

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF KENTUCKY  
\_\_\_\_\_ DIVISION**

**IN RE:**

\_\_\_\_\_

**CASE NO:** \_\_\_\_\_

\_\_\_\_\_  
**DEBTOR(S)**

**MOTION TO SELL REAL PROPERTY**

Come the Debtor(s), through counsel, and pursuant to 11 U.S.C. 363(b)(1) and 11 U.S.C. 1303, respectfully request the Court to permit the Debtor(s) to sell certain real property as described below, and under the terms indicated:

1. The Debtor(s) propose to sell certain real property commonly known as \_\_\_\_\_ (“Property”) [and as further described on the legal description attached hereto].

2. The proposed sale price is \$\_\_\_\_\_.

3. The buyer(s) is/are \_\_\_\_\_. The buyer(s) [are/are not] related to the Debtor(s) by blood, marriage or business association.

4. The following sales cost, liens of record, homestead exemption and other charges and expenses related to the sale, are to be paid out of the sale proceeds [at the time of closing] in the estimated amounts as indicated:

(a) \$\_\_\_\_\_ as a realtor commission payable to

\_\_\_\_\_;

(b) Recorded liens of record in the amounts as indicated:

(1) \$\_\_\_\_\_ to \_\_\_\_\_

(2) \$\_\_\_\_\_ to \_\_\_\_\_

(3) \$\_\_\_\_\_ to \_\_\_\_\_

(4) \$\_\_\_\_\_ to \_\_\_\_\_

(5) \$ \_\_\_\_\_ to \_\_\_\_\_

(6) \$ \_\_\_\_\_ to \_\_\_\_\_

(c) Other charges and expenses in the amounts as indicated:

(1) \$ \_\_\_\_\_ to \_\_\_\_\_

(2) \$ \_\_\_\_\_ to \_\_\_\_\_

(3) \$ \_\_\_\_\_ to \_\_\_\_\_;

and

(c) \$ \_\_\_\_\_ as a homestead exemption payable to the Debtor(s); and

5. The net sale proceeds, after payment of the actual amounts charged to the items set forth in paragraph 4 above [and payment of other liens of record, taxes, and other costs and fees at closing], shall be paid to the Trustee in addition to the plan payments and shall not alter or reduce the periodic payments due under the plan, nor shall the duration of the plan be shortened, except to the extent such net sale proceeds would result in payment in full to all creditors and administrative costs.

6. The amount received by the Trustee shall be disbursed as follows:

(a) First, to administrative claimants and costs whose efforts and actions resulted in the sale benefiting the estate;

(b) Second, to unsecured and under-secured creditors pro-rata pursuant to the priorities set forth in 11 U.S.C. Sec 726;

(c) Third, to the secured creditors, pro-rata; and

(d) Fourth, after payment of all remaining claims, administrative costs and expenses of the estate, the balance shall be refunded to the Debtor(s).

7. The Debtor(s) attaches herewith copy of the sales contract or other agreement of sale setting forth the terms of the sale.

## **NOTICE OF HEARING**

Notice is hereby given to the Chapter 13 Trustee and all parties in interest pursuant to B.R. 2002(a) of this Motion to Sell Real Property. Unless a Response and Request for Hearing stating grounds for opposing this Motion is filed within twenty (20) days of service, an Order will be tendered sustaining this Motion and the matter will be submitted to the Court for decision. No hearing will be held unless a timely request for hearing is filed. Notice is further given that the attached order sustaining this Motion is being tendered herewith.

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF KENTUCKY  
\_\_\_\_\_ DIVISION**

**IN RE:**

\_\_\_\_\_

**CASE NO:** \_\_\_\_\_

\_\_\_\_\_  
**DEBTOR(S)**

**ORDER PERMITTING SALE OF REAL PROPERTY**

Notice and Opportunity having been given to all parties in interest, the court being otherwise sufficiently advised, and there being no objections to the Motion to Sell Real Property within twenty (20) days after service of said motion,

**IT IS HEREBY ORDERED** that the Motion to Sell Real Property is  
SUSTAINED.

It is directed that the Debtor(s) serve copies of this order upon the Trustee and all parties making an appearance in this case.

Dated: \_\_\_\_\_

\_\_\_\_\_  
BANKRUPTCY JUDGE