

EXHIBIT 1

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS**

[] DIVISION

In re:

[NAME OF DEBTOR(S)]

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§
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Case No.

CHAPTER 13

**TRUSTEE’S NOTICE OF FINAL CURE PAYMENT
AND MOTION**

TO DEEM CLAIM(S) SECURED BY REAL PROPERTY CURRENT OR SATISFIED

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 21 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.

To the Honorable United States Bankruptcy Judge:

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

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 FED. R. BANKR. P. 3002.1(f) and the ~~Chapter 13 Trustee Administrative~~ Procedures for ~~Administration of~~ Claims Secured by Real Property, you are hereby notified ~~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 all claims treated under the chapter 13 Plan and that are secured by real property owned in whole or in part by Debtor(s)' real property. You are further notified pursuant 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.

~~1.2.~~ Pursuant to FED. R. BANKR. P. 3002.1(f) and the ~~Chapter 13 Trustee Administrative Procedures for Administration of Claims Secured by Real Property, that Estate,~~ within twenty-one (21) days after service of this notice, each identified holder of a claim secured by Debtor(s)' real property ~~is required to file and serve on Debtor(s), Debtor(s)' counsel, and Trustee a responsive statement indicating (1) whether the holder agrees that Debtor(s) have paid in full the amount required to cure any default on its claim, and (2) whether Debtor(s) are otherwise current on all payments consistent with 11 U.S.C. § 1322(b)(5) and the Chapter 13 Trustee Procedures for Administration of Claims Secured by Real Property.~~ 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 Current Satisfied and Direct Debtor(s) to Begin Making Direct Payments

~~2. Based on Trustee's records, Debtor(s) have completed all payments to Trustee required under the confirmed plan in this case to the following creditors whose claims are secured by Debtor(s)' real property:~~

~~{List specific creditor(s)}~~

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.

<u>Creditor</u>	<u>Creditor's Address</u>	<u>Address or Legal description of Debtor(s)' Property</u>

3.4. With respect to the claims listed in this paragraph 4, the Trustee requests an order determining that (i) ~~that the claim(s) of the above identified creditor(s) are current; all pre-petition and post-petition defaults have been cured;~~ (ii) all escrow deficiencies, ~~if any,~~ have been cured; ~~and~~ (iii) all legal fees, inspection fees and other charges ~~imposed chargeable~~ by the ~~creditor, if any,~~ have been satisfied ~~in full~~ 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:

~~4. Debtor(s) must begin making direct payments to the following creditors whose claims are secured by Debtor(s)' real property:~~

~~Creditor Name & Address Amount Next Payment Due Date~~

Accordingly,

<u>Creditor</u>	<u>Creditor's Address</u>	<u>Address or Legal description of Debtor(s)' Property</u>	<u>Monthly Payment Amount</u>	<u>Due Date of First Post-Plan Payment</u>

The Trustee requests that the Court grant the requested relief ~~consistent with the foregoing and such other relief as is just.~~

Dated: _____.

Respectfully submitted,

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

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

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

In re:

[NAME OF DEBTOR(S)]

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§
§ Case No. _____
§ CHAPTER 13
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§
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CHAPTER 13

**ORDER DEEMING CLAIM-(S)
SECURED BY REAL PROPERTY CURRENT OR SATISFIED
AND DIRECTING DEBTOR(S) TO RESUME
PAYMENTS
(Docket No.)**

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

~~ORDERED THAT:~~



~~Based on Trustee's records, Debtor(s) have completed all payments~~

~~1. _____ With respect to Trustee required under the confirmed plan in this case to each claim listed in the following creditors whose table, all claims are secured by Debtor(s)' real property:~~

~~[List specific creditor(s)]~~

~~2. The claims of the above listed creditor(s) are deemed current as of [DATE]. All, escrow deficiencies, if any, are deemed cured. All legal fees, expenses inspection fees and other charges imposed chargeable by the creditor, if any, are deemed holder of the claims have been fully satisfied in full. The creditor shall be solely responsible for any shortfall. The holder of each listed claim is ordered to file a release of all liens securing the claims.~~

~~3. Debtor(s) must begin making direct payments to the following creditors whose claims are secured by Debtor(s)' real property. The next payment due after receipt of the last payment made by the Trustee under the Plan is:~~

~~Creditor Name & Address Amount Next Payment Due Date~~

SIGNED this _____ day of _____, 20____.

[NAME OF

<u>Creditor</u>	<u>Creditor's Address</u>	<u>Address or Legal description of Debtor(s)' Property</u>

With respect to each claim listed in the following table, (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.

<u>Creditor</u>	<u>Creditor's Address</u>	<u>Address or Legal description of Debtor(s)' Property</u>	<u>Monthly Payment Amount</u>	<u>Due Date of First Post-Plan Payment</u>

[RESERVED FOR SIGNATURE BY PRESIDING JUDGE]
UNITED STATES BANKRUPTCY JUDGE[TRUSTEE TO SUBMIT PROPOSED FORM OF
ORDER WITH APPROPRIATE BOX MARKED]