

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA

IN RE: _____) Chapter 13
)
Debtor(s): _____) Case No. _____
)
_____) _____
)
Movant: _____)
)
)
Codebtor(s): _____)
)
)
)
Property: _____)
)
)
)

STIPULATION ON MOTION FOR RELIEF FROM STAY (AND FROM CODEBTOR STAY,
IF APPLICABLE), AND MOTION TO MAKE STIPULATION AN ORDER OF THE COURT

A Motion for Relief from Stay with regard to the Property described above was
scheduled for hearing on _____. The parties hereby stipulate that the motion is
settled as follows:

1. The total postpetition arrearage due to Movant is _____, which
consists of

_____.

2. The arrearage shall be paid as follows:

- Debtor(s) shall pay _____ on or before
_____.
- Movant acknowledges receipt of _____.
- Debtor is entitled to a credit of _____ for funds in his/her
suspense account.
- Debtor(s) shall resume timely post-petition payments to Movant with the
payment due _____.

Beginning _____, Debtor(s) shall pay an additional _____ per month, and shall continue to pay said amount on the same day of each subsequent month, for a total of _____ months.

Movant shall be authorized to file a supplemental or amended proof of claim, as appropriate, to have the sum of \$_____ paid by the Trustee. This claim shall be paid in accordance with the plan. If the plan does not provide for this claim, then the claim shall be paid after all secured claims receiving a set payment are paid in full.

3. THE PARTIES AGREE TO THE FOLLOWING STRICT COMPLIANCE PROVISIONS:

Should Debtor(s) default in payment of any sums specified or in any regular monthly mortgage payments which come due to Movant for the strict compliance period specified in Paragraph 4, then upon notice of default sent by first class mail to Debtor(s) and Debtor(s)'s attorney and failure of Debtor(s) to cure such default within 10 days from date of receipt of such notice, Movant may file a motion and Affidavit of default, with service upon Debtor(s) and Debtor(s)'s attorney and the Trustee, and the Court may enter an order lifting the automatic stay, without further notice or hearing.

There appears to be equity in the property. Therefore, should Debtor(s) default in payment of any sum specified herein, or in any regular monthly mortgage payments which come due to Movant during the strict compliance period specified in Paragraph 4, then upon notice of default sent by first class mail to Debtor(s), Debtor(s)'s attorney and the Trustee, and failure of Debtor(s) to cure such default within 10 days from the date of receipt of such notice, Movant may file a motion and affidavit of default, with service upon Debtor(s), Debtor(s)'s attorney and the Trustee. If no motion to convert case, motion to sell, response disputing the factual allegations of the motion, or response alleging some extraordinary circumstances comparable to those contemplated by Fed. R. Civ. P. 60(b), is filed within 20 days from the date of service of the motion and affidavit of default, then the Court may enter an Order lifting the automatic stay, without further notice or hearing.

4. Strict compliance hereunder shall be in force:

- While the arrearage remains uncured.
- For a period of _____ months from the date of entry of an Order incorporating this Stipulation.
- While this case remains pending.
- _____

5. In the event relief from stay is granted: 1) any surplus funds realized from foreclosure otherwise payable to the Debtor(s) shall be paid to the Trustee for the benefit of the Estate; and 2) the Trustee shall cease funding the balance of Movant's pre-petition arrearage claim and Movant's amended or supplemental claims, if any.

6. Other: _____

7. The parties stipulate that the codebtor(s) did not appear.
- The Motion does not seek relief from the codebtor stay.
- The codebtor stay shall remain in effect.

By their signatures below, the parties consent to the terms of this Stipulation and move the Court to enter an Order making this Stipulation an Order of the Court.

Dated: _____

Name: _____
Attorney for Movant
Bar No. _____

Name: _____
Attorney for Debtor
Bar No. _____

Name: _____
Trustee/Attorney for Trustee
Bar No. _____