

MOTIONS TO SELL*, TRANSFER OR REFINANCE PROPERTY

1. Describe the property to be sold, transferred or refinanced. If real estate, state the street address and legal description.
2. State the lien holder's name (if any) and the approximate balance of any existing note. State whether or not the claim is currently being paid by the Trustee.
3. If a sale has been negotiated, state the name of the buyer and attach a copy of the proposed contract and the estimated HUD settlement statement for real estate sales.
4. State the amount of the expected proceeds of sale and how the proceeds will be distributed. If attorney fees are being requested from the sales proceeds the motion must include detailed time and expense information.
5. State the anticipated effect of the sale on the Chapter 13 plan.
6. Include a paragraph in the proposed order for the sale of real estate that the closing agent shall fax or email a copy of the final settlement statement to the Trustee's office, attention Connie Davis at 361-882-4973 (fax), or cdavis@ch13cctx.com on the DAY of closing.

If motion is to be expedited

1. Set out the specific reason for expediting.
2. If requesting a response deadline of less than one week, fax or email a copy of the Motion to Shorten the Response Time to Connie at the above number or email address, for either the Trustee or Staff Attorney to sign indicating receipt prior to filing motion.

After the sale

Follow up with closing agent to make sure Trustee receives a copy of the final settlement indicating what has been paid from the proceeds of sale. From this document we will adjust the mortgage lien and tax claims.

*If the plan has been confirmed, paragraph 12 of standard plan form in this district authorizes the Debtor(s) to sell *exempt* property without further court order so long as the sale provides for the full payment, at closing, of all liens on the property sold. An order confirming this authority may be granted by the Court, ex parte.

