IN THE UNITED STATES BANKRUPTCY COURT

FOR THE SOUTHERN DISTRICT OF ALABAMA

In Re: Case No: \_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_

Debtor(s).

ORDER CONDITIONALLY DENYING MOTION FOR RELIEF FROM AUTOMATIC STAY

This matter coming before the court on \_\_\_\_\_\_, 202\_\_ on the Motion for Relief from Automatic Stay filed by \_\_\_\_\_\_\_ (“Creditor”), and this court being informed of the parties’ agreement, it is ORDERED, ADJUDGED AND DECREED as follows:

1. Creditor may file a claim for the post-petition mortgage arrearage through \_\_\_\_\_\_\_, plus the attorney fees and costs in connection with the Motion, within 60 days of the date of this order. The arrearage to be put into the plan is as follows:

[separate missed payments and attorney’s fees and costs; any payment being held in suspense should also be accounted for here]

1. The court conditionally denies the Motion. But should the Debtor(s) default under the mortgage agreement between the parties by failing to make payments due on the \_\_\_\_ day of each month within the next TWENTY-FOUR MONTHS beginning \_\_\_\_\_\_, Creditor may file with the court a Notice of Default giving the Debtor(s) 20 days to cure. A copy of the Notice of Default must also be mailed to the Debtor(s) and the attorney for the Debtor(s).
2. If the default is not cured within 20 days from the date the notice is issued, then Creditor may file a Notice of Termination of Stay with the court and mail a copy to the Debtor(s) and the attorney for the Debtor(s). Upon filing the Notice of Termination of Stay, the stay shall lift without further order from the court. Further, upon lifting of the stay, Creditor is allowed to communicate with the Debtor(s) as required under the note and mortgage or under state law. Waiver of default shall not constitute waiver of subsequent default.
3. If relief from the automatic stay under 11 U.S.C. § 362 becomes effective, this Creditor is thereafter entitled to enforce any and all of its right, title, interest in and to the subject property under applicable non-bankruptcy law. The filing and service of Notice of Payment Change and/or Notices of Post-Petition Fees, Expenses, and Charges, as described by FRBP 3002.1(b) and FRBP 3002.1(c) are not required once relief from the automatic stay under 11 U.S.C. § 362 is triggered and becomes effective. Upon entry of this Order granting relief from the automatic stay under 11 U.S.C. § 362, the 14-day stay of FRBP 4001(a)(3) is waived.