



SIGNED THIS 22nd day of September, 2020

THIS ORDER HAS BEEN ENTERED ON THE DOCKET.
PLEASE SEE DOCKET FOR ENTRY DATE.

Paul M. Black
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Roanoke Division

TROY SHANNON HARLOW,

Debtor.

Case No. 17-71487
Chapter 13

TROY SHANNON HARLOW, MARK
STEPHEN ESTES, KIMBERLY PORTER
FEWELL, BEATRIZ VILLEGAS-
RODRIGUEZ and RODOLFO
RODRIGUEZ, on behalf of themselves and
all others similarly situated,

Adversary No. 20-07028

Plaintiffs,

v.
WELLS FARGO & CO., WELLS FARGO
BANK, N.A.,

Defendants.

**AGREED ORDER RESOLVING
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Plaintiffs Troy Shannon Harlow, Mark Stephen Estes, Kimberly Porter Fewell, Beatriz Villegas-Rodriguez, and Rodolfo Rodriguez (“Plaintiffs”) and Defendants Wells Fargo & Co. and Wells Fargo Bank, N.A. (“Wells Fargo,” and, collectively with Plaintiffs, “Party” or

“Parties”) have requested that the Court cancel the hearing on Plaintiffs’ Motion for Preliminary Injunction (the “PI Motion”) (Doc. No. 26) scheduled for October 13, 2020.

In connection with this agreement, Wells Fargo has voluntarily agreed that, until such time as the Court enters an order superseding this order or a final judgment in this matter, that Wells Fargo will not (a) activate a COVID-19 pandemic-related forbearance (“Forbearance”) on the mortgage account of any Wells Fargo customer who is currently in Ch. 13 bankruptcy unless the customer (or an authorized representative) requests the Forbearance, which request may be made verbally, in writing or through Wells Fargo’s interactive voice recognition system or websites; (b) extend a Forbearance of any Wells Fargo customer who is in Ch. 13 bankruptcy beyond its originally disclosed term unless the customer or customer’s authorized representative (i) requests a Forbearance extension, or (ii) requested a Forbearance initially but has not responded to Wells Fargo’s written and verbal attempts to contact the customer to determine whether he or she would like to extend the Forbearance; (c) file a notice of Forbearance in any Chapter 13 debtor’s bankruptcy case stating that the customer requested a Forbearance, unless the customer actually requested it; (d) file a notice of Forbearance stating that the customer requested an extension of the Forbearance period, unless the customer actually requested it; and (e) prior to January 1, 2021, file a motion for relief from stay in the Chapter 13 bankruptcy case of a customer who was provided a Forbearance without having requested a Forbearance unless: (i) the customer consents to the motion for relief; (ii) the motion is necessary to protect the existence of or priority of Wells Fargo’s lien on the property or (iii) the motion is necessary to protect the collateral itself because it is endangered. Nothing in this agreed order prohibits Wells Fargo from delaying or deferring enforcement of any noteholder’s rights and remedies under the

applicable mortgage loan documents. The Parties agree that by making this agreement, neither Party concedes any disputed issue related to the pending PI Motion or this adversary proceeding.

Accordingly, based on the parties' agreement as set forth above, it is hereby:

ORDERED that the Parties shall comply with their agreement set forth above, and it is further,

ORDERED that the hearing on Plaintiffs' PI Motion scheduled for October 13, 2020 is cancelled.

END OF ORDER

AGREED TO:

/s/ Theodore O. Bartholow III ("Thad")

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