

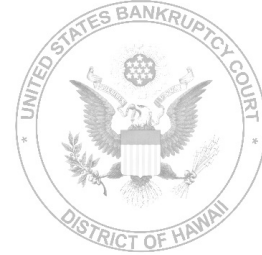
**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

Debtor 2 \_\_\_\_\_  
 (Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court - District of Hawaii

Case number \_\_\_\_\_ Chapter 13



Local Form H2083A (1/2024)

**CHAPTER 13 DEBTOR'S MOTION TO APPROVE SALE OF REAL PROPERTY**

The undersigned hereby moves for an order approving the sale of the Subject Property identified below and alleges as follows.

<p>A. Subject Property Description:</p>	<p>Purchase Contract Price:</p>
<p>B. The Subject Property:</p> <p style="padding-left: 40px;">is property of the estate.</p> <p style="padding-left: 40px;">has revested in the debtor(s) and is not property of the estate.</p>	
<p>C. The following documents are attached:</p> <p style="padding-left: 40px;">Purchase contract and related documents (counter-offer, addenda, etc.)</p> <p style="padding-left: 40px;">Preliminary report for title insurance</p> <p style="padding-left: 40px;">Estimated settlement statement (seller)</p>	
<p>D. Buyer(s):</p>	
<p>E. Sales Agent(s):</p>	
<p>F. Escrow Company (Name, Officer/Contact, Escrow Number, Address, Phone/email):</p>	

**G. SETTLEMENT ESTIMATE TABLE**  
 (All figures entered are good faith estimates.)

1. Purchase price		\$ _____
2. Existing lien(s) to be paid from proceeds:	Est. payoff amount(s):	
a) _____	\$ _____	
b) _____	\$ _____	
c) _____	\$ _____	
d) _____	\$ _____	
3. Escrow costs and other items payable at closing (from seller's estimated settlement statement)	\$ _____	
4. Add amounts in line 2 and line 3		\$ _____
5. Subtract line 4 from line 1 These are the "Net Proceeds" to be disbursed as indicated below.		\$ _____

**H. Payment of Liens**

Sale proceeds shall be used to pay all liens in full or in accordance with any short sale approved by the lienholder, within a reasonable time after the date of closing of the sale. The lien amounts noted above are good faith estimates and each lienholder may submit an updated payoff demand to escrow so that the lienholder may be paid in full at the time the sale closes. Unless and until the sale closes, each lienholder shall retain its lien for the full amount due under its loan or other basis for the lien. Upon entry of the order approving this sale, the Trustee shall suspend plan distributions to lienholders being paid in full until the earlier of (i) 90 days, or a later date with the Trustee's consent, after entry of the order or (ii) the filing of a notice of cancellation of sale. If a notice of cancellation of sale is filed, the Trustee shall promptly resume distributions to lienholders, including the distributions suspended during the interrupted period. If the sale closes, the suspended distributions being held by the Trustee will be paid on other claims.

## **I. Payment of Closing Costs**

Sale proceeds shall be used to pay standard closing costs such as real estate brokerage commissions, taxes, title and escrow charges, recording and transfer charges, and any other customary costs paid in a sale not involving a bankruptcy. Closing costs include any demand by the Chapter 13 Trustee ("Trustee Demand") for payment of any statutory fees related to the payment of liens (mortgage, deed of trust, tax, judgment liens, and the like) and lien arrearages that otherwise would have been paid through plan distributions. Closing costs do not include the Debtor's attorney fees that will be paid by the Trustee following court approval of a fee application.

## **J. Net Proceeds**

Net Proceeds, shown on line 5 in the Settlement Estimate Table as: \$ \_\_\_\_\_ on the preceding page, shall be treated as indicated below. (Check one of the following):

1. **Net Proceeds Paid to Seller(s); Plan Payments to Continue.** Net Proceeds, less any Trustee Demand for statutory fees, will be paid to the Debtor(s) and any additional sellers; if a plan has been confirmed, Debtor(s) to continue making regular plan payments.
  
2. **Net Proceeds Paid to Trustee for Plan Distributions.** Net Proceeds will be paid to Trustee as a supplemental plan payment that increases the Debtor's total payments under the confirmed plan and that the trustee will distribute to creditors. Check one of the following:
  - a. Net Proceeds are sufficient to pay all allowed unsecured claims in full. If and when the sale closes and all claims are paid in full, the plan shall be modified to shorten the plan's duration due to the accelerated plan payments.
  
  - b. Net Proceeds will not be sufficient to pay all allowed unsecured claims. A separate motion to modify confirmed plan will be filed to adjust plan payment amounts.
  
3. **Designated Portion of Net Proceeds Paid to Trustee; Plan Payments to Continue.** Proceeds in the amount of \$ \_\_\_\_\_ shall be a supplemental plan payment subject to the Trustee's statutory fee that increases the Debtor's total payments under the confirmed plan and that is earmarked for payment of Debtor's attorney fees related to this motion. Any surplus will be \_\_\_\_\_ refunded to the Debtor(s) or \_\_\_\_\_ distributed to creditors.
  
4. **Other Disposition:**

**K. Debtor's Attorney Fees**

The Debtor's attorney fees connected to this sale shall be paid through plan distributions after court approval of a fee application.

**L. Report of Sale**

A report of sale shall be filed promptly after the closing of the sale.

**M. No Stay of Order Approving Sale**

The movant requests that there be:

No 14-day stay of the order approving the sale under Fed. R. Bankr. P. 6004(h).

No 14-day stay of the order approving the sale under Fed. R. Bankr. P. 8002.

**N. Additional Information in Support of Motion:**

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

Debtor 1/Attorney: ✕ \_\_\_\_\_

Debtor 2/Attorney: ✕ \_\_\_\_\_