13 case

EMERGENCY LOANS AND MISCELLANEOUS LOANS

- Copy of contract
- Copies of pay stubs from the two (2) most recent pay periods
- Lender's portion of outside loan application completed
- Signature of attorney who represents you in your Chapter 13 case

Nancy J. Whaley
Standing Chapter 13 Trustee
303 Peachtree Center Ave – N.E.
Suite 120 – SunTrust Garden Office Plaza
Atlanta, GA 30303
(678) 992-1201

INFORMATION SHEET FOR OUTSIDE LOAN APPLICANTS

Your name _____

Your case number _____

Your contact person will be: _____

The attached form must be completed in full before being returned to the Trustee's office.

REMEMBER THE FOLLOWING:

- The process will take five to ten (5-10) business days from the time you submit the package to the Trustee
- Your proposed **lender** must carefully complete and **sign** their section
- **After** you have worked with your lender, you must see your attorney and have them review and complete you budget and income information
- **We DO NOT accept FAXED applications!** Also, we cannot accept incomplete forms. You are responsible for making your own copies. We will not be able to make them for you.

COMMON REASONS FOR HAVING A LOAN APPLICATION DENIED

- Your loan application is incomplete
-
- You failed to obtain your attorney's signature on the application
-
- You are not current on your plan payments to the Chapter 13 Trustee
- You are not paying your unsecured creditors a high enough percentage. For example, you may be paying your credit card debts at only 1% of what you owed. In such cases you may be required to pay more to the Trustee in order to have the loan approved.
- It appears you do not have enough income to cover the monthly payment of your new loan.

We realize that this process is time consuming. Please make sure you answer all questions thoroughly to avoid any delays.

PLEASE NOTE – THE INTEREST RATE ON MORTGAGE LOANS/REFINANCE SHOULD NOT BE HIGHER THAN SEVEN PERCENT (7%).

COMPLETE WITH YOUR LENDER FOR A NEW MORTGAGE LOAN

There is a separate form for refinancing an existing mortgage

PART "A" (to be completed by applicant)

Name _____ Daytime phone number _____

Do you presently own any real estate? _____ If yes, what is the current use of the property _____

Do you currently rent? _____ Monthly rental payment \$ _____

Do you contribute to any 401k or pension plan? _____
If so, how much per pay period \$ _____

PART "B" (to be completed by applicant and lender)

Address of property to be purchased _____

Purchase price of real estate \$ _____

Down payment amount \$ _____

Source of down payment _____
(Source of funds affidavit must be attached)

Total loan amount \$ _____

Total monthly payment (inc. PITI) \$ _____

Interest rate for fixed rate mortgage _____

Beginning interest for ARM _____ Yearly adjustment _____ Total Cap _____

Type of loan: VA _____ FHA _____ Conventional _____ Other _____

These must be copies we can keep. We will not be able to make copies for the applicant.

I certify that the **Part "B"** information is true and correct.

Signature of mortgage company representative Phone Number _____

COMPLETE WITH YOUR LENDER IF YOU WANT TO REFINANCE AN EXISTING MORTGAGE

PART "A" (to be completed by the applicant) Is this a refinance or second mortgage _____
If this is a second mortgage, you must provide proof that the first mortgage is current.

Name _____ Daytime phone number _____

Address of property to be refinanced _____

PART "B" (to be completed by the lender)

CURRENT MORTGAGES

1st mortgage _____ principal balance \$ _____
current interest rate _____ payment amount \$ _____ payoff amount \$ _____

2nd mortgage _____ principal balance \$ _____
current interest rate _____ payment amount \$ _____ payoff amount \$ _____

New loan amount \$ _____ New payment amount \$ _____

Will the new loan pay off all existing mortgages on the property? _____

Is the refinanced loan a fixed rate mortgage? _____ If yes, what is the rate? _____

If it is an ARM, list the beginning rate _____ yearly adjustment amount _____ and cap over the life of the loan _____. Are there any balloon provisions to this loan? _____ If so, describe _____

What are the closing costs? _____

Term of the refinanced loan _____

Is this a "cash out" refinance? If so, how much \$ _____

What does the applicant intend to do with the proceeds? _____

If must be a copy we can keep. We will not be able to make a copy for you.

I certify that the **Part "B"** information is true and correct.

_____ Phone number _____
Authorized representative of the mortgage lender

FORM TO COMPLETE WITH YOUR LENDER/DEALER IF YOU WANT A CAR LOAN. We cannot pre-approve a car loan. This must be completed first.

PART "A" (To be completed by the applicant)

Name _____ Daytime phone number _____

Reason for car loan _____

What do you intend to do with the car(s) you presently drive? _____

STOP!! IF YOU INTEND TO TRADE IN A CAR, YOU MUST OBTAIN AN ORDER SIGNED BY THE BANKRUPTCY JUDGE BEFORE YOU GO ANY FURTHER!! YOUR ATTORNEY WILL NEED TO PREPARE THIS ORDER.

Do you contribute to any 401k or pension plans? Yes _____ No _____

If yes, how much per pay period? \$ _____

Are you current on **ALL** rent or house payments that have come due since you filed your Chapter 13? Yes _____ No _____ How many are you now behind? _____

PART "B" (to be completed by applicant and lender)

No loans approved above 14% interest and payment cannot exceed \$300.00 per month

Name of Lender _____

Make, Model and Year of the car _____

Sales price of the car \$ _____ If used list NADA value here \$ _____

Down payment \$ _____

Source of down payment _____

(Source of funds affidavit must be attached)

Amount to be financed \$ _____

Total monthly payment \$ _____ Interest rate _____ Term of loan _____

You must attach a **Buyer's Order** to this portion of the application. Make sure it is a copy we can keep. We are unable to make a copy for the applicant.

I certify that the **Part "B"** information is true and correct.

_____ Phone number _____

Signature of loan officer, lending agent or salesperson completed Part "B"

FORM TO COMPLETE WITH YOUR LENDER IF YOU WANT TO LEASE A CAR. We cannot pre-approve a car lease. This must be completed first.

PART "A" (to be completed by the applicant)

Name _____ Daytime phone number _____

Reason for wanting to lease a car _____

What do you intend to do with the car(s) you presently drive? _____

STOP!! IF YOU INTEND TO TRADE IN A CAR YOU MUST OBTAIN AN ORDER SIGNED BY THE BANKRUPTCY JUDGE BEFORE YOU GO ANY FURTHER! YOUR ATTORNEY WILL NEED TO PREPARE THIS ORDER.

Do you contribute to any 401k or pension plans? Yes _____ No _____

If yes, how much per pay period? \$ _____

Are you current on **ALL** rent or house payments that have come due since you filed your Chapter 13? Yes _____ No _____ How many are you behind? _____

PART "B" (to be completed by applicant and lender)

Name of Lender _____

Make, Model, and Year of car _____

Monthly lease payment \$ _____ Interest rate _____

Down payment required \$ _____ Source of down payment _____

(Source of funds affidavit must be attached)

Term of lease _____ Amount due at end of lease \$ _____

You must attach a copy of the **proposed contract** to this portion of the application. Make sure it is a copy we can keep. We are unable to make a copy for the applicant.

I certify that the **Part "B"** information is true and correct

_____ Phone number _____

Signature of leasing agent or authorized representative

FORM TO COMPLETE WITH YOUR LENDER FOR A STUDENT LOAN

PART "A" (to be completed by applicant)

Name _____ Daytime phone number _____

Reason for needing a student loan _____

Name of school you will attend _____

Dates you will attend _____

PART "B" (to be completed by applicant and lender)

Amount of loan \$ _____

School year, quarter, semester, etc. loan will cover _____

Date first payment is due _____

Amount of monthly payment \$ _____ Interest rate _____

Total number of payments due _____

Is the loan guaranteed by any government agency? _____

I certify that the **Part "B"** information is true and correct

Signature of authorized representative of lender

Phone number _____

COMPLETE THIS FORM WITH YOUR LENDER FOR AN EMERGENCY OR MISCELLANEOUS LOAN

PART "A" (to be completed by applicant)

Name _____ Daytime phone number _____

Reason for needing an emergency loan _____

Have you previously applied for any emergency loans previously with the Trustee? _____

If so, are you still paying on that loan? _____ What is the balance? \$ _____

PART "B" (to be completed by the lender)

Name of the lender _____

Amount of loan \$ _____

Payment amount \$ _____ Frequency _____

Will it be payroll deducted? _____ Interest rate _____

Is the applicant borrowing against pension/retirement proceeds? _____

You **must** attach a copy of the **contract**. This must be a copy we can keep. We will not be able to make copies for the applicant.

I certify that the **Part "B"** information is true and correct.

Signature of lender representative

Phone number

ATTACHMENT TO CURRENT INCOME AND EXPENSES FORM FOR OUTSIDE LOAN APPLICATION

Did you remember to attach all the pay stubs? (Remember we are unable to make copies for you)

Did you remember to use the new mortgage payment information on Schedule J? (A decision will be made on the new payment, not the present or previous payment amount.)

Statement of applicant

Under penalty of perjury, I certify that the information contained herein is true and correct. I further state that I have reviewed the Chapter 13 file with my attorney and understand that certain claim(s) for mortgage arrearage may need to be withdrawn or objected to and that it is the responsibility of my attorney, and myself, to see that this is done.

Signature of applicant

Is there a claim(s) filed on behalf of an existing mortgage holder(s)? If so, list here _____

Is there a claim(s) filed on behalf of an existing mortgage holder(s)? If so, list here _____

Is there a balance(s) still due on the claim(s)? Yes _____ No _____

In light of the refinancing, remember that debtor's counsel will need to follow up on whether an existing claim(s) filed by mortgage holder(s) need to be withdrawn. If a claim(s) needs to be withdrawn due to the refinancing, debtor's counsel will be responsible for ensuring that it is done or the claim is objected to within twenty (20) days of closing.

If the claim is not withdrawn or objected to, the Trustee **will continue to fund the claim.**

Verification to be completed by applicant's attorney

I have reviewed the foregoing application completed by my client and the lender and have reviewed the current monthly budget as well. The budget figures appear to be true and correct and the proposed loan appears to be in the best interest of my client.

Signature of attorney