**UNITED STATES BANKRUPTCY COURT**

**SOUTHERN DISTRICT OF NEW YORK**

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**In re: :**

 **: Case No. \_\_\_\_\_\_**

**[Debtor name] :**

 **: Chapter \_\_**

 **Debtor. :**

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**ORDER GRANTING RELIEF FROM AUTOMATIC STAY**

Upon the motion (the “Motion”)of \_\_\_\_\_\_\_\_(“Secured Creditor”) for an order lifting the automatic stay pursuant to section 362(d) of the Bankruptcy Code, 11 U.S.C. § 362(d), for the purpose of allowing the Secured Creditor to proceed in state court to enforce the Secured Creditor’s rights and interests in the real property located at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (the “Property”); and due and proper notice of the motion having been given; and [the Court having held a hearing on the Motion on \_\_\_\_ (the “Hearing”); and [there being no opposition to the Motion] [the Court having overruled the objections to the Motion for the reasons stated on the record at the Hearing] [the Court having determined that relief is appropriate for the reasons stated in a decision entered on \_\_\_\_]; and after due deliberation and sufficient cause appearing, it is hereby

**ORDERED** that the Motion is granted to the extent set forth herein; and it is further

**ORDERED** that relief from the automatic stay is hereby granted pursuant to section 362(d) of the Bankruptcy Code to permit the Secured Creditor to enforce its rights in and remedies with respect to the Property, including, without limitation, loss mitigation, foreclosure and eviction proceedings; and it is further

**ORDERED** that Secured Creditor shall (1) provide advance written notice to the Debtor [and the Chapter 7 Trustee] [and the Chapter 11 Trustee] and [his/her/their] counsel of any scheduled foreclosure sale of the Property; (ii) provide contemporaneous written notice to the Debtor [and the Chapter7 Trustee] [and the Chapter 11 Trustee] and [his/her/their] counsel of the filing of any referee’s report of sale; and (iii) provide written notice to the Debtor [and the Chapter 7 Trustee] [and the Chapter 11 Trustee] and [his/her/their] counsel as to any surplus moneys arising from the sale, as determined pursuant to section 1354 of the Real Property Actions and Proceedings Law; and it is further

**ORDERED,** notwithstanding the provisions of sections 1354(4) of the New York Real Property Actions and Proceedings Law, all surplus moneys constitute property of the bankruptcy estate that is subject to the exclusive jurisdiction of this Court, and all such surplus proceeds shall be turned over to [the Debtor] [the Chapter 7 Trustee] [the Chapter 11 Trustee] for administration under this Court’s supervision; and it is further

**ORDERED,** notwithstanding the provisions of sections 1354(4) of the New York Real Property Actions and Proceedings Law, that any person claiming any entitlement to any portion of the surplus proceeds must do so in this Court pursuant to the applicable terms of the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure.

 Dated: New York, New York

 [date]

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 United States Bankruptcy Judge