

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK

In re:

Case No.  
Chapter

Debtor(s).

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**ORDER TERMINATING THE AUTOMATIC STAY  
IMPOSED BY 11 U.S.C. § 362(a)**

Upon the motion of \_\_\_\_\_ (“Movant”)

for an order terminating the automatic stay as to real property located at

\_\_\_\_\_ (“Property”)

(“Motion,” ECF No.\_\_\_\_) and [INSERT EITHER: after a hearing was noticed for

\_\_\_\_\_ with no opposition filed and, therefore, no hearing held pursuant to

the default motion procedure of LBR 9013-3(a) **OR** after opposition filed by

\_\_\_\_\_ and a hearing held on \_\_\_\_\_,

with appearances by \_\_\_\_\_

\_\_\_\_\_.]

now, upon due deliberation and good cause appearing therefor, it is

ORDERED that the Motion is granted; and it is further

ORDERED that the automatic stay imposed by 11 U.S.C. § 362(a) is terminated pursuant to [SELECT: 11 U.S.C. § 362(d) (1) **OR** 11 U.S.C. § 362(d) (1) and (2) **OR** 11 U.S.C. § 362(d) (2)] as to the Property; and it is further

ORDERED that Movant is permitted to enforce its state law rights and remedies with respect to the Property; and it is further

ORDERED that notices and communications may be sent directly to the debtor(s) as required by law; and it is further

ORDERED that Movant and debtor(s) may engage in loss mitigation, including negotiation of a short sale, deed-in-lieu of foreclosure and related forms of loss mitigation relief; and it is further

ORDERED that the case trustee be added as a necessary party to any foreclosure proceedings so as to receive notice of the report of sale and any surplus money proceedings, and, closure of the bankruptcy case shall not constitute an abandonment of the trustee's interest, if any, in any surplus proceeds; and it is further

ORDERED that conversion of this case to any other chapter under title 11 of the United States Code shall not act to impose anew the automatic stay; and it is further

ORDERED that Movant is awarded \$\_\_\_\_\_ in attorneys' fees plus costs of \$181 to be paid from the surplus sale proceeds; and it is further<sup>1</sup>

ORDERED that the 14-day stay of enforcement of this Order pursuant to Fed. R. Bankr. P. 4001(a)(3) is waived.<sup>2</sup>

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<sup>1</sup> The preceding decretal paragraph may be added only if attorney fees and costs were requested in the Notice of Motion and Motion.

<sup>2</sup> The preceding decretal paragraph may be added only if a waiver of Fed. R. Bankr. P. 4001(a)(3) was requested in the Notice of Motion and Motion.