

A motion to sell property of the estate should include the following information:

- 1. A description of the property to be sold;*
- 2. The proposed sales price;*
- 3. The identity of the proposed purchaser and whether the proposed purchaser has any relationship to the debtor;*
- 4. The identity of any creditor whose claim is secured by the property to be sold and the amounts of such lien;¹*
- 5. The identity of the real estate broker and agent employed to market the property and the fee to be paid to the real estate agent;*
- 6. An itemized estimate of the closing costs; and*
- 7. Itemized disclosure of the proposed disbursement of the proceeds of the sale. If Debtor proposes to retain all or any portion of the net proceeds, Debtor should describe the legal basis for such retention.*

Pursuant to Bankruptcy Rules 2002 and 6004, 21 days notice of a proposed sale of estate property must be provided to all creditors and parties in interest. The motion to sell may but need not be served upon all creditors and parties in interest. Below are Judge Murphy's preferred forms for a notice of a sale. This is NOT a fill-in-the-blank form. Allege all facts necessary to enable creditors to make a reasoned decision about whether the sale is objectionable. These orders are self-executing orders, i.e. the orders provide that if no objections are filed, the sale will stand approved. Entry of an order approving the sale after the objection time expires is unnecessary.

¹ As a general rule, a title search is required to allege this information accurately.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:) CHAPTER _____
)
_____,) CASE NO. _____ - MHM
)
Debtor.)

**ORDER AND NOTICE ON MOTION
OF [DEBTOR OR TRUSTEE] TO SELL REAL ESTATE**

[Debtor or Trustee] filed a motion [date], to sell real estate located at [address], for a price of approximately \$_[fill in]_____ (the "Motion"). All mortgages and encumbrances amounting to approximately __[fill in]_____ are to be paid at closing. Net proceeds of this sale, in the amount of approximately \$_[fill in] _____, will be issued in the form of a check jointly payable to Debtor and the Chapter _[fill in]_ Trustee for distribution to creditors. The Motion is available for review in the Clerk's Office, United States Bankruptcy Court, during normal business hours or online at <http://ecf.ganb.uscourts.gov> (registered users) or at <http://pacer.psc.uscourts.gov> (unregistered users). Accordingly, it is hereby

ORDERED that any person who objects to the proposed sale of real estate sought in the Motion:

1. **Must file** a written objection, stating the grounds therefor, on or before the close of business¹ ____[leave blank] ____, 20____, with the

¹ Objections filed electronically may be filed up to 11:59:59 p.m. All other objections must be filed by delivery to the Clerk's Office at or before 4:00 p.m.

Clerk, U. S. Bankruptcy Court
1340 U. S. Courthouse
75 Spring Street, S.W.
Atlanta, Georgia 30303-3367;

2. **Must serve** a copy of said objection upon [Debtor's or Trustee's]
attorney:

[Debtor's or Trustee's] Attorney's name
[Debtor's or Trustee's] attorney's address
City, State, ZIP

so that such written objection is received by [Debtor's or Trustee's]
attorney on or before the deadline set forth in Paragraph 1; and

3. **Must advocate** the objection at the hearing on the Motion.

If any objection is filed, hearing on the Motion will be held before the undersigned
in Courtroom 1204, United States Courthouse, 75 Spring Street, S.W., Atlanta, Georgia
30303, on ____ [leave blank] _____, 20____, at _____ o'clock ____ .m.

**Any objection not timely filed, served, and advocated at the hearing set above
shall be deemed waived. If no objection is filed as set forth above, the Motion shall
stand approved without further notice or hearing.** It is further

ORDERED that [Debtor's or Trustee's] attorney shall serve a copy of this Order
and Notice upon Debtor, the Chapter __ [fill in] __ Trustee, and all creditors and parties
in interest on or before _[leave blank]_, 20____, and shall file a certificate of such service
within three days thereafter.

IT IS SO ORDERED, this the ____ day of _____, 20____.

MARGARET H. MURPHY
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: _____,) CHAPTER _____
Debtor.) CASE NO. _____ - MHM

**ORDER AND NOTICE ON MOTION
OF [DEBTOR OR TRUSTEE] TO SELL PERSONAL PROPERTY**

[Debtor or Trustee] filed a motion [date], to sell personal property [describe] for a price of approximately \$__[fill in]_____ (the “Motion”). [Set forth whether any liens on the property exist, whether or how they will be paid and any other pertinent information.] Net proceeds of this sale, in the amount of approximately \$_[fill in] _____, will be issued in the form of a check [jointly payable to Debtor and the Chapter _[fill in]_ Trustee **or** payable to Trustee] for distribution to creditors. The Motion is available for review in the Clerk's Office, United States Bankruptcy Court, during normal business hours or online at <http://ecf.ganb.uscourts.gov> (registered users) or at <http://pacer.psc.uscourts.gov> (unregistered users). Accordingly, it is hereby

ORDERED that any person who objects to the proposed sale:

1. **Must file** a written objection, stating the grounds therefor, on or before the close of business¹ ____ [leave blank] ____, 20____, with the

Clerk, U. S. Bankruptcy Court
1340 U. S. Courthouse
75 Spring Street, S.W.
Atlanta, Georgia 30303-3367;

¹ Objections filed electronically may be filed up to 11:59:59 p.m. All other objections must be filed by delivery to the Clerk's Office at or before 4:00 p.m.

2. **Must serve** a copy of said objection upon [Debtor's or Trustee's] attorney:

[Debtor's or Trustee's] Attorney's name
[Debtor's or Trustee's] attorney's address
City, State, ZIP

so that such written objection is received by [Debtor's or Trustee's] attorney on or before the deadline set forth in Paragraph 1; and

3. **Must advocate** the objection at the hearing on the Motion.

If any objection is filed, hearing on the Motion will be held before the undersigned in Courtroom 1204, United States Courthouse, 75 Spring Street, S.W., Atlanta, Georgia 30303, on ____ [leave blank] _____, 20____, at _____ o'clock _____.m.

Any objection not timely filed, served, and advocated at the hearing set above shall be deemed waived. If no objection is filed as set forth above, the Motion shall stand approved without further notice or hearing. It is further

ORDERED that [Debtor's or Trustee's] attorney shall serve a copy of this Order and Notice upon Debtor, the Chapter __ [fill in] __ Trustee, and all creditors and parties in interest on or before _ [leave blank] __, 20____, and shall file a certificate of such service within three days thereafter.

IT IS SO ORDERED, this the ____ day of _____, 20____.

MARGARET H. MURPHY
UNITED STATES BANKRUPTCY JUDGE