

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

_____	:	Case No. _____
_____	:	Chapter _____
<i>Debtor(s)</i>	:	
_____	:	
_____	:	
<i>Movant(s)/Plaintiff(s)</i>	:	
v.	:	Related to Document No. _____
_____	:	
_____	:	
RONDA J. WINNECOUR, Ch. 13	:	
Trustee,	:	
<i>Respondent(s)/Defendant(s):</i>	:	

**ORDER CONFIRMING CHAPTER 13 SALE OF PROPERTY  
FREE AND DIVESTED OF LIENS**

AND NOW, this \_\_\_\_\_ (*Date*), on consideration of the \_\_\_\_\_ (*Party*)  
*Motion/Complaint for Sale of Property Free and Divested of Liens to \_\_\_\_\_ (Buyer name and  
address) for \$ \_\_\_\_\_ (Price), after hearing held in Courtroom D, 54<sup>th</sup> Floor, 600  
Grant Street, Pittsburgh, PA, this date, the Court finds:*

(1) That service of the Notice of Hearing and Order setting hearing on said  
Motion/Complaint for private sale of real property free and divested of liens of the above named  
Respondents, was effected on the following secured creditors whose liens are recited in said  
Motion/Complaint for private sale, viz:

**DATE OF SERVICE**

**NAME OF LIENOR AND SECURITY**

*(actual date of service  
for each creditor)*

*(Identify full name of each creditor in separate paragraphs  
with specifics of each claim, including filing information)*

*(actual date of service)*

**Ronda J. Winnecour, Ch. 13 Trustee,**  
Suite 3250, U.S. Steel Building  
600 Grant Street  
Pittsburgh, PA 15219

(2) That sufficient general notice of said hearing and sale, together with the  
confirmation hearing thereon, was given to the creditors and parties in interest by the moving party  
as shown by the certificate of serviced duly filed and that the named parties were duly served with  
the Motion/Complaint.

(3) That said sale hearing was duly advertised in \_\_\_\_\_ (*Publication*) on \_\_\_\_\_ (*Date*) and in the \_\_\_\_\_ (*Publication*) on \_\_\_\_\_ (*Date*), as shown by the Proof of Publications duly filed.

(4) That at the sale hearing the highest/best offer received was that of the above Purchaser(s) and no objections to the sale were made which would result in cancellation of said sale.

(5) That the price of \$ \_\_\_\_\_ (*Price*) offered by \_\_\_\_\_ (*Buyer*) was a full and fair price for the property in question.

(6) That the Purchaser(s) has acted in good faith with respect to the within sale in accordance with *In re Abbotts Dairies of Pennsylvania, Inc.*, 788 F2d. 143 (3d Cir. 1986).

Now therefore, **IT IS ORDERED, ADJUDGED AND DECREED** that the sale by Special Warranty deed of the real property described as \_\_\_\_\_ (*Description*) is hereby **CONFIRMED** to \_\_\_\_\_ (*Buyer name and address*) for \$ \_\_\_\_\_ (*Price*), free and divested of the above recited liens and claims, and, that the Movant/Plaintiff is authorized to make, execute and deliver to the Purchaser(s) above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the terms of sale;

IT IS FURTHER ORDERED, that the above recited liens and claims, be, and they hereby are, transferred to the proceeds of sale, if and to the extent they may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear and divested of said liens and claims;

FURTHER ORDERED, that the following expenses/costs shall immediately be paid at the time of closing. *Failure of the Closing Agent to timely make and forward the disbursements required by this Order will subject the closing agent to monetary sanctions*, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of this Order. Except as to the distribution specifically authorized herein, all remaining funds shall be held by Counsel for Movant pending further Order of this Court after notice and hearing.

- (1) The following lien(s)/claim(s) and amounts: \_\_\_\_\_;
- (2) Delinquent real estate taxes, if any;
- (3) Current real estate taxes, pro-rated to the date of closing;
- (4) The costs of local newspaper advertising in the amount of \$ \_\_\_\_\_;
- (5) The costs of legal journal advertising in the amount of \$ \_\_\_\_\_;
- (6) The Court approved realtor commission in the amount of \$ \_\_\_\_\_;
- (7) Court approved attorney fees in the amount of \$ \_\_\_\_\_;
- (8) Chapter 13 Trustee "percentage fees" in the amount of \$ \_\_\_\_\_ payable to "Ronda J. Winnecour, Ch. 13 Trustee, P.O. Box 2587, Pittsburgh, PA. 15230";
- (9) The "net proceeds" from the closing as identified on the HUD-1 to the Chapter 13 Trustee payable to "Ronda J. Winnecour, Ch. 13 Trustee, P.O. Box 1132, Memphis TN, 38101-1132"; and,

(10) Other: \_\_\_\_\_.

FURTHER ORDERED that:

- (1) Closing shall occur within thirty (30) days of this Order and, ***within five (5) days following closing***, the Movant/Plaintiff shall file a report of sale which shall include a copy of the HUD-1 or other Settlement Statement;
- (2) This Sale Confirmation Order survives any dismissal or conversion of the within case; and,
- (3) ***Within five (5) days of the date of this Order***, the Movant/Plaintiff shall serve a copy of the within Order on each Respondent/Defendant (i.e., each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney for the debtor, the Closing Agent, the Purchaser, and the attorney for the Purchaser, if any, and file a certificate of service.

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THOMAS P. AGRETI  
United States Bankruptcy Judge