

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Case No.: - -AST
Chapter 13

Debtor(s).

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**ORDER RECLASSIFYING JUNIOR MORTGAGE LIEN
IN THIS CHAPTER 13 CASE**

UPON the motion (the “Motion”) of [Movant] (“Movant”), for entry of an order pursuant to 11 U.S.C. §§ 506(a), (d) and 1322(b), voiding the junior mortgage lien of [Name of Lienholder] as a lien of record against the Debtor[’s’] real property located at [Address of Property] (the “Property”), and reclassifying its claim as a wholly unsecured claim; and it appearing that notice of the Motion was good and sufficient [and any opposition having been [overruled] or [withdrawn]]; and after due deliberation and sufficient cause appearing therefor; it is hereby

ORDERED, that pursuant to 11 U.S.C. §§ 506(a), (d) and 1322(b), the Motion is granted; and it is further

ORDERED, that the junior mortgage lien held by [Name of Lienholder], as evidenced by the original mortgage duly recorded with the Clerk of [Nassau/Suffolk] County, State of New York, on [Date of Recording] in the original amount of [Original Amount of Junior Mortgage] for the Property described above, shall be treated as wholly unsecured during the pendency of the Debtor[’s’] Chapter 13 case, and that any claim filed on account of the junior mortgage lien of [Name of Lienholder] shall be treated as wholly unsecured during the pendency of this Chapter 13 case; and it is further

ORDERED, that within 30 days after Debtor[s] completes all payments under Debtor[s] plan, Debtor[s] may file a motion seeking to void the junior mortgage lien held by [Name of Lienholder]; such motion shall be accompanied by an affidavit of Debtor[s] certifying that all payments to be made to the Chapter 13 Trustee have been made, and that all post-petition mortgage payments, vehicle payments, real estate taxes, and domestic support obligations that are to be paid directly by Debtor[s] under the plan have been paid; such motion shall also certify that it has been served on all parties-in-interest.