

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
_____ DIVISION**

IN RE: _____)) XXXXXXXXXXXXXXXX,)) _____ Debtor.)	CASE NO. XX-XXXXX Chapter 13
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**MOTION FOR ORDER DECLARING SECURED CLAIM
HAS BEEN SATISFIED AND LIEN HAS BEEN RELEASED**

_____ (“Debtor”), moves the Court, under Rule 5009(d) of the Federal Rules of Bankruptcy Procedure, for an order declaring that the secured claim of _____

(“Creditor”) has been satisfied and its lien has been released, and in support of this Motion states:

1. On _____, the Debtor filed a voluntary petition under chapter 13, title 11, of the United States Code, in the United States Bankruptcy Court for the Middle District of North Carolina.

2. This Court has jurisdiction over the subject matter of this proceeding under 28 U.S.C. § 1334. Under 28 U.S.C. § 157(a) and Local Civil Rule 83.11, the United States District Court for the Middle District of North Carolina has referred this proceeding to this Court. This is a core proceeding under 28 U.S.C. §§ 157(b)(1), (b)(2)(A), (b)(2)(L), and (b)(2)(O) in which this Court has statutory and constitutional authority to enter final orders.

3. The Debtor’s chapter 13 plan (“Plan”) was confirmed on _____. The Debtor has successfully completed the Plan and an Order of Discharge was entered or will be entered prior to the hearing on this Motion.

4. The Debtor is the owner of certain real property known and designated as

_____,
which is encumbered by a deed of trust recorded in Book _____, at page _____, _____
County Registry (“Deed of Trust”).

5. The claim secured by the Deed of Trust has been paid in full pursuant to the
Plan, and the lien created by the Deed of Trust has been released under the terms of the Plan.

WHEREFORE, the Debtor respectfully requests:

1. The Court enter an order under Rule 5009(d) of the Federal Rules of
Bankruptcy Procedure (“Order”) finding that Creditor’s secured claim has been satisfied and the
lien created by the Deed of Trust on the real property as described therein has been released under
the terms of the Plan;

2. The recording of the Order with the _____ County Register of Deeds
shall reflect and further effectuate a release of such real property from the lien created by the Deed
of Trust; and

3. For such other and further relief as the Court may deem just and proper.

This _____ day of _____, 20_____.

Name
Address
State Bar No.

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IN RE: _____)	
XXXXXXXXXXXXXXXXXX,)	CASE NO. XX-XXXXX
_____)	Chapter 13
Debtor. _____)	

AFFIDAVIT OF SERVICE

[Federal Bankruptcy Rule 5009(d) requires service on the holder of the claim and any other entity the Court designates in the manner provided by Federal Bankruptcy Rule 7004.]

On _____, a copy of the Motion for Order Declaring Secured Claim Has Been Satisfied and Lien Has Been Released was mailed to the following:

Regular, first class United States mail, postage fully pre-paid, addressed to:

Certified mail service on an insured depository institution: By certified mail addressed to Officer of the Institution at the address set out below. A supplement to this Affidavit with proof of delivery will be filed at a later date.

Under penalty of perjury, I declare that the foregoing is true and correct.

Date: _____

Signature: _____