**IN THE UNITED STATES BANKRUPTCY COURT**

**FOR THE NORTHERN DISTRICT OF ALABAMA**

**WESTERN DIVISION**

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| --- | --- | --- |
| **In re:****Click to enter DEBTOR and JOINT DEBTOR,** **Debtor(s).** |  | **Case No. Case number-JHH****Chapter 13** |

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| NOTICE OF OPPORTUNITY TO OBJECT AND REQUEST HEARINGPursuant to Western Division Administrative Order No. 20-01, the court will consider the relief requested in this motion (the "Motion") without further notice or hearing unless a party in interest files a response within 21 days from the date set forth on the attached certificate of service, plus an additional three days for service if any party was served by U.S. Mail. If you oppose the relief requested in the Motion, then, within the time allowed, you must file a response with the clerk of court electronically (or by hand delivery or mail to the clerk's office at 2005 University Boulevard, Room 2300, Tuscaloosa, Alabama 35401), and you must serve a copy of your response on all appropriate persons. If you file and serve a response within the time permitted, the court will schedule and notify you of a hearing.If you do not file a response within the time permitted, the court will consider that you do not oppose the relief requested in the Motion; the court may deem admitted the allegations set forth in the Motion; the court will proceed to consider the Motion without further notice or hearing; and the court may grant the relief requested. |

**CHAPTER 13 DEBTOR'S MOTION TO APPROVE SALE OF PROPERTY PURSUANT TO**

**11 U.S.C. § 363(b)**

The chapter 13 debtor(s) (whether a single debtor or joint debtors, the "Debtor") in the above-captioned bankruptcy case (the "Case") move the court, pursuant to 11 U.S.C. § 363(b) and Rule 6004 of the Federal Rules of Bankruptcy Procedure, for entry of an order substantially in the form of the proposed order attached hereto as "Exhibit A" (the "Proposed Order"),[[1]](#footnote-1) approving the sale of the Debtor's interest(s) in the following property (describe): Enter property description (the "Property"). As grounds for the Motion, the Debtor avers as follows:

1. The Debtor or the Debtor's bankruptcy estate holds undivided interest(s) in the Property (Enter percentage ownership interest(s)%) (the "Debtor Interest(s)"). These interest(s) are disclosed in the Debtor's bankruptcy schedules. (*See* Enter Doc #('s).)

1. The Debtor executed a contract to sell the Debtor Interest(s) (the "Sale Contract") to Enter name of purchaser(s) (the "Purchaser"). The Purchaser Select: is/is not an insider. A true and correct copy of the Sale Contract is attached hereto as "Exhibit B."
2. [*Omit if not applicable.*] Co-owner(s) of the Property, Enter co-owner name(s) (holder(s) of Enter percentage ownership interest(s)% interest(s) in the Property), also have agreed to sell their interest(s) to the Purchaser, pursuant to the Sale Contract.
3. The total purchase price for the subject sale (the "Sale") is $Enter amount.
4. The Sale price reflects the fair market value of the seller(s)' Property interest(s).
5. In addition to ad valorem taxes (if any), the seller(s)' Property interest(s) are subject to the following mortgage(s), security interest(s), liens, or other encumbrances (include a separate row for each):

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Lienholder Name** | **Description** (e.g., first mortgage, second mortgage, judgment lien, etc.) | **Claim No(s).** (if any) | **Recording Information** (if any) | **Estimated Payoff Amount** |
|  Lienholder Name | Description | Claim # | Recording Information | $Amount |

1. Any and all ad valorem taxes, mortgage(s), security interest(s), lien(s), and other encumbrance(s) on the seller(s)' Property interest(s) (collectively, the "Liens") shall be paid in full or otherwise consensually satisfied from the proceeds of the sale at closing.
2. All closing costs described in the Sale Contract (collectively, and including realtor commissions, if any, the "Costs of Sale") shall be paid in full from the proceeds of the sale at closing.
3. The Debtor has claimed an exemption in the Debtor Interest(s) in the amount of $Enter amount (the "Exemption"). (*See* Doc(s). Enter Doc #('s).)
4. If there are Sale Proceeds attributable to the Debtor Interest(s) remaining after all Liens are satisfied and the Costs of Sale are paid (if any, the "Net Proceeds"), the closing agent shall disburse the Net Proceeds as follows: Enter description [*e.g.,* the Debtor shall receive Net Proceeds in an amount not to exceed the Exemption, and the balance of the Net Proceeds, if any, shall be remitted to the chapter 13 trustee and held pending further order of the court; the closing agent shall remit Net Proceeds to the chapter 13 trustee in an amount sufficient to complete the Debtor's chapter 13 plan and to pay non-priority unsecured creditors not separately classified by the plan 100 percent of the total allowed amount of such claims (estimate to be provided by the trustee to the closing agent), and the closing agent shall pay the balance of the Net Proceeds to the Debtor; etc.]
5. The Debtor requests that the court waive any stay of the order approving the sale of the Debtor Interest(s).
6. The Debtor requests that the trustee suspend disbursements on the claim(s) of the following Lienholders for sixty days after the date of the order approving the Sale (include a separate row for each Lienholder) (the "Requested Suspensions"):

|  |  |
| --- | --- |
| **Lienholder Name** | **Claim No(s).** |
| Lienholder Name | Claim # |

1. The Debtor shall file a report of sale attaching the seller(s)' closing statement for the sale of the Property interest(s) (the "Report of Sale") within fourteen (14) days after the closing of the sale of the Property interest(s).

**WHEREFORE, PREMISES CONSIDERED,** the Debtor requests entry of an order substantially in the form of the attached Proposed Order, approving the sale of the Debtor Interest(s) on the terms of the Motion.

Dated: Enter or select a date.

 Signature of Attorney for Debtor or pro se Debtor

 Print Name: Enter Name

 Address: Enter Address

 Telephone No. Enter Telephone No.

 Email: Enter Email Address

**CERTIFICATE OF SERVICE**

 I hereby certify that on the date of this certificate of service, I caused the Motion, the exhibit(s) to the Motion (the "Exhibit(s)"), including the Proposed Order, and this certificate of service[[2]](#footnote-2) to be served on the creditors and other interested parties identified on the attached mailing matrix[[3]](#footnote-3) by First-Class United States Mail.

 I also hereby certify that on the date of this certificate of service, I caused the Motion, the Exhibit(s), and this certificate of service to be served on the parti(es) listed below by the means specified (if none, leave blank; include any co-owner(s) of the Property Interest(s)):

|  |  |
| --- | --- |
| **Name and Address** (If any entity is served care of an officer or agent, identify the person served by name and by title.) | **Method of Service** (If service is made by certified mail, include the certified mail number.) |
| Click here to enter text. | Click here to enter text. |

Dated: Enter or select a date.

Signature of Attorney for Debtor or pro se Debtor

**EXHIBIT A**

(Proposed Order)

**IN THE UNITED STATES BANKRUPTCY COURT**

**FOR THE NORTHERN DISTRICT OF ALABAMA**

**WESTERN DIVISION**

|  |  |  |
| --- | --- | --- |
| **In re:****Click to enter DEBTOR and JOINT DEBTOR,** **Debtor(s).** |  | **Case No. Case number-JHH****Chapter 13** |

**ORDER GRANTING CHAPTER 13 DEBTOR'S MOTION TO APPROVE SALE OF PROPERTY PURSUANT TO 11 U.S.C. § 363(b)**

This matter is before the court on the *Chapter 13 Debtor's Motion to Approve Sale of Property Pursuant to 11 U.S.C. § 363(b)* (Doc. Enter Doc #) (the "Motion"). Capitalized terms used herein and not otherwise defined have the meanings ascribed to them in the Motion. The Motion was served on all creditors and other interested parties with the Western Division Administrative Order No. 20-01 negative notice legend informing the parties of their opportunity to respond. No party filed a response within the time permitted, and, therefore, the court considers the Motion to be unopposed and deems admitted the uncontroverted factual allegations set forth in the Motion. (*See* Admin. Order No. 20-01.) It appears to the court that the Motion should be granted. Accordingly, it is ORDERED:

1. The Motion is granted, and the Debtor is authorized to sell the Debtor Interest(s) on the terms set forth in the Motion and the Sale Contract.
2. All Liens shall be paid in full or otherwise consensually satisfied from the proceeds of the Sale at closing.
3. The Costs of Sale shall be paid in full from the proceeds of the Sale at closing.
4. Any requested disbursement(s) of Net Proceeds described in the Motion, and any Requested Suspensions, are approved.
5. Any stay of this order is waived.
6. The Debtor shall file the Report of Sale within 14 days after the closing of the Sale.

Dated:

 UNITED STATES BANKRUPTCY JUDGE

**EXHIBIT B**

(Sale Contract)

1. The movant must submit a Word version of the Proposed Order to the court's e-orders e-mail address (ordersjhh@alnb.uscourts.gov) in accordance with Western Division Administrative Order Number 20-01. [↑](#footnote-ref-1)
2. This certificate of service must be attached to, and filed with, the Motion. [↑](#footnote-ref-2)
3. Attach a current, official mailing matrix for the Case. [↑](#footnote-ref-3)