

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Case No.: - -AST
Chapter

Debtor(s).
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**ORDER GRANTING IN REM RELIEF
FROM THE AUTOMATIC STAY**

On [Date of hearing], the Motion (the “Motion”) of [Name of Movant] (“Movant”), dated [Date of Application] came before the Court, for relief from the automatic stay with respect to the collateral known as [Property Address Identified As] (the “Collateral”). Proper notice of the hearing has been provided. This Court, having considered the evidence presented and the arguments of the parties, and with good cause appearing therefor, it is hereby

ORDERED, that the automatic stay in effect pursuant to 11 U.S.C. § 362(a), is hereby terminated pursuant to 11 U.S.C. § 362(d)() for [Specify Basis for Relief] as to Movant, its agents, assigns or successors in interest, so that Movant, its agents, assigns or successors in interest, may take any and all action under applicable non-bankruptcy law to exercise its remedies against the Collateral; and it is further

ORDERED, that pursuant to 11 U.S.C. § 362(d)(4), if recorded in compliance with applicable State laws governing notices of interests or liens in real property, this Order shall be binding in any other case under this title purporting to affect such real property filed not later than _____ [years / months] after the date of the entry of this Order, except that a debtor in a subsequent case under this title may move for relief from this Order based upon changed circumstances or for good cause shown, after notice and a hearing; and it is further

ORDERED, that pursuant to 11 U.S.C. § 362(d)(4), any Federal, State, or local

governmental unit that accepts notices of interests or liens in real property shall accept any certified copy of an order described in this subsection for indexing and recording; and it is further

ORDERED, that the Chapter [7 / 13] Trustee shall be served with a copy of the referee's report of sale within **thirty (30) days** of the report [*if applicable*] and shall be noticed with any surplus monies realized from the sale of the Collateral; and it is further

ORDERED, that Movant may offer a loan modification, loss mitigation and any other resolution of the disputes made the subject of the Motion in addition to or in lieu of taking any and all action under applicable state law to exercise its remedies against the Collateral, to the extent consistent with non-bankruptcy law, but excluding a reaffirmation of any discharged debt; and it is further

ORDERED, that Movant may seek attorney's fees and costs incurred in connection with the Motion in the *in rem* foreclosure proceeding to the extent allowed under any agreement(s) executed by Debtor(s) and applicable non-bankruptcy law, but not as a personal liability of the Debtor(s); and it is further

ORDERED, that all other relief sought in the Motion, including any requested waiver of the 14 day stay imposed by Bankruptcy Rule 4001(a)(3), is denied.