

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In re:

Case No.
Chapter

Debtor(s).

ORDER VOIDING JUNIOR MORTGAGE LIEN IN THIS CHAPTER 13 CASE

A motion (the “Motion”) was filed by _____ (“Movant”) for entry of an order determining that the junior mortgage lien of _____ as a lien of record against the Debtor[’s’] real property located at _____ (the “Property”) is void as being wholly unsecured under 11 U.S.C. §§ 506(a) and 1322(b) and reclassifying the secured claim of _____ (Claim No.____) as an unsecured claim. A hearing was held on _____. It appears that due and sufficient notice of the Motion and the hearing thereon was provided and _____

NOW, after due deliberation and sufficient cause appearing therefor; it is hereby

ORDERED, that pursuant to 11 U.S.C. §§ 506(a) and 1322(b), the Motion is GRANTED; and it is further

ORDERED, that the junior mortgage lien on the Property held by _____, as evidenced by the original mortgage duly recorded with the Clerk of _____ County, State of New York, on _____ in the original amount of _____ in Liber ___ at Page _____, shall be treated as wholly unsecured during the pendency of the Debtor[’s’] Chapter 13 plan; and it is further

ORDERED, that any claim filed on account of the junior mortgage lien of _____ (Claim No. _____) shall be treated as wholly unsecured during the pendency of the Chapter 13 case; and it is further

ORDERED, that upon the filing by the Chapter 13 trustee of a Certification of Completed Chapter 13 Plan with this Court, the junior mortgage lien held by _____ described above shall automatically become void, released and discharged; and it is further

ORDERED, that the Debtor(s) may present a certified copy of this Order and a copy of the Certification of Completed Chapter 13 Plan filed by the Chapter 13 trustee with this Court to the Clerk of _____, who may mark the aforesaid junior mortgage lien held by _____ as discharged from the Debtor[’s’] real property located at _____.

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