

RICK A. YARNALL

Chapter 13 Bankruptcy Trustee
District of Nevada
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Re: **CHAPTER 13 TRUSTEES STATEMENT OF POSITION REGARDING
A LENDER AND DEBTOR ENTERING INTO DISCUSSIONS RELATED
TO A REAL ESTATE LOAN MODIFICATION**

To Whom It May Concern:

As the Chapter 13 Trustee appointed in the respective cases assigned to me, I have been periodically asked to provide my consent for a lender and debtor to enter into discussions which may lead to a potential real estate loan modification.

Please be advise that I have no objection to this process even though there is no basis in the Bankruptcy Code for me to unilaterally do so. The parties seeking permission should be aware that my "consent" or "no objection" does not, in of itself, provide or grant Relief from the Automatic Stay pursuant to 11 U.S.C. 362 of the U.S. Bankruptcy Code. Nor does this mean that the Lender and Debtor can enter into discussions without permission and/or participation by the Debtors attorney. Relief from Stay can only be obtained by filing a Motion with the Court with proper notice to creditors and obtaining an appropriate Court Order. I leave it to the parties to decide whether this action is necessary as a condition to discuss a loan modification. I cannot give legal advice.

In the event the discussions result in an new Agreement, the parties must obtain Bankruptcy Court approval by filing a Motion to Approve the Loan Modification giving proper notice to all parties in interest with full disclosure of the terms and obtaining an appropriate Court Order. My "consent" or "no objection" does not approve of any subsequent Agreement.

I wish you success in your negotiations.

Rick A. Yarnall
Chapter 13 Bankruptcy Trustee

(Rev. 2/8/10)