

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

_____	:	Case No. _____-JCM
_____	:	
<i>Debtor(s)</i>	:	Chapter _____
_____	:	
_____	:	Related to Doc No. _____
_____	:	
<i>Movant/Plaintiff(s)</i>	:	
v.	:	
_____	:	
_____	:	Hearing:
_____	:	
<i>Respondent/Defendant(s)</i>	:	

**ORDER CONFIRMING CHAPTER 13 SALE OF PROPERTY
FREE AND DIVESTED OF LIENS**

AND NOW, this _____ (*Date*), on consideration of the (*Party*) _____ *Motion/Complaint for Sale of Property Free and Divested of Liens to (Buyer name and address)* for \$ _____ (*Price*), after hearing held in: (the Bankruptcy Courtroom, U.S. Courthouse, 17 South Park Row, Erie, PA 16501 **OR** Courtroom "C", 54th Floor, U.S. Steel Building, 600 Grant Street, Pittsburgh, PA 15219), this date, the Court finds:

(1) That service of the *Notice of Hearing* and *Order* setting hearing on said *Motion/Complaint* for private sale of real property free and divested of liens of the above named Respondents, was effected on the following secured creditors whose liens are recited in said *Motion/Complaint* for private sale, viz:

DATE OF SERVICE

NAME OF LIENOR AND SECURITY

(*actual date of service for each creditor*)

(*Identify full name of each creditor in separate paragraphs with specifics of each claim, including filing information*)

(*actual date of service*)

Ronda J. Winnecour, Ch. 13 Trustee,
Suite 3250, U.S. Steel Building
600 Grant Street
Pittsburgh, PA 15219

(2) That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the moving party as shown by the certificate of service filed and that the named parties were served with the Motion/Complaint.

(3) That said sale hearing was duly advertised on the Court's website pursuant to *W.P.A LBR 6004-1(c)(2)* on _____ *(Date)*, in the _____ *(Newspaper)* on *(Date)* _____ and in the _____ *(Legal Journal)* on _____ *(Date)*, as shown by the Proof of Publications duly filed.

(4) That at the sale hearing the highest/best offer received was that of the above Purchaser(s) and no objections to the sale were made which would result in cancellation of said sale.

(5) That the price of \$ _____ *(Price)* offered by _____ *(Buyer)* was a full and fair price for the property in question.

(6) That the Purchaser(s) has acted in good faith with respect to the within sale in accordance with *In re Abbotts Dairies of Pennsylvania, Inc.*, 788 F2d. 143 (3d Cir. 1986).

NOW THEREFORE, it is hereby **ORDERED, ADJUDGED AND DECREED** that the sale by Special Warranty deed of the real property described as _____ *(Description)* is hereby **CONFIRMED** to _____ *(Buyer name and address)* for \$ _____ *(Price)*, free and divested of the above recited liens and claims, and, that the Movant/Plaintiff is authorized to make, execute and deliver to the Purchaser(s) above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the terms of sale;

It is **FURTHER ORDERED**, that the above recited liens and claims, be, and they hereby are, transferred to the proceeds of sale, if and to the extent they may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear and divested of said liens and claims;

It is **FURTHER ORDERED**, that the following expenses/costs shall immediately be paid at the time of closing. *Failure of the Closing Agent to timely make and forward the disbursements required by this Order will subject the Closing Agent to monetary sanctions*, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of this Order. Except as to the distribution specifically authorized herein, all remaining funds shall be held by Counsel for Movant pending further Order of this Court after notice and hearing.

- (1) The following lien(s)/claim(s) and amounts: _____;
- (2) Delinquent real estate taxes, if any;
- (3) Current real estate taxes, pro-rated to the date of closing;
- (4) The costs of local newspaper advertising in the amount of \$ _____;
- (5) The costs of legal journal advertising in the amount of \$ _____;
- (6) The Court approved realtor commission in the amount of \$ _____;
- (7) Court approved attorney fees in the amount of \$ _____;
- (8) Chapter 13 Trustee "percentage fees" in the amount of \$ _____ payable to "Ronda J. Winnecour, Ch. 13 Trustee, P.O. Box 2587, Pittsburgh, PA. 15230";
- (9) The "net proceeds" from the closing as identified on the HUD-1 to the Chapter 13 Trustee payable to "Ronda J. Winnecour, Ch. 13 Trustee, P.O. Box 84051, Chicago, IL 60689-4002"; and,
- (10) Other: _____

It is **FURTHER ORDERED** that:

- (1) ***Within seven (7) days of the date of this Order***, the Movant/Plaintiff shall serve a copy of the within *Order* on each Respondent/Defendant (i.e., each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney for the debtor, the Closing Agent, the Purchaser, and the attorney for the Purchaser, if any, and file a Certificate of Service.
- (2) ***Closing shall occur within thirty (30) days of this Order.***
- (3) ***Within seven (7) days following closing***, the Movant/Plaintiff shall file a ***Report of Sale*** which shall include a copy of the HUD-1 or other Settlement Statement; and,
- (4) This *Sale Confirmation Order* survives any dismissal or conversion of the within case.

John C. Melaragno, Judge
United States Bankruptcy Court