

## STANDING ORDER NO. 09-03

### PERMITTED BILLING AND SETTLEMENT COMMUNICATIONS

To the extent that the automatic stay under 11 U.S.C. § 362(a) may be applicable to a debtor or property of the estate and has not terminated or been lifted, relief from the automatic stay shall be deemed granted, without hearing or further order, in any case under any chapter of Title 11 of the United States Code, in order to enable a secured creditor or its agent, representative or nominee (excluding its attorney) to:

a) send WRITTEN correspondence to the debtor, with a copy to debtor's counsel, consisting of statements, payment coupons, notices, analyses or accountings of any payment defaults, the status of insurance coverage, tax payments, and/or municipal charges on property used as collateral and other such correspondence that the creditor typically sends to its non-debtor customers; EXCEPT that such correspondence shall not make demand for payment or threaten foreclosure or dismissal of the case; and

b) discuss and/or negotiate with a debtor a proposed modification of the terms of any secured indebtedness, including, without limitation, a home mortgage; EXCEPT that all such negotiations and/or discussions shall be conducted through counsel for the debtor, if the debtor is represented by counsel and such counsel has not, in writing, granted permission for such direct communication by creditor representatives with the debtor.

The secured creditor shall terminate the foregoing communications immediately upon receipt of written notice from the debtor or debtor's counsel requesting that such contacts cease. Further, nothing herein shall authorize a debtor or creditor to enter into any loan modification without court authority, so long as the property which is collateral for the loan is property of the estate under § 541(a).

DATED AS OF THIS 6<sup>TH</sup> DAY OF MAY, 2009.




William C. Hillman  
United States Bankruptcy Judge



Joan N. Feeney  
United States Bankruptcy Judge



Henry J. Boroff  
United States Bankruptcy Judge



Joel B. Rosenthal  
United States Bankruptcy Judge



Frank J. Bailey  
United States Bankruptcy Judge