

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK**

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In re:

CASE NO. \_\_\_\_\_

CHAPTER \_\_\_\_\_

Debtor(s).

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**RELIEF FROM STAY – REAL ESTATE AND  
COOPERATIVE APARTMENTS**

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**BACKGROUND INFORMATION**

1. ADDRESS OF REAL PROPERTY OR COOPERATIVE APARTMENT:

2. LENDER NAME:

3. MORTGAGE DATE:

4. POST-PETITION PAYMENT ADDRESS:

**DEBT AND VALUE REPRESENTATIONS**

5. TOTAL PRE-PETITION AND POST-PETITION INDEBTEDNESS OF DEBTOR(S) TO MOVANT AS OF THE MOTION FILING DATE: \$ \_\_\_\_\_

*(THIS MAY NOT BE RELIED UPON AS A "PAYOFF" QUOTATION.)*

6. MOVANT'S ESTIMATED MARKET VALUE OF THE REAL PROPERTY OR COOPERATIVE APARTMENT AS OF THE MOTION FILING DATE: \$ \_\_\_\_\_

7. SOURCE OF ESTIMATED MARKET VALUE: \_\_\_\_\_

**STATUS OF THE DEBT AS OF THE PETITION DATE**

8. DEBTOR(S)'S INDEBTEDNESS TO MOVANT AS OF THE PETITION DATE:

A. TOTAL: \$ \_\_\_\_\_

B. PRINCIPAL: \$ \_\_\_\_\_

C. INTEREST: \$ \_\_\_\_\_

D. ESCROW (TAXES AND INSURANCE): \$ \_\_\_\_\_

E. FORCED PLACED INSURANCE EXPENDED BY MOVANT: \$ \_\_\_\_\_

F. PRE-PETITION ATTORNEYS' FEES CHARGED TO DEBTOR(S): \$ \_\_\_\_\_

G. PRE-PETITION LATE FEES CHARGED TO DEBTOR(S): \$ \_\_\_\_\_

9. CONTRACT INTEREST RATE: \_\_\_\_\_

*(IF THE INTEREST RATE HAS CHANGED, LIST THE RATE(S) AND DATE(S) THAT EACH RATE WAS IN EFFECT ON A SEPARATE SHEET AND ATTACH THE SHEET AS AN EXHIBIT TO THIS FORM. STATE THE EXHIBIT NUMBER HERE: \_\_\_\_.)*

10. OTHER PRE-PETITION FEES, CHARGES OR AMOUNTS CHARGED TO DEBTOR(S)'S ACCOUNT AND NOT LISTED ABOVE:

*(IF ADDITIONAL SPACE IS REQUIRED, LIST THE AMOUNT(S) ON A SEPARATE SHEET AND ATTACH THE SHEET AS AN EXHIBIT TO THIS FORM. STATE THE EXHIBIT NUMBER HERE: \_\_\_\_.)*

**AMOUNT OF POST-PETITION DEFAULT AS OF THE MOTION FILING DATE**

11. DATE OF RECEIPT OF LAST PAYMENT: \_\_\_\_\_

12. NUMBER OF PAYMENTS DUE FROM PETITION DATE TO MOTION FILING DATE: \_\_\_\_\_ PAYMENTS.

13. POST-PETITION PAYMENTS IN DEFAULT:

PAYMENT DUE DATE	AMOUNT DUE	AMOUNT RECEIVED	AMOUNT APPLIED TO PRINCIPAL	AMOUNT APPLIED TO INTEREST	AMOUNT APPLIED TO ESCROW	LATE FEE CHARGED
TOTAL:	\$	\$	\$	\$	\$	\$

14. OTHER POST-PETITION FEES CHARGED TO DEBTOR(S):

- A. TOTAL: \$ \_\_\_\_\_
- B. ATTORNEYS' FEES IN CONNECTION WITH THIS MOTION: \$ \_\_\_\_\_
- C. FILING FEE IN CONNECTION WITH THIS MOTION: \$ \_\_\_\_\_
- D. OTHER POST-PETITION ATTORNEYS' FEES: \$ \_\_\_\_\_
- E. POST-PETITION INSPECTION FEES: \$ \_\_\_\_\_
- F. POST-PETITION APPRAISAL/BROKER'S PRICE OPINION FEES \$ \_\_\_\_\_
- G. FORCED PLACED INSURANCE EXPENDED BY MOVANT: \$ \_\_\_\_\_

15. AMOUNT HELD IN SUSPENSE BY MOVANT: \$ \_\_\_\_\_

16. OTHER POST-PETITION FEES, CHARGES OR AMOUNTS CHARGED TO DEBTOR(S)'S ACCOUNT AND NOT LISTED ABOVE:

*(IF ADDITIONAL SPACE IS REQUIRED, LIST THE AMOUNT(S) ON A SEPARATE SHEET AND ATTACH THE SHEET AS AN EXHIBIT TO THIS FORM. STATE THE EXHIBIT NUMBER HERE: \_\_\_\_.)*

## **REQUIRED ATTACHMENTS TO MOTION**

PLEASE ATTACH THE FOLLOWING DOCUMENTS TO THIS MOTION AND INDICATE THE EXHIBIT NUMBER ASSOCIATED WITH EACH DOCUMENT.

- (1) COPIES OF DOCUMENTS THAT ESTABLISH MOVANT'S INTEREST IN THE SUBJECT PROPERTY. FOR PURPOSES OF EXAMPLE ONLY, THIS MAY BE A COMPLETE AND LEGIBLE COPY OF THE PROMISSORY NOTE OR OTHER DEBT INSTRUMENT TOGETHER WITH A COMPLETE AND LEGIBLE COPY OF THE MORTGAGE AND ANY ASSIGNMENTS IN THE CHAIN FROM THE ORIGINAL MORTGAGEE TO THE CURRENT MOVING PARTY. (EXHIBIT \_\_\_\_.)
  
- (2) COPIES OF DOCUMENTS THAT ESTABLISH MOVANT'S STANDING TO BRING THIS MOTION. (EXHIBIT \_\_\_\_.)
  
- (3) COPIES OF DOCUMENTS THAT ESTABLISH THAT MOVANT'S INTEREST IN THE REAL PROPERTY OR COOPERATIVE APARTMENT WAS PERFECTED. FOR THE PURPOSES OF EXAMPLE ONLY, THIS MAY BE A COMPLETE AND LEGIBLE COPY OF THE FINANCING STATEMENT (UCC-1) FILED WITH THE CLERK'S OFFICE OR THE REGISTER OF THE COUNTY IN WHICH THE PROPERTY OR COOPERATIVE APARTMENT IS LOCATED. (EXHIBIT \_\_\_\_.)

**DECLARATION AS TO BUSINESS RECORDS**

I, \_\_\_\_\_, THE \_\_\_\_\_ OF \_\_\_\_\_, THE MOVANT HEREIN, DECLARE PURSUANT TO 28 U.S.C. SECTION 1746 UNDER PENALTY OF PERJURY THAT THE INFORMATION PROVIDED IN THIS FORM AND ANY EXHIBITS ATTACHED HERETO (OTHER THAN THE TRANSACTIONAL DOCUMENTS ATTACHED AS REQUIRED BY PARAGRAPHS 1 ,2, AND 3, ABOVE) IS DERIVED FROM RECORDS THAT WERE MADE AT OR NEAR THE TIME OF THE OCCURRENCE OF THE MATTERS SET FORTH BY, OR FROM INFORMATION TRANSMITTED BY, A PERSON WITH KNOWLEDGE OF THOSE MATTERS; THAT THE RECORDS WERE KEPT IN THE COURSE OF THE REGULARLY CONDUCTED ACTIVITY; AND THAT THE RECORDS WERE MADE IN THE COURSE OF THE REGULARLY CONDUCTED ACTIVITY AS A REGULAR PRACTICE.

I FURTHER DECLARE THAT COPIES OF ANY TRANSACTIONAL DOCUMENTS ATTACHED TO THIS FORM AS REQUIRED BY PARAGRAPHS 1, 2, AND 3, ABOVE, ARE TRUE AND CORRECT COPIES OF THE ORIGINAL DOCUMENTS.

EXECUTED AT \_\_\_\_\_  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
MOVANT: \_\_\_\_\_  
STREET ADDRESS: \_\_\_\_\_  
CITY, STATE AND ZIP CODE: \_\_\_\_\_

**DECLARATION**

I, \_\_\_\_\_, THE \_\_\_\_\_ OF \_\_\_\_\_, THE MOVANT HEREIN, DECLARE PURSUANT TO 28 U.S.C. SECTION 1746 UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT BASED ON PERSONAL KNOWLEDGE OF THE MOVANT’S BOOKS AND BUSINESS RECORDS.

EXECUTED AT \_\_\_\_\_  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
MOVANT: \_\_\_\_\_  
STREET ADDRESS: \_\_\_\_\_  
CITY, STATE AND ZIP CODE: \_\_\_\_\_