



Administrative Manual Section 2.11 – Approved and Implemented May 11, 2023 - Regarding Procedural and Informational Requirements for Motions and Proposed Orders to Sell Residential Property in Chapter 13 Cases

Administrative Manual Section 2.11: Chapter 13 Motions to Sell Residential Property

(a) All motions to sell residential property filed by the debtor in Chapter 13 cases must contain the following: the identity of the proposed purchaser (if known) and what, if any, relationship they have to the debtor; the estimated or established date of sale; the identity of persons or entities who hold a mortgage or lien on the property or a statement that there is no mortgage or lien on the property; and how all mortgage or lien holders will be paid from the proceeds.

(b) The movant must certify that a diligent search has been performed to determine the identity of all mortgage and lien holders.

(c) The motion must include a certificate of service indicating that all mortgage and lien holders have been properly served with the motion.

(d) The proposed order must include the details regarding distribution of the proceeds to mortgage or lien holders listed in the motion (it is sufficient to state that the mortgage will be satisfied in full if this is the case; exact amounts are not required).

(e) If the motion is requesting to sell the property free and clear of liens, both the motion and proposed order must include the language “free and clear of liens,” and the required filing fee must be paid at the time the motion is filed.