

## **Motions to Sell or Refinance Debtor's Property and Motions to Modify Loans Relating to Mortgages**

**The Debtor must seek the Court's permission to sell or refinance any property of the estate (even if the property has reverted in the debtor) or to obtain a loan modification relating to a mortgage on real property owned by the Debtor.**

### **RULE 6004-2. SALE OR REFINANCE OF PROPERTY BY CHAPTER 13 DEBTOR**

(a) Even if the property of the estate has reverted in the debtor in a Chapter 13 case, the debtor must seek court approval of a sale of property or refinancing of real property that is to be made prior to completion of plan payments.

(b) A debtor seeking approval for the sale or refinance of real property shall provide, to the Chapter 13 Trustee and to all creditors who have served on the trustee and filed a request that all notice be mailed to them, at least 21 days' notice of the opportunity to file an opposition to the motion seeking such approval, unless the notice period has been shortened or enlarged by the Court for cause shown.

(c) In addition to setting forth the information required by Fed. R. Bankr. P. 2002(c)(1), the notice shall state:

- (1) the total proposed sale price or maximum amount to be secured by the refinancing, as the case may be, and, in the case of refinancing, the amount of existing secured debt to be paid thereby;
- (2) the amount of the sale or loan proceeds to be applied to the debtor's obligations under the confirmed plan;
- (3) whether such payment will result in full payment of all allowed claims; and
- (4) if all allowed claims will not be paid in full, the amount of the sale or loan proceeds that will be paid to the debtor.

(d) If no opposition is timely filed, the court, in its discretion, may enter an order endorsed by the Chapter 13 Trustee approving the sale or refinancing without holding a hearing.

### **RULE 6004-3. MORTGAGE LOAN MODIFICATION BY CHAPTER 13 DEBTOR**

(a) Even if the property of the estate has reverted in the debtor, the debtor must seek court approval of a loan modification relating to a mortgage (which includes a deed of trust) on real property to be made prior to completion of plan payments, unless such modification is provided in a Consent Order resolving a Motion for Relief from Stay.

(b) A debtor seeking approval for the modification of a mortgage on real property shall provide the Chapter 13 Trustee and any creditor who has filed a request for all notice in the case at least 21 days' notice of the motion seeking such approval unless the notice period has been shortened or enlarged by the Court for cause shown.

**(c)** The notice shall state:

- (1)** all terms of the modification including the term, principal, interest rate and any future payment changes or balloon payments that will occur during the term of the Chapter 13 plan;
- (2)** the current mortgage payment and the new payment after the loan modification;
- (3)** if the modification results in a higher monthly payment, the source of the funds to be used to make that payment; and
- (4)** if the modification results in a lower monthly payment, whether the debtor intends to increase the amount of his plan payments.

**(d)** If no opposition is timely filed, the court, in its discretion, may enter an order endorsed by the Chapter 13 Trustee approving the loan modification.

IN THE UNITED STATES BANKRUPTCY  
COURT FOR THE DISTRICT OF COLUMBIA

Case No. 14-00280 smt

Andrea Butler  
Debtor

Chapter 13

**DEBTOR'S MOTION AND NOTICE TO SELL  
INTEREST IN REAL PROPERTY**

COMES NOW DEBTOR Andrea Butler, by counsel, pursuant to 11 U.S.C. Section 363, and requests permission to sell real property at 5003 7<sup>th</sup> Place, NW, Washington, D.C. 20011.

A Motion to Shorten Time is being filed separately. The debtor has received a contract to sell the subject property. The pending contract provides for a price of \$425,500.00. The prospective purchaser is A & T Property Investments. This is an arms length transaction and there is no prior relationship between the debtor and the purchaser. The transaction is being brokered by Long and Foster Real Estate, Inc. After costs of the sale including settlement fees, commissions and transfer taxes, the first mortgagee, OCWEN LOAN SERVICING, and the second mortgagee Wells Fargo Home Mortgage will be paid off its outstanding balance which currently totals approximately \$119,301.87 and \$25,647.00 respectively.

The debtor's Chapter 13 Plan provides for 100% payout to creditors. It is anticipated that proceeds from the sale will payoff all remaining claims which according to the trustee totals approximately \$5,200.00. A request for additional attorney's fees totaling approximately \$1,500.00 will be added to the payoff per approval of the Court.

Given the local real estate market, the parties believe that the purchase price is fair and reasonable. A copy of the Sales Contract is attached hereto

WHEREFORE, the premises considered, the debtor requests that the sale be approved.

Respectfully submitted,

/s/Harris S. Ammerman#187450

Harris S. Ammerman, Esq.  
1115 Massachusetts Ave. NW  
Washington, D.C. 20005  
202- 638 0606

CERTIFICATE OF SERVICE

I hereby certify that the above Motion and Notice of Private Sale were served on this 13th day of November, 2017 electronically to those recipients authorized to receive a Notice of Electronic Filing by the Court, and first class mail, postage prepaid to the Chapter 13 trustee, and all creditors listed in the Chapter 13 mailing matrix.

/s/Harris S. Ammerman  
Harris S. Ammerman

IN THE UNITED STATES BANKRUPTCY  
COURT FOR THE DISTRICT OF COLUMBIA

Andrea Butler  
Debtor

Case No. 14-00280 smt

Chapter 13

**NOTICE OF PRIVATE SALE**

NOTICE IS HEREBY GIVEN, pursuant to 11 U.S.C. Section 363,  
that the Debtor Andrea Butler proposes to sell his real  
property at 5003 7th Place NW, Washington, D.C. 20011

A Motion to Shorten Time is being filed separately.  
The debtor has received a contract to sell the subject  
property. The pending contract provides for a price of  
\$425,500.00. The prospective purchaser is A & T Property  
Investments. This is an arms length transaction and there  
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and \$25,647.00 respectively.

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Given the local real estate market, the parties believe that the purchase price is fair and reasonable. A copy of the Sales Contract is attached hereto

Creditors objecting to this proposal of sale must file their objections with the U.S. Bankruptcy Court for the District of Columbia, 3<sup>rd</sup> & Constitution Ave. NW, Washington, D.C. 20001 within 21 days from the date of this notice, unless such time is shortened and shall mail a copy to the counsel for the Debtor at his address which appears below. The objection should state specifically why the sale should not take place. A hearing may be held, should any objections be filed, and any creditors so objecting will be required to attend such hearing. If no objections are timely filed, the Court may enter an Order approval the sale. Creditors desiring further information should contact the undersigned attorney for the Debtor.

Respectfully submitted,

/s/Harris S. Ammerman#187450

Harris S. Ammerman, Esq.  
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Washington, D.C. 20005  
202- 638 0606

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Nancy Grigsby, trustee  
Rebecca Herr, Esq.  
185 Admiral Cochrane Dr  
Suite 240  
Annapolis, MD 21401

/s/Harris S. Ammerman  
Harris S. Ammerman



IN THE UNITED STATES BANKRUPTCY  
COURT FOR THE DISTRICT OF COLUMBIA

Case No. 14-00280 smt

Andrea Butler  
Debtor

Chapter 13

ORDER GRANTING LEAVE TO SELL REAL PROPERTY

Upon consideration of the Debtor's Motion and Notice of Private Sale, and good cause having been shown, it is

ORDERED THAT the Debtor be granted leave to sell real property known as 5003 7<sup>th</sup> Place, NW, Washington, D.C. 20011, and it is further

ORDERED, that the trustee shall collect the amount of proceeds needed to be paid from the settlement in order to payoff all claims including debtor attorney's counsel fees.

cc:

Harris S. Ammerman, Esq.  
1115 Massachusetts Ave. NW  
Washington, D.C. 20005

Nancy Grigsby, trustee  
Rebecca Herr, Esq.  
185 Admiral Cochrane Dr  
Suite 240  
Annapolis, MD 21401

Andrea Butler  
5003 7<sup>th</sup> Place NW  
Washington, D.C. 20011

End of order

IN THE UNITED STATES BANKRUPTCY  
COURT FOR THE DISTRICT OF COLUMBIA

Case No. 14-00280 smt

Andrea Butler  
Debtor

Chapter 13

**NOTICE OF PRIVATE SALE**

NOTICE IS HEREBY GIVEN, pursuant to 11 U.S.C. Section 363,  
that the Debtor Andrea Butler proposes to sell his real  
property at 5003 7th Place NW, Washington, D.C. 20011

A Motion to Shorten Time is being filed separately.  
The debtor has received a contract to sell the subject  
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\$425,500.00. The prospective purchaser is A & T Property  
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is no prior relationship between the debtor and the  
purchaser. The transaction is being brokered by Long and  
Foster Real Estate, Inc. After costs of the sale including  
settlement fees, commissions and transfer taxes, the first  
mortgagee, OCWEN LOAN SERVICING, and the second mortgagee  
Wells Fargo Home Mortgage will be paid off its outstanding  
balance which currently totals approximately \$119,301.87  
and \$25,647.00 respectively.

The debtor's Chapter 13 Plan provides for 100% payout to creditors. It is anticipated that proceeds from the sale will payoff all remaining claims which according to the trustee totals approximately \$5,200.00. A request for additional attorney's fees totaling approximately \$1,500.00 will be added to the payoff per approval of the Court.

Given the local real estate market, the parties believe that the purchase price is fair and reasonable. A copy of the Sales Contract is attached hereto

Creditors objecting to this proposal of sale must file their objections with the U.S. Bankruptcy Court for the District of Columbia, 3<sup>rd</sup> & Constitution Ave. NW, Washington, D.C. 20001 within 21 days from the date of this notice, unless such time is shortened and shall mail a copy to the counsel for the Debtor at his address which appears below. The objection should state specifically why the sale should not take place. A hearing may be held, should any objections be filed, and any creditors so objecting will be required to attend such hearing. If no objections are timely filed, the Court may enter an Order approval the sale. Creditors desiring further information should contact the undersigned attorney for the Debtor.

Respectfully submitted,

/s/Harris S. Ammerman#187450

Harris S. Ammerman, Esq.  
1115 Massachusetts Ave. NW  
Washington, D.C. 20005  
202- 638 0606

CERTIFICATE OF SERVICE

I hereby certify that the above Motion and Notice of Private Sale were served on this 13th day of November, 2017 electronically to those recipients authorized to receive a Notice of Electronic Filing by the Court, and first class mail, postage prepaid to the Chapter 13 trustee, and all creditors listed in the Chapter 13 mailing matrix including

Nancy Grigsby, trustee  
Rebecca Herr, Esq.  
185 Admiral Cochrane Dr  
Suite 240  
Annapolis, MD 21401

/s/Harris S. Ammerman  
Harris S. Ammerman

IN THE UNITED STATES BANKRUPTCY  
COURT FOR THE DISTRICT OF COLUMBIA

IN RE: : Case No. 16-00588 smt  
Katheryne S. Willis Chapter 13  
Debtor

**NOTICE OF PRIVATE SHORT SALE**

NOTICE IS HEREBY GIVEN, pursuant to 11 U.S.C. Section 363, that the Debtor **Katheryne S. Willis** proposes to sell real property at 302 Bottsford Ave., Upper Marlboro, Md 20774.

The debtor has received a contract to sell the subject property. The pending contingent ratified contract provides for a price of \$250,000.00. The prospective purchaser is JBN Realty Investment, Inc.. This is a short sale, arms length transaction and there is no prior relationship between the debtor and the purchaser. The seller's transaction is being brokered by Residential Real Estate Corporation. After costs of the sale including settlement fees, commissions and transfer taxes, the mortgagee, Towd Point Mortgage Trust (serviced by Select Portfolio Servicing, Inc), will be paid a negotiated amount in conformity with the proposed short sale of the property.

The parties believe that the purchase price is fair

and reasonable based on comparable properties, market conditions and the condition of the property. Settlement is being held in abeyance until the expiration of the time provided for objections to this notice.

Creditors objecting to this proposal of sale must file their objections with the U.S. Bankruptcy Court for the District of Columbia, 3<sup>rd</sup> & Constitution Ave. NW, Washington, D.C. 20001 within 21 days from the date of this notice, unless such time is shortened and shall mail a copy to the counsel for the Debtor at his address which appears below. The objection should state specifically why the sale should not take place. A hearing may be held, should any objections be filed, and any creditors so objecting will be required to attend such hearing. If no objections are timely filed, the Court may enter an Order approval the sale. Creditors desiring further information should contact the undersigned attorney for the Debtor.

Respectfully submitted,

/s/Harris S. Ammerman#187450

Harris S. Ammerman, Esq.  
1115 Massachusetts Ave. NW  
Washington, D.C. 20005  
202- 638 0606





UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLUMBIA

IN RE: : Case No. 16-00588 smt  
Katheryne S. Willis Chapter 13  
Debtor

MOTION TO AUTHORIZE SHORT SALE OF REAL PROPERTY  
(302 Bottsford Ave., Upper Marlboro, MD 20774)

COMES NOW DEBTOR Katheryne S. Willis, by counsel, and moves this Honorable Court for authority to short sell certain improved residential real property pursuant to 11 U.S.C. §363(b), and in support thereof, states as follows:

JURISDICTION

1. This Court has jurisdiction to consider the Motion pursuant to 28 U.S.C. §§157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. §157(b)(2)(A), (M), (N) and (O).

2. Venue is proper before this Court pursuant to 28 U.S.C. §§1408 and 1409.

3. The basis for the relief requested herein are, *inter alia*, 11 U.S.C. §§105, 363 and Federal Rules of Bankruptcy Procedure 2002 and 6004.

BACKGROUND

4. On November 11, 2016 the Debtor filed a voluntary petition for relief under Chapter 13 of the U.S. Bankruptcy Code. Listed on Schedule A of the bankruptcy petition is a property owned by the debtor as tenants in common with her ex-husband Robert M. Willis. The property at 302 Bottsford Ave., Upper Marlboro, MD 20774 is the subject of this motion for a short sale.

5. The property is subject to a First Deed of Trust held by Towd Point Mortgage Trust (serviced by Select Portfolio Servicing, Inc). According to proof of claim #4-1, the amount due on the loan totals approximately \$707,905.02. The property is subject to a 2d deed of trust held by BB&T and according to proof of claim 3-1, the amount due on the loan totals approximately \$33,420.68. An additional encumbrance includes Oak Creek Club Homeowners Assn., Inc. which filed proof of claim #5 in the amount of \$2,671.00. The value of the property per Schedule A of the Bankruptcy petition is \$694,207.00. In the debtor's confirmed plan, she elected to surrender her interest in the property. Both the debtor and her co-debtor ex husband wish to avoid a foreclosure on their credit record and this would be accomplished by the proposed short sale. This Court previously entered an Order Doc # 37 Terminating Automatic Stay and Co-debtor stay on April 11, 2017 with respect to the subject property

7. The debtor and her ex husband co debtor have negotiated a contract to sell the subject property to JBN Realty Investment, Inc. for \$250,000.00. A copy of the Contract of Sale is attached hereto.

8. The short sale would have a benefit to the bankruptcy estate in that the claims securing the property will be eliminated.

9. In order for the Bank to process the short sale request, the Court is required to consider the proposed transaction

10. Accordingly, by this Motion, the Debtor seeks authorization to proceed with the proposed short sale of the Property.

AUTHORITY TO SELL

11. Pursuant to §363(b)(1) of the Bankruptcy Code, after notice and a hearing, a debtor may use, sell or lease property of the estate other than in the ordinary course of business.

12. The Property yields no value to the estate, as there is insufficient equity to pay the lien holders in full. Accordingly, no proceeds will be available for unsecured creditors.

13. The Debtor does not seek relief to sell pursuant to 11 U.S.C. §363(f), but only seeks authorization to allow the Debtor to sell the Property if the Bank is amenable to the short sale.

#### CONCLUSION

14. The Debtor seeks to maximize the value of the Property by sale to an arms-length purchaser, thereby eliminating any deficiency that could have otherwise been asserted against the bankruptcy estate. The Debtor believes that an arms-length sale will yield a far greater purchase price than would otherwise be realized in a foreclosure sale.

WHEREFORE, the Debtor Katheryne S. Willis moves for the entry of an Order substantially in the form attached hereto:

A. Authorizing, but not directing, the sale of the Property pursuant to 11 U.S.C. § 363(b)(1); and

B. Authorizing the Debtor to take any and all actions to execute any and all documents necessary and appropriate to effectuate and consummate the terms of said sale of the Property including, without limitation, executing a deed conveying the interest of the Debtor to the Purchasers; and

C. Granting such other and further relief as is just and proper.

Respectfully submitted,

DATED: /s/ Harris S. Ammerman #04141  
1/5/2018 Harris S. Ammerman, Esq.  
1115 Massachusetts Ave. NW  
Washington, D.C. 20005  
202 638 0606

IN THE UNITED STATES BANKRUPTCY  
COURT FOR THE DISTRICT OF COLUMBIA

IN RE: : Case No. 16-00588 smt  
Katheryne S. Willis Chapter 13  
Debtor

**NOTICE OF PRIVATE SHORT SALE**

NOTICE IS HEREBY GIVEN, pursuant to 11 U.S.C. Section 363, that the Debtor **Katheryne S. Willis** proposes to sell real property at 302 Bottsford Ave., Upper Marlboro, Md 20774.

The debtor has received a contract to sell the subject property. The pending contingent ratified contract provides for a price of \$250,000.00. The prospective purchaser is JBN Realty Investment, Inc.. This is a short sale, arms length transaction and there is no prior relationship between the debtor and the purchaser. The seller's transaction is being brokered by Residential Real Estate Corporation. After costs of the sale including settlement fees, commissions and transfer taxes, the mortgagee, Towd Point Mortgage Trust (serviced by Select Portfolio Servicing, Inc), will be paid a negotiated amount in conformity with the proposed short sale of the property.

The parties believe that the purchase price is fair

and reasonable based on comparable properties, market conditions and the condition of the property. Settlement is being held in abeyance until the expiration of the time provided for objections to this notice.

Creditors objecting to this proposal of sale must file their objections with the U.S. Bankruptcy Court for the District of Columbia, 3<sup>rd</sup> & Constitution Ave. NW, Washington, D.C. 20001 within 21 days from the date of this notice, unless such time is shortened and shall mail a copy to the counsel for the Debtor at his address which appears below. The objection should state specifically why the sale should not take place. A hearing may be held, should any objections be filed, and any creditors so objecting will be required to attend such hearing. If no objections are timely filed, the Court may enter an Order approval the sale. Creditors desiring further information should contact the undersigned attorney for the Debtor.

Respectfully submitted,

/s/Harris S. Ammerman#187450

Harris S. Ammerman, Esq.  
1115 Massachusetts Ave. NW  
Washington, D.C. 20005  
202- 638 0606



UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLUMBIA

IN RE: : Case No. 16-00588 smt  
Katheryne S. Willis Chapter 13  
Debtor

**ORDER GRANTING AUTHORIZATION FOR DEBTOR TO  
SELL REAL PROPERTY AT SHORT SALE PURSUANT TO 11  
U.S.C. §1363(B)**

Upon consideration of debtor's Motion to Authorize Short Sale of Real Property filed by the Debtor, and all interested parties having been served with notice, there being no opposition, the request is approved for the sale of 302 Bottsford Ave., Upper Marlboro, MD 20774, and it is further

ORDERED, that subject to the approval of lienholders, the Debtor is authorized to sell the Property located at 302 Bottsford Ave., Upper



Marlboro, Md. 20774 to purchaser JBN Realty Investment, Inc. and it is further

ORDERED, that the Debtor is authorized to take any and all actions and to execute any and all documents necessary and appropriate to effectuate and consummate the terms of said sale of the Property, including without limitation, executing a deed conveying the interest of the Debtor to the Purchasers.

Cc:  
Debtor's counsel  
Debtor  
Trustee

END OF ORDER

## **Motions for Entry of Discharge**

**Upon completion of plan payments, a Debtor must file a Motion for Entry of Discharge.**

### **RULE 4004-3. CHAPTER 13 MOTION FOR ENTRY OF DISCHARGE UNDER BANKRUPTCY CODE § 1328(A)**

Pursuant to § 1328(a), when the Debtor has completed all payments required to be paid to the Trustee under the terms of the confirmed plan, the Trustee shall file a Notice of Plan Completion with the Court, and serve it upon the Debtor and Debtor's Counsel. The Debtor must file a Motion for Entry of § 1328(a) Chapter 13 Discharge and Notice of Deadline, and Opportunity to Object within 90 days as of the filing of the Notice. Local Official Form No. 11 may be used for that purpose. Failure to timely file the Motion may result in the case being closed without entry of discharge.

**LOCAL OFFICIAL FORM NO. 11**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLUMBIA**

In re \_\_\_\_\_,  
Debtor(s).

)  
)  
)  
)  
)  
)

Case No. \_\_\_\_\_  
Chapter \_\_\_\_

**DEBTOR'S MOTION FOR ENTRY OF § 1328(a) CHAPTER 13  
DISCHARGE AND NOTICE OF DEADLINE AND OPPORTUNITY TO OBJECT**

Comes now the debtor and respectfully moves this court to enter a Chapter 13 Discharge pursuant to 11 U.S.C. § 1328(a), and in support thereof, states as follows:

1. The debtor has completed in full all plan payments under the confirmed Chapter 13 plan including all modifications thereof and the Trustee has accordingly filed a Notice of Completion.
2. The debtor has completed, **after the filing of this case**, the required instructional course concerning Personal Financial Management described in 11 U.S.C. § 111 and has filed, no later than the last payment made under the plan, the requisite certification (Official Form 423).
3. The debtor has not received a discharge in a case filed under Chapter 7, 11, or 12 during the 4-year period preceding the date of the order of relief under this Chapter.
- 4A. The debtor has not been required by a judicial or administrative order, or by statute to pay any domestic support obligation as defined in 11 U.S.C. § 101(14A) either before this bankruptcy was filed or at any time after the filing of this bankruptcy.

OR

- 4B. The debtor has made all pre-petition and post-petition domestic support obligations required by judicial or administrative order or by statute and the name of each holder of a domestic support obligation is as follows:

Name:

Address:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

5. The debtor's most recent/current address is:

\_\_\_\_\_  
\_\_\_\_\_

6. The name and address of the debtor's most recent/current employer/income source is:

Name: Address:

\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

7. The debtor hereby certifies that he has not been found guilty (and there is no action pending in which the debtor may be found guilty) of a felony as described in 11 U.S.C. § 522(q)(1)(A) and that the debtor is not liable (and there is no action pending in which the debtor may be found liable) for a debt as described in 11 U.S.C. § 522(q)(1)(B).

**WHEREFORE**, the debtor respectfully moves this court to enter a Chapter 13 Discharge pursuant to 11 U.S.C. § 1328(a).

\_\_\_\_ / \_\_\_\_ / \_\_\_\_

DATE

\_\_\_\_\_  
Debtor/Debtor's Attorney  
\_\_\_\_\_  
\_\_\_\_\_