

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re

Case No. _____
Amended

Debtor

**NOTICE OF MOTION AND MOTION TO
BUY, SELL, OR ENCUMBER INTEREST IN
PROPERTY IN A CHAPTER 13 CASE**

NOTICE

1. YOU ARE NOTIFIED that the motion below was filed by _____
_____ [enter name of movant], who is _____
[enter role in case] in the case, to [check all that apply]:
 - Buy property
 - Sell property
 - Encumber property (including refinancing of property and loan modification)
2. If you wish to object to the motion, you must, within 21 days after the service date in paragraph 5 below, file with the clerk at 1050 SW 6th Ave. #700, Portland OR 97204 or 405 E 8th Ave. #2600, Eugene OR 97401 a written objection stating the specific facts upon which the objection is based, and include a certificate of service of the objection on the movant.
3. **Failure to Object.** If you fail to file a timely objection, then the court may sign an order without further notice, submitted by the moving party on Local Bankruptcy Form 1301.5, granting the relief requested in the motion.
4. This document constitutes the notice required by Local Bankruptcy Rule 2002-1.
5. I certify that on _____ this document was:
 - a. served under Federal Rule of Bankruptcy Procedures (FRBP) 7004, on the debtor, chapter 13 trustee, U.S. trustee, each holder of liens or encumbrances on the property, and their attorneys; and
 - b. was sent, pursuant to FRBP 2002(a), to all creditors and all parties as listed in the court's records that were obtained on _____, a copy of which is attached to the document filed with the court.
6. For further information, contact [enter name and contact information of movant's attorney, or, if no movant's attorney, movant]:

Date	Signature & Relation to Movant
Movant's Address and, if movant is debtor, last 4 Digits of Taxpayer ID#	

MOTION

Information About the Property

[Movant must complete this entire section]

1. **Description of the Property** *[for example, real property address; car model, year, and VIN; or manufacturer and serial number]:*

Is the property the debtor's primary residence? Yes No

Additional property description attached? Yes No

2. **Description of Existing Liens and Encumbrances on the Property, Listed in Priority Order** *[for property debtor is purchasing, do not include liens and encumbrances of the existing owner that will be satisfied at the closing of the purchase]:*

Name of Holder	Approximate Amount	Interest Rate	Maturity Date	Proposed Treatment (fully paid, partially paid, or not paid)

Additional information on existing liens and encumbrances attached? Yes No

Relief Requested

[Movant must complete each applicable part of this section; inapplicable parts of this section may be left blank.]

3. **Motion to Approve Purchase of Property.** Debtor hereby moves for the authority to purchase the property described in paragraph 1 of this motion. In support of this motion, debtor provides the following information--

Name of seller:

Relationship of seller to debtor:

Purchase price: \$

Anticipated closing date:

Other relevant terms of purchase:

Source of funds for purchase:

4. **Motion to Approve Sale of Property.** Debtor hereby moves for the authority to sell the property described in paragraph 1 of this motion. In support of this motion, debtor provides the following information--

Name of buyer:

Relationship of buyer to debtor:

Sale price: \$

Anticipated closing date:

Other relevant terms of sale:

Anticipated net proceeds:

Disposition of anticipated net proceeds (other than payment of liens and encumbrances described in paragraph 2 of this motion):

5. **Motion to Approve Encumbrance of Property** (including refinance of property and loan modification). Movant hereby moves for the authority for debtor to encumber the property described in paragraph 1 of this motion. In support of this motion, movant provides the following information—

Encumbrance type: New Loan Refinance Loan Modification

Name of lender:

Relationship of lender to debtor:

Principal amount of loan: \$

Interest rate:

Loan term/maturity date:

Payment amount and terms [*for example, monthly, interest only with balloon or fully amortizing, payable only after prior debt*]:

Closing costs:

Lien position [*senior lien, second position lien, etc.*]:

Amount of cash debtor will receive from refinance: \$0 \$

Use of any cash debtor receives:

If this is a refinance or loan modification, explain how the new terms compare with the prior terms:

Points and Authorities

[Movant must complete this entire section]

6. **Basis for Relief.** Movant asserts that the court should grant the relief requested because:

7. **Chapter 13 Trustee Position on this Motion.** Movant or movant's counsel has conferred with the chapter 13 trustee, and the trustee:

Consents to this motion

Opposes this motion

Takes no position on this motion

Other:

8. **Plan**

- a. Does the chapter 13 plan contemplate the relief requested herein? Yes No
- b. Effect of Requested Relief on Plan or Plan Payments. Check all that apply:

Satisfies an arrearage or other secured debt being paid in the plan.

Movant anticipates debtor will have an increased a reduced housing expense of \$_____ compared to the amount listed in the most recently filed Schedule J.

Net proceeds will be used to complete debtor's obligations under the plan.

Net proceeds will be used to pay all creditors in full.

Other:

9. Exhibits

In support of this motion, movant hereby attaches the following exhibits [*for example, purchase and sale agreement, note, deed of trust, preliminary title report, estimated closing statement*]:

None

Exhibits:

Exhibit Number [for example, Exhibit B]	Exhibit Description [for example, purchase and sale agreement, note, deed of trust, preliminary title report, estimated closing statement]

10. Declarations

In support of this motion, movant hereby attaches the following declarations:

None

Declarant names:

Date

Signature & Relation to Movant

Movant's Address and, if Movant is Debtor, last 4 Digits of Taxpayer ID#