

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:

*Adoption of Relief from Stay/ Worksheet for
Real Estate and Cooperative Apartments*

**GENERAL ORDER
M - 346**

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By resolution of the Board of Judges for the Southern District of New York, it is hereby

ORDERED that all motions filed on or after February 1, 2008, in the United States Bankruptcy Court for the Southern District of New York seeking relief from the automatic stay pursuant to 11 U.S.C. § 362 in cases filed by individuals concerning real property and cooperative apartments shall include, as an exhibit to the motion, a completed copy of the annexed *Relief from Stay – Real Estate and Cooperative Apartments* (the “Worksheet”); and it is further

ORDERED that the submission of a properly completed Worksheet shall constitute compliance with Local Bankruptcy Rule 4001-1 and 4001-2; and it is further

ORDERED that any judge of the Court may direct the submission of the Worksheet in connection with other motions, including motions for adequate protection.

Dated: New York, New York
January 14, 2008

/s/ *Stuart M. Bernstein*
STUART M. BERNSTEIN
Chief Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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<CASE CAPTION>

CASE No. ___ - ____ (____)

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**RELIEF FROM STAY – REAL ESTATE AND
COOPERATIVE APARTMENTS**

I _____ <NAME AND TITLE> OF _____ <NAME OF ORGANIZATION/CORPORATION/MOVING PARTY> (HEREINAFTER, “MOVANT”) HEREBY DECLARE (OR CERTIFY, VERIFY, OR STATE):

BACKGROUND INFORMATION

1. REAL PROPERTY OR COOPERATIVE APARTMENT ADDRESS WHICH IS THE SUBJECT OF THIS MOTION: _____

2. LENDER NAME: _____

3. DATE OF MORTGAGE <MM/DD/YYYY>: _____

4. POST-PETITION PAYMENT ADDRESS:

DEBT/VALUE REPRESENTATIONS

5. TOTAL PRE-PETITION AND POST-PETITION INDEBTEDNESS OF DEBTOR(S) TO MOVANT AT THE TIME OF FILING THE MOTION: \$ _____
(Note: this amount may not be relied on as a “payoff” quotation.)

6. MOVANT’S ESTIMATED MARKET VALUE OF THE REAL PROPERTY OR COOPERATIVE APARTMENT: \$ _____

7. SOURCE OF ESTIMATED VALUATION:

**STATUS OF DEBT AS OF
THE PETITION DATE**

8. TOTAL PRE-PETITION INDEBTEDNESS OF DEBTOR(S) TO MOVANT AS OF PETITION FILING

DATE: \$ _____

A. AMOUNT OF PRINCIPAL: \$ _____

B. AMOUNT OF INTEREST: \$ _____

C. AMOUNT OF ESCROW (taxes and insurance): \$ _____

D. AMOUNT OF FORCED PLACED INSURANCE EXPENDED BY MOVANT:

\$ _____

E. AMOUNT OF ATTORNEYS' FEES BILLED TO DEBTOR(S) PRE-PETITION:

\$ _____

F. AMOUNT OF PRE-PETITION LATE FEES, IF ANY, BILLED TO DEBTOR(S):

\$ _____

9. CONTRACTUAL INTEREST RATE: _____ (If interest rate is (or was) adjustable, please list the rate(s) and date(s) the rate(s) was/were in effect on a separate sheet and attach the sheet as an exhibit to this form; please list the exhibit number here: ____.)

10. PLEASE EXPLAIN ANY ADDITIONAL PRE-PETITION FEES, CHARGES OR AMOUNTS CHARGED TO DEBTOR'S/DEBTORS' ACCOUNT AND NOT LISTED ABOVE:

(If additional space is needed, please list the amounts on a separate sheet and attach the sheet as an exhibit to this form; please list the exhibit number here: ____.)

**AMOUNT OF ALLEGED POST-PETITION DEFAULT
(AS OF _____ <MM/DD/YYYY>)**

11. DATE LAST PAYMENT WAS RECEIVED: _____
<MM/DD/YYYY>

12. ALLEGED TOTAL NUMBER OF PAYMENTS DUE POST-PETITION FROM FILING OF PETITION THROUGH PAYMENT DUE ON _____ <mm/dd/yyyy>: _____.

13. PLEASE LIST ALL POST-PETITION PAYMENTS ALLEGED TO BE IN DEFAULT:

ALLEGED PAYMENT DUE DATE	ALLEGED AMOUNT DUE	AMOUNT RECEIVED	AMOUNT APPLIED TO PRINCIPAL	AMOUNT APPLIED TO INTEREST	AMOUNT APPLIED TO ESCROW	LATE FEE CHARGED (IF ANY)
TOTALS:	\$	\$	\$	\$	\$	\$

14. AMOUNT OF MOVANT’S ATTORNEYS FEES BILLED TO DEBTOR FOR THE PREPARATION, FILING AND PROSECUTION OF THIS MOTION: \$ _____

15. AMOUNT OF MOVANT’S FILING FEE FOR THIS MOTION: \$ _____

16. OTHER ATTORNEYS’ FEES BILLED TO DEBTOR POST-PETITION: \$ _____

17. AMOUNT OF MOVANT’S POST-PETITION- INSPECTION FEES: \$ _____

18. AMOUNT OF MOVANT’S POST-PETITION APPRAISAL/BROKER’S PRICE OPINION: \$ _____

19. AMOUNT OF FORCED PLACED INSURANCE OR INSURANCE PROVIDED BY THE MOVANT POST-PETITION: \$ _____

20. SUM HELD IN SUSPENSE BY MOVANT IN CONNECTION WITH THIS CONTRACT, IF APPLICABLE: \$ _____

21. AMOUNT OF OTHER POST-PETITION ADVANCES OR CHARGES, FOR EXAMPLE TAXES, INSURANCE INCURRED BY DEBTOR ETC.: \$ _____

REQUIRED ATTACHMENTS TO MOTION

Please attach the following documents to this motion and indicate the exhibit number associated with the documents.

- (1) Copies of documents that indicate Movant's interest in the subject property. For purposes of example only, a complete and legible copy of the promissory note or other debt instrument together with a complete and legible copy of the mortgage and any assignments in the chain from the original mortgagee to the current moving party. (Exhibit _____.)
- (2) Copies of documents establishing proof of standing to bring this Motion. (Exhibit _____.)
- (3) Copies of documents establishing that Movant's interest in the real property or cooperative apartment was perfected. For the purposes of example only, a complete and legible copy of the Financing Statement (UCC-1) filed with either the Clerk's Office or the Register of the county the property or cooperative apartment is located in. (Exhibit _____.)

CERTIFICATION FOR BUSINESS RECORDS

I CERTIFY THAT THE INFORMATION PROVIDED IN THIS WORKSHEET AND/OR ANY EXHIBITS ATTACHED TO THIS WORKSHEET (OTHER THAN THE TRANSACTIONAL DOCUMENTS ATTACHED AS REQUIRED BY PARAGRAPHS 1, 2 AND 3, IMMEDIATELY ABOVE) IS DERIVED FROM RECORDS THAT WERE MADE AT OR NEAR THE TIME OF THE OCCURRENCE OF THE MATTERS SET FORTH BY, OR FROM INFORMATION TRANSMITTED BY, A PERSON WITH KNOWLEDGE OF THOSE MATTERS, WERE KEPT IN THE COURSE OF THE REGULARLY CONDUCTED ACTIVITY; AND WERE MADE BY THE REGULARLY CONDUCTED ACTIVITY AS A REGULAR PRACTICE.

I FURTHER CERTIFY THAT COPIES OF ANY TRANSACTIONAL DOCUMENTS ATTACHED TO THIS WORKSHEET AS REQUIRED BY PARAGRAPHS 1, 2 AND 3, IMMEDIATELY ABOVE, ARE TRUE AND ACCURATE COPIES OF THE ORIGINAL DOCUMENTS.

DECLARATION

I _____ <NAME AND TITLE> OF _____ <NAME OF MOVANT> HEREBY DECLARE (OR CERTIFY, VERIFY, OR STATE) PURSUANT 28 U.S.C. SECTION 1746 UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT BASED ON PERSONAL KNOWLEDGE OF THE MOVANT'S BOOKS AND BUSINESS RECORDS.

EXECUTED AT _____ <CITY/TOWN>, _____ <STATE> ON THIS ____ DAY OF <MONTH>, 20____ <YEAR>.

<PRINT NAME>
<TITLE>
<MOVANT>
<STREET ADDRESS>
<CITY, STATE AND ZIP CODE>