**UNITED STATES BANKRUPTCY COOURT**

**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.