

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
[] DIVISION

In re: §
§ Case No.
[NAME OF DEBTOR(S)] §
§
§
§
§
§ CHAPTER 13

**TRUSTEE'S NOTICE OF FINAL CURE PAYMENT AND MOTION
TO DEEM CLAIM(S) SECURED BY REAL PROPERTY SATISFIED OR CURRENT¹**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 28 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

_____, chapter 13 trustee (the "Trustee"), files this Notice of Final Cure Payment and Motion to Deem Claim(s) Secured by Real Property Satisfied or Current.

NOTICE OF FINAL CURE PAYMENT

1. Based on the Trustee's records, Debtor(s) have completed all payments to Trustee due under the confirmed plan in this case. Pursuant to the Administrative Procedures for Claims Secured by Real Estate, the Trustee requests an order from the Bankruptcy Court determining that the Debtor(s) have paid in full the amounts required to cure any default (both pre-and post-petition) on identified claims treated under the chapter 13 Plan and that are secured by real property owned in whole or in part by Debtor(s) or the Debtor(s) estate. If paragraph 3 is checked below, the chapter 13 trustee is also seeking a determination that the claim secured by real property has been paid in full.

2. Pursuant to the Administrative Procedures for Claims Secured by Real Estate, within twenty-eight (28) days after service of this notice, each identified holder of a claim secured by Debtor(s)' real property is required to file and serve

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on Debtor(s), Debtor(s)' counsel, and Trustee a responsive statement. The statement must itemize the required cure or post-petition amounts, if any, that the holder contends remain unpaid as of the date of the statement. The statement must be filed as a supplement to the holder's proof of claim and is not subject to FED. R. BANKR.P. 3001(f).

Motion to Deem Claim(s) Secured by Real Property Satisfied

3. With respect to the claims listed in this paragraph 3, the Trustee requests an order determining that the claims, all escrow deficiencies, and all legal fees, inspection fees and other charges chargeable by the holder of the claims have been fully satisfied.

Address or Legal description of Debtor(s)' Property²		
Creditor	Court Claim # Trustee Claim ID	Creditor's Address

4. With respect to the claims listed in this paragraph 4, the Trustee requests an order determining that (i) all pre-petition and post-petition defaults have been cured; (ii) all escrow deficiencies have been cured; (iii) all legal fees, inspection fees and other charges chargeable by the holder of the claim have been fully satisfied; and (iv) payments due on the claim are current under applicable non-bankruptcy law; and (iv) the prepetition loan is fully reinstated, with the balance to be paid in accordance with the parties' prepetition contracts. The first post-plan payment is due in the amount and on the date shown below:

Address or Legal description of Debtor(s)' Property³				
Creditor	Court Claim #/Trustee Claim ID	Creditor's Address	Monthly Payment Amount	Due Date of First Post-Plan Payment

The Trustee requests that the Court grant the requested relief.

Dated: _____.

Respectfully submitted,

/s/ [Trustee] [Name], Trustee [Address 1] [City, State Zip]
[Telephone Number] Telephone
[Facsimile Number] Facsimile

² Duplicate table per property paid through the plan

³ Duplicate table per property paid through the plan

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CERTIFICATE OF SERVICE

I hereby certify that this instrument was served by United States first class mail, with proper postage affixed, addressed to the parties set forth on the attached Service List on this _____ day of _____ 20_____.

[Name of Trustee] Chapter 13 Trustee

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
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In re: §
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§ CHAPTER 13

**ORDER DEEMING CLAIM(S) SECURED BY REAL PROPERTY
SATISFIED OR CURRENT (Docket No.)**

The Court has considered Trustee's Notice of Final Cure Payment and Motion to Deem Claim(s) Secured by Real Property Satisfied or Current. The Court finds that notice is proper and that the requested relief is proper. The Court orders that:

With respect to each claim listed in the following table, all claims, escrow deficiencies, legal fees, inspection fees and other charges chargeable by the holder of the claims have been fully satisfied. The holder of each listed claim is ordered to file a release of all liens securing the claims.

Address or Legal description of Debtor(s)' Property		
Creditor	Court Claim # Trustee Claim ID	Creditor's Address

With respect to each claim listed in the following table through [DATE – the day before the due date of first post-petition plan payment, or as otherwise ordered by the Court], (i) all prepetition and post- petition defaults have been cured; (ii) all escrow deficiencies have been cured; (iii) all legal fees, inspection fees and other charges chargeable by the holder of the claim have been fully satisfied; and (iv) payments due on the claim are current under applicable non-bankruptcy law; and (iv) the prepetition loan is fully reinstated, with the balance to be paid in accordance with the parties' prepetition contracts. The first post-plan payment is due in the amount and on the date shown below.

Address or Legal description of Debtor(s)' Property				
Creditor	Court Claim #/Trustee Claim ID	Creditor's Address	Monthly Payment Amount	Due Date of First Post-Plan Payment