

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

In re

Case No. _____

_____,

Chapter 13

Debtor(s).

MOTION OF DEBTOR(S) TO INCUR
POST-PETITION INDEBTEDNESS

This day comes the Debtor(s) by counsel and moves the Court to approve the purchase by the Debtor(s) of _____ (*description of property*).

In support of this motion, the Debtor(s) asserts as follows:

1. The bankruptcy case of the above Debtor(s) is pending under Chapter 13 of the United States Bankruptcy Code and was filed on the _____ day of _____, _____.

2. The Chapter 13 plan was confirmed on _____.

OR

Confirmation of the Chapter 13 plan is pending.

3. The events precipitating the Debtor's need to incur debt were:

_____.

4. The Debtor(s) needs to replace _____ (*description of property*) which was:

Being paid directly by the debtor at the rate of \$_____ per month.

OR

Being paid through the Chapter 13 plan.

5. The Debtor(s) propose to purchase a new/used (*circle one*) (*description of property*) from _____, who is/is not (*circle one*) related to the Debtor(s), for the sum of \$_____, with interest at the rate of _____% per annum. The monthly payment will be \$_____. The Debtor(s) will/will not (*circle one*) trade in _____. If the seller is related to the Debtor(s), explain the relationship to the Debtor(s) _____.

OR

The Debtor(s) does not have an exact figure for the purchase, but believes, based on his/her investigation into the purchase of the _____, that he/she can purchase the property for no more than \$ _____, with an interest rate between _____% and _____%. The anticipated monthly payment will be approximately \$_____. The Debtor(s) will /will not (*circle one*) trade in _____.

6. The Debtor(s) is current on the Chapter 13 plan payments and this purchase will not adversely impact the Chapter 13 plan because _____.

OR

The Debtor(s) is current on the Chapter 13 plan payments, but this purchase will adversely impact the Chapter 13 plan. If this motion is granted, the Debtor(s) will file (*select one*):

- A motion to modify the confirmed Chapter 13 plan.
- An amended Chapter 13 plan, if the plan has not yet been confirmed.

7. The Debtor(s) believes that the purchase of this property is necessary because _____.

WHEREFORE, the Debtor(s) prays that the Court approve the purchase described herein upon negative notice to the creditor body.

BY COUNSEL

Name of Counsel for Debtor(s):
Address
Bar ID#
Telephone#

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

In re

Case No. _____

_____,
_____,

Chapter 13

Debtor(s).

AGREED ORDER AUTHORIZING DEBTOR(S)
TO INCUR POST PETITION FINANCING

This day come the Debtor(s), by counsel, and the Chapter 13 Trustee, and represent to the Court that the Chapter 13 Trustee has no objection to the proposed transaction described below (*recite terms or range*):

_____.

By signing this Order, the Trustee asserts that the Debtor(s) is current on the Chapter 13 plan payments.

For the reasons recited by the Debtor(s) in the motion filed in this matter, the Trustee is of the opinion that:

- the incurring of post-petition financing will not adversely affect the Chapter 13 plan.

OR

- the incurring of post-petition financing will adversely affect the Chapter 13 plan and a motion to modify the confirmed Chapter 13 plan will be necessary; however, the Trustee is further of the opinion that it is in the best interests of the Debtor(s) and the creditor body that the post-petition financing be approved.

The Court, after reviewing the motion filed herein and the recitals in this Order, is of the opinion to grant the motion of the Debtor(s) and, it is hereby

ORDERED that the Debtor(s) are authorized to incur post-petition financing on the terms set forth above.

(where appropriate) IT IS FURTHER ORDERED that the Debtor(s) shall file a motion to modify the confirmed Chapter 13 plan within forty-five (45) days of the entry of this order.

IT IS FURTHER ORDERED that the Clerk shall mail a copy of this Order to all creditors and parties in interest in this case. Any objection to this Order must be filed in writing with the Clerk, within twenty-one (21) days of the entry of this Order, and must be served on the Debtor(s), counsel for the Debtor(s), and the Trustee.

In the event no written objection is timely filed, this Order shall become final on the 22nd day after entry and shall constitute authorization to the Debtor(s) to proceed with the post-petition financing. In the event that a written objection is timely filed, the Clerk will schedule a hearing upon notice to the parties.

ENTERED:

JUDGE

Prepared for entry by:

Name of Counsel for Debtor(s):
Address
Bar ID#
Telephone#

Approved by:

Helen M. Morris, Trustee
P.O. Box 8535
South Charleston, WV 25303
(304) 744-6730

Name and address of Debtor(s)
(for objection purposes)