

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

In Re: _____)
)
)
)
 Debtor(s) _____) No: _____

**MOTION TO APPROVE SALE OF DEBTOR’S RESIDENCE
AND BROKER’S COMMISSION
(Property description)**

_____ (“Debtors”), by and through counsel, hereby move the Court pursuant to §363 of Title 11 of the United States Code and Rule 6004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), for an Order (a) authorizing the sale of certain real property known and designated as _____ (the “Real Property”) to _____, the prospective purchasers (“Purchasers”), and (b) approving the payment of a broker’s commission to professional real estate broker _____ (“Broker”). In support thereof, the Debtors respectfully represent:

1. On _____, the Debtors filed a voluntary petition under Chapter 13, Title 11 in the United States Bankruptcy Court for the Middle District of North Carolina.
2. This Court has jurisdiction over the subject matter hereof pursuant to 28 U.S.C. §§151, 157 and 1334, and Local Rule 83.11 adopted by the United States District Court for the Middle District of North Carolina, and this is a core proceeding within 28 U.S.C. §157(b)(2).
3. The Debtors are the owners of the Real Property which property was listed on Schedule A filed with the Debtors’ petition having a value of \$_____.
4. On _____, the Debtors entered into a contract to sell the Real Property to the Purchasers for a purchase price of \$_____, and a fully executed copy of the Offer to Purchase and Contract is attached hereto as “Exhibit A”.

5. The proposed sale represents an arms-length transfer between the Debtors and the Purchasers, who are not related by blood or marriage to the Debtors and the Debtors believe the proposed sale to be in the Debtors' and the bankruptcy estate's best interests.

6. The Real Property is subject to outstanding liens and encumbrances having approximate balance(s) as follows: (list property taxes, deeds of trust and other liens)

7. The Debtors anticipate that after payment of all liens and encumbrances, property taxes, closing costs and other customary expenses of the sale, there will be net proceeds remaining in the approximate amount of \$ _____, which amount is [Select (a) or (b)]

(a) less than the available statutory exemption and the Debtors desire to retain all the net proceeds; OR

(b) greater than the available statutory exemption and the Debtors desire to remit any amount above the statutory exemption to the Chapter 13 Trustee for application to unsecured claims under their confirmed plan.

8. The proposed sale will not affect the Debtors ability to successfully complete their Chapter 13 plan or adversely affect the interests of the bankruptcy estate or creditors.

9. To facilitate the proposed sale, the Debtors engaged a disinterested professional real estate broker, and request approval to pay the Broker a commission of \$ _____ ("Commission"), which amount is fair and customary in residential sales and to be paid at closing of the sale of the real property together with outstanding liens, encumbrances, property taxes, and other customary closing expenses.

10. Counsel for the Debtors respectfully requests the approval of the presumptive attorney's fee of \$400.00 as reasonable value of services provided to the Debtors related to the filing of this Motion.

WHEREFORE the Debtors pray the Court that an Order be entered as follows:

1. The sale of the Real Property to the Purchasers be approved in accordance with the Offer to Purchase and Contract attached as "Exhibit A" and from the proceeds of sale, all outstanding liens, encumbrances, ad valorem taxes, and other customary closing expenses shall be paid and the Debtors shall remit to the Chapter 13 Trustee the amount of any net proceeds that exceed any available statutory exemption for application to the Debtors' confirmed plan;

2. The requested Commission be approved and paid to Broker at closing;

3. Counsel for the Debtors receive the presumptive attorney's fee for the filing of this Motion in the amount of \$400.00 to be paid through the Debtors' plan by the Chapter 13 Trustee;

4. The Order granting this Motion be effective immediately upon entry and not stayed pursuant to Bankruptcy Rule 6004(h); and,

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

This ____ day of _____, 20__.

Name
Address
State Bar No.

CERTIFICATE OF SERVICE