



Chapter 13 Quarterly Newsletter December 2019

1. Season's Greetings and Best Wishes for the New Year

As 2019 draws to a close, the Chapter 13 staff would like to wish all members of the bankruptcy community best wishes for the holidays and a prosperous New Year.

To allow the Chapter 13 staff to spend time with their families please note that the Chapter 13 office will be closed on December 24, December 25, December 26 and January 1, 2020.

2. New Interest Rate

Effective October 30, 2019, the prime rate for the United States is 4.75%.

Pursuant to Administrative Order Nos. 17-2 and 18-5, the standard risk factor for the Northern District of Ohio, Akron location, is 2.00%.

The prime rate plus the risk factor is the standard interest rate for Chapter 13 plans. That rate is now 6.75% for cases confirmed on or after October 30, 2019.

Please remember that if the creditor asks for a lesser interest rate than 6.75% Administrative Order No. 18-5, allows counsel to amend their plan to the interest rate requested by the creditor.

3. Relief from Stay in Domestic Cases

Please note that the Chapter 13 office has a standard template motion and order on the Chapter 13 webpage at www.chapter13info.com for relief from stay to pursue a divorce and/or dissolution of marriage.

The template is useful for counsel and state domestic courts as the template states certain items (determination of support and/or paternity) do not require relief from stay. All counsel are requested, that as the need arises, to use the template motion and order for relief from stay to pursue a domestic relations case.

Attached to this newsletter is a copy of the template motion and order for counsel to review.

4. Conduits vs. Entire Mortgage

Please note that there is a difference between paying a conduit through the Chapter 13 plan and paying the entire balance of the mortgage through the Chapter 13 plan.

Conduit mortgage payments are required by Administrative Order 16-1 and should be placed in Section 3.1 of the plan. Please note that conduit mortgage payments require payment of the monthly mortgage and the Debtor(s) will have to continue the mortgage after the Chapter 13 plan is over. Hence, in a conduit mortgage case, the timeline for the mortgage payments will extend past the Chapter 13 plan.

If the Debtor(s) is attempting to pay the entire balance of the mortgage because it is a small amount and the Debtor(s) is able to pay off the entire balance of the mortgage through the Chapter 13 plan, said balance of the mortgage should also go in Section 3.1. Under the "current installment payment column" counsel should write in "see section 8.1". It will also be necessary to check the box stating the Trustee will process the payment of the mortgage balance. Lastly, in section 8.1 counsel should write in, "the full mortgage balance will be paid inside the Chapter 13 plan at the stated interest rate on the claim." **Note-**This will also require the box in section 1 to be marked indicating the plan contains a non-standard provision.

In some cases, counsel have attempted to pay the entire balance of the mortgage but completed Section 3.1 to state the balance of the mortgage in addition to ongoing mortgage payments. Doing so made the plan not feasible and required an amendment to the plan.

5. Updated Motion and Order to Incur Debt to Purchase or Lease a Vehicle

Please find attached to this newsletter an updated motion and order for the Debtor(s) to obtain credit for the purchase of an automobile.

The motion has been updated to remove the reference to the unsecured dividend. As most plans filed in Akron are now base plans, stating an unsecured dividend is no longer necessary.

6. Sale of Residential and Non-Residential Real Property during the Chapter 13 Plan

Please find attached to this newsletter, updated pleadings to sell residential real property and non-residential real property during the Chapter 13 plan.

Templates to sell residential real property and non-residential real property have been added to the Chapter 13 webpage at www.chapter13info.com.

There has been some confusion with prior templates so two distinct pleadings have been developed for use by counsel. The sale of residential real property allows the Debtor(s) the homestead exemption when the Debtor(s) may or may not voluntarily contribute funds to the Chapter 13 plan.

The second template, the sale of non-residential real property, will require funds to be paid into the Chapter 13 plan.

The Trustee hopes that counsel finds these updated templates useful when it is necessary for the Debtor(s) to sell real property whether it be residential or non-residential.

7. Removing Information from the 341 Documentation

Please note that effective October 1, 2019, the Akron Chapter 13 Office will no longer accept paper copies at the 341 meeting. At this time, most counsel use the electronic portal system to submit documentation, and those efforts are appreciated.

A few counsel still like to bring paper copies to the 341 meeting and not allow a review of the documents prior to the meeting. While in the past paper copies were accepted as a courtesy, that time has now passed. Paper copies will result in the 341 meeting be adjourned so that counsel may submit those items electronically to the Chapter 13 office and allow the Chapter 13 staff an opportunity to review the documents.

Please remember when submitting documents through the portal system, the following personal information should be removed from the Debtor(s) tax returns:

- All social security numbers.
- All names of minor children.
- All bank routing numbers.

This information should also be removed from any other documentation being submitted to the Chapter 13 office.

If counsel has questions on how to submit items electronically through the portal system, please contact ehoffert@ch13akron.com.

8. Personal Financial Management Course

The Chapter 13 office will continue to sponsor an on-line Personal Financial Management Course through the Trustee Education Network. Information regarding the online program is available on the Chapter 13 website at www.chapter13info.com. There is no charge to take the course online for Chapter 13 Debtor(s) who have filed in Akron, Ohio.

Please note: in a joint case, each debtor must take the on-line course separately and use two different e-mails. The software program generates the required certificates of completion partly based on e-mails to keep track of who has taken the required course.

Please also find attached to this newsletter, a flyer for the on-line course, that counsel may share with their clients in Chapter 13 cases.

9. Creditors need to file Transfer of Claim Notices

For counsel who represent creditors, the Trustee requests that counsel remind their clients of the need to file transfer of claim notices with the court.

When one creditor sells a claim to another creditor, it is necessary to file a transfer notice with the US Bankruptcy Court. The Trustee cannot process payment to the new owner of the claim unless the transfer notice is filed with the Court.

Please note the Trustee will not change names and/or addresses for a creditor based on a letter or e-mail sent to the Chapter 13 Office. Often times, this is an attempt at identity theft. To protect against this theft, a transfer notice (or other notice detailing the change) must be filed with the court.

10. Car Registrations are needed at 341 Meeting

During the 341 meeting, it is often noted that the debtors auto insurance lists various vehicles which are not listed in the plan or schedules. Generally, the answer supplied by the debtor is that these cars belong to someone other than the debtor although they are on the debtor's insurance.

Lately there has been an increase in the number of vehicles on the Debtors insurance that are not disclosed in the plan. Therefore, if the Debtor(s) has auto insurance on a car that the Debtor(s) claims does not belong to the Debtor(s), the Debtor(s) must either provide the Trustee with a copy of the car title for that car or a copy of the current car registration which reflects the car is not titled in the Debtor(s) name.

**Motion and Order for Relief from Stay
to Pursue a Domestic Court Case**

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

IN RE:

**DEBTOR
JOINT DEBTOR**
Debtor(s)

**CASE NO. XX-XXXXX
CHAPTER 13**

JUDGE: ALAN M. KOSCHIK

**MOTION TO MODIFY THE
AUTOMATIC STAY FOR THE
LIMITED PURPOSE OF
COMMENCING A DOMESTIC
RELATIONS CASE**

Debtors, by and through undersigned counsel hereby move this Court for an Order conditioning, modifying the automatic stay imposed by Section 362 of the Bankruptcy Code. Debtors filed for protection under chapter 13 Bankruptcy on _____ and Debtors wish to file for Dissolution of Marriage and state the following:

1. Debtor _____ has retained Attorney _____, for the limited purpose of representing her in a Dissolution of Marriage in the Domestic Relations Court of Common Pleas in _____.
2. Debtor _____ has retained Attorney _____, for the limited purpose of representing him in a Dissolution of Marriage in the Domestic Relations Court of Common Pleas in _____.
3. Both Debtors desire to Modify the Automatic Stay only for the limited purpose of affording them the opportunity to jointly proceed with a Petition for Dissolution of Marriage in the Domestic Relations Court of Common Pleas in _____.

4. The Chapter 13 Trustee in Akron, Keith Rucinski, takes no position either in favor or opposition to the Dissolution of Marriage.
5. The Debtors understand that they filed Chapter 13 jointly and that the requirement to make monthly plan payments is joint and several.
6. Should the Domestic Relations Court order only one of the Debtors to make the Chapter 13 payment that will not relieve the other party from the obligation to make the monthly Chapter 13 plan payments.
7. The Debtors shall not be permitted to dispose of any assets of the bankruptcy estate without permission of the US Bankruptcy Court.
8. Relief from the bankruptcy automatic stay is not necessary for the Domestic Relations Court to render decisions regarding paternity, alimony or support.
9. The Debtors have a continuing duty to report all changes in address to the US Bankruptcy Court and the Chapter 13 Trustee.

WHEREFORE, Debtors pray for an Order of relief from stay to permit Debtors to proceed with filing a Dissolution of Marriage.

Respectfully submitted,

Attorney Name
Ohio Reg No _____
Street Address
City, State, Zip
Phone:
Fax:
Email:

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent on _____, 2015 to:

Debtor
Address
City, State, Zip
(via Regular Mail)

Debtor
Address
City, State, Zip
(via Regular Mail)

Bankruptcy Attorney (via ECF)

Domestic Relations Attorney
Address
City, State, Zip
(via Regular Mail)

Domestic Relations Attorney
Address
City, State, Zip
(via Regular Mail)

Office of the US Trustee (via ECF)

Keith L. Rucinski, Chapter 13 Trustee (via ECF)

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

IN RE:

**DEBTOR
JOINT DEBTOR
Debtor(s)**

**CASE NO. XX-XXXXX
CHAPTER 13**

JUDGE: ALAN M. KOSCHIK

NOTICE OF MOTION

Debtors have filed papers with the Court to Modify the Automatic Stay.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not want the Court to grant said Motion, or if you want the Court to consider your views on the Motion, then on or before _____ your attorney must file with the Court a written request for a hearing (or if the court requires a written response, an answer, explaining your position) at:

**US Bankruptcy Court
455 Federal Building
2 South Main Street
Akron, Ohio 44308**

If you mail your (request) (response) to the court for filing, you mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to:

**Attorney for Debtors
Attorney Name
Street Address
City, State, Zip**

**Chapter 13 Trustee
Keith L. Rucinski
One Cascade Plaza, Suite 2020
Akron, Ohio 44308**

Attend the hearing schedule to be held on _____ at _____ p.m. in Courtroom 260 at Akron, 455 U.S. Courthouse 2 South Main Street, Akron, OH 44308.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought and may enter an order granting that relief.

DATED: _____

Attorney Name (Ohio Reg No)
Attorney for Debtor(s)

**THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

In Re:)	
	)	CHAPTER 13
Debtor	)	CASE NO: xx-xxxxx
Joint Debtor)	
	)	ALAN M. KOSCHIK
DEBTOR(S)	)	BANKRUPTCY JUDGE
)	
	)	ORDER MODIFYING THE AUTOMATIC
	)	STAY ONLY FOR THE LIMITED
	)	PURPOSE OF COMMENCING A
	)	DOMESTIC RELATIONS CASE
)	



1. The above Chapter 13 case was filed by the Debtors. The Debtors have previously filed a motion to modify the automatic stay for the limited purpose of commencing a Domestic Relations Case. The Debtor(s)'s motion is incorporated herein as if fully rewritten.
2. The debtors desire to end their marriage through a Dissolution of Marriage.
3. _____ has retained Attorney, _____ for the limited purpose of representing her in a Dissolution of Marriage in the Domestic Relations Court of Common Pleas in _____ County, Ohio.
4. _____ has retained Attorney, _____ for the limited purpose of representing him in a Dissolution of Marriage in the Domestic Relations Court of Common Pleas in _____ County, Ohio.
5. Both debtors desire to modify the automatic stay only for the limited purpose of

affording them the opportunity to jointly proceed with a Petition for Dissolution of Marriage in the Domestic Relations Court of Common Pleas in _____ County, Ohio.

6. The Chapter 13 Trustee in Akron, Keith Rucinski, takes no position either in favor or opposition to the Dissolution of Marriage. The Trustee's signature on this order only indicates that the Trustee does not oppose the modification of the automatic stay only for the limited purpose of allowing the debtors to file a Dissolution of Marriage.
7. The Debtors understand that they filed Chapter 13 jointly and that the requirement to make monthly plan payments is joint and several.
8. Should the Domestic Relations Court order only one of the Debtors to make the Chapter 13 payment that will not relieve the other party from the obligation to make the monthly Chapter 13 payments. The Domestic Court has jurisdiction on how each party is to provide retribute to each other, but cannot relieve parties of their responsibility to make plan payments in a Chapter 13 bankruptcy.
9. The Debtors may not dispose of assets of the bankruptcy estate without permission of the US Bankruptcy Court.
10. Relief from the bankruptcy automatic stay is not required for the Domestic Relations Court to render decisions regarding paternity, alimony or support.
11. The Chapter 13 Trustee provides educational information on the interaction of Bankruptcy law with Family Law on his web site at www.chapter13info.com.
12. The Debtors have a continuing duty to report all changes in address to the US Bankruptcy Court and Chapter 13 Trustee.

WHEREFORE, the Court hereby modifies the automatic stay pursuant to 11 USC § 362 only for the limited purpose of allowing the debtors to proceed with a Dissolution of Marriage in the Domestic Relations Court of Common Pleas in _____ County, Ohio.

IT IS SO ORDERED.

###

Submitted By:

Approved By:

Chapter 13 Attorney Name
Ohio Reg. No. _____
Street Address
City, State, ZIP
Phone
Fax
Email

Keith Rucinski, Chapter 13 Trustee
Ohio Reg. No. 0063137
Joseph A. Ferrise, Staff Attorney
Ohio Reg. No. 008477
One Cascade Plaza, Suite 2020
Akron, OH 44308
Phone: 330-762-6335
Fax: 330-762-7072
krucinski@ch13akron.com
jferrise@ch13akron.com

CHAPTER 13
Keith Rucinski,
Trustee
One Cascade Plaza
Suite 2020
Akron, Oh 44308
(330) 762-6335
Fax
(330) 762-7072

cc: Debtor
Address
City, State, ZIP
(via Regular Mail)

Debtor
Address
City, State, ZIP
(via Regular Mail)

Name
Address
City, State, ZIP
Attorney representing _____ in Domestic Court
(via Regular Mail)

Name
Address
City, State, ZIP
Attorney representing _____ in Domestic Court
(via Regular Mail)

Bankruptcy Attorney, Esquire
(via ECF)

Office of the US Trustee
(via ECF)

Keith L. Rucinski, Chapter 13 Trustee
(via ECF @ efilings@ch13akron.com)

CHAPTER 13

Keith Rucinski,
Trustee
One Cascade Plaza
Suite 2020
Akron, Oh 44308

(330) 762-6335

Fax

(330) 762-7072

**Motion and Order to Incur Debt to Purchase
or Lease a Vehicle**

**THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

IN RE:	)	CHAPTER 13
	)	CASE NO:
)	
)	
DEBTOR(S)	)	ALAN M. KOSCHIK
	)	BANKRUPTCY JUDGE
)	
	)	<u>MOTION TO INCUR DEBT TO PURCHASE</u>
	)	<u>OR LEASE A VEHICLE</u>

.....

Now comes the Debtor(s), by and through undersigned counsel, and hereby moves this Court for approval to purchase or lease a vehicle.

___ Purchase a vehicle.

1. Terms of the purchase (type of vehicle, total purchase cost, length of loan, interest rate, monthly payment and from whom the Debtor(s) is buying the vehicle).

___ Lease a vehicle.

2. Terms of the lease (type of vehicle, lease term, monthly lease payment and from whom the Debtor(s) is leasing the vehicle).

3. ___ Amended Schedule I and Schedule J been filed to support car purchase.
4. ___ The Debtor(s) has supplied the Trustee current pay remittances and most recent tax returns to support Debtor(s) request for a car purchase or lease. Note: These items are necessary even if Debtor(s) is replacing an existing car for the same monthly payment on Schedule J.
5. ___ The Debtor(s) is current in monthly Chapter 13 plan payments in the amount of _____.
6. ___ The unsecured dividend will not be affected by the Debtor(s) request to purchase or lease a vehicle.

7. ____ The Debtor(s) needs a vehicle because:

8. ____ The Debtor(s) is replacing a current lease.

9. ____ If Debtor(s) contends existing car is too costly to repair, explain what steps Debtor(s) has taken to keep current car operational. (What is the mileage on the existing car).

10. ____ What is make and model of existing car.

11. ____ The Debtor(s) current car is being paid through the Chapter 13 plan.

12. ____ If current car is being paid through the plan, please explain how the current car lender will be paid if Debtor(s) is proposing to trade in current car for a new car.

13. ____ If Debtor(s) is seeking to purchase or lease an additional car explain why the Debtor(s) needs an additional car.

14. ____ Explain what efforts the Debtor(s) has made to obtain the best deal at the lowest interest rate possible.

NOTE: All applicable items stated above must be included in the order, not simply reference the motion.

Respectfully submitted,

Attorney Name
Ohio Reg. No.
Street Address
City, State, ZIP
Tel
Fax
Email:

CERTIFICATE OF SERVICE

I hereby certify that on _____, 2019, a copy of the foregoing was sent via Regular Mail to:

Debtor Name
Address
City, State, ZIP

All creditors listed on attached mailing matrix

via ECF:

Amy Good, Esquire-Office of the US Trustee at Amy.L.Good@usdoj.gov

Keith L. Rucinski, Chapter 13 Trustee at efilings@ch13akron.com

**THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

IN RE:)
) CHAPTER 13
) CASE NO:
)
) ALAN M. KOSCHIK
) BANKRUPTCY JUDGE
)
) ORDER TO PURCHASE OR LEASE A
) VEHICLE

The Debtor(s) have filed and hereby incorporate by reference PACER docket
number _____.

The Debtor(s) are requesting to obtain a new vehicle.

The terms of the _____purchase or _____lease are as follows:

*Insert type of vehicle, purchase price, monthly payment, interest rate and
duration of loan or lease.*

Should the Debtor(s) not be able to acquire this vehicle, this order authorizes the Debtor(s) to obtain a similar vehicle on similar terms. The terms may not exceed the amount of total purchase price, interest rate, monthly payment or other terms granted in this order.

###

Submitted by:

Approved:

Attorney Name
Ohio Reg. No.
Street Address
City, State, ZIP
Tel
Fax
Email

Keith L. Rucinski, Chapter 13 Trustee
Ohio Reg. No. 0063137
Joseph A. Ferrise, Staff Attorney
Ohio Reg. No. 0084477
One Cascade Plaza, Suite 2020
Tel 330.762.6335
Fax 330.762.7072
krucinski@ch13akron.com
jferrise@ch13akron.com

cc:

Debtor Name
Address
City, State, Zip
(via Regular Mail)

Attorney (via ECF)

Keith L. Rucinski, Chapter 13 Trustee (via ECF)

Office of the US Trustee (via ECF)

**Motion and Order for Authority/Approval for Sale of
Non-Residential Real Estate and Notice**

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION AT AKRON**

IN RE:	)	CHAPTER 13 BANKRUPTCY
)	
MR AND MRS DEBTOR	)	CASE NO:
)	
	)	ALAN M. KOSCHIK
	)	BANKRUPTCY JUDGE
DEBTOR(S))	

MOTION FOR AUTHORITY/APPROVAL
FOR SALE OF NON-RESIDENTIAL REAL ESTATE AND NOTICE
(Parcel Number and Address)

Now comes the Debtor(s), by and through undersigned counsel, and pursuant to 11 USC § 1303 and 11 USC § 363 and Rule 6004 of the Federal Rules of Bankruptcy Procedure hereby move the Court for approval of the sale of the Debtor(s) non-residential real property.

1. The Debtor(s) is seeking to sell the real property located at (**insert mailing address**).
2. The property is known as parcel number (**insert parcel number**).
3. The Debtor(s) has received an offer to sell said property for the amount of (**insert amount of sale price**).
4. Attached to this motion is a copy of the purchase agreement and estimated HUD statement. Said documents are incorporated herein, made a part hereof, and attached as “Exhibit A”.
5. The Debtors(s) believes that the offer referenced above is the best obtainable for said property under all the facts and circumstances.
6. The Debtor(s) believes that this offer is fair and reasonable considering the appraised value and condition of the subject premises.

7. The Debtor(s) is seeking Court approval for authority to execute and deliver to the purchaser a good and sufficient instrument of title conveying Debtor(s) interest upon payment of the above-mentioned purchase price.
8. All the right, title, and interest of the estate and/or the Debtor(s) in the real estate is hereby conveyed “as is, where is” without warranty of any kind. The property will be sold free and clear of all liens, claims, and encumbrances arising prior to or subsequent to the petition date.
9. At closing the title company shall pay all necessary closing costs and professional fees, mortgages, liens and pro-rated taxes.
10. The balance of funds shall be remitted to the Chapter 13 Trustee to be applied to the Debtor(s) bankruptcy case.

WHEREFORE, the Debtor(s) prays for an order authorizing the sale of the Debtor(s) real estate and authorizing the payment of expenses of sale and for such other and further relief as the Court deems just and proper without a hearing, pursuant to Title 11 USC § 102(1)(b)(i) and Local Bankruptcy Rule 9013-1, unless a response is filed or a hearing is requested within twenty-one (21) days after service of this motion and for such other and further relief as is just and equitable.

Respectfully submitted,

Attorney
(Ohio Reg Number)
Address
City, State, Zip
Phone
Email
Fax

NOTICE

Pursuant to LBR 9013-3, Notice is hereby given that any response or objection must be filed within twenty-one (21) days, or such other time as specified by applicable Federal Rule of Bankruptcy Procedure or statute or as the Court may order, from the date of service as set forth on the certificate of service, if relief sought is opposed, and that the Court is authorized to grant the relief requested without further notice unless a timely objection is filed.

CERTIFICATE OF SERVICE

I hereby certify this (insert date), a copy of the foregoing Motion for Authority/Approval for Sale of Residential Real Estate and Notice was sent via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

**US Trustee (registered address)@usdoj.gov
Keith L. Rucinski, Chapter 13 Trustee (efilings@ch13akron.com)
Attorney for the Debtor(s) ECF email address**

Regular US Mail, post pre-paid on:

Mr and Mrs Debtor
Address
City, State, Zip

Title Company
Address
City, State, Zip

All creditors listed on the attached copy of the Court's mailing matrix for this case and all claimants requesting service by regular US mail service.

Certified Mail on:

**All mortgage holders on subject property
All taxing authorities and other parties having a lien on the property**

/s/ Attorney Name
Attorney Name

NOTE: In addition, the Trustee suggests serving statutory agents for mortgage companies at least by regular US Mail.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO**

IN RE:	)	CHAPTER 13 BANKRUPTCY
)	
MR AND MRS DEBTOR	)	CASE NO:
)	
DEBTOR(S)	)	ALAN M. KOSCHIK
	)	BANKRUPTCY JUDGE

**ORDER GRANTING MOTION FOR AUTHORITY/APPROVAL OF SALE OF
DEBTOR(S) NON-RESIDENTIAL REAL ESTATE**

(Parcel Number and address)

This matter came before the Court on the Debtor(s) Motion for Authority/Approval for the sale of the Debtor(s) non-residential Real Estate (the "Motion"). The Debtor(s) motion was filed on or about **(insert date)** and is reflected on the Court's docket as PACER number **(insert docket number)**. The Debtor(s) motion is incorporated herein as if fully rewritten.

The Court finds that notice was given to all creditors and parties in interest of the Debtor(s) intent to sell the real estate and that no objection or response was filed or said objection or response has been withdrawn or resolved.

It is therefore accordingly, ORDERED, ADJUDGED AND DECREED as follows:

1. The Debtor(s) motion is hereby approved.
2. The Debtor(s) is permitted to sell the Debtor(s) real estate known as parcel number **(insert parcel number)** located at **(insert street address)**.
3. Pursuant to “exhibit A” filed with the Debtor(s) motion, the Debtor(s) is permitted to sell real estate for an estimated amount of **(insert purchase price)**.
4. The Debtor(s) are authorized and permitted to execute and deliver to the purchaser a good and sufficient instrument of title conveying Debtor(s) interest upon payment of the Debtor(s) residential real estate.
5. All the right, title, and interest of the Estate and/or the Debtor(s) in the real estate, shall be and hereby is conveyed, “as it, where is” without warranty of any kind. The property will be sold, free and clear of all liens, claims, encumbrances, whether arising prior to or subsequent to the petition date.
6. At closing the title company shall pay all necessary closing costs and professional fees, mortgages liens and pro-rated taxes to allow the purchaser to have good title.
7. The balance of funds shall be remitted to the Chapter 13 Trustee to be applied to the Debtor(s) bankruptcy case.
8. As a result of the proceeds of this sale, the Trustee is authorized to adjust the unsecured dividend to all timely filed, non-priority, non-disputed, unsecured creditors who have filed claims in this case.
9. The Debtor(s) shall provide a complete accounting of the sale, including a final HUD statement and present the same to the Chapter 13 Trustee and the Bankruptcy Court.

10. There being no just reason for delay, the Order Confirming Sale shall be entered as a final Order upon the docket of the Court.

IT IS SO ORDERED.

###

SUMMITTED:

/s/ Attorney Name

Attorney Name (Ohio Reg No)

Attorney for the Debtor(s)

Address

City, State, Zip

Phone

Fax

Email

APPROVED

/s/ Keith L. Rucinski

Keith L. Rucinski, Chapter 13 Trustee (0063137)

Joseph A. Ferrise, Staff Attorney (0084477)

One Cascade Plaza, Suite 2020

Akron, Ohio 44308

Phone: 330.762.6335

Fax: 330-762.7072

krucinski@ch13akron.com

jferrise@ch13akron.com

LIST OF PARTIES TO BE SERVED

A copy of the foregoing Order Granting Motion for Authority/Approval of Sale of Residential Real Estate was sent via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

US Trustee (Registered address)[@usdoj.gov](mailto:usdoj.gov)

Keith L. Rucinski, Chapter 13 Trustee efilings@ch13akron.com

Attorney Name, email address

And by regular US mail, postage prepaid, on:

Mr and Mrs Debtor

Address

City, State, Zip

Title Company

Address

City, State, Zip

List all creditors and mailing address

NOTE: Include mortgage companies and lienholders

**Motion and Order for Authority/Approval for Sale of
Residential Real Estate and Notice**

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION AT AKRON**

IN RE:	)	CHAPTER 13 BANKRUPTCY
)	
MR AND MRS DEBTOR	)	CASE NO:
)	
	)	ALAN M. KOSCHIK
	)	BANKRUPTCY JUDGE
DEBTOR(S))	

MOTION FOR AUTHORITY/APPROVAL
FOR SALE OF RESIDENTIAL REAL ESTATE AND NOTICE
(Parcel Number and Address)

Now comes the Debtor(s), by and through undersigned counsel, and pursuant to 11 USC § 1303 and 11 USC § 363 and Rule 6004 of the Federal Rules of Bankruptcy Procedure hereby move the Court for approval of the sale of the Debtor(s) residential real property.

1. The Debtor(s) is seeking to sell the residential real property located at (**insert mailing address**).
2. The property is known as parcel number (**insert parcel number**).
3. The Debtor(s) has received an offer to sell said property for the amount of (**insert amount of sale price**).
4. Attached to this motion is a copy of the purchase agreement and estimated HUD statement. Said documents are incorporated herein, made a part hereof, and attached as “Exhibit A”.
5. The Debtors(s) believes that the offer referenced above is the best obtainable for said property under all the facts and circumstances.
6. The Debtor(s) believes that this offer is fair and reasonable considering the appraised value and condition of the subject premises.

7. The Debtor(s) is seeking Court approval for authority to execute and deliver to the purchaser a good and sufficient instrument of title conveying Debtor(s) interest upon payment of the above-mentioned purchase price.
8. All the right, title, and interest of the estate and/or the Debtor(s) in the real estate is hereby conveyed “as is, where is” without warranty of any kind. The property will be sold free and clear of all liens, claims, and encumbrances arising prior to or subsequent to the petition date.
9. As the property being sold is the Debtor(s) residence, the Debtor(s) hereby assert their applicable homestead exemption pursuant to Ohio Revised Code § 2329.66.
10. At closing the title company shall pay all necessary closing costs and professional fees, mortgages, liens and pro-rated taxes.
11. Unless directed otherwise by Court order, the title company shall remit any remaining funds directly to the Debtor(s).

WHEREFORE, the Debtor(s) prays for an order authorizing the sale of the Debtor(s) residential real estate and authorizing the payment of expenses of sale and for such other and further relief as the Court deems just and proper without a hearing, pursuant to Title 11 USC § 102(1)(b)(i) and Local Bankruptcy Rule 9013-1, unless a response is filed or a hearing is requested within twenty-one (21) days after service of this motion and for such other and further relief as is just and equitable.

Respectfully submitted,

Attorney
(Ohio Reg Number)
Address
City, State, Zip
Phone
Email
Fax

NOTICE

Pursuant to LBR 9013-3, Notice is hereby given that any response or objection must be filed within twenty-one (21) days, or such other time as specified by applicable Federal Rule of Bankruptcy Procedure or statute or as the Court may order, from the date of service as set forth on the certificate of service, if relief sought is opposed, and that the Court is authorized to grant the relief requested without further notice unless a timely objection is filed.

CERTIFICATE OF SERVICE

I hereby certify this (insert date), a copy of the foregoing Motion for Authority/Approval for Sale of Residential Real Estate and Notice was sent via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

**US Trustee (registered address)@usdoj.gov
Keith L. Rucinski, Chapter 13 Trustee (efilings@ch13akron.com)
Attorney for the Debtor(s) ECF email address**

Regular US Mail, post pre-paid on:

Mr and Mrs Debtor
Address
City, State, Zip

Title Company
Address
City, State, Zip

All creditors listed on the attached copy of the Court's mailing matrix for this case and all claimants requesting service by regular US mail service.

Certified Mail on:

**All mortgage holders on subject property
All taxing authorities and other parties having a lien on the property**

/s/ Attorney Name
Attorney Name

NOTE: In addition, the Trustee suggests serving statutory agents for mortgage companies at least by regular US Mail.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO**

IN RE:	)	CHAPTER 13 BANKRUPTCY
)	
MR AND MRS DEBTOR	)	CASE NO:
)	
DEBTOR(S)	)	ALAN M. KOSCHIK
	)	BANKRUPTCY JUDGE

**ORDER GRANTING MOTION FOR AUTHORITY/APPROVAL OF SALE OF
DEBTOR(S) RESIDENTIAL REAL ESTATE**

(Parcel Number and address)

This matter came before the Court on the Debtor(s) Motion for Authority/Approval for the sale of the Debtor(s) residential Real Estate (the "Motion"). The Debtor(s) motion was filed on or about **(insert date)** and is reflected on the Court's docket as PACER number **(insert docket number)**. The Debtor(s) motion is incorporated herein as if fully rewritten.

The Court finds that notice was given to all creditors and parties in interest of the Debtor(s) intent to sell the real estate and that no objection or response was filed or said objection or response has been withdrawn or resolved.

It is therefore accordingly, ORDERED, ADJUDGED AND DECREED as follows:

1. The Debtor(s) motion is hereby approved.
2. The Debtor(s) is permitted to sell the Debtor(s) residential real estate known as parcel number **(insert parcel number)** located at **(insert street address)**.
3. Pursuant to “exhibit A” filed with the Debtor(s) motion, the Debtor(s) is permitted to sell residential real estate for an estimated amount of **(insert purchase price)**.
4. The Debtor(s) are authorized and permitted to execute and deliver to the purchaser a good and sufficient instrument of title conveying Debtor(s) interest upon payment of the Debtor(s) residential real estate.
5. All the right, title, and interest of the Estate and/or the Debtor(s) in the real estate, shall be and hereby is conveyed, “as it, where is” without warranty of any kind. The property will be sold, free and clear of all liens, claims, encumbrances, whether arising prior to or subsequent to the petition date.
6. As the Debtor(s) is selling residential real estate, the Debtor(s) is permitted a homestead exemption and any funds to be received by the Debtor(s) is exempt pursuant to Ohio Revised Code § 2329.66.
7. The Debtor(s) hereby voluntarily agree that funds should be remitted to the Chapter 13 Trustee and applied to the Chapter 13 case in the amount **(insert dollar amount)**.
8. At closing the title company shall pay all necessary closing costs and professional fees, mortgages liens and pro-rated taxes. If the Debtor(s) has stipulated an amount to be turned over to the Chapter 13 Estate, the title company shall send said funds to the Chapter 13 Trustee to be applied to the Debtor(s) Chapter 13 bankruptcy case.

9. In the absence of any amount to be turned over to the Debtor(s) Chapter 13 Estate, the title company is authorized to remit the remaining proceeds to the Debtor(s).
10. The Debtor(s) shall provide a complete accounting of the sale, including a final HUD statement and present the same to the Chapter 13 Trustee and the Bankruptcy Court.
11. There being no just reason for delay, the Order Confirming Sale shall be entered as a final Order upon the docket of the Court.

IT IS SO ORDERED.

###

SUMMITTED:

/s/ Attorney Name

Attorney Name (Ohio Reg No)

Attorney for the Debtor(s)

Address

City, State, Zip

Phone

Fax

Email

APPROVED

/s/ Keith L. Rucinski

Keith L. Rucinski, Chapter 13 Trustee (0063137)

Joseph A. Ferrise, Staff Attorney (0084477)

One Cascade Plaza, Suite 2020

Akron, Ohio 44308

Phone: 330.762.6335

Fax: 330-762.7072

krucinski@ch13akron.com

jferrise@ch13akron.com

LIST OF PARTIES TO BE SERVED

A copy of the foregoing Order Granting Motion for Authority/Approval of Sale of Residential Real Estate was sent via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

US Trustee (Registered address)[@usdoj.gov](mailto:usdoj.gov)

Keith L. Rucinski, Chapter 13 Trustee efilings@ch13akron.com

Attorney Name, email address

And by regular US mail, postage prepaid, on:

Mr and Mrs Debtor

Address

City, State, Zip

Title Company

Address

City, State, Zip

List all creditors and mailing address

NOTE: Include mortgage companies and lienholders

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THIS COURSE IS REQUIRED TO EARN YOUR DISCHARGE !

Online Chapter 13 Bankruptcy Course Finally Financial Freedom!

** The Trustees' Education Network (TEN) – an affiliate of the National Association of Chapter 13 Trustees – has created an online financial management course for the benefit and financial education of Chapter 13 debtors. This course is approved by the United States Trustee Program. **

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*****THIS COURSE IS ABLE TO BE COMPLETED PRIOR TO YOUR 341 HEARING WITH THE TRUSTEE*****

SIGN UP ONLINE AT WWW.13CLASS.COM

WHAT YOU WILL NEED TO SIGN UP

- Unique Trustee Identifier Number
 - **TEN13010**
- Bankruptcy Case Number
- Your full Name “exactly” as shown on bankruptcy petition
- A valid email address (each debtor will need a separate email address)
- Your bankruptcy Schedules A/B, D, and E/F for Lesson 1 and Schedules I and J for Lesson 3.



You must complete the entire course (all lessons and quizzes) to receive a Certificate of Completion from the Trustees' Education Network. Once you complete all coursework, the Trustees' Education Network will send a Certificate of Completion to you and to your Bankruptcy Court.

*****Course satisfies legal requirements for debtors' Certificate of Completion and to gain a discharge of their bankruptcy case.***

****Other course providers may charge you a fee for this course.***