# 50 States

**50 State Form – [Supplemental] Declaration in Support of MFR**

**UNITED STATES BANKRUPTCY COURT**

**FOR THE [ ] DISTRICT OF [ DIVISION]1**

Chapter

In re:

<<DEBTOR NAME(S)>>,

Debtor(s).

Case No.

<<hearing information (if applicable)>>

# [SUPPLEMENTAL] DECLARATION IN SUPPORT OF

**MOTION FOR RELIEF FROM AUTOMATIC STAY [AND CO-DEBTOR STAY]**

I, <<NAME>>, declare under penalty of perjury as follows:

# I am employed by Cenlar FSB as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. I am authorized to sign this [supplemental] declaration on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”). This supplemental declaration is provided in support of the Motion for Relief from Stay (the “Motion”) filed this [<<DATE>>] OR [contemporaneously herewith].

1 **Attorney should adjust caption to comply with all applicable local rules**. Use this form only where there are one or more postpetition defaults.

1. **As part of my job responsibilities for Cenlar FSB, I have personal knowledge of the business records and I am familiar with the types of records maintained by Cenlar FSB in connection with the loan that is the subject of the Motion (the “Loan”) and the procedures for creating those types of records. I have access to and have reviewed the books, records and files of Cenlar FSB that pertain to the Loan and extensions of credit given to Debtor(s) concerning the property securing such Loan.**
2. **The information in this declaration is taken from Cenlar FSB’s business records regarding the Loan. The records are: (a) made at or near the time of the occurrence of the matters recorded by persons with personal knowledge of the information in the business record, or from information transmitted by persons with personal knowledge of the business records; (b) kept in the course of Cenlar FSB’s regularly conducted business activities; and (c) it is the regular practice of Cenlar FSB to make such records.**
3. **The Debtor(s) [IF OBLIGORS ON NOTE INCLUDE NON-DEBTORS, INCLUDE NAMES OF NON-DEBTORS, TOGETHER WITH DEBTORS: and <<NAME(S) OF OBLIGORS ON NOTE>>] has/have executed and delivered or is/are otherwise obligated with respect to that certain promissory note referenced in the Motion (the “Note”). Pursuant to that certain <<TITLE OF SECURITY INSTRUMENT>> referenced in the Motion (the “<<TITLE OF SECURITY INSTRUMENT>>”), all obligations of the Debtor(s) under and with respect to the Note and the <<TITLE OF SECURITY INSTRUMENT>> are secured by the property referenced in the Motion.**
4. **[IN THE STATE OF WASHINGTON INCLUDE THE FOLLOWING: <<MOVANT / Beneficiary>> is the holder of, and is entitled to enforce, the original endorsed Note.]**
5. **As of <<DATE>>, there are one or more defaults in paying Debtor(s) post-petition amounts due with respect to the Note.**
6. **As of <<DATE>>, the unpaid principal balance of the Note is $<<AMOUNT>>.**
7. **The following chart sets forth those postpetition payments, due pursuant to the terms of the Note, that have been missed by the Debtor(s) as of <<DATE>>:**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Number of Missed Payments** | **From** | **To** | **Missed Principal and Interest** | **Missed Escrow (if applicable)** | **Monthly Payment Amount** | **Total Amounts Missed** |
|  | | | | | | |
|  | | | | | | |
| **Less postpetition partial payments (suspense balance): ($<<AMOUNT>>)** | | | | | | |

**Total: $<<AMOUNT>>**

1. **[As of <<DATE>>, the total postpetition arrearage/delinquency is $<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of**

**$<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON-ESCROW LOANS ONLY, INCLUDE:**

**advances for taxes and insurance.] OR [FOR ESCROW LOANS ONLY, INSERT: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.]**

|  |  |
| --- | --- |
| **Description** | **Amount** |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |
| [FOR NON-ESCROW LOANS ONLY:  <<INSERT DESCRIPTION OF TAX OR | [FOR NON-ESCROW LOANS ONLY:  <<INSERT AMOUNTS OF TAX OR |

INSURANCE ADVANCE FROM POST-PET TAXES-INS ADVANCES ADDENDUM>>]

INSURANCE ADVANCE FROM POST-PET TAXES-INS ADVANCES ADDENDUM>>]

# Attached hereto as Exhibit <<#>> is a postpetition payment history.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this day of , 20\_\_, at , (city, state).

By:

Name:

# 50 State Form – CH7 [Supplemental] Declaration in Support of MFR

**UNITED STATES BANKRUPTCY COURT**

**FOR THE [ ] DISTRICT OF [ DIVISION]3**

Chapter 7

In re:

<<DEBTOR NAME(S)>>,

Debtor(s).

Case No.

<<hearing information (if applicable)>>

# [SUPPLEMENTAL] DECLARATION IN SUPPORT OF MOTION FOR RELIEF FROM AUTOMATIC STAY

I, <<NAME>>, declare under penalty of perjury as follows:

1. I am employed as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for Cenlar FSB (“Subservicer”). I am authorized to execute this [Supplemental] Declaration on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”). This [Supplemental]

Declaration is provided in support of the Motion for Relief from Stay (the “Motion”) filed <<[DATE OF FILING] / [contemporaneously herewith]>>.]

3 **Attorney should adjust caption to comply with all applicable local rules**. Use this form only where there are one or more postpetition defaults.

1. In my capacity as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, I have personal knowledge of the business records

and I am familiar with the types of records maintained by Subservicer, on behalf of Movant,]>> in connection with the loan that is the subject of the Motion (the “Loan”) and the procedures for creating those types of records. I have access to and have reviewed the books, records and files of Subservicer, on behalf of Movant,]>> that pertain to the Loan and extensions of credit given to Debtor(s) concerning the property securing such Loan.

1. The information in this [Supplemental] Declaration is taken from

Subservicer’s business records regarding the Loan. The records are: (a) made at or near the time of the occurrence of the matters recorded by persons with personal knowledge of the information in the business record, or from information transmitted by persons with personal knowledge of the business records; (b) kept in the course of <<

>> regularly conducted business

activities; and (c) it is the regular practice of Subservicer to make such records.

1. The Debtor(s) [IF OBLIGORS ON NOTE INCLUDE NON-DEBTORS, INCLUDE NAMES OF

NON-DEBTORS, TOGETHER WITH DEBTORS: and <<NAME(S) OF OBLIGORS ON NOTE>>] <<has /

have>> executed and delivered or <<is / are>> otherwise obligated with respect to that certain promissory note

referenced in the Motion (the “Note”). Pursuant to that certain <<TITLE OF SECURITY INSTRUMENT>>

referenced in the Motion (the “<<TITLE OF SECURITY INSTRUMENT>>”), all obligations of the Debtor(s) under

and with respect to the Note and the <<TITLE OF SECURITY INSTRUMENT>> are secured by the property referenced in the Motion.

1. As of <<DATE>>, there are one or more defaults in paying <<[Debtor’s] / [Debtors’]>> contractual amounts due with respect to the Note.
2. As of <<DATE>>, the unpaid principal balance of the Note is $<<AMOUNT>>.
3. The following chart sets forth those payments, due pursuant to the terms of the Note, which the Debtor(s) have failed to pay as of <<DATE>>:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Number of Missed Payments** | **From** | **To** | **Missed Principal and Interest** | **Missed Escrow (if applicable)** | **Monthly Payment Amount** | **Total Amounts Missed** |
|  | | | | | | |
|  | | | | | | |
| Less partial payments (suspense balance): ($<<AMOUNT>>) | | | | | | |

# Total:

**$<<AMOUNT>>**

1. As of <<DATE>>, the total delinquency is $<<INSERT SUM OF (i) AND (ii) BELOW>>,

consisting of (i) the total of missed contractual payments in the amount of $<< >>, plus (ii) the following fees [FOR

advances for taxes and insurance] OR [FOR ESCROW LOANS ONLY, INSERT The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.]

NON-ESCROW LOANS ONLY, INCLUDE:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Description** |  |  | **Amount** |  |
|  | <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> |  |  | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |  |
|  |  |  |  |  |  |
|  | [FOR NON-ESCROW LOANS ONLY:  <<INSERT DESCRIPTION OF TAX OR INSURANCE ADVANCE FROM TAXES- INS ADVANCES ADDENDUM>>] |  |  | [FOR NON-ESCROW LOANS ONLY:  <<INSERT AMOUNTS OF TAX OR INSURANCE ADVANCE FROM TAXES- INS ADVANCES ADDENDUM>>] |  |
|  |  |  |  |  |  |

1. Attached hereto as Exhibit <<INSERT EXHIBIT #>> is a loan history.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing factual statements are true and correct.

Executed this day of , 20\_\_, at , (city, state).

By: Name:

# Alabama

**AL - Middle District - Affidavit Supporting MFR from Automatic Stay**

**UNITED STATES BANKRUPTCY COURT**

**FOR THE MIDDLE DISTRICT OF ALABAMA**

In re: Chapter <#>

<DEBTOR’S NAME>

Case No. <#>

Debtor[s].

AFFIDAVIT SUPPORTING MOTION FOR RELIEF FROM AUTOMATIC STAY STATE OF )

) ss.

COUNTY OF )

Before me, the undersigned authority, personally appeared the person identified below, who being by me duly sworn, deposed as follows:

1. My name is <NAME>. I am of sound mind, lawful age and capable of making this Affidavit. The statements set forth in this Affidavit are true and correct based on my personal knowledge of the business records and review of the business records described herein. I am authorized to make this Affidavit on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”).
2. This Affidavit is submitted in support of the motion seeking relief from the automatic stay (the “Motion”) by Movant, in the above-captioned case.
3. I am employed by Cenlar FSB as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. In that capacity, I am familiar with the books of account and have examined all relevant books, records, and documents kept at Cenlar FSB concerning the transaction alleged in the Motion. All of these books, records, and documents are kept in the regular course of business and are made at or near the time of the transaction using information transmitted by persons with knowledge of the facts. It is the regular practice to make and keep these books, records and documents. All of these books, records, and documents are managed by employees or agents whose duty it is to keep the books, records, and documents accurately and completely.
4. My responsibilities include, but are not limited to, handling bankruptcy accounts and ascertaining amounts due and payable.
5. I have personal knowledge of the facts contained in this Affidavit. Specifically, I have reviewed and have personal knowledge of the business records related to the loan account associated with the certain property described as <NUMBER, STREET, CITY, STATE ZIP CODE>.True and correct copies of the Note and <TITLE OF SECURITY INSTRUMENT> are attached hereto as Exhibits <#> and <#>, respectively, and incorporated herein by reference. Movant is the current holder of the <TITLE OF SECURITY INSTRUMENT>.
6. As of <<DATE>>, there are one or more defaults in paying Debtor(s) post-petition amounts due with respect to the Note.
7. As of the date hereof, the principal balance owed by the Debtor(s) to [insert Movant or name of noteholder] . is $<AMOUNT>, plus advances made, attorney fees, costs, other fees and charges, and interest accruing thereon in accordance with the loan documents.
8. The following chart sets forth those postpetition payments, due pursuant to the terms of the Note, that have been missed by the Debtor(s) as of <<DATE>>:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of Missed Payments | From | To | Missed Principal and Interest | Missed Escrow (if applicable) | Monthly Payment Amount | Total Amounts Missed |
|  | | | | | | |
|  | | | | | | |
| **Less postpetition partial payments (suspense balance): ($<<AMOUNT>>)** | | | | | | |

Total: $<<AMOUNT>>

1. [As of <<DATE>>, the total postpetition arrearage/delinquency is $<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of

$<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON-ESCROW LOANS ONLY, INCLUDE: advances for taxes and insurance] OR [FOR ESCROW LOANS ONLY, INSERT: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.]

|  |  |
| --- | --- |
| **Description** | **Amount** |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |
| [FOR NON-ESCROW LOANS ONLY:  <<INSERT DESCRIPTION OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] | [FOR NON-ESCROW LOANS ONLY:  <<INSERT AMOUNTS OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] |

1. Attached hereto as Exhibit <<#>> is a postpetition payment history.

I solemnly affirm under the penalty of perjury and upon personal knowledge of the business records that the contents of the foregoing paper are true.

By:

Name:

STATE OF )

) ss.

COUNTY OF )

Subscribed and sworn to me the undersigned authority on this day of , 20 .

Notary Public in and for the State of

# AL - Northern District - Affidavit Supporting MFR from Automatic Stay

**UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF ALABAMA**

In re: Chapter <#>

<DEBTOR’S NAME>

Case No. <#>

Debtor[s].

AFFIDAVIT SUPPORTING MOTION FOR RELIEF FROM AUTOMATIC STAY STATE OF )

) ss.

COUNTY OF )

Before me, the undersigned authority, personally appeared the person identified below, who being by me duly sworn, deposed as follows:

1. My name is <NAME>. I am of sound mind, lawful age and capable of making this Affidavit. The statements set forth in this Affidavit are true and correct based on my personal knowledge of the business records and review of the business records described herein. I am authorized to make this Affidavit on behalf of [insert appropriate party to take action in the name of i.e.CitiMortgage, Inc. or applicable investor], its Successors and/or Assigns (“Movant”).
2. This Affidavit is submitted in support of the motion seeking relief from the automatic stay (the “Motion”) by Movant, in the above-captioned case.
3. I am employed by Cenlar FSB as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. In that capacity, I am familiar with the books of account and have examined all relevant books, records, and documents kept at Cenlar FSB concerning the transaction alleged in the Motion. All of these books, records, and documents are kept in the regular course of business and are made at or near the time of the transaction using information transmitted by persons with knowledge of the facts. It is the regular practice to make and keep these books, records and documents. All of these books, records, and documents are managed by employees or agents whose duty it is to keep the books, records, and documents accurately and completely.
4. My responsibilities include, but are not limited to, handling bankruptcy accounts and ascertaining amounts due and payable.
5. I have personal knowledge of the facts contained in this Affidavit. Specifically, I have reviewed and have personal knowledge of the business records related to the loan account associated with the certain property described as <NUMBER, STREET, CITY, STATE ZIP CODE>.
6. True and correct copies of the Note and <TITLE OF SECURITY INSTRUMENT> are attached hereto as Exhibits <#> and <#>, respectively, and incorporated herein by reference. Movant is the current holder of the <TITLE OF SECURITY INSTRUMENT>.
7. As of <<DATE>>, there are one or more defaults in paying Debtor(s) post-petition amounts due with respect to the Note.
8. As of the date hereof, the principal balance owed by the Debtor(s) to [insert Movant or name of noteholder] is $<AMOUNT>, plus advances made, attorney fees, costs, other fees and charges, and interest accruing thereon in accordance with the loan documents.
9. The following chart sets forth those postpetition payments, due pursuant to the terms of the Note, that have been missed by the Debtor(s) as of <<DATE>>:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of Missed Payments | From | To | Missed Principal and Interest | Missed Escrow (if applicable) | Monthly Payment Amount | Total Amounts Missed |
|  | | | | | | |
|  | | | | | | |
| **Less postpetition partial payments (suspense balance): ($<<AMOUNT>>)** | | | | | | |

Total: $<<AMOUNT>>

1. [As of <<DATE>>, the total postpetition arrearage/delinquency is $<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of

$<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON-ESCROW LOANS ONLY, INCLUDE: advances for taxes and insurance] OR [FOR ESCROW LOANS ONLY, INSERT: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.]

|  |  |
| --- | --- |
| **Description** | **Amount** |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |
| [FOR NON-ESCROW LOANS ONLY:  <<INSERT DESCRIPTION OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] | [FOR NON-ESCROW LOANS ONLY:  <<INSERT AMOUNTS OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] |

1. Attached hereto as Exhibit <<#>> is a postpetition payment history.

I solemnly affirm under the penalty of perjury and upon personal knowledge of the business records that the contents of the foregoing paper are true.

EXECUTED on , .

By:

Name:

STATE OF )

) ss.

COUNTY OF )

Subscribed and sworn to me the undersigned authority on this day of , 20 .

My Commission Expires:

Notary Public in and for the State of

# AL - Southern District - Affidavit Supporting MFR from Automatic Stay

**UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF ALABAMA**

In re: Chapter <#>

<DEBTOR’S NAME>

Case No. <#>

Debtor[s].

AFFIDAVIT SUPPORTING MOTION FOR RELIEF FROM AUTOMATIC STAY STATE OF )

) ss.

COUNTY OF )

Before me, the undersigned authority, personally appeared the person identified below, who being by me duly sworn, deposed as follows:

1. My name is <NAME>. I am of sound mind, lawful age and capable of making this Affidavit. The statements set forth in this Affidavit are true and correct based on my personal knowledge of the business records and review of the business records described herein. I am authorized to make this Affidavit on behalf of [insert appropriate party to take action in the name of i.e.CitiMortgage, Inc. or applicable investor], its Successors and/or Assigns (“Movant”).
2. This Affidavit is submitted in support of the motion seeking relief from the automatic stay (the “Motion”) by Movant, in the above-captioned case.
3. I am employed by Cenlar FSB as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. In that capacity, I am familiar with the books of account and have examined all relevant books, records, and documents kept at Cenlar FSB concerning the transaction alleged in the Motion. All of these books, records, and documents are kept in the regular course of business and are made at or near the time of the transaction using information transmitted by persons with knowledge of the facts. It is the regular practice to make and keep these books, records and documents. All of these books, records, and documents are managed by employees or agents whose duty it is to keep the books, records, and documents accurately and completely.
4. My responsibilities include, but are not limited to, handling bankruptcy accounts and ascertaining amounts due and payable.
5. I have personal knowledge of the facts contained in this Affidavit. Specifically, I have reviewed and have personal knowledge of the business records related to the loan account associated with the certain property described as <NUMBER, STREET, CITY, STATE ZIP CODE>.True and correct copies of the Note and <TITLE OF SECURITY INSTRUMENT> are attached hereto as Exhibits <#> and <#>, respectively, and incorporated herein by reference. Movant is the current holder of the <TITLE OF SECURITY INSTRUMENT>.
6. As of <<DATE>>, there are one or more defaults in paying Debtor(s) post-petition amounts due with respect to the Note.
7. As of the date hereof, the principal balance owed by the Debtor(s) to [insert Movant or name of noteholder] is $<AMOUNT>, plus advances made, attorney fees, costs, other fees and charges, and interest accruing thereon in accordance with the loan documents.
8. The following chart sets forth those postpetition payments, due pursuant to the terms of the Note, that have been missed by the Debtor(s) as of <<DATE>>:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of Missed Payments | From | To | Missed Principal and Interest | Missed Escrow (if applicable) | Monthly Payment Amount | Total Amounts Missed |
|  | | | | | | |
|  | | | | | | |
| **Less postpetition partial payments (suspense balance): ($<<AMOUNT>>)** | | | | | | |

Total: $<<AMOUNT>>

1. [As of <<DATE>>, the total postpetition arrearage/delinquency is $<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of

$<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON-ESCROW LOANS ONLY, INCLUDE: advances for taxes and insurance] OR [FOR ESCROW LOANS ONLY, INSERT: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.]

|  |  |
| --- | --- |
| **Description** | **Amount** |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |
| [FOR NON-ESCROW LOANS ONLY:  <<INSERT DESCRIPTION OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] | [FOR NON-ESCROW LOANS ONLY:  <<INSERT AMOUNTS OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] |

1. Based on [the tax-assessed value of the property / the Debtor[s' / 's] schedules], the estimated current value of the property referenced in the Motion is $Tax Assessed Value or Schedule A of Debtor’s Schedule. As of <<Date>>, the total amount necessary to satisfy all indebtedness on with respect to the Debt Agreement is $<<AMOUNT>>.
2. Attached hereto as Exhibit <<#>> is a postpetition payment history.

I solemnly affirm under the penalty of perjury and upon personal knowledge of the business records that the contents of the foregoing paper are true.

EXECUTED on , .

By:

Name:

STATE OF )

) ss.

COUNTY OF )

Subscribed and sworn to me the undersigned authority on this day of , 20 .

My Commission Expires:

Notary Public in and for the State of

# California

**CA - Eastern District - Declaration Supporting MFR from Automatic Stay**

<ATTY NAME> (SBN) <NUMBER>

<ATTY NAME> (SBN) <NUMBER>

<LAW FIRM>

<ADDRESS>

Telephone: <TEL NUMBER> Facsimile: <FAX NUMBER>

Attorneys for <SUBSERVICER>

# UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF CALIFORNIA

**<DIVISION>**

<CASE NO.>

In re

<DEBTOR NAME>,

Debtor(s).

<CHAPTER>

<D.C. NO.>

# DECLARATION OF <CITI EMPLOYEE> SUPPORTING MOTION FOR RELIEF FROM AUTOMATIC STAY

Date: <HEARING DATE> Time: <HEARING TIME> Place: <COURTROOM>

<COURT HOUSE ADDRESS 1>

<COURT HOUSE ADDRESS 2>

I, <NAME>, declare as follows:

1. I am of sound mind, lawful age and capable of making this Declaration. The statements set forth herein are true and correct based on my personal knowledge of the business records and review of the business records described herein. I am authorized to make this Declaration on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”).
2. I am employed by Cenlar FSB as a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. In that capacity, I am familiar with the books of account and have examined all relevant books, records, and documents kept at Cenlar FSB concerning the transaction alleged in the motion seeking relief from the automatic stay (the “Motion”). All of these books, records,and documents are kept in the regular course of business and are made at or near the time of the transaction using information transmitted by persons with knowledge of the facts. It is the regular practice to make and keep these books, records and documents. All of these books, records, and documents are managed by employees or agents whose duty it is to keep the books, records, and documents accurately and completely.
3. My responsibilities include, but are not limited to, handling delinquent bankruptcy accounts and ascertaining amounts due and payable.
4. I have personal knowledge of the facts contained in this Declaration. Specifically, I have reviewed and have personal knowledge of the business records related to the loan account associated with the certain property described as <PROPERTY ADDRESS>.
5. Movant is the current holder of the note as Movant’s records reflect that Movant is in possession of the original note. A true and correct current copy of the note is attached hereto as Exhibit <#>, and incorporated herein by reference.
6. Movant is the current holder of the <TITLE OF SECURITY INSTRUMENT>. A true and correct copy of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#> and incorporated herein by reference. > The <TITLE OF SECURITY INSTRUMENT> was assigned and transferred to Movant.] A true and correct copy of the assignment of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#> and incorporated herein by reference.
7. As of <<DATE>>, there are one or more defaults in paying Debtor(s) post-petition amounts due with respect to the note.
8. As of the date hereof, the principal balance owed by the Debtor(s) to Movant. is

$<AMOUNT>, plus advances made, attorney fees, costs, other fees and charges, and interest accruing thereon in accordance with the loan documents.

1. The following chart sets forth those postpetition payments, due pursuant to the terms of the note, that have been missed by the Debtor(s) as of <<DATE>>:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of Missed Payments | From | To | Missed Principal and Interest | Missed Escrow (if applicable) | Monthly Payment Amount | Total Amounts Missed |
|  | | | | | | |
|  | | | | | | |
| Less postpetition partial payments (suspense balance): ($<<AMOUNT>>) | | | | | | |

Total: $<<AMOUNT>>

1. [As of <<DATE>>, the total postpetition arrearage/delinquency is $<<INSERT SUM OF (I) AND

(II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of

$<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON-ESCROW LOANS ONLY, INCLUDE: advances for taxes and insurance]OR [FOR ESCROW LOANS ONLY, INSERT: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.]

|  |  |
| --- | --- |
| Description | Amount |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |
| [FOR NON-ESCROW LOANS ONLY:  <<INSERT DESCRIPTION OF TAX OR INSURANCE ADVANCE FROM POST-PET TAXES-INS ADVANCES ADDENDUM>>] | [FOR NON-ESCROW LOANS ONLY:  <<INSERT AMOUNTS OF TAX OR INSURANCE ADVANCE FROM POST-PET TAXES-INS ADVANCES ADDENDUM>>] |

1. An additional payment will come due on <DATE>, and on the <1st> day of each month thereafter until the loan is paid in full.
2. Attached as Exhibit <#> is a true and correct copy of the post-petition arrearage accounting reflecting all payments with respect to the loan described above.I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this day of , 20\_\_, at ,

(city, state).

By:

Name:

**\*\*NOTE: Eastern District of California requires separate pleading for exhibits. Need to prepare exhibits pleading together with Declaration. Sample exhibits pleading attached below.**

EXHIBIT

<ATTY NAME> (SBN) <NUMBER>

<ATTY NAME> (SBN) <NUMBER>

<LAW FIRM>

<ADDRESS>

Telephone: <TEL NUMBER> Facsimile: <FAX NUMBER>

Attorneys for <SUBSERVICER>

# UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF CALIFORNIA

**<DIVISION>**

<CASE NO.>

In re

<DEBTOR NAME>,

Debtor(s).

<CHAPTER>

<D.C. NO.>

# EXHIBITS IN SUPPORT OF

**<SUBSERVICER’S> MOTION FOR RELIEF FROM AUTOMATIC STAY**

Date: <HEARING DATE> Time: <HEARING TIME> Place: <COURTROOM>

<COURT HOUSE ADDRESS 1>

<COURT HOUSE ADDRESS 2>

Attorney or Party Name, Address, Telephone & FAX FOR COURT USE ONLY Nos., State Bar No. & Email Address

|  |  |  |
| --- | --- | --- |
| **INDEX** | | |
| **NUMBER** | **TITLE** | **PAGES** |
| 1 | <TITLE OF SECURITY INSTRUMENT> |  |
| 2 | Assignment of <TITLE OF SECURITY INSTRUMENT> |  |
| 3 | Note |  |
| 4 | Complete Payment History |  |

Executed this day of , 20\_\_, at , (city, state).

By:

Name:

# CA - F 4001-1 RFS RP Motion Template

Attorney or Party Name, Address, Telephone & FAX FOR COURT USE ONLY Nos., State Bar No. & Email Address

Movant appearing without an attorney Attorney for Movant

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA - <NAME OF> DIVISION

In re: CASE NO.:

CHAPTER:

NOTICE OF MOTION AND MOTION FOR RELIEF FROM THE AUTOMATIC

STAY UNDER 11 U.S.C. § 362

(with supporting declarations) (REAL PROPERTY)

DATE: TIME:

Debtor(s). COURTROOM:

MOVANT:

1. . **Hearing Location**:

255 East Temple Street, Los Angeles, CA 90012 411 West Fourth Street, Santa Ana, CA 92701 21041 Burbank Boulevard, Woodland Hills, CA 91367 1415 State Street, Santa Barbara, CA 93101 3420 Twelfth Street, Riverside, CA 92501

1. Notice is given to the Debtor and trustee (*if any*)(Responding Parties), their attorneys (*if any*), and other interested parties that on the date and time and in the courtroom stated above, Movant will request that this

court enter an order granting relief from the automatic stay as to Debtor and Debtor’s bankruptcy estate on the grounds set forth in the attached Motion.

1. To file a response to the motion, you may obtain an approved court form at [www.cacb.uscourts.gov/forms](http://www.cacb.uscourts.gov/forms) for use in preparing your response (optional LBR form F 4001-1.RFS.RESPONSE), or you may prepare your response using the format required by LBR 9004-1 and the Court Manual.
2. When Serving a response to the motion, serve a copy of it upon the Movant's attorney (or upon Movant, if the motion was filed by an unrepresented individual) at the address set forth above.
3. If you fail to timely file and serve a written response to the motion, or fail to appear at the hearing, the court may deem such failure as consent to granting of the motion.
4. This motion is being heard on REGULAR NOTICE pursuant to LBR 9013-1(d). If you wish to oppose this motion, you must file and serve a written response to this motion no later than 14 days before the hearing and appear at the hearing.
5. This motion is being heard on SHORTENED NOTICE pursuant to LBR 9075-1(b). If you wish to oppose this motion, you must file and serve a response no later than (*date*) and (*time*) ; and, you may appear at the hearing.
   1. An application for order setting hearing on shortened notice was not required (according to the calendaring procedures of the assigned judge).
   2. An application for order setting hearing on shortened notice was filed and was granted by the court and such motion and order have been or are being served upon the Debtor and upon the trustee (if any).
   3. An application for order setting hearing on shortened notice was filed and remains pending. After the court rules on that application, you will be served with another notice or an order that specifies the date, time and place of the hearing on the attached motion and the deadline for filing and serving a written opposition to the motion.

Date:

Printed name of law firm (if applicable)

\_ Printed name of individual Movant or attorney for Movant

Signature of individual Movant or attorney for Movant

# MOTION FOR RELIEF FROM THE AUTOMATIC STAY AS TO REAL PROPERTY

1. **Movant is the:**

Holder: Movant has physical possession of a promissory note that either (1) names Movant as the payee under the promissory note or (2) is indorsed to Movant, or indorsed in blank, or payable to bearer.

Beneficiary: Movant is either (1) named as beneficiary in the security instrument on the subject property (e.g., mortgage or deed of trust) or (2) is the assignee of the beneficiary.

Servicing agent authorized to act on behalf of the Holder or Beneficiary. Other (*specify):*

# The Property at Issue (Property):

* 1. Address:

*Street address*: *Unit/suite number*: *City, state, zip code*:

* 1. Legal description, or document recording number (including county of recording), as set forth in Movant’s deed of trust (attached as Exhibit ):

# Bankruptcy Case History:

* 1. A voluntary involuntary bankruptcy petition under chapter 7 11 12 13 was filed on (*date*) .
  2. An order to convert this case to chapter 7 11 12 13 was entered on (*date*) .
  3. A plan, if any, was confirmed on (*date*) .

# Grounds for Relief from Stay:

* 1. Pursuant to 11 U.S.C. § 362(d)(1), cause exists to grant Movant relief from stay as follows: (1) Movant’s interest in the Property is not adequately protected.
     1. Movant’s interest in the Property is not protected by an adequate equity cushion.
     2. The fair market value of the Property is declining and payments are not being made to Movant sufficient to protect Movant’s interest against that decline.
     3. Proof of insurance regarding the Property has not been provided to Movant, despite the Debtor’s obligation to insure the collateral under the terms of Movant’s contract with the Debtor.

1. The bankruptcy case was filed in bad faith.
   1. Movant is the only creditor, or one of very few creditors, listed or scheduled in the Debtor’s case commencement documents.
   2. The Property was transferred to the Debtor either just before the bankruptcy filing or after the filing.
   3. A non-individual entity was created just prior to the bankruptcy petition date for the sole purpose of filing this bankruptcy case.
   4. Other bankruptcy cases have been filed in which an interest in the Property was asserted.
   5. The Debtor filed only a few case commencement documents with the bankruptcy petition. Schedules and the statement of financial affairs (or chapter 13 plan, if appropriate) have not been filed.
   6. Other (*see attached continuation page*).
2. (*Chapter 12 or 13 cases only)*
   1. All payments on account of the Property are being made through the plan.

Preconfirmation Postconfirmation plan payments have not been made to the chapter 12 trustee or chapter 13 trustee.

* 1. Postpetition mortgage payments due on the note secured by a deed of trust on the Property have not been made to Movant.

1. The Debtor filed a Statement of Intentions that indicates the Debtor intends to surrender the Property.
2. The Movant regained possession of the Property on (*date*) , which is prepetition postpetition.
3. For other cause for relief from stay, see attached continuation page.
   1. Pursuant to 11 U.S.C. § 362(d)(2)(A), the Debtor has no equity in the Property; and, pursuant to

§ 362(d)(2)(B), the Property is not necessary to an effective reorganization.

* 1. Pursuant to 11 U.S.C. § 362(d)(3), the Debtor has failed, within the later of 90 days after the order for relief or

30 days after the court determined that the Property qualifies as “single asset real estate” as defined in 11 U.S.C. § 101(51B) to file a reasonable plan of reorganization or to commence monthly payments.

* 1. Pursuant to 11 U.S.C. § 362(d)(4), the Debtor’s filing of the bankruptcy petition was part of a scheme to delay, hinder, or defraud creditors that involved:

1. The transfer of all or part ownership of, or other interest in, the Property without the consent of Movant or court approval; or
2. Multiple bankruptcy cases affecting the Property.
3. **Grounds for Annulment of the Stay.** Movant took postpetition actions against the Property or the Debtor.
   1. These actions were taken before Movant knew the bankruptcy case had been filed, and Movant would have been entitled to relief from the stay to proceed with these actions.
   2. Movant knew the bankruptcy case had been filed, but Movant previously obtained relief from stay to proceed with these enforcement actions in prior bankruptcy cases affecting the Property as set forth in Exhibit .
   3. Other (*specify*):
4. **Evidence in Support of Motion: (*Declaration(s) MUST be signed under penalty of perjury and attached to this motion*)**
   1. The REAL PROPERTY DECLARATION on page 6 of this motion.
   2. Supplemental declaration(s).
5. The statements made by Debtor under penalty of perjury concerning Movant’s claims and the Property as set forth in Debtor’s case commencement documents. Authenticated copies of the relevant portions of the case commencement documents are attached as Exhibit .
6. Other:

# An optional Memorandum of Points and Authorities is attached to this motion.

**Movant requests the following relief:**

1. Relief from the stay is granted under: 11 U.S.C. § 362(d)(1) 11 U.S.C. § 362(d)(2) 11 U.S.C. § 362(d)(3).
2. Movant (and any successors or assigns) may proceed under applicable nonbankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property.
3. Movant, or its agents, may, at its option, offer, provide and enter into a potential forebearance agreement, loan modification, refinance agreement or other loan workout or loss mitigation agreement. Movant, through its servicing agent, may contact the Debtor by telephone or written correspondence to offer such an agreement. Any such agreement shall be nonrecourse unless stated in a reaffirmation agreement.
4. Confirmation that there is no stay in effect.
5. The stay is annulled retroactive to the bankruptcy petition date. Any postpetition actions taken by Movant to enforce its remedies regarding the Property shall not constitute a violation of the stay.
6. The co-debtor stay of 11 U.S.C. §1201(a) or § 1301(a) is terminated, modified or annulled as to the co- debtor, on the same terms and conditions as to the Debtor.
7. The 14-day stay prescribed by FRBP 4001(a)(3) is waived.
8. A designated law enforcement officer may evict the Debtor and any other occupant from the Property regardless of any future bankruptcy filing concerning the Property for a period of 180 days from the hearing on this Motion:

without further notice, or upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law.

1. Relief from the stay is granted under 11 U.S.C. § 362(d)(4): If recorded in compliance with applicable state laws governing notices of interests or liens in real property, the order is binding in any other case under this title purporting to affect the Property filed not later than 2 years after the date of the entry of the order by the court, except that a debtor in a subsequent case under this title may move for relief from the order based upon changed circumstances or for good cause shown, after notice and hearing.
2. The order is binding and effective in any bankruptcy case commenced by or against any debtor who claims any interest in the Property for a period of 180 days from the hearing of this Motion:

without further notice, or upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law.

1. The order is binding and effective in any future bankruptcy case, no matter who the debtor may be:

without further notice, or upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law.

1. Upon entry of the order, for purposes of Cal. Civ. Code § 2923.5, the Debtor is a borrower as defined in Cal. Civ. Code §2920.5(c)(2)(C).
2. If relief from stay is not granted, adequate protection shall be ordered.
3. See attached continuation page for other relief requested

Date:

Printed name of law firm (*if applicable)*

Printed name of individual Movant or attorney for Movant

Signature of individual Movant or attorney for Movant

Please note that Box number 14 must be checked on page 5

above

# Continuation Page

1. Additional provisions requested:
   1. That the notice requirements of subsections (b) and (c) of Rule 3002.1 of the Federal Rules of Bankruptcy Procedure are waived as they relate to Movant’s secured claim on the Property.

Additional Information

Cenlar FSB subservices the loan on the property on behalf of [Insert appropriate party to take action in the name of i.e. CitiMortgage, Inc. or applicable investor] (“Movant”) referenced in this Motion for Relief from the Automatic Stay under 11 U.S.C. § 362 (the “Motion”).9 In the event the automatic stay in this case is modified, this case is dismissed, and/or the Debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of Movant. Movant, directly or through an agent, has possession of the promissory note. The promissory note is either made payable to Movant or has been duly endorsed. Movant is the original mortgagee or the beneficiary or the assignee of the security instrument for the referenced loan.

9 This Motion shall not constitute a waiver of Movant’s right to receive servicepursuant to Fed. R. Civ. P. 4, made applicable to this proceeding by Fed. R. Bankr. P. 7004, notwithstanding the law firm’s participation in this proceeding. Moreover, Movant does not authorize the law firm, either expressly or impliedly through the law firm’s participation in this proceeding, to act as its agent for purposes of service under Fed. R. Bankr. P. 7004.

# REAL PROPERTY DECLARATION

I, (*print name of Declarant*) , declare:

1. I have personal knowledge of the matters set forth in this declaration and, if called upon to testify, I could and would competently testify thereto. I am over 18 years of age. I have personal knowledge regarding Movant’s interest in the real property that is the subject of this Motion (Property) because (*specify*):
   1. I am the Movant.
   2. I am employed by Movant as (*state title and capacity*):
   3. Other (*specify*):
2. a. I am one of the custodians of the books, records and files of Movant that pertain to loans and extensions of credit given to Debtor concerning the Property. I have personally worked on the books, records and files, and as to the following facts, I know them to be true of my own knowledge or I have gained knowledge of them from the business records of Movant on behalf of Movant. These books, records and files were made at or about the time of the events recorded, and which are maintained in the ordinary course of Movant’s business at or near the time of the actions, conditions or events to which they relate. Any such document was

prepared in the ordinary course of business of Movant by a person who had knowledge of the event being recorded and had or has a business duty to record accurately such event. The business records are available for inspection and copies can be submitted to the court if required.

* 1. Other (*see attached):*

1. The Movant is:
   1. Holder: Movant has physical possession of a promissory note that (1) names Movant as the payee under the promissory note or (2) is indorsed to Movant, or indorsed in blank, or payable to bearer. A true and correct copy of the note, with affixed allonges/indorsements, is attached as Exhibit

<Exhibit #> .

* 1. Beneficiary: Movant is either (1) named as beneficiary in the security instrument on the subject property (e.g., mortgage or deed of trust) or (2) is the assignee of the beneficiary. True and correct copies of the recorded security instrument and assignments are attached as Exhibit <Exhibit

#> .

* 1. Servicing agent authorized to act on behalf of the: Holder.

Beneficiary

d. Other (*specify):*

1. a. The address of the Property is:

*Street address*: <Property Address>

*Unit/suite no.*: <Property Address>

*City, state, zip code*: <Property Address>

b. The legal description of the Property or document recording number (including county of recording) set forth in the

Movant’s deed of trust is: <Legal Description>

1. Type of property (*check all applicable boxes*):

|  |  |  |  |
| --- | --- | --- | --- |
| a. | Debtor’s principal residence | b. | Other residence |
| c. | Multi-unit residential | d. | Commercial |
| e.  g. | Industrial  Other (*specify*): | f. | Vacant land |

1. Nature of the Debtor’s interest in the Property: <Refer to firm on debtor/co-debtor>

|  |  |
| --- | --- |
| a. | Sole owner |
| b. | Co-owner(s) (*specify*): |
| c. | Lienholder (*specify*): |
| d. | Other (*specify*): |
| e. | The Debtor did did not list the Property in the Debtor’s |

f. The Debtor acquired the interest in the Property by grant deed quitclaim deed trust

deed.

The deed was recorded on (*date*) .

1. Movant holds a deed of trust judgment lien other (*specify*) that encumbers the Property.
   1. A true and correct copy of the document as recorded is attached as Exhibit <Exhibit #> .
   2. A true and correct copy of the promissory note or other document that evidences the Movant’s claim is attached as Exhibit <Exhibit #> .
   3. A true and correct copy of the assignment(s) transferring the beneficial interest under the note and deed of trust to Movant is attached as Exhibit <Exhibit #> .
2. Amount of Movant’s claim with respect to the Property:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | | PREPETITION | POSTPETITION | TOTAL |
| a. | Principal: | $ | $ | $ |
| b. | Accrued interest: | $ | $ | $ |
| c. | Late charges: | $ | $ | $ |
| d. | Costs (attorney’s fees, foreclosure fees, other costs): | $ | $ | $ |
| e. | Advances (property taxes, insurance): | $ | $ | $ |
| f. | Less suspense account or partial balance paid: | $[ ] | $[ ] | $[ ] |
| g. | TOTAL CLAIM as of (*date*): | $ | $ | $ |
| h. Loan is all due and payable because it matured on (*date*) | | | | |

1. Status of Movant’s foreclosure actions relating to the Property (*fill the date or check the box confirming no such action has occurred*):
   1. Notice of default recorded on (*date*) or none recorded.
   2. Notice of sale recorded on (*date*) or none recorded.
   3. Foreclosure sale originally scheduled for (*date*) or none scheduled.
   4. Foreclosure sale currently scheduled for (*date*) or none scheduled.
   5. Foreclosure sale already held on (*date*) or none held.

f. Trustee’s deed upon sale already recorded on (*date*) or none recorded.

1. Attached (*optional*) as Exhibit is a true and correct copy of a POSTPETITION statement of account that accurately reflects the dates and amounts of all charges assessed to and payments made by the Debtor since the bankruptcy petition date.
2. (*chapter 7 and 11 cases only*) Status of Movant’s loan:
   1. Amount of current monthly payment as of the date of this declaration: $ for the month of

20 .

* 1. Number of payments that have come due and were not made: . Total amount: $
  2. Future payments due by time of anticipated hearing date (*if applicable*):

An additional payment of $ will come due on (*date*) , and on the day of each month thereafter. If the payment is not received within days of said due date, a late charge of

$ will be charged to the loan.

* 1. The fair market value of the Property is $ , established by:

(1) An appraiser’s declaration with appraisal is attached as Exhibit .

* 1. A real estate broker or other expert’s declaration regarding value is attached as Exhibit .
  2. A true and correct copy of relevant portion(s) of the Debtor’s schedules is attached as Exhibit .
  3. Other (*specify*):

# Calculation of equity/equity cushion in Property:

Based upon a preliminary title report the Debtor’s admissions in the schedules filed in this case,

the Property is subject to the following deed(s) of trust or lien(s) in the amounts specified securing the debt against the Property:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Name of Holder | | | Amount as Scheduled by Debtor (*if any*) | | Amount known to Declarant and Source | |
| 1st deed of trust: | | | $ | | $ | |
| 2nd deed of trust: | | | $ | | $ | |
| 3rd deed of trust: | | | $ | | $ | |
| Judgment liens: | | | $ | | $ | |
| Taxes: | | | $ | | $ | |
| Other: | $ | | $ | |
| **TOTAL DEBT: $** | | | | |

* 1. Evidence establishing the existence of these deed(s) of trust and lien(s) is attached as Exhibit

and consists of:

* + 1. Preliminary title report.
    2. Relevant portions of the Debtor’s schedules.
    3. Other (*specify*):

# 11 U.S.C. § 362(d)(1) - Equity Cushion:

I calculate that the value of the “equity cushion” in the Property exceeding Movant’s debt and any lien(s) senior to Movant’s debt is $ and is % of the fair market value of the Property.

# h. 11 U.S.C. § 362(d)(2)(A) - Equity:

By subtracting the total amount of all liens on the Property from the value of the Property as set forth in

Paragraph 11(e) above, I calculate that the Debtor’s equity in the Property is $ .

1. Estimated costs of sale: $ (estimate based upon % of estimated gross sales price)
2. The fair market value of the Property is declining because:

|  |  |  |
| --- | --- | --- |
| 1. | a. | (*Chapter 12 and 13 cases only*) Status of Movant’s loan and other bankruptcy case information:  A 341(a) meeting of creditors is currently scheduled for (*or concluded on*) the following date: |
|  |  | A plan confirmation hearing currently scheduled for (or concluded on) the following date: . A plan was confirmed on the following date (*if applicable*): . |
|  | b. | Postpetition preconfirmation payments due BUT REMAINING UNPAID since the filing of the case: |

|  |  |  |  |
| --- | --- | --- | --- |
| Number of Payments | Number of Late Charges | Amount of Each Payment or Late Charge | Total |
|  |  | $ | $ |
|  |  | $ | $ |
|  |  | $ | $ |
|  |  | $ | $ |
|  |  | $ | $ |
|  |  | $ | $ |
|  |  | $ | $ |
|  |  | $ | $ |

(See attachment for additional breakdown of information attached as Exhibit .)

1. Postpetition postconfirmation payments due BUT REMAINING UNPAID since the filing of the case:

|  |  |  |  |
| --- | --- | --- | --- |
| Number of Payments | Number of Late Charges | Amount of each Payment or Late Charge | Total |
|  |  | $ | $ |
|  |  | $ | $ |
|  |  | $ | $ |
|  |  | $ | $ |
|  |  | $ | $ |
|  |  | $ | $ |
|  |  | $ | $ |
|  |  | $ | $ |

1. Postpetition advances or other charges due but unpaid:

$ (*For details of type and amount, see Exhibit* )

1. Attorneys’ fees and costs: $

(*For details of type and amount, see Exhibit* )

1. Less suspense account or partial paid balance: $[ ]

TOTAL POSTPETITION DELINQUENCY: $

1. Future payments due by time of anticipated hearing date (*if applicable*): .

An additional payment of $ will come due on , and on

the day of each month thereafter. If the payment is not received by the day of the month, a late charge of $ will be charged to the loan.

1. Amount and date of the last 3 postpetition payments received from the Debtor in good funds,

regardless of how applied (if applicable):

|  |  |
| --- | --- |
| $ | received on (*date*) |
| $ | received on (*date*) |
| $ | received on (*date*) |

* 1. The entire claim is provided for in the chapter 12 or 13 plan and postpetition plan payments are delinquent. A plan payment history is attached as Exhibit . See attached declaration(s) of chapter 12 trustee or 13 trustee regarding receipt of payments under the plan (*attach LBR form F 4001-1.DEC.AGENT.TRUSTEE*).

1. Proof of insurance regarding the Property has not been provided to Movant, despite the Debtor’s obligation to insure the collateral under the terms of Movant’s contract with the Debtor.
2. The court determined on (*date*) that the Property qualifies as “single asset real estate” as defined in

11 U.S.C. § 101(51B). More than 90 days have passed since the filing of the bankruptcy petition; more than 30 days have passed since the court determined that the Property qualifies as single asset real estate; the Debtor has not filed a plan of reorganization that has a reasonable possibility of being confirmed within a reasonable time; or the Debtor has not commenced monthly payments to Movant as required by 11 U.S.C. § 362(d)(3).

1. The Debtor’s intent is to surrender the Property. A true and correct copy of the Debtor’s statement of intentions is attached as Exhibit .
2. Movant regained possession of the Property on (*date*) , which is

prepetition postpetition.

1. The bankruptcy case was filed in bad faith:
   1. Movant is the only creditor or one of few creditors listed in the Debtor’s case commencement documents.
   2. Other bankruptcy cases have been filed in which an interest in the Property was asserted.
2. The Debtor filed only a few case commencement documents. Schedules and a statement of financial affairs

(or chapter 13 plan, if appropriate) have not been filed.

1. Other (*specify*):
2. The filing of the bankruptcy petition was part of a scheme to delay, hinder, or defraud creditors that involved:
   1. The transfer of all or part ownership of, or other interest in, the Property without the consent of Movant or court approval. See attached continuation page for facts establishing the scheme.
   2. Multiple bankruptcy cases affecting the Property include:
      1. Case name:

Chapter: Case number: .

Date dismissed: Date discharged\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date filed:

Relief from stay regarding the Property was was not granted.

* + 1. Case name:

Chapter: Case number:

Date dismissed: Date discharged: Date filed:

Relief from stay regarding the Property was was not granted.

* + 1. Case name:

Chapter: Case number:

Date dismissed: Date discharged: Date filed:

Relief from stay regarding the Property was was not granted.

See attached continuation page for information about other bankruptcy cases affecting the Property.

See attached continuation page for facts establishing that the multiple bankruptcy cases were part of a scheme to delay, hinder, or defraud creditors.

1. Enforcement actions taken after the bankruptcy petition was filed are specified in the attached supplemental declaration(s).
   1. These actions were taken before Movant knew the bankruptcy petition had been filed, and Movant would have been entitled to relief from stay to proceed with these actions.
   2. Movant knew the bankruptcy case had been filed, but Movant previously obtained relief from stay to proceed with these enforcement actions in prior bankruptcy cases affecting the Property as set forth in Exhibit \_\_\_\_\_\_\_\_.
2. Enforcement actions taken after the bankruptcy petition was filed are specified in the attached supplemental declaration(s).
   1. These actions were taken before Movant knew the bankruptcy petition had been filed, and Movant would have been entitled to relief from stay to proceed with these actions.
   2. Movant knew the bankruptcy case had been filed, but Movant previously obtained relief from stay to proceed with these enforcement actions in prior bankruptcy cases affecting the Property as set forth in Exhibit .
   3. For other facts justifying annulment, see attached continuation page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

*Date Printed name Signature*

1. Enforcement actions taken after the bankruptcy petition was filed are specified in the attached supplemental declaration(s).
   1. These actions were taken before Movant knew the bankruptcy petition had been filed, and Movant would have been entitled to relief from stay to proceed with these actions.
   2. Movant knew the bankruptcy case had been filed, but Movant previously obtained relief from stay to proceed with these enforcement actions in prior bankruptcy cases affecting the Property as set forth in Exhibit .
   3. For other facts justifying annulment, see attached continuation page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

*Date Printed name Signature*

**EXHIBIT 1.**

I, , declare as follows:

1. I am of sound mind, lawful age and capable of making this Declaration. The statements set forth herein are true and correct based on my personal knowledge of the business records and review of the business records described herein. I am authorized to make this Declaration on behalf of [Insert appropriate party to take action in the name of i.e. CitiMortgage, Inc. or applicable investor] (“Movant”).
2. I am employed by Cenlar FSB as a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. In that capacity, I am familiar with the books of account and have examined all relevant books, records, and documents kept at Cenlar FSB concerning the transaction alleged in the Motion for Relief from the Automatic Stay under 11 U.S.C. § 362 (the “Motion”). All of these books, records, and documents are kept in the regular course of business and are made at or near the time of the transaction using information transmitted by persons with knowledge of the facts. It is the regular practice to make and keep these books, records, and documents. All of these books, records, and documents are managed by employees or agents whose duty it is to keep the books, records, and documents accurately and completely.
3. My responsibilities include, but are not limited to, handling delinquent bankruptcy accounts and ascertaining amounts due and payable.
4. I have personal knowledge of the facts contained in this Declaration. Specifically, I have reviewed and have personal knowledge of the business records related to the loan account associated with the certain property described as <Property Address>.
5. Movant is the current holder of the note as Movant’s records reflect that Movant is in possession of the original note. A true and correct current copy of the note is attached hereto as Attachment 1, and incorporated herein by reference.
6. Movant is the current holder of the deed of trust. A true and correct copy of the deed of trust is attached hereto as Attachment <Attachment Number> and incorporated herein by reference. The deed of trust was assigned and transferred to Movant. A true and correct copy of the assignment of the deed of trust is attached hereto as Attachment <Attachment Number> and incorporated herein by reference.
7. The following chart sets forth those postpetition payments, due pursuant to the terms of the note, that have been missed by the Debtor as of <postpetition delinquency date>:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of Missed Payments | From | To | Missed Principle and Interest | Missed Escrow (if applicable) | Monthly Payment Amount | Total Amounts Missed |
|  |  |  |  |  |  |  |
| Less postpetition partial payments (suspense balance): | | | | | |  |

**Total**: As of <delinquency date>, the total postpetition arrearage/delinquency is <amount postpetition delinquent>, consisting of (i) the foregoing total of missed postpetition payments in the amount of <total amount delinquent>, plus (ii) the following postpetition fees.10

|  |  |
| --- | --- |
| Description | Amount |
| <Insert post petition fees> | <Insert postpetition fees> |

1. Attached as Attachment <Attachment Number> is a true and correct copy of the postpetition arrearage accounting reflecting all payments, credits, and other fees and costs with respect to the loan described above.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this day of ,20 , at (city, state).

Signed:

Printed name:

10 The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). To avoid duplication, postpetition advances (if any) made for insurance, real estate taxes, or similar charges are not listed separately to the extent such advances would have been paid from the missed escrow payments. As part of the next annual Real Estate Settlement Procedures Act (“RESPA”) analysis, Movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.

# PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A true and correct copy of the foregoing document entitled: **NOTICE OF MOTION AND MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362**

**(with supporting declarations) (REAL PROPERTY)** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General

Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*)

, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

# SERVED BY UNITED STATES MAIL:

On (*date*) , I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

1. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*)

, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission

and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

*Date Printed Name Signature*

# Northern District - Declaration Supporting MFR from Automatic Stay

<ATTY NAME> (SBN) <NUMBER>

<ATTY NAME> (SBN) <NUMBER>

<LAW FIRM>

<ADDRESS>

Telephone: <TEL NUMBER> Facsimile: <FAX NUMBER>

Attorneys for <SUBSERVICER>

# UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF CALIFORNIA

**<DIVISION>**

<CASE NO.>

In re

<DEBTOR NAME>,

Debtor(s).

<CHAPTER>

<D.C. NO.>

# DECLARATION OF <CITI EMPLOYEE> SUPPORTING MOTION FOR RELIEF FROM AUTOMATIC STAY

Date: <HEARING DATE> Time: <HEARING TIME> Place: <COURTROOM>

<COURT HOUSE ADDRESS 1>

<COURT HOUSE ADDRESS 2>

I, <NAME>, declare as follows:

2. I am of sound mind, lawful age and capable of making this Declaration. The statements set forth herein are true and correct based on my personal knowledge of the business records and review of the business records described herein. I am authorized to make this Declaration on behalf of [Insert appropriate party to take action in the name of i.e. CitiMortgage, Inc. or applicable investor] (“Movant”).I am employed by Cenlar FSB as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. In that capacity, I am familiar with the books of account and have examined all relevant books, records, and documents kept at Cenlar FSB concerning the transaction alleged in the motion seeking relief from the automatic stay. All of these books, records, and documents are kept in the regular course of business and are made at or near the time of the transaction using information transmitted by persons with knowledge of the facts. It is the regular practice to make and keep these books, records and documents. All of these books, records, and documents are managed by employees or agents whose duty it is to keep the books, records, and documents accurately and completely.

1. My responsibilities include, but are not limited to, handling delinquent bankruptcy accounts and ascertaining amounts due and payable.
2. I have personal knowledge of the facts contained in this Declaration. Specifically, I have reviewed and have personal knowledge of the business records related to the loan account associated with the certain property described as <PROPERTY ADDRESS>.
3. Movant is the current holder of the note as Movant’s records reflect that Movant is in possession of the original note. A true and correct current copy of the note is attached hereto as Exhibit <#>, and incorporated herein by reference.
4. Movant is the current holder of the <TITLE OF SECURITY INSTRUMENT>. A true and correct copy of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#> and incorporated herein by reference. [<

The <TITLE OF SECURITY INSTRUMENT> was assigned and transferred to Movant.] A true and correct copy of the assignment of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#> and incorporated herein by reference.

1. As of <<DATE>>, there are one or more defaults in paying Debtor(s) post-petition amounts due with respect to the note.
2. As of the date hereof, the principal balance owed by the Debtor(s) to [insert Movant or name of noteholder]is $<AMOUNT>, plus advances made, attorney fees, costs, other fees and charges, and interest accruing thereon in accordance with the loan documents.
3. The following chart sets forth those postpetition payments, due pursuant to the terms of the note, that have been missed by the Debtor(s) as of <<DATE>>:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of Missed Payments | From | To | Missed Principal and Interest | Missed Escrow (if applicable) | Monthly Payment Amount | Total Amounts Missed |
|  | | | | | | |
|  | | | | | | |
| Less postpetition partial payments (suspense balance): ($<<AMOUNT>>) | | | | | | |

Total: $<<AMOUNT>>

1. [As of <<DATE>>, the total postpetition arrearage/delinquency is $<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of $<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON- ESCROW LOANS ONLY, INCLUDE: and advances for taxes and insurance11]:

|  |  |
| --- | --- |
| Description | Amount |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |
|  |  |

11 FOR ESCROW LOANS ONLY, INSERT THE FOLLOWING FOOTNOTE: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). To avoid duplication, postpetition advances (if any) made for insurance, real estate taxes, or similar charges are not listed separately to the extent such advances would have been paid from the missed escrow payments. As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.

[FOR NON-ESCROW LOANS ONLY:

<<INSERT DESCRIPTION OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>]

[FOR NON-ESCROW LOANS ONLY:

<<INSERT AMOUNTS OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>]

1. An additional payment will come due on <DATE>, and on the <1st> day of each month thereafter until the loan is paid in full.
2. Attached as Exhibit <#> is a true and correct copy of the post-petition arrearage accounting reflecting all payments, credits, and other fees and costs with respect to the loan described above.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this

(city, state).

day of , 20 , at ,

By:

Name:

# Southern District - Declaration Supporting MFR from Automatic Stay

<ATTY NAME> (SBN) <NUMBER>

<ATTY NAME> (SBN) <NUMBER>

<LAW FIRM>

<ADDRESS>

Telephone: <TEL NUMBER> Facsimile: <FAX NUMBER>

Attorneys for <SUBSERVICER>

# UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF CALIFORNIA

<CASE NO.> <JUDGE INITIALS>

In re

<DEBTOR NAME>,

Debtor(s).

<CHAPTER>

<R.S. NO.>

# DECLARATION OF <CITI EMPLOYEE> SUPPORTING MOTION FOR RELIEF FROM AUTOMATIC STAY

Date: <HEARING DATE> Time: <HEARING TIME> Place: <COURTROOM>

<COURT HOUSE ADDRESS 1>

<COURT HOUSE ADDRESS 2>

I, <NAME>, declare as follows:

1. I am of sound mind, lawful age and capable of making this Declaration. The statements set forth herein are true and correct based on my personal knowledge of the business records and review of the business records described herein. I am authorized to make this Declaration on behalf of [Insert appropriate party to take action in the name of i.e. CitiMortgage, Inc. or applicable investor] (“Movant”).
2. I am employed by Cenlar FSB as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. In that capacity, I am familiar with the books of account and have examined all relevant books, records, and documents kept at Cenlar FSB concerning the transaction alleged in the motion seeking relief from the automaticstay. All of these books, records, and documents are kept in the regular course of business and are made at or near the time of the transaction using information transmitted by persons with knowledge of the facts. It is the regular practice to make and keep these books, records and documents. All of these books, records, and documents are managed by employees or agents whose duty it is to keep the books, records, and documents accurately and completely.
3. My responsibilities include, but are not limited to, handling delinquent bankruptcy accounts and ascertaining amounts due and payable.
4. I have personal knowledge of the facts contained in this Declaration. Specifically, I have reviewed and have personal knowledge of the business records related to the loan account associated with the certain property described as <PROPERTY ADDRESS>.
5. Movant is the current holder of the note as Movant’s records reflect that Movant is in possession of the original note. A true and correct current copy of the note is attached hereto as Exhibit <#>, and incorporated herein by reference.
6. Movant is the current holder of the <TITLE OF SECURITY INSTRUMENT>. A true and correct copy of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as

Exhibit <#> and incorporated herein by reference. [<> The <TITLE OF SECURITY INSTRUMENT> was assigned and transferred to Movant.] A true and correct copy of the assignment of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#> and incorporated herein by reference.

1. As of <<DATE>>, there are one or more defaults in paying Debtor(s) post-petition amounts due with respect to the note.
2. As of the date hereof, the principal balance owed by the Debtor(s) to. [insert Movant or name of noteholder]is $<AMOUNT>, plus advances made, attorney fees, costs, other fees and charges, and interest accruing thereon in accordance with the loan documents.
3. The following chart sets forth those postpetition payments, due pursuant to the terms of the note, that have been missed by the Debtor(s) as of <<DATE>>:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of Missed Payments | From | To | Missed Principal and Interest | Missed Escrow (if applicable) | Monthly Payment Amount | Total Amounts Missed |
|  | | | | | | |
|  | | | | | | |
| Less postpetition partial payments (suspense balance): ($<<AMOUNT>>) | | | | | | |

Total: $<<AMOUNT>>

1. [As of <<DATE>>, the total postpetition arrearage/delinquency is $<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of $<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON- ESCROW LOANS ONLY, INCLUDE: advances for taxes and insurance] OR [FOR ESCROW LOANS ONLY, INSERT: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.]

|  |  |
| --- | --- |
| Description | Amount |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |
| [FOR NON-ESCROW LOANS ONLY:  <<INSERT DESCRIPTION OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] | [FOR NON-ESCROW LOANS ONLY:  <<INSERT AMOUNTS OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] |

1. An additional payment will come due on <DATE>, and on the <1st> day of each

month thereafter until the loan is paid in full.

1. Attached as Exhibit <#> is a true and correct copy of the post-petition arrearage accounting reflecting all payments, credits, and other fees and costs with respect to the loan described above.
2. Movant is informed and believes that, based on the Debtor’s sworn bankruptcy schedules, the fair market value of the subject property is approximately $ .13

14. <If the basis of the motion for relief from the automatic stay is a lack of equity or

adequate protection, and the value of the subject property is relevant, and the subject property has

been appraised as of a recent date such that it evidences the “provable value” of the subject

property> Attached hereto as Exhibit <#> is a true and correct copy of an appraisal of the subject property that was prepared by <NAME AND TITLE OF APPRAISER>. This appraisal provides an appraised valuation date as of <DATE>, in the amount of $<AMOUNT>.

15. <If there are any known encumbrances on the subject property> The subject property is encumbered by liens totaling $<AMOUNT>.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this

(city, state).

day of , 20 , at ,

By:

Name:

13 Pursuant to Rules 201(b) and 201(d) of the Federal Rules of Evidence, which are made applicable to this proceeding by Rule 9017 of Federal Rules of Bankruptcy Procedure, Movant requests that the Court take judicial notice of the sworn bankruptcy schedules and other relevant documents filed in the instant case.

# District of Columbia

**DC - Affidavit Supporting Motion for Relief from Automatic Stay**

**UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF COLUMBIA**

In re: <CHAPTER>

<DEBTOR NAME>

<CASE NO.>

Debtor[s].

AFFIDAVIT SUPPORTING MOTION FOR RELIEF FROM AUTOMATIC STAY

STATE OF )

) ss.

COUNTY OF )

Before me, the undersigned authority, personally appeared the person identified below, who being by me duly sworn, deposed as follows:

1. My name is <NAME>. I am of sound mind, lawful age and capable of making this Affidavit. The statements set forth in this Affidavit are true and correct based on my personal knowledge of the business records and review of the business records described herein. I am authorized to make this Affidavit on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”).
2. This Affidavit is submitted in support of the motion seeking relief from the automatic stay (the “Motion”) by Movant.
3. I am employed by Cenlar FSB as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. In that capacity, I am familiar with the books of account and have examined all relevant books, records, and documents kept at Cenlar FSB concerning the transaction alleged in the Motion. All of these books, records, and documents are kept in the regular course of business and are made at or near the time of the transaction using information transmitted by persons with knowledge of the facts. It is the regular practice to make and keep these books, records and documents. All of these books, records, and documents are managed by employees or agents whose duty it is to keep the books, records, and documents accurately and completely.
4. My responsibilities include, but are not limited to, handling bankruptcy accounts and ascertaining amounts due and payable.
5. I have personal knowledge of the facts contained in this Affidavit. Specifically, I have reviewed and have personal knowledge of the business records related to the loan account associated with the certain property described as <PROPERTY ADDRESS>.
6. Movant is the current holder of the <TITLE OF SECURITY INSTRUMENT>. A true and correct copy of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#> and incorporated herein by reference. [<> A true and correct copy of the assignment of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#> and incorporated herein by reference.]
7. Movant is the current holder of the note. A true and correct copy of the note is attached hereto as Exhibit <#>, and incorporated herein by reference.
8. As of <<DATE>>, there are one or more defaults in paying Debtor(s) post-petition amounts due with respect to the note.
9. As of the date hereof, the principal balance owed by the Debtor(s) to, [insert Movant or name of noteholder] is $<AMOUNT>, plus advances made, attorney fees, costs, other fees and charges, and interest accruing thereon in accordance with the loan documents.
10. The following chart sets forth those postpetition payments, due pursuant to the terms of the note, that have been missed by the Debtor(s) as of <<DATE>>:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of Missed Payments | From | To | Missed Principal and Interest | Missed Escrow (if applicable) | Monthly Payment Amount | Total Amounts Missed |
|  | | | | | | |
|  | | | | | | |
| **Less postpetition partial payments (suspense balance): ($<<AMOUNT>>)** | | | | | | |

Total: $<<AMOUNT>>

1. [As of <<DATE>>, the total postpetition arrearage/delinquency is $<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of $<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON- ESCROW LOANS ONLY, INCLUDE: and advances for taxes and insurance14]:

|  |  |
| --- | --- |
| **Description** | **Amount** |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |

14 FOR ESCROW LOANS ONLY, INSERT THE FOLLOWING FOOTNOTE: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). To avoid duplication, postpetition advances (if any) made for insurance, real estate taxes, or similar charges are not listed separately to the extent such advances would have been paid from the missed escrow payments. As part of the next annual RESPA analysis, the bank will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.

|  |  |
| --- | --- |
|  |  |
| [FOR NON-ESCROW LOANS ONLY:  <<INSERT DESCRIPTION OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] | [FOR NON-ESCROW LOANS ONLY:  <<INSERT AMOUNTS OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] |

1. Attached hereto as Exhibit <<#>> is a postpetition payment history.

I solemnly affirm under the penalty of perjury and upon personal knowledge of the business records that the contents of the foregoing paper are true.

EXECUTED on , .

By:

Name:

STATE OF )

) ss.

COUNTY OF )

Subscribed and sworn to me the undersigned authority on this day of , 20 .

My Commission Expires:

Notary Public in and for the State of

# Delaware

**DE - Affidavit Supporting Motion for Relief from Automatic Stay**

**UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE**

In re: <CHAPTER>

<DEBTOR NAME>

<CASE NO.>

Debtor[s].

AFFIDAVIT SUPPORTING MOTION FOR RELIEF FROM AUTOMATIC STAY

STATE OF )

) ss.

COUNTY OF )

Before me, the undersigned authority, personally appeared the person identified below, who being by me duly sworn, deposed as follows:

1. My name is <NAME>. I am of sound mind, lawful age and capable of making this Affidavit. The statements set forth in this Affidavit are true and correct based on my personal knowledge of the business records and review of the business records described herein. I am authorized to make this Affidavit on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”).
2. This Affidavit is submitted in support of the motion seeking relief from the automatic stay (the “Motion”) by Movant, in the above-captioned case.
3. I am employed by Cenlar FSB as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. In that capacity, I am familiar with the books of account and have examined all relevant books, records, and documents kept at Cenlar FSB concerning the transaction alleged in the Motion. All of these books, records, and documents are kept in the regular course of business and are made at or near the time of the transaction using information transmitted by persons with knowledge of the facts. It is the regular practice to make and keep these books, records and documents. All of these books, records, and documents are managed by employees or agents whose duty it is to keep the books, records, and documents accurately and completely.
4. My responsibilities include, but are not limited to, handling bankruptcy accounts and ascertaining amounts due and payable.
5. I have personal knowledge of the facts contained in this Affidavit. Specifically, I have reviewed and have personal knowledge of the business records related to the loan account associated with the certain property described as <PROPERTY ADDRESS>.
6. Movant is the current holder of the <TITLE OF SECURITY INSTRUMENT>. A true and correct copy of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#> and incorporated herein by reference. [<> A true and correct copy of the assignment of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#> and incorporated herein by reference.]
7. Movant is the current holder of the note. A true and correct copy of the note is attached hereto as Exhibit <#>, and incorporated herein by reference.
8. As of <<DATE>>, there are one or more defaults in paying Debtor(s) post-petition amounts due with respect to the note.
9. As of <<DATE>>, the unpaid principal balance of the note is $<<AMOUNT>>.
10. The following chart sets forth those postpetition payments, due pursuant to the terms of the note, that have been missed by the Debtor(s) as of <<DATE>>:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of Missed Payments | From | To | Missed Principal and Interest | Missed Escrow (if applicable) | Monthly Payment Amount | Total Amounts Missed |
|  | | | | | | |
|  | | | | | | |
| **Less postpetition partial payments (suspense balance): ($<<AMOUNT>>)** | | | | | | |

Total: $<<AMOUNT>>

1. [As of <<DATE>>, the total postpetition arrearage/delinquency is $<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of $<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON- ESCROW LOANS ONLY, INCLUDE: advances for taxes and insurance] OR [FOR ESCROW LOANS ONLY, INSERT: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.]

|  |  |
| --- | --- |
| **Description** | **Amount** |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |
| [FOR NON-ESCROW LOANS ONLY:  <<INSERT DESCRIPTION OF TAX OR INSURANCE ADVANCE FROM POST- | [FOR NON-ESCROW LOANS ONLY:  <<INSERT AMOUNTS OF TAX OR INSURANCE ADVANCE FROM POST- |
|  |  |

PET TAXES-INS ADVANCES ADDENDUM>>]

PET TAXES-INS ADVANCES ADDENDUM>>]

1. Attached hereto as Exhibit <<#>> is a postpetition payment history. [Remainder of page intentionally left blank.]
2. The estimated fair market value of the collateral as of the date of the filing of the bankruptcy petition in the above-captioned case was $<AMOUNT>.

I solemnly affirm under the penalty of perjury and upon personal knowledge of the business records that the contents of the foregoing paper are true.

EXECUTED on , .

By:

Name:

STATE OF )

) ss.

COUNTY OF )

Subscribed and sworn to me the undersigned authority on this day of , 20 .

My Commission Expires:

Notary Public in and for the State of

Fee Breakdown Addendum

As of <DATE>, the amounts owed by the Debtor(s) to [insert Movant or name of noteholder]are as follows: Unpaid Principal Balance: $<AMOUNT>

Accrued Interest from <DATE> to <DATE>: $<AMOUNT> Late Charges from <DATE> to <DATE>: $<AMOUNT> Attorney’s Fees: $<AMOUNT>

Advances for Taxes, Insurance, and the Like: $<AMOUNT> Unearned Interest: $<AMOUNT>

Other Charges: $<AMOUNT>

Interest continues to accrue on the unpaid balance under the note at the per-diem rate of

$<AMOUNT> per day (< >% per annum).

# Florida

**FL - Middle District - Affidavit Supporting MFR from Automatic Stay**

**UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF FLORIDA**

**<DIVISION>**

In re: <CHAPTER NO.>

<DEBTOR NAME>

<CASE NO.>

Debtor[s].

AFFIDAVIT SUPPORTING MOTION FOR RELIEF FROM AUTOMATIC STAY

STATE OF )

) ss.

COUNTY OF )

Before me, the undersigned authority, personally appeared the person identified below, who being by me duly sworn, deposed as follows:

* 1. My name is <NAME>. I am of sound mind, lawful age and capable of making this Affidavit. The statements set forth in this Affidavit are true and correct based on my personal knowledge of the business records and review of the business records described herein. I am authorized to make this Affidavit on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”).
  2. This Affidavit is submitted in support of the motion seeking relief from the automatic stay (“Motion”) by Movant, in the above-captioned case.
  3. I am employed by Cenlar FSB as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. In that capacity, I am familiar with the books of account and have examined all relevant books, records, and documents kept at Cenlar FSB concerning the transaction alleged in the Motion. All of these books, records, and documents are kept in the regular course of business and are made at or near the time of the transaction using information transmitted by persons with knowledge of the facts. It is the regular practice to make and keep these books,records and documents. All of these books, records, and documents are managed by employees or agents whose duty it is to keep the books, records, and documents accurately and completely.
  4. My responsibilities include, but are not limited to, handling bankruptcy accounts and ascertaining amounts due and payable.
  5. I have personal knowledge of the facts contained in this Affidavit. Specifically, I have reviewed and have personal knowledge of the business records related to the loan account associated with the certain property described as <PROPERTY ADDRESS>.
  6. Movant is the current holder of the <TITLE OF SECURITY INSTRUMENT>. A true and correct copy of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#>. [<> A true and correct copy of the assignment of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#>.]
  7. Movant is the current holder of the note. A true and correct copy of the note is attached hereto as Exhibit **<#>. [\*\*NOTE: The security instrument, note and any assignments should be attached as one composite exhibit.\*\*]**
  8. As of <<DATE>>, there are one or more defaults in paying Debtor(s) post-petition amounts due with respect to the note.
  9. As of the date hereof, the principal balance owed by the Debtor(s) to. [insert Movant or name of noteholder]is $<AMOUNT>, plus advances made, attorney fees, costs, other fees and charges, and interest accruing thereon in accordance with the loan documents.
  10. The following chart sets forth those postpetition payments, due pursuant to the terms of the note, that have been missed by the Debtor(s) as of <<DATE>>:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of Missed Payments | From | To | Missed Principal and Interest | Missed Escrow (if applicable) | Monthly Payment Amount | Total Amounts Missed |
|  | | | | | | |
|  | | | | | | |
| **Less postpetition partial payments (suspense balance): ($<<AMOUNT>>)** | | | | | | |

Total: $<<AMOUNT>>

* 1. [As of <<DATE>>, the total postpetition arrearage/delinquency is $<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of $<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON-ESCROW LOANS ONLY, INCLUDE: advances for taxes and insurance] OR [FOR ESCROW LOANS ONLY, INSERT: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.]

|  |  |
| --- | --- |
| **Description** | **Amount** |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |

[FOR NON-ESCROW LOANS ONLY:

<<INSERT DESCRIPTION OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>]

[FOR NON-ESCROW LOANS ONLY:

<<INSERT AMOUNTS OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>]

* 1. Attached hereto as Exhibit <<#>> is a postpetition payment history.All of the documents attached to this Affidavit as an exhibit are true and accurate copies of the original documents.

I solemnly affirm under the penalty of perjury and upon personal knowledge of the business records that the contents of the foregoing Affidavit are true.

EXECUTED on , .

By:

Name:

STATE OF )

) ss.

COUNTY OF )

Subscribed and sworn to me the undersigned authority on this day of , 20 .

My Commission Expires:

Notary Public in and for the State of

# FL - Northern District - Affidavit Supporting MFR from Automatic Stay

**UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF FLORIDA**

**<DIVISION>**

In re: <CHAPTER>

<DEBTOR NAME>

<CASE NO.>

Debtor[s].

AFFIDAVIT SUPPORTING MOTION FOR RELIEF FROM AUTOMATIC STAY

STATE OF )

) ss.

COUNTY OF )

Before me, the undersigned authority, personally appeared the person identified below, who being by me duly sworn, deposed as follows:

1. My name is <NAME>. I am of sound mind, lawful age and capable of making this Affidavit. The statements set forth in this Affidavit are true and correct based on my personal knowledge of the business records and review of the business records described herein. I am authorized to make this Affidavit on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”).
2. This Affidavit is submitted in support of the motion seeking relief from the automatic stay (“Motion”) by Movant, in the above-captioned case.
3. I am employed by Cenlar FSB as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. In that capacity, I am familiar with the books of account and have examined all relevant books, records, and documents kept Cenlar FSB concerning the transaction alleged in the Motion. All of these books, records, and documents are kept in the regular course of business and are made at or near the time of the transaction using information transmitted by persons with knowledge of the facts. It is the regular practice to make and keep these books, records and documents. All of these books, records, and documents are managed by employees or agents whose duty it is to keep the books, records, and documents accurately and completely.
4. My responsibilities include, but are not limited to, handling bankruptcy accounts and ascertaining amounts due and payable.
5. I have personal knowledge of the facts contained in this Affidavit. Specifically, I have reviewed and have personal knowledge of the business records related to the loan account associated with the certain property described as <PROPERTY ADDRESS>.
6. Movant is the current holder of the <TITLE OF SECURITY INSTRUMENT>. A true and correct copy of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#>. [<> A true and correct copy of the assignment of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#>.]
7. Movant is the current holder of the note. A true and correct copy of the note is attached

hereto as Exhibit <#>. **[\*\*NOTE: The security instrument, note and any assignments should be attached as one composite exhibit.\*\*]**

1. As of <<DATE>>, there are one or more defaults in paying Debtor(s) post-petition amounts due with respect to the note.
2. As of the date hereof, the principal balance owed by the Debtor(s) to [insert Movant or name of noteholder]is $<AMOUNT> plus advances made, attorney fees, costs, other fees and charges, and interest accruing thereon in accordance with the loan documents.
3. The following chart sets forth those postpetition payments, due pursuant to the terms of the note, that have been missed by the Debtor(s) as of <<DATE>>:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of Missed Payments | From | To | Missed Principal and Interest | Missed Escrow (if applicable) | Monthly Payment Amount | Total Amounts Missed |
|  | | | | | | |
|  | | | | | | |
| **Less postpetition partial payments (suspense balance): ($<<AMOUNT>>)** | | | | | | |

Total: $<<AMOUNT>>

1. [As of <<DATE>>, the total postpetition arrearage/delinquency is $<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of $<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON-ESCROW LOANS ONLY, INCLUDE: advances for taxes and insurance] OR [FOR ESCROW LOANS ONLY, INSERT: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.]

|  |  |
| --- | --- |
| **Description** | **Amount** |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |
| [FOR NON-ESCROW LOANS ONLY:  <<INSERT DESCRIPTION OF TAX OR | [FOR NON-ESCROW LOANS ONLY:  <<INSERT AMOUNTS OF TAX OR |
|  |  |

INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>]

INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>]

1. Attached as Exhibit <#> is a true and correct copy of the complete payment history reflecting all payments and credits with respect to the loan described above.
2. All of the documents attached to this Affidavit as an exhibit are true and accurate copies of the original documents.

I solemnly affirm under the penalty of perjury and upon personal knowledge of the business records that the contents of the foregoing Affidavit are true.

EXECUTED on , .

By:

Name:

STATE OF )

) ss.

COUNTY OF )

Subscribed and sworn to me the undersigned authority on this day of , 20 .

My Commission Expires:

Notary Public in and for the State of

# Payment History

<DEBTOR(S) NAME>

The following is a summary of the Debtor’s payment history since the Debtor defaulted in making payments to Movant:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Date Payment Due** | **Amount Due** | **Date Payment Received** | **Amount Received** | **Date Payment Posted** |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

# FL - Southern District - Affidavit Supporting MFR from Automatic Stay

**UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF FLORIDA**

**<DIVISION>**

In re: <CHAPTER>

<DEBTOR NAME>

<CASE NO.>

Debtor[s].

AFFIDAVIT SUPPORTING MOTION FOR RELIEF FROM AUTOMATIC STAY STATE OF )

) ss.

COUNTY OF )

Before me, the undersigned authority, personally appeared the person identified below, who being by me duly sworn, deposed as follows:

1. My name is <NAME>. I am of sound mind, lawful age and capable of making this Affidavit. The statements set forth in this Affidavit are true and correct based on my personal knowledge of the business records and review of the business records described herein. I am authorized to make this Affidavit on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”).
2. This Affidavit is submitted in support of the motion seeking relief from the automatic stay (“Motion”) by Movant, in the above-captioned case.
3. I am employed by Cenlar FSB as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. In that capacity, I am familiar with the books of account and have examined all relevant books, records, and documents kept at Cenlar FSB concerning the transaction alleged in the Motion. All of these books, records, and documents are kept in the regular course of business and are made at or near the time of the transaction using information transmitted by persons with knowledge of the facts. It is the regular practice to make and keep these books, records and documents. All of these books, records, and documents are managed byemployees or agents whose duty it is to keep the books, records, and documents accurately and completely.
4. My responsibilities include, but are not limited to, handling bankruptcy accounts and ascertaining amounts due and payable.
5. I have personal knowledge of the business records of the facts contained in this Affidavit. Specifically, I have reviewed and have personal knowledge of the business records related to the loan account associated with the certain property described as <PROPERTY ADDRESS>.
6. Movant is the current holder of the <TITLE OF SECURITY INSTRUMENT>. A true and accurate copy of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#>. [<> A true and accurate copy of the assignment of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#>.]
7. Movant is the current holder of the note. A true and accurate copy of the note is

attached hereto as Exhibit <#>. **[\*\*NOTE: The security instrument, note and any assignments should be attached as one composite exhibit.\*\*]**

1. As of <<DATE>>, there are one or more defaults in paying Debtor(s) post-petition amounts due with respect to the note.
2. As of the date hereof, the principal balance owed by the Debtor(s) to [insert Movant or name of noteholder]is $<AMOUNT>, plus advances made, attorney fees, costs, other fees and charges, and interest accruing thereon in accordance with the loan documents.
3. The following chart sets forth those postpetition payments, due pursuant to the terms of the note, that have been missed by the Debtor(s) as of <<DATE>>:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of Missed Payments | From | To | Missed Principal and Interest | Missed Escrow (if applicable) | Monthly Payment Amount | Total Amounts Missed |
|  | | | | | | |
|  | | | | | | |
| **Less postpetition partial payments (suspense balance): ($<<AMOUNT>>)** | | | | | | |

Total: $<<AMOUNT>>

1. [As of <<DATE>>, the total postpetition arrearage/delinquency is $<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of $<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON-ESCROW LOANS ONLY, INCLUDE: advances for taxes and insurance] OR [FOR ESCROW LOANS ONLY, INSERT: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.]

|  |  |
| --- | --- |
| **Description** | **Amount** |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |
| [FOR NON-ESCROW LOANS ONLY:  <<INSERT DESCRIPTION OF TAX OR | [FOR NON-ESCROW LOANS ONLY:  <<INSERT AMOUNTS OF TAX OR |
|  |  |

INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>]

INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>]

1. The Indebtedness Worksheet is attached hereto as Exhibit <#> and incorporated herein by reference.
2. All of the documents attached to this Affidavit as an exhibit are true and accurate copies of the original documents.

I solemnly affirm under the penalty of perjury and upon personal knowledge of the business records that the contents of the foregoing Affidavit are true.

EXECUTED on , .

By:

Name:

STATE OF )

) ss.

COUNTY OF )

Subscribed and sworn to me the undersigned authority on this day of , 20 .

My Commission Expires:

Notary Public in and for the State of

# INDEBTEDNESS WORKSHEET

**DEBT AS OF THE PETITION DATE**

1. **Total pre-petition indebtedness of debtor(s) to movant (if movant is not the lender, this refers to the indebtedness owed to the lender) as of petition filing date:**

**$**

* 1. Amount of principal: $
  2. Amount of interest: $
  3. Amount of escrow (taxes and insurance): $
  4. Amount of forced placed insurance expended by movant: $
  5. Amount of attorneys’ fees billed to debtor(s) pre-petition: $
  6. Amount of pre-petition late fees, if any, billed to debtor(s): $
  7. Any additional pre-petition fees, charges or amounts charged to debtors/debtors accountand not listed above: (if additional space is needed,

list the amounts on a separate sheet and attach the sheet as an exhibit to this form; please list the exhibit number here: .)

# Contractual interest rate: (if interest rate is (or was) adjustable, 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; list the exhibit number here: .)

**AMOUNT OF ALLEGED POST-PETITION DEFAULT**

**(AS OF <MM/DD/YYYY>)**

1. **Date last payment was received <mm/dd/yyyy>:**
2. **Alleged total number of payments due postpetition from filing of petition through payment due on <mm/dd/yyyy>: .**
3. **All post-petition payments alleged to be in default:**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Alleged Amount 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: $ | $ | $ | $ | $ | $ | $ |

1. **Amount of movant’s attorneys fees billed to debtor for the preparation, and filing and prosecution of this motion: $**
2. **Amount of movant’s filing fee for this motion: $**
3. **Other attorneys’ fees billed to debtor post-petition: $**
4. **Amount of movant’s post-petition inspection fees: $**
5. **Amount of movant’s post-petition appraisal broker’s price opinion:**

**$**

1. **Amount of forced placed insurance or insurance provided by the movant post-petition: $**
2. **Sum held in suspense by movant in connection with this contract, if applicable: $**
3. **Amount of other post-petition advances or charges, for example taxes, insurance incurred by debtor etc. (itemize each charge):$**

**Georgia**

**GA - Northern District - Affidavit Supporting MFR from Automatic Stay**

**UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF GEORGIA**

**<DIVISION>**

In re: <CHAPTER>

<DEBTOR NAME>

<CASE NO.>

Debtor[s].

AFFIDAVIT SUPPORTING MOTION FOR RELIEF FROM AUTOMATIC STAY

STATE OF )

) ss.

COUNTY OF )

Before me, the undersigned authority, personally appeared the person identified below, who being by me duly sworn, deposed as follows:

* 1. My name is <NAME>. I am of sound mind, lawful age and capable of making this Affidavit. The statements set forth in this Affidavit are true and correct based on my personal knowledge of the business records and review of the business records described herein. I am authorized to make this Affidavit on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”).
  2. This Affidavit is submitted in support of the motion seeking relief from the automatic stay (the “Motion”) by Movant, in the above-captioned case.
  3. I am employed by Cenlar FSB as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. In that capacity, I am familiar with the books of account and have examined all relevant books, records, and documents kept at Cenlar FSB concerning the transaction alleged in the Motion. All of these books, records, and documents are kept in the regular course of business and are made at or near the time of the transaction using information transmitted by persons with knowledge of the facts. It is the regular practice to make and keep these books, records and documents. All of these books, records, and documents are managed by employees or agents whose duty it is to keep the books, records, and documents accurately and completely.
  4. My responsibilities include, but are not limited to, handling bankruptcy accounts and ascertaining amounts due and payable.
  5. I have personal knowledge of the facts contained in this Affidavit. Specifically, I have reviewed and have personal knowledge of the business records related to the loan account associated with the certain property described as <PROPERTY ADDRESS>.
  6. Movant is the current holder of the <TITLE OF SECURITY INSTRUMENT>. A true and correct copy of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#> and incorporated herein by reference. [<> A true and correct copy of the assignment of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#> and incorporated herein by reference.]
  7. Movant is the current holder of the note. A true and correct copy of the note is attached hereto as Exhibit <#>, and incorporated herein by reference.
  8. As of <<DATE>>, there are one or more defaults in paying Debtor(s) post-petition amounts due with respect to the note.
  9. As of the date hereof, the principal balance owed by the Debtor(s) to [insert Movant or name of noteholder]Movant is $<AMOUNT>, plus advances made, attorney fees, costs, other fees and charges, and interest accruing thereon in accordance with the loan documents.
  10. The following chart sets forth those postpetition payments, due pursuant to the terms of the note, that have been missed by the Debtor(s) as of <<DATE>>:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of Missed Payments | From | To | Missed Principal and Interest | Missed Escrow (if applicable) | Monthly Payment Amount | Total Amounts Missed |
|  | | | | | | |
|  | | | | | | |
| **Less postpetition partial payments (suspense balance): ($<<AMOUNT>>)** | | | | | | |

Total: $<<AMOUNT>>

* 1. [As of <<DATE>>, the total postpetition arrearage/delinquency is $<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of $<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON-ESCROW LOANS ONLY, INCLUDE: advances for taxes and insurance] OR [FOR ESCROW LOANS ONLY, INSERT: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.]

|  |  |
| --- | --- |
| **Description** | **Amount** |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |
| [FOR NON-ESCROW LOANS ONLY:  <<INSERT DESCRIPTION OF TAX OR | [FOR NON-ESCROW LOANS ONLY:  <<INSERT AMOUNTS OF TAX OR |
|  |  |

INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>]

INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>]

* 1. Attached hereto as Exhibit <<#>> is a postpetition payment history.

I solemnly affirm under the penalty of perjury and upon personal knowledge of the business records that the contents of the foregoing paper are true.

EXECUTED on , .

By:

Name:

STATE OF )

) ss.

COUNTY OF )

Subscribed and sworn to me the undersigned authority on this day of , 20 .

My Commission Expires:

Notary Public in and for the State of

# Hawaii

**HI - Declaration Supporting Motion for Relief from Automatic Stay**

**UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF HAWAII**

In re: <CHAPTER>

<DEBTOR NAME>

<CASE NO.>

Debtor[s].

DECLARATION SUPPORTING MOTION FOR RELIEF FROM AUTOMATIC STAY

STATE OF )

) ss.

COUNTY OF )

Before me, the undersigned authority, personally appeared the person identified below, who being by me duly sworn, deposed as follows:

1. My name is <NAME>. I am of sound mind, lawful age and capable of making this Declaration. The statements set forth in this Declaration are true and correct based on my personal knowledge of the business records and review of the business records described herein. I am authorized to make this Declaration on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”).
2. This Declaration is submitted in support of the motion seeking relief from the automatic stay (the “Motion”) by Movant, in the above-captioned case.
3. I am employed by Cenlar FSB as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. In that capacity, I am familiar with the books of account and have examined all relevant books, records, and documents kept at Cenlar FSB concerning the transaction alleged in the Motion. All of these books, records, and documents are kept in the regular course of business and are made at or near the time of the transaction using information transmitted by persons with knowledge of the facts. It is the regular practice to make and keep these books, records and documents. All of these books, records, and documents are managed by employees or agents whose duty it is to keep the books, records, and documents accurately and completely.
4. My responsibilities include, but are not limited to, handling bankruptcy accounts and ascertaining amounts due and payable.
5. I have personal knowledge of the facts contained in this Declaration. Specifically, I have reviewed and have personal knowledge of the business records related to the loan account associated with the certain property described as <PROPERTY ADDRESS>.
6. Movant is the current holder of the <TITLE OF SECURITY INSTRUMENT>. A true and correct copy of the <TITLE OF SECURITY INSTRUMENT> is attached
7. hereto as Exhibit <#> and incorporated herein by reference. < > A true and correct
8. copy of the assignment of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#> and incorporated herein by reference.
9. Movant is the current holder of the note. A true and correct copy of the note is attached hereto as Exhibit <#>, and incorporated herein by reference.
10. As of <<DATE>>, there are one or more defaults in paying Debtor(s) post-petition amounts due with respect to the note.
11. As of the date hereof, the principal balance owed by the Debtor(s) to [insert Movant or name of noteholder] is $<AMOUNT>, plus advances made, attorney fees, costs, other fees and charges, and interest accruing thereon in accordance with the loan documents.
12. The following chart sets forth those postpetition payments, due pursuant to the terms of the note, that have been missed by the Debtor(s) as of <<DATE>>:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of Missed Payments | From | To | Missed Principal and Interest | Missed Escrow (if applicable) | Monthly Payment Amount | Total Amounts Missed |
|  | | | | | | |
|  | | | | | | |
| **Less postpetition partial payments (suspense balance): ($<<AMOUNT>>)** | | | | | | |

Total: $<<AMOUNT>>

1. [As of <<DATE>>, the total postpetition arrearage/delinquency is $<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of $<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON-ESCROW LOANS ONLY, INCLUDE: advances

for taxes and insurance] OR [FOR ESCROW LOANS ONLY, INSERT: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.]

|  |  |
| --- | --- |
| **Description** | **Amount** |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |
| [FOR NON-ESCROW LOANS ONLY:  <<INSERT DESCRIPTION OF TAX OR INSURANCE ADVANCE FROM POST- | [FOR NON-ESCROW LOANS ONLY:  <<INSERT AMOUNTS OF TAX OR INSURANCE ADVANCE FROM POST- |

PET TAXES-INS ADVANCES ADDENDUM>>]

PET TAXES-INS ADVANCES ADDENDUM>>]

[Remainder of page intentionally left blank.]

1. Attached as Exhibit <#> is a copy of the payment history covering the entire period in which Debtor(s) have been in default and reflecting the date of receipt and posting of any such payments or credits to the Debtor’s account.

I solemnly affirm under the penalty of perjury and upon personal knowledge of the business records that the contents of the foregoing paper are true.

EXECUTED on , .

By:

Name:

STATE OF )

) ss.

COUNTY OF )

Subscribed and sworn to me the undersigned authority on this day of , 20 .

My Commission Expires:

Notary Public in and for the State of

# Account Statement

The following is a summary of the Debtor’s payment history since the Debtor(s) defaulted in making payments to Movant:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Date Payment Due** | **Amount Due** | **Date Payment Received** | **Amount Received** | **Date Payment Posted** |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
|  |  |  |  |  |

# Other Accrued and Unpaid Obligations of Debtor(s) to Movant:

* 1. Amount of principal: $<AMOUNT>
  2. Amount of interest: $<AMOUNT>
  3. Amount of escrow (taxes and insurance): $<AMOUNT>
  4. Any additional fees, charges or amounts charged to Debtor(s) account:

<ITEMIZE OTHER FEES, CHARGES OR AMOUNTS NOT LISTED ABOVE>

# Illinois

**IL – Northern District – Supplemental Declaration Supporting MFR – 20150521**

**UNITED STATES BANKRUPTCY COURT**

**FOR THE [ ] DISTRICT OF [ DIVISION]21**

Chapter

In re:

<<DEBTOR NAME(S)>>,

Debtor(s).

Case No.

<<hearing information (if applicable)>>

# SUPPLEMENTAL DECLARATION IN SUPPORT OF MOTION FOR RELIEF FROM AUTOMATIC STAY

I, <<NAME>>, declare under penalty of perjury as follows:

1. I am employed as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for Cenlar FSB and am authorized to sign this supplemental declaration on behalf of [Insert appropriate party to take action in the name of i.e. CitiMortgage, Inc. or applicable investor] (“Movant”).. This supplemental declaration is provided in support of the Motion for Relief from Stay (the “Motion”) filed [<<DATE>>] OR [contemporaneously herewith].
2. As part of my job responsibilities for Cenlar FSB, I have personal knowledge of the business records and I am familiar with the types of records maintained by Cenlar FSB in connection with the loan that is the subject of the Motion (the “Loan”) and the procedures for creating those types of records. I have access to and have reviewed the books, records and files of Cenlar FSB that pertain to the Loan and extensions of credit given to Debtor(s) concerning the property securing such Loan.
3. The information in this declaration is taken from Cenlar FSB’s business records regarding the Loan. The records are: (a) made at or near the time of the occurrence of the matters recorded by persons with knowledge of the information in the business record, or from information transmitted by persons with personal knowledge of the business records; (b) kept in the course of Cenlar FSB’s regularly conducted business activities; and (c) it is the regular practice of Cenlar FSB to make such records.
4. The Debtor(s) [IF OBLIGORS ON NOTE INCLUDE NON-DEBTORS, INCLUDE NAMES OF NON-DEBTORS, TOGETHER WITH DEBTORS: and <<NAME(S) OF OBLIGORS ON NOTE>>] has/have executed and delivered or is/are otherwise obligated with respect to that certain promissory note referenced in the Motion (the “Note”). Pursuant to that certain <<TITLE OF SECURITY INSTRUMENT>> referenced in the Motion (the “<<TITLE OF SECURITY INSTRUMENT>>”), all obligations of the Debtor(s) under and with respect to the Note and the <<TITLE OF SECURITY INSTRUMENT>> are secured by the property referenced in the Motion.
5. As of <<DATE>>, there are one or more defaults in paying Debtor(s) post- petition amounts due with respect to the Note.
6. As of <<DATE>>, the unpaid principal balance of the Note is $<<AMOUNT>>.

21 **Attorney should adjust caption to comply with all applicable local rules**. Use this form only where there are one or more postpetition defaults.

1. The following chart sets forth those postpetition payments, due pursuant to the terms of the Note, that have been missed by the Debtor(s) as of <<DATE>>:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Number of Missed Payments** | **From** | **To** | **Missed Principal and Interest** | **Missed Escrow (if applicable)** | **Monthly Payment Amount** | **Total Amounts Missed** |
|  | | | | | | |
|  | | | | | | |
| Less postpetition partial payments (suspense balance): ($<<AMOUNT>> | | | | | | |

# Total: $<<AMOUNT>>

1. [As of <<DATE>>, the total postpetition arrearage/delinquency is $<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of $<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON-ESCROW LOANS ONLY, INCLUDE: advances for taxes and insurance] OR [FOR ESCROW LOANS ONLY, INSERT: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.]

|  |  |
| --- | --- |
| **Description** | **Amount** |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |
| [FOR NON-ESCROW LOANS ONLY:  <<INSERT DESCRIPTION OF TAX OR INSURANCE ADVANCE FROM POST- | [FOR NON-ESCROW LOANS ONLY:  <<INSERT AMOUNTS OF TAX OR INSURANCE ADVANCE FROM POST- |
|  |  |

PET TAXES-INS ADVANCES ADDENDUM>>]

PET TAXES-INS ADVANCES ADDENDUM>>]

1. Attached hereto as Exhibit <<#>> is a postpetition payment history.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this day of , .

By:

Name:

# [NOTE: PURSUANT TO LOCAL RULE 4001-1, MOVANT SEEKING RELIEF FROM

**AUTOMATIC STAY MUST ATTACH THE “REQUIRED STATEMENT TO**

**ACCOM PAN Y MOTIONS FOR RELIEF FR OM STAY” ]**

EXHIBIT <#>

# Chapter 13 Payment History

<DEBTOR(S)>

Case No. <#>

Based on the regularly-maintained records of <>, the following table lists all payments received from the Debtor(s) post-petition:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Date Payment Due** | **Amount Due** | **Date Payment Received** | **Amount Received** | **Month Applied** |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
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|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

# REQUIRED STATEMENT

<Provide history of additional payments as necessary>

**TO ACCOMPANY MOTIONS FOR RELIEF FROM STAY**

All Cases: Debtor(s) <DEBTOR’S NAME> Case No. <#> Chapter <#> All Cases: Moving Creditor <NAME OF CREDITOR> Date Case

Filed <MM/DD/YYYY>

Nature of Relief Sought: Lift Stay Annul Stay Other (describe)

Chapter 13: Date of Confirmation Hearing <MM/DD/YYYY> or Date Plan

Confirmed <MM/DD/YYYY> Chapter 7: No-Asset Report Filed on <MM/DD/YYYY>

No-Asset Report not Filed, Date of Creditors Meeting <MM/DD/YYYY>

1. Collateral
   1. Home
   2. Car Year, Make, and Model <YR, MAKE, MODEL>
   3. Other (describe)
2. Balance Owed as of Petition Date $ <AMOUNT>

Total of all other Liens against Collateral $ <AMOUNT>

1. In chapter 13 cases, if a post-petition default is asserted in the motion, attach a payment history listing the amounts and dates of all payments received from the debtor(s) post- petition.
2. Estimated Value of Collateral (must be supplied in *all* cases) $ <AMOUNT>
3. Default

|  |  |  |
| --- | --- | --- |
| a. | Pre-Petition Default |  |
| b. | Number of months <#>  Post-Petition Default | Amount $ <AMOUNT> |

1. On direct payments to the moving creditor

Number of months <#> Amount $ <AMOUNT>

1. On payments to the Standing Chapter 13 Trustee

Number of months <#> Amount $ <AMOUNT>

1. Other Allegations
   1. Lack of Adequate Protection § 362(d)(1)

|  |  |  |
| --- | --- | --- |
| i. | No insurance |  |
| ii. | Taxes unpaid | Amount $ <AMOUNT> |

1. Rapidly depreciating asset
2. Other (describe)
   1. No Equity and not Necessary for an Effective Reorganization § 362(d)(2)
   2. Other “Cause” § 362(d)(1)
      1. Bad Faith (describe)
      2. Multiple Filings
      3. Other (describe)
   3. Debtor’s Statement of Intention regarding the Collateral

Intention Filed

1. Reaffirm ii Redeem iii. Surrender iv. No Statement of

Date: <MM/DD/YYYY>

Submitted By

# Louisiana

**LA – Eastern District – Affidavit in Support of the MFR from Stay**

**UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF LOUISIANA**

**In re:**

**<DEBTOR’S NAME>,**

**)**

# )

**)**

**)**

**)**

**)**

**Debtor[s]. )**

**)**

**Case No. <#> Chapter <#> Judge <NAME>**

STATE OF <STATE>

<PARISH / COUNTY> OF <PARISH / COUNTY>

BEFORE ME, the undersigned Notary, came and appeared <NAME>, a competent person of the full age of majority and a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ employed by

Cenlar FSB whose permanent mailing address is <NUMBER, STREET, CITY, STATE ZIP CODE> (“Affiant”) who after being sworn by me, the undersigned Notary, declares:

I am employed as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for Cenlar FSB. I am authorized to execute this Affidavit in Support of the Motion for Relief from Stay (this “Affidavit”) on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”). This Affidavit is provided in support of the Motion for Relief from Stay (the “Motion”) filed <<[DATE OF FILING] / OR [contemporaneously herewith]>>.] STATE OF <STATE>

<PARISH / COUNTY> OF <PARISH / COUNTY>

BEFORE ME, the undersigned Notary, came and appeared <NAME>, a competent person of the full age of majority and a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ employed by

Cenlar FSB whose permanent mailing address is <NUMBER, STREET, CITY, STATE ZIP CODE> (“Affiant”) who after being sworn by me, the undersigned Notary, declares:

* 1. I am employed as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for Cenlar FSB. I am authorized to execute this Affidavit in Support of the Motion for Relief from Stay (this “Affidavit”) on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”). This Affidavit is provided in support of the Motion for Relief from Stay (the “Motion”) filed <<[DATE OF FILING] / OR [contemporaneously herewith]>>.]

In the capacity of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, I am familiar with the books and accounts of Cenlar FSB and have examined all relevant books, records, and documents kept by Cenlar FSB concerning the transaction alleged in the Motion. All of the books, records, and documents are kept by Cenlar FSB in the regular course of its business and are made at or near the time of transaction using information transmitted by persons with personal knowledge of the business records of the facts. It is the regular practice of Cenlar FSB to make and keep these books, records, and documents. The books, records, and documents that the Affiant examined are in the custody and under the supervision and control of employees and agents of Cenlar FSB whose duty it is to keep the books, records and documents accurately and completely.

1. My responsibilities include, but are not limited to, handling delinquent bankruptcy accounts, ascertaining amounts due and payable, and otherwise handling collections.
2. I have personal knowledge of the facts contained in this Affidavit. Specifically, I have personal knowledge of the business records regarding the sums of money which are due and owing pursuant to the Note and [Mortgage / Security Agreement] that are the subject matter of the Motion.
3. As of <<GOOD THROUGH DATE OF PAYOFF STATEMENT THAT PROVIDED THE AMOUNTS BELOW>>, Debtor[s] [was / were] indebted to Movant in the full amount of $<AMOUNT>, calculated as follows:

Principal: $<AMOUNT>

Interest (calculated at the rate of <RATE>% or $<AMOUNT> per diem from

<MM/DD/YYYY>): $<AMOUNT>

[NOTE THAT IF THE INTEREST RATE CHANGES, THEN THE INTEREST BREAKDOWN MUST BE PROVIDED IN SEPARATE LINE ITEMS FOR EACH PERIOD DURING WHICH THE DIFFERENT INTEREST RATE APPLIED.]

Attorney’s Fees: $<AMOUNT>

Costs: $<AMOUNT>

Insurance: $<AMOUNT>

Late Fees: $<AMOUNT>

Foreclosure Expenses (specify all expenses separately): $<AMOUNT> Other (please specify): $<AMOUNT>

1. Under the terms of the Note, Debtor was obligated to pay $<AMOUNT> per month in principal and interest beginning on <MM/DD/YYYY> and continuing monthly thereafter.
2. Following the filing of this case, Debtor has made the following payments on the indebtedness:

|  |  |  |
| --- | --- | --- |
| Date | Payment Amount | Check Number |
| a. <MM/DD/YYYY> | $<AMOUNT> | <#> |
| b. <MM/DD/YYYY> | $<AMOUNT> | <#> |
| c. <MM/DD/YYYY> | $<AMOUNT> | <#> |

1. Post-petition, Debtor defaulted on the obligations owed to Movant:
   1. <If the motion for relief from the automatic stay alleges post-petition payment default> Debtor has failed to make the monthly payments due under the Note for the months of <MONTH(S)>. As a result, Debtor owes the sum of

$<AMOUNT> in principal, interest and escrow (if applicable). <If the motion seeks payment of additional charges> Additional charges of $<AMOUNT> are also due for <DESCRIBE ANY ADDITIONAL CHARGES>.

* 1. <If the motion for relief from the automatic stay alleges failure to make monthly payments under a Plan> Debtor has failed to make the monthly payments due to Movant under his or her Plan. The Plan provides that in addition to the amount accruing under the Note, Debtor will pay the sum of $<AMOUNT> per month on arrearages accruing on the Note. Debtor has failed to remit the monthly payments due under the Plan for the months of <MONTH(S)> totaling

$<AMOUNT>.

* 1. <If the motion for relief from the automatic stay alleges failure to maintain adequate insurance over the collateral> Debtor has failed to maintain adequate insurance over the collateral. Specifically, <DESCRIBE FAILURE>.

accruing on the collateral for the period of <MM/DD/YYYY> through

d. <If the motion for relief from the automatic stay alleges failure to satisfy property taxes accruing on the collateral> Debtor has failed to satisfy property taxes

<MM/DD/YYYY> in the amount of $<AMOUNT>.

e. <If the motion for relief from the automatic stay alleges other bases for relief from the automatic stay> Other: <DESCRIBE OTHER BASES FOR RELIEF>.

1. The loan documents attached to the Motion are genuine, authentic, and true copies of the originals, under the custody and control of <[SUBSERVICER] / [LENDER] / [CUSTODIAN]>. [The original Note is located at <<Location>>.] <Include the following if the Movant is not the obligee shown on the document evidencing the obligation> The Note and Security Agreement were transferred as follows: from <<Original Lender>> to <<Subsequent Lender shown on endorsement>>; [ADD ANY INTERVENING TRANSFERS]; then to

<Transferee / Subservicer>. The transfer is evidenced by the documents set forth on Exhibit <#> to this Affidavit. [NOTE THAT THE TRANSFER DOCUMENTS DESCRIBED IN THIS PARAGRAPH AND SHOWN IN THE EXHIBIT MUST TRACK THE CHAIN OF OWNERSHIP OF THE NOTE FROM THE ORIGINATING LENDER TO THE MOVANT OR CURRENT PARTY IN POSSESSION OF THE NOTE.]

1. The interest rate on the Mortgage Obligation is <RATE>%. <If applicable for arm loan> This is an adjustable rate note. The last payment on the account was applied on

<MM/DD/YYYY>. At the time of the last payment, the interest rate was <RATE>%. Interest remained at this rate for the period of <MM/DD/YYYY> through <MM/DD/YYYY>.

<PROVIDE ANY OTHER RATES APPLIED SINCE DATE OF LAST PAYMENT>

1. 11. [<The Debtor’s Plan / The Debtor’s Schedules>, which <was confirmed

/ were filed> on <MM/DD/YYYY>, lists Movant as a secured creditor with an assigned value of $<AMOUNT> to the property at issue herein.]

<OR>

1. [The attached Broker’s Price Opinion provides a value of $<AMOUNT> to the property at issue herein.]
2. I have read the Motion for Relief and know from my own personal knowledge that the allegations and facts contained therein are true, accurate, and correct.

<CITY> , <STATE> , this day of , 20 .

AFFIANT

<NAME>

Print or Type Name

Subscribed and [sworn to / affirmed] before me this day of , 20 by

.

, Notary Public

State of My commission expires:

Personally Known OR

Produced Identification

----

Type of Identification Produced:

# LA - Middle District - Affidavit of Possession of the Note

**UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF LOUISIANA**

**)**

**In re:** )

)

# <<Debtor(s) Name(s)>> )

)

# Debtor[s]. )

)

)

**Case No. Chapter [** 7 / 13]

# Judge << >>

**AFFIDAVIT OF POSSESSION OF THE NOTE**

STATE OF COUNTY OF \_

BEFORE ME, the undersigned Notary, came and appeared, <<AFFIANT’S NAME>>, a competent person of the full age of majority (“Affiant”), who after being duly sworn by me, a Notary, declared:

1. I am employed as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of Cenlar FSB. Cenlar is the subservicer for the loan that is the subject of the captioned proceeding and \_\_\_\_\_\_\_\_\_\_, is the custodian of the collateral documents described below. I have access to the business records of Cenlar FSB concerning that loan. I make this Affidavit based upon my review of those records.
2. \_\_\_\_\_\_\_\_\_\_\_\_, directly or through an agent, is in possession of that certain promissory note in the amount of $<<LOAN AMOUNT>> made and executed by <<DEBTOR(S)>>, dated <<DATE>> (the “Note”) [payable to <<ORIGINAL LENDER>>] [and endorsed] [to <<CitiMortgage / Movant>>] [in blank]. [I have searched for a written endorsement of the Note made payable to CitiMortgage / Movant>>, but have not been able to locate such endorsement as the Note was endorsed in blank and delivered to <<CitiMortgage / Movant>> {or its predecessor}.] [CitiMortgage, Inc., has possession of the Note on behalf of Movant.]
3. [At the time of verification, the original Note was located at the offices of

<<{CitiMortgage at its location at 1000 Technology Drive, O’Fallon, MO 63368} / {Insert Law Firm name and address}, counsel to CitiMortgage>>.]

1. [I personally verified \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’s possession of the original Note on

<<DATE>> at <<TIME>>.]

EXECUTED THIS of , 20 , in <<CITY>>, <<STATE>>.

Affiant

Printed name:

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_   
Date: , 20 .

Subscribed and [sworn to / affirmed] before me this day of , 20 by

.

, Notary Public

State of

My commission expires:

Personally Known OR P--r-o-duced Identification

Type of Identification Produced:

**AFFIDAVIT OF POSSESSION OF THE NOTE**

STATE OF COUNTY OF \_

BEFORE ME, the undersigned Notary, came and appeared, <<AFFIANT’S NAME>>, a competent person of the full age of majority (“Affiant”), who after being duly sworn by me, a Notary, declared:

1. I am employed as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of Cenlar FSB. Cenlar is the subservicer for the loan that is the subject of the captioned proceeding and \_\_\_\_\_\_\_\_\_\_, is the custodian of the collateral documents described below. I have access to the business records of Cenlar FSB concerning that loan. I make this Affidavit based upon my review of those records.
2. \_\_\_\_\_\_\_\_\_\_\_\_, directly or through an agent, is in possession of that certain promissory note in the amount of $<<LOAN AMOUNT>> made and executed by <<DEBTOR(S)>>, dated <<DATE>> (the “Note”) [payable to <<ORIGINAL LENDER>>] [and endorsed] [to <<CitiMortgage / Movant>>] [in blank]. [I have searched for a written endorsement of the Note made payable to CitiMortgage / Movant>>, but have not been able to locate such endorsement as the Note was endorsed in blank and delivered to <<CitiMortgage / Movant>> {or its predecessor}.] [CitiMortgage, Inc., has possession of the Note on behalf of Movant.]
3. [At the time of verification, the original Note was located at the offices of

<<{CitiMortgage at its location at 1000 Technology Drive, O’Fallon, MO 63368} / {Insert Law Firm name and address}, counsel to CitiMortgage>>.]

1. [I personally verified \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’s possession of the original Note on

<<DATE>> at <<TIME>>.]

EXECUTED THIS of , 20 , in <<CITY>>, <<STATE>>.

Affiant

Printed name:

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_   
Date: , 20 .

Subscribed and [sworn to / affirmed] before me this day of , 20 by

.

, Notary Public

State of

My commission expires:

Personally Known OR P--r-o-duced Identification

Type of Identification Produced:

# Massachusetts

**MA - Supplemental Declaration in Support of MFR from Automatic Stay**

**UNITED STATES BANKRUPTCY COURT**

**FOR THE [ ] DISTRICT OF [ DIVISION]23**

Chapter

In re:

<<DEBTOR NAME(S)>>,

Debtor(s).

Case No.

<<hearing information (if applicable)>>

# SUPPLEMENTAL DECLARATION IN SUPPORT OF MOTION FOR RELIEF FROM AUTOMATIC STAY

I, <<NAME>>, declare under penalty of perjury as follows:

# I am employed as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of Cenlar FSB. I am authorized to sign this supplemental declaration on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”). This supplemental declaration is provided in support of the Motion for Relief from Stay (the “Motion”) filed [<<DATE>>] OR [contemporaneously herewith].

23 **Attorney should adjust caption to comply with all applicable local rules**. Use this form only where there are one or more postpetition defaults.

# As part of my job responsibilities for Cenlar FSB, I have personal knowledge of the business records and I am familiar with the types of records maintained by Cenlar FSB in connection with the loan that is the subject of the Motion (the “Loan”) and the procedures for creating those types of records. I have access to and have reviewed the books, records and files of Cenlar FSB that pertain to the Loan and extensions of credit given to Debtor(s) concerning the property securing such Loan.

1. **The information in this declaration is taken from Cenlar FSB’s business records regarding the Loan. The records are: (a) made at or near the time of the occurrence of the matters recorded by persons with personal knowledge of the information in the business record, or from information transmitted by persons with personal knowledge of the business records; (b) kept in the course of Cenlar FSB’s regularly conducted business activities; and (c) it is the regular practice of Cenlar FSB to make such records.**
2. **The Debtor(s) [IF OBLIGORS ON NOTE INCLUDE NON-DEBTORS, INCLUDE NAMES OF NON-DEBTORS, TOGETHER WITH DEBTORS: and**

**<<NAME(S) OF OBLIGORS ON NOTE>>] has/have executed and delivered or is/are otherwise obligated with respect to that certain promissory note referenced in the Motion (the “Note”). Pursuant to that certain <<TITLE OF SECURITY INSTRUMENT>> referenced in the Motion (the “<<TITLE OF SECURITY INSTRUMENT>>”), all obligations of the Debtor(s) under and with respect to the Note and the <<TITLE OF SECURITY INSTRUMENT>> are secured by the property referenced in the Motion.**

1. **As of <<DATE>>, there are one or more defaults in paying Debtor(s) post- petition amounts due with respect to the Note.**
2. **As of <<DATE>>, the unpaid principal balance of the Note is**

**$<<AMOUNT>>.**

1. **The following chart sets forth those postpetition payments, due pursuant to the terms of the Note, that have been missed by the Debtor(s) as of <<DATE>>:**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of Missed Payments | From | To | Missed Principal and Interest | Missed Escrow (if applicable) | Monthly Payment Amount | Total Amounts Missed |
|  | | | | | | |
|  | | | | | | |
| **Less postpetition partial payments (suspense balance): ($<<AMOUNT>>)** | | | | | | |

Total: $<<AMOUNT>>

# [As of <<DATE>>, the total postpetition arrearage/delinquency is

**$<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of $<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON-ESCROW LOANS ONLY, INCLUDE: advances for taxes and**

**insurance]** **OR [FOR ESCROW LOANS ONLY, INSERT: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.]**

|  |  |
| --- | --- |
| **Description** | **Amount** |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |
| [FOR NON-ESCROW LOANS ONLY:  <<INSERT DESCRIPTION OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] | [FOR NON-ESCROW LOANS ONLY:  <<INSERT AMOUNTS OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] |

# Attached hereto as Exhibit <<#>> is a postpetition payment history.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this day of , .

By:

Name:

**NOTE: PURSUANT TO RULE 13-16-1(d) IN APPENDIX 1 TO THE LOCAL RULES, MOVANT SEEKING RELIEF FROM AUTOMATIC STAY MUST ATTACH OFFICIAL FORM 13 (“MFR REAL ESTATE WORKSHEET”), UNLESS (1) MOVANT HAS OBTAINED DEBTOR’S ASSENT TO MOTION PRIOR TO MOTION BEING FILED WITH THE COURT AND THE MOTION SO INDICATES, OR (2) DEBTOR HAS INDICATED IN ITS CHAPTER 13 PLAN FILED WITH THE COURT AN INTENT TO SURRENDER THE REAL PROPERTY THAT IS THE SUBJECT OF THE MOTION.**

# EXHIBIT # OFFICIAL LOCAL FORM 13

**UNITED STATES BANKRUPTCY COURT DISTRICT OF MASSACHUSETTS**

In re: <DEBTOR’S NAME> Case No. <#>

Chapter <#>

Debtor

# MOTION FOR RELIEF FROM STAY - REAL ESTATE WORKSHEET

(To be attached to Motion for Relief from Stay)

I <NAME AND TITLE> of <NAME OF ORGANIZATION/CORP./MOVANT>

(Name and Title) (Name of Organization/Corporation/Moving Party) (hereinafter, “Movant”) hereby declare (or certify, verify, or state):

# BACKGROUND INFORMATION

1. **(a) Date chapter 13 petition was filed (If case has been converted from Chapter 7 to Chapter 13, provide date of petition and date of conversion):**

**<MM/DD/YYYY>(b) Address of real property which is the subject of this motion: <NUMBER, STREET, CITY, STATE ZIP CODE>**

|  |  |  |
| --- | --- | --- |
| **2.** | **(a)** | **Original Mortgagee’s Name and Address: <NAME, NUMBER, STREET, CITY, STATE ZIP CODE> .** |
|  | **(b)** | **Name and Address of Current Mortgage Holder: <NAME, NUMBER, STREET, CITY, STATE ZIP CODE> .** |
|  | **(c)** | **Name of Note Holder, if different than Mortgage Holder: <NAME, NUMBER, STREET, CITY, STATE ZIP CODE> .** |

# Date of Mortgage:<MM/DD/YYYY> .

* 1. **Post-Petition payment address, if different than above: <NUMBER, STREET, CITY, STATE ZIP CODE> .**
  2. **The manner in which the Movant perfected its interest in the property:**

.

# Other collateral securing the note:

.

# Other liens and encumbrances affecting the property in the order of their priority:

|  |  |  |
| --- | --- | --- |
| Names of Senior Lien holder | Amount Due | Source of Information (e.g., Schedules filed by Debtor(s), public records) |
|  |  |  |
|  |  |  |
| Movant’s Lien |  |  |
| Names of Junior Lien holders | Amount Due | Source of Information |
|  |  |  |
|  |  |  |

* 1. **Existence and Date of Recorded Homestead (if known): <MM/DD/YYYY> .**

**DEBT/VALUE REPRESENTATIONS**

* 1. **Total pre-petition and post-petition indebtedness of Debtor(s) to Movant at the time of filing the motion: $ <AMOUNT> .**

(Note: this amount may not be relied on as a “payoff” quotation.)

# (a) Movant’s estimated fair market value of the real property: $ <AMOUNT> .

* + 1. **Source of estimated fair market valuation: .**
    2. **Liquidation value of the real property: $<AMOUNT> .**

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

* 1. **(a) Total pre-petition indebtedness of Debtor(s) to Movant as of petition filing date: $ <AMOUNT> .**
     1. **Amount of principal: $ <AMOUNT> .**
     2. **Amount of interest: $ <AMOUNT> .**
     3. **Amount of escrow (taxes and insurance): $ <AMOUNT> .**
     4. **Amount of forced placed insurance expended by Movant: $ <AMOUNT> .**
     5. **Amount of Attorney’s fees billed to Debtor(s) pre-petition: $ <AMOUNT> .**
     6. **Amount of pre-petition late fees, if any, billed to Debtor(s) $ <AMOUNT> .**
  2. **Contractual interest rate: <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: <#>.)**
  3. **Explain any additional pre-petition fees, charges or amounts charged to the account of the Debtor(s) and not listed above:**

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

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

* 1. **Date last payment was received: <MM/DD/YYYY> (mm/dd/yyyy).**
  2. **Total number of post-petition payments due from the date of the filing of petition through the date of this Motion or (mm/dd/yyyy): <#> Payment(s) .**

**SCHEDULE OF POST-PETITION PAYMENTS IN DEFAULT**

(Do not substitute computer generated internal accountings):

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Paym’t Due Date | Amt. of Paym’t Due | Amt. of Paym’t Rec’d | Date Paym’t Rec’d | Amt. Applied to Principal | Amt. Applied to Interest | Amt. Applied to Escrow | Late Fee Charged if any | Amt. Not Applied |
|  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
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|  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
| Totals |  |  |  |  |  |  |  |  |

# Amount of Movant’s Attorneys’ fees charged to Debtor to date for the preparation and filing of this Motion: $ <AMOUNT> .

* 1. **Other Attorneys’ fees charged to Debtor post-petition: $ <AMOUNT>.**
  2. **Amount of Movant’s post-petition inspection fees: $ <AMOUNT> .**
  3. **Amount of Movant’s post-petition appraisal/broker’s price opinion: $ <AMOUNT>.**
  4. **Amount of forced placed insurance or insurance provided by the Movant post- petition: $<AMOUNT> .**
  5. **Sum held in suspense by Movant in connection with this contract, if applicable:**

**$ <AMOUNT> .**

* 1. **Amount of other post-petition advances or charges (e.g. real estate taxes, insurance):**

**$<AMOUNT> .**

* 1. **Total amount of postpetition default, including all payments, fees, and charges:**

**$<AMOUNT> .**

* 1. **Amount and date of post-petition payments offered by the Debtor(s) and refused by the Movant: Amount(s) $<AMOUNT> ;**

Date(s): <MM/DD/YYYY> .

# REQUIRED ATTACHMENTS TO MOTION

Attach the following documents to this motion and indicate the exhibit number associated with the documents:

# 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. (Exhibits <#> .)

1. **Copies of documents establishing proof of standing to bring this motion if different from the above. (Exhibits <#> .)**
2. **Copies of documents establishing that Movant’s interest in the real property is 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 is located in. (Exhibits <#> .)**

**Maine**

**ME - Supplemental Declaration in Support of MFR from Automatic Stay**

**UNITED STATES BANKRUPTCY COURT**

**FOR THE [ ] DISTRICT OF [ DIVISION]25**

Chapter

In re:

<<DEBTOR NAME(S)>>,

Debtor(s).

Case No.

<<hearing information (if applicable)>>

# SUPPLEMENTAL DECLARATION IN SUPPORT OF MOTION FOR RELIEF FROM AUTOMATIC STAY

I, <<NAME>>, declare under penalty of perjury as follows:

# I am employed as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_of Cenlar FSB. I am authorized to sign this supplemental declaration on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”). This supplemental declaration is provided in support of the Motion for Relief from Stay (the “Motion”) filed [<<DATE>>] OR [contemporaneously herewith].

25 **Attorney should adjust caption to comply with all applicable local rules**. Use this form only where there are one or more postpetition defaults.

# As part of my job responsibilities for Cenlar FSB, I have personal knowledge of the business records and I am familiar with the types of records maintained by Cenlar FSB in connection with the loan that is the subject of the Motion (the “Loan”) and the procedures for creating those types of records. I have access to and have reviewed the books, records and files of Cenlar FSB that pertain to the Loan and extensions of credit given to Debtor(s) concerning the property securing such Loan.

* 1. **The information in this declaration is taken from Cenlar FSB’s business records regarding the Loan. The records are: (a) made at or near the time of the occurrence of the matters recorded by persons with personal knowledge of the information in the business record, or from information transmitted by persons with personal knowledge of the business records; (b) kept in the course of Cenlar FSB’s regularly conducted business activities; and (c) it is the regular practice of Cenlar FSB to make such records.**
  2. **The Debtor(s) [IF OBLIGORS ON NOTE INCLUDE NON-DEBTORS,**

**INCLUDE NAMES OF NON-DEBTORS, TOGETHER WITH DEBTORS: and**

**<<NAME(S) OF OBLIGORS ON NOTE>>] has/have executed and delivered or is/are otherwise obligated with respect to that certain promissory note referenced in the Motion (the “Note”). Pursuant to that certain <<TITLE OF SECURITY INSTRUMENT>> referenced in the Motion (the “<<TITLE OF SECURITY INSTRUMENT>>”), all obligations of the Debtor(s) under and with respect to the Note and the <<TITLE OF SECURITY INSTRUMENT>> are secured by the property referenced in the Motion.**

* 1. **As of <<DATE>>, there are one or more defaults in paying Debtor(s) post- petition amounts due with respect to the Note.**
  2. **As of <<DATE>>, the unpaid principal balance of the Note is**

**$<<AMOUNT>>.**

* 1. **The following chart sets forth those postpetition payments, due pursuant to the terms of the Note, that have been missed by the Debtor(s) as of <<DATE>>:**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of Missed Payments | From | To | Missed Principal and Interest | Missed Escrow (if applicable) | Monthly Payment Amount | Total Amounts Missed |
|  | | | | | | |
|  | | | | | | |
| **Less postpetition partial payments (suspense balance): ($<<AMOUNT>>)** | | | | | | |

Total: $<<AMOUNT>>

# [As of <<DATE>>, the total postpetition arrearage/delinquency is

**$<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of $<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON-ESCROW LOANS ONLY, INCLUDE: and advances for taxes and**

**insurance26]:**

26 FOR ESCROW LOANS ONLY, INSERT THE FOLLOWING FOOTNOTE: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). To avoid duplication, postpetition advances (if any) made for insurance, real estate taxes, or similar charges are not listed separately to the extent such advances would have been paid from the missed escrow payments. As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.

|  |  |
| --- | --- |
| **Description** | **Amount** |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |
| [FOR NON-ESCROW LOANS ONLY:  <<INSERT DESCRIPTION OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] | [FOR NON-ESCROW LOANS ONLY:  <<INSERT AMOUNTS OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] |

# Attached hereto as Exhibit <<#>> is a postpetition payment history.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this day of , .

By:

Name:

**NOTE: PURSUANT TO LOCAL RULE 4001-1(b), MOVANT SEEKING RELIEF FROM AUTOMATIC STAY TO FORECLOSE ON A DEBTOR’S INTEREST IN REAL PROPERTY MUST FILE LOCAL FORM 4001-1(b) (“RELIEF FROM STAY WORKSHEET”), UNLESS (1) MOVANT HAS OBTAINED DEBTOR’S WRITTEN CONSENT TO RELIEF REQUESTED PRIOR TO MOTION BEING FILED, OR (2) DEBTOR INDICATED INTENT TO SURRENDER PROPERTY PURSUANT TO SECTION 521 BANKRUPTCY CODE.**

EXHIBIT #

) Case No.: <#>

)

)

)

)

# WORKSHEET IN SUPPORT OF MOTION FOR RELIEF FROM STAY

I of Cenlar FSB, do hereby (declare, certify, verify, or state):

# BACKGROUND INFORMATION

1. The address or general description of the real property that is the subject of this motion

<NUMBER, STREET, CITY, STATE ZIP CODE> .

1. Name and address of original mortgagee: <NAME OF ORIGINAL MORTGAGEE>

<NUMBER, STREET, CITY, STATE ZIP CODE> .

1. Dates of the note and mortgage: <MM/DD/YYYY> .
2. If Movant is different from the original mortgagee, the status of Movant (e.g., holder, assignee, or servicing agent): .
3. Current address of Movant and payment address if different: <NUMBER, STREET, CITY, STATE, ZIP CODE>; <NUMBER, STREET, CITY, STATE ZIP CODE> .
4. Brief statement of Movant’s standing (e.g., mortgagee, assignee, servicing agent) and the availability of supporting documentation or other supporting information:

.

# DEBT/VALUE REPRESENTATIONS

1. Total pre-petition and post-petition indebtedness of debtor(s) to Movant at the time of filing the motion: $ <AMOUNT> . (Note: this amount may not be relied upon as a “payoff” quotation.)
2. Movant’s estimated market value of the real property: $ <AMOUNT> .
3. Source of estimated valuation: .

# STATUS OF DEBT AS OF THE PETITION DATE

1. Total pre-petition indebtedness of debtor(s) to Movant as of petition filing date:

$ <AMOUNT> .

* 1. Amount of Principal: $ <AMOUNT> .
  2. Amount of Interest: $ <AMOUNT> .
  3. Amount of escrow (taxes and insurance): $ <AMOUNT> .
  4. Amount of forced placed insurance expended by Movant:

$ <AMOUNT> .

* 1. Amount of attorneys’ fees incurred pre-petition that have been or will be charged to the debtor (s): $ <AMOUNT> .
  2. Amount of pre-petition late fees, if any, billed to debtor(s):

$ <AMOUNT> .

1. Contractual Interest Rate: <RATE>% . (If interest rate is (or was) adjustable, please list the rate(s) and date(s) the rate(s) was/were in effect. A separate exhibit may be attached to this form. If so, it is marked Exhibit <#> .)
2. Please explain any additional pre-petition fees, charges, or amounts charged to debtor’s/debtors’ account and not listed above: . (A separate exhibit may be attached to this form. If so, it is marked

Exhibit <#> .)

[Remainder of Page Intentionally Left Blank]

# AMOUNT OF POST-PETITION DEFAULT (AS OF <MM/DD/YYYY>)

1. Date last payment was received: <MM/DD/YYYY> .
2. Alleged number of contractual payments due post-petition from filing of petition through payment due on <MM/DD/YYYY> .
3. Please list all post-petition payments alleged to be in default:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| ALLEGED AMOUNT  DUE DATE | ALLEGED AMOUNT DUE | AMOUNT RECEIVED | AMOUNT APPLIED  TO PRINCIPAL | AMOUNT APPLIED  TO INTEREST | AMOUNT APPLIED  TO ESCROW | LATE FEE CHARGED (IF ANY) |
|  |  |  |  |  |  |  |
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|  |  |  |  |  |  |  |
| TOTALS: |  |  |  |  |  |  |

1. Amount of Movant’s attorneys fees charged or to be charged to the debtor(s) for the preparation, filing, and prosecution of this motion: $ <AMOUNT> .
2. Amount of Movant’s filing fee for this motion: $ <AMOUNT> .
3. Other attorneys’ fees charged or to be charged to the debtor(s) post-petition:

$<AMOUNT>.

1. Amount of Movant’s post-petition inspection fees: $ <AMOUNT> .
2. Amount of Movant’s post-petition appraisal/broker’s price opinion:

$ <AMOUNT> .

1. Amount of forced placed insurance or insurance provided by the Movant post-petition:

$ <AMOUNT> .

1. Sum held in suspense by Movant in connection with this contract, if applicable:

$ <AMOUNT> .

1. Amount of other post-petition charges or advances by Movant to be paid by the debtor(s), for example: taxes, insurance incurred by debtor(s), etc.: $ <AMOUNT> .

# REQUIRED ATTACHMENTS

The following documents are attached to this worksheet in support of the motion and marked as exhibits:

1. Copies of documents showing Movant’s interest in the subject property (e.g., 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 assignment in the chain from the original mortgagee to the Movant. (Exhibits <#> .)
2. Copies of documents showing proof of standing to bring this motion for relief if different than the above. (Exhibits <#> .)

[Remainder of Page Intentionally Left Blank]

# CERTIFICATION FOR BUSINESS RECORDS

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 and 2 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.

Further, the copies of any transactional documents attached to this worksheet as required by paragraphs 1 and 2 immediately above, are true and accurate copies of the original documents.

# DECLARATION

I <NAME AND TITLE OF DECLARANT> (Name and Title) of Cenlar FSB hereby declare (or certify, verify, or state) pursuant to 28 U.S.C. Section 1746 under penalty of perjury that the foregoing is true and correct based on personal knowledge of the business records of the Cenlar FSB’s books and business records.

Executed at <CITY/TOWN> (City/Town), <STATE> (State) on this <#> day of <MONTH> (Month), <YEAR> (Year).

<NAME OF DECLARANT> (Print Name)

<TITLE> (Title)

CENLAR FSB

<NUMBER, STREET> (Street Address)

<CITY, STATE> (City, State)

<ZIP CODE> (Zip Code)

# CERTIFICATION AND DECLARATION FOR BUSINESS RECORDS

The undersigned certifies that the information provided in this worksheet and any exhibits attached to this worksheet (other than transactional documents attached as required in paragraphs

(1) through (3) above) are derived from records that (a) 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; and (b) were prepared and kept in the regular course of business.

In the event the Worksheet is not fully completed, Movant shall explain the reasons therefor and the reasonable efforts made to obtain the information.

The undersigned further certifies that copies of any transactional documents attached to this worksheet as required by paragraphs 1, 2, or 3, immediately above, are true and accurate copies of the original documents. The undersigned further certifies that the original documents are in Movant’s possession, except as follows: .

I/WE DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING REPRESENTATIONS OF FACT ARE TRUE AND CORRECT TO THE BEST OF MY/OUR KNOWLEDGE AND BELIEF.

<MM/DD/YYYY>

Signature

Date

<NAME OF DECLARANT>

Printed Name

<TITLE AND ORGANIZATION OF DECLARANT>

Title and Organization

# Michigan

**MI - Eastern District - Affidavit Supporting MFR from Automatic Stay**

**UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF MICHIGAN**

**<DIVISION>**

In re: <CHAPTER>

<DEBTOR NAME>

<CASE NO.>

Debtor[s].

AFFIDAVIT SUPPORTING MOTION FOR RELIEF FROM AUTOMATIC STAY

STATE OF )

) ss.

COUNTY OF )

Before me, the undersigned authority, personally appeared the person identified below, who being by me duly sworn, deposed as follows:

1. My name is <NAME>. I am of sound mind, lawful age and capable of making this Affidavit. The statements set forth in this Affidavit are true and correct based on my personal knowledge of the business records and review of the business records described herein. I am authorized to make this Affidavit on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”).

1. This Affidavit is submitted in support of the motion seeking relief from the automatic stay (the “Motion”) by Movant, in the above-captioned case.
2. I am employed by Cenlar FSB as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. In that capacity, I am familiar with the books of account and have examined all relevant books, records, and documents kept at Cenlar FSB concerning the transaction alleged in the Motion. All of these books, records, and documents are kept in the regular course of business and are made at or near the time of the transaction using information transmitted by persons with knowledge of the facts. It is the regular practice to make and keep these books, records and documents. All of these books, records, and documents are managed by employees or agents whose duty it is to keep the books, records, and documents accurately and completely.
3. My responsibilities include, but are not limited to, handling bankruptcy accounts and ascertaining amounts due and payable.
4. I have personal knowledge of the facts contained in this Affidavit. Specifically, I have reviewed and have personal knowledge of the business records related to the loan account associated with the certain property described as <PROPERTY ADDRESS>.
5. Movant is the current holder of the <TITLE OF SECURITY INSTRUMENT>. A true and correct copy of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#> and incorporated herein by reference. < > A true and correct copy of the assignment of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#> and incorporated herein by reference.
6. Movant is the current holder of the note. A true and correct copy of the note is attached hereto as Exhibit <#>, and incorporated herein by reference.
7. As of <<DATE>>, there are one or more defaults in paying Debtor(s) post-petition amounts due with respect to the note.
8. As of the date hereof, the principal balance owed by the Debtor(s) to [insert Movant or name of noteholder] is $<AMOUNT>, plus advances made, attorney fees, costs, other fees and charges, and interest accruing thereon in accordance with the loan documents.
9. The following chart sets forth those postpetition payments, due pursuant to the terms of the note, that have been missed by the Debtor(s) as of <<DATE>>:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of Missed Payments | From | To | Missed Principal and Interest | Missed Escrow (if applicable) | Monthly Payment Amount | Total Amounts Missed |
|  | | | | | | |
|  | | | | | | |
| **Less postpetition partial payments (suspense balance): ($<<AMOUNT>>)** | | | | | | |

Total: $<<AMOUNT>>

1. [As of <<DATE>>, the total postpetition arrearage/delinquency is $<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of $<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON-ESCROW LOANS ONLY, INCLUDE: advances for taxes and insurance] OR [FOR ESCROW LOANS ONLY, INSERT: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.]

|  |  |
| --- | --- |
| **Description** | **Amount** |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |
| [FOR NON-ESCROW LOANS ONLY:  <<INSERT DESCRIPTION OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] | [FOR NON-ESCROW LOANS ONLY:  <<INSERT AMOUNTS OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] |

1. Attached hereto as Exhibit <<#>> is a postpetition payment history.

or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.

I solemnly affirm under the penalty of perjury and upon personal knowledge of the business records that the contents of the foregoing paper are true.

EXECUTED on , .

By:

Name:

STATE OF )

) ss.

COUNTY OF )

Subscribed and sworn to me the undersigned authority on this day of , 20 .

My Commission Expires:

Notary Public in and for the State of

# Minnesota

**MN - Affidavit Supporting Motion for Relief from Automatic Stay**

**UNITED STATES BANKRUPTCY COURT DISTRICT OF MINNESOTA**

In re: <CHAPTER>

<DEBTOR NAME>

<CASE NO.>

Debtor[s].

AFFIDAVIT SUPPORTING MOTION FOR RELIEF FROM AUTOMATIC STAY

Before me, the undersigned authority, personally appeared the person identified below, who being by me duly sworn, deposed as follows:

1. My name is <NAME>. I am of sound mind, lawful age and capable of making this Affidavit. The statements set forth in this Affidavit are true and correct based on my personal knowledge of the business records and review of the business records described herein. I am authorized to make this Affidavit on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”).

1. This Affidavit is submitted in support of the motion seeking relief from the automatic stay (the “Motion”) by Movant, in the above-captioned case.
2. I am employed by Cenlar FSB as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. In that capacity, I am familiar with the books of account and have examined all relevant books, records, and documents kept at Cenlar FSB concerning the transaction alleged in the Motion. All of these books, records, and documents are kept in the regular course of business and are made at or near the time of the transaction using information transmitted by persons with knowledge of the facts. It is the regular practice to make and keep these books,records and documents. All of these books, records, and documents are managed by employees or agents whose duty it is to keep the books, records, and documents accurately and completely.
3. My responsibilities include, but are not limited to, handling delinquent bankruptcy accounts and ascertaining amounts due and payable.
4. I have personal knowledge of the facts contained in this Affidavit. Specifically, I have reviewed and have personal knowledge of the business records related to the loan account associated with the certain property described as <PROPERTY ADDRESS>.
5. Movant is the current holder of the <TITLE OF SECURITY INSTRUMENT>. A true and correct copy of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#> and incorporated herein by reference. < > A true and correct copy of the assignment of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#> and incorporated herein by reference.
6. Movant is the current holder of the note. A true and correct copy of the note is attached hereto as Exhibit <#>, and incorporated herein by reference.
7. The note and <TITLE OF SECURITY INSTRUMENT>, dated <DATE>, executed by

<NAME>, recorded on <DATE>, as Document No. <#>, cover real estate located at

<STREET ADDRESS> and legally described as follows, to wit:

Lot <#>, Block <#>, <Include any additional legal description of property>,

<COUNTY> County, Minnesota. Subject to easements, mineral rights, covenants, if any.

1. As of <<DATE>>, there are one or more defaults in paying Debtor(s) post-petition amounts due with respect to the note.
2. As of the date hereof, the principal balance owed by Debtor(s) to [insert Movant or name of noteholder] is

$<AMOUNT>, plus advances made, attorney fees, costs, other fees and charges, and interest accruing thereon in accordance with the loan documents.

1. The following chart sets forth those postpetition payments, due pursuant to the terms of the note, that have been missed by the Debtor(s) as of <<DATE>>:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of Missed Payments | From | To | Missed Principal and Interest | Missed Escrow (if applicable) | Monthly Payment Amount | Total Amounts Missed |
|  | | | | | | |
|  | | | | | | |
| **Less postpetition partial payments (suspense balance): ($<<AMOUNT>>)** | | | | | | |

Total: $<<AMOUNT>>

1. [As of <<DATE>>, the total postpetition arrearage/delinquency is $<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of $<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON-ESCROW LOANS ONLY, INCLUDE: advances for taxes and insurance] OR [FOR ESCROW LOANS ONLY, INSERT: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.]

|  |  |
| --- | --- |
| **Description** | **Amount** |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |
| [FOR NON-ESCROW LOANS ONLY:  <<INSERT DESCRIPTION OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] | [FOR NON-ESCROW LOANS ONLY:  <<INSERT AMOUNTS OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] |

1. Attached hereto as Exhibit <#> and incorporated herein by reference is a summary of the date and amount of each payment default under the chapter 13 plan of the Debtor(s).
2. Attached hereto as Exhibit <#> is Local Form 4001-1, detailing the Debtor’s complete loan history beginning on the date of default applicable to this Motion and continuing through <DATE OF MOTION VERIFICATION OF DEFAULT>.
3. The current tax-assessed value of the property described above is $<AMOUNT>. Attached hereto as Exhibit <#> is a copy of the County Property Tax Records.
4. <If the amount of equity in the property is at issue and there are senior liens on the property> Other secured creditors, <NAME(S) OF OTHER SECURED CREDITORS THAT HOLD INTERESTS SENIOR TO MOVANT>, hold interests senior to that of Movant in the property described above in the amount of $<AMOUNT>.

or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.

1. <If the amount of equity in the property is at issue and there are junior liens on the property> Other secured creditors, <NAME(S) OF OTHER SECURED CREDITORS THAT HOLD INTERESTS JUNIOR TO MOVANT>, hold interests junior to that of Movant in the property described above in the amount of $<AMOUNT>.I solemnly affirm under the penalty of perjury and upon personal knowledge of the business records that the contents of the foregoing paper are true.

EXECUTED on , .

By:

Name:

STATE OF )

) ss.

COUNTY OF )

Subscribed and sworn to me the undersigned authority on this day of , 20 .

My Commission Expires:

Notary Public in and for the State of

# Payment History Under Chapter 13 Plan

<DEBTOR(S)>

<CASE NO.>

<PROPERTY ADDRESS>

The following is a summary of missed payments required pursuant to the Debtor’s Chapter 13 Plan:

|  |  |  |
| --- | --- | --- |
| **Date Payment Due** | **Amount Due** | **Current Status of Payment To Trustee** |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

# NOTE: MOVANT SEEKING RELIEF FROM STAY IN MINNESOTA MUST ALSO SUBMIT LOCAL FORM 4001-1 LOAN HISTORY CHART.



Local Form - Loan History

EXHIBIT #

Loan History. Begin loan history from the date of the first default related to the current default amount that is claimed in the motion.

# New Hampshire

**NH - Supplemental Declaration in Support of MFR from Automatic Stay**

**UNITED STATES BANKRUPTCY COURT**

**FOR THE [ ] DISTRICT OF [ DIVISION]29**

Chapter

In re:

<<DEBTOR NAME(S)>>,

Debtor(s).

Case No.

<<hearing information (if applicable)>>

# SUPPLEMENTAL DECLARATION IN SUPPORT OF MOTION FOR RELIEF FROM AUTOMATIC STAY

I, <<NAME>>, declare under penalty of perjury as follows:

# I am employed as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of Cenlar FSB. I am authorized to execute this supplemental declaration on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”). This supplemental declaration is provided in support of the Motion for Relief from Stay (the “Motion”) filed [<<DATE>>] OR [contemporaneously herewith].

29 **Attorney should adjust caption to comply with all applicable local rules**. Use this form only where there are one or more postpetition defaults.

# As part of my job responsibilities for Cenlar FSB, I have personal knowledge of the business records and I am familiar with the types of records maintained by Cenlar FSB in connection with the loan that is the subject of the Motion (the “Loan”) and the procedures for creating those types of records. I have access to and have reviewed the books, records and files of Cenlar FSB that pertain to the Loan and extensions of credit given to Debtor(s) concerning the property securing such Loan.

1. **The information in this declaration is taken from Cenlar FSB‘s business records regarding the Loan. The records are: (a) made at or near the time of the occurrence of the matters recorded by persons with personal knowledge of the information in the business record, or from information transmitted by persons with personal knowledge of the business records; (b) kept in the course of Cenlar FSB’s regularly conducted business activities; and (c) it is the regular practice of Cenlar FSB to make such records.**
2. **The Debtor(s) [IF OBLIGORS ON NOTE INCLUDE NON-DEBTORS, INCLUDE NAMES OF NON-DEBTORS, TOGETHER WITH DEBTORS: and**

**<<NAME(S) OF OBLIGORS ON NOTE>>] has/have executed and delivered or is/are otherwise obligated with respect to that certain promissory note referenced in the Motion (the “Note”). Pursuant to that certain <<TITLE OF SECURITY INSTRUMENT>> referenced in the Motion (the “<<TITLE OF SECURITY INSTRUMENT>>”), all obligations of the Debtor(s) under and with respect to the Note and the <<TITLE OF SECURITY INSTRUMENT>> are secured by the property referenced in the Motion.**

1. **As of <<DATE>>, there are one or more defaults in paying Debtor(s) post- petition amounts due with respect to the Note.**
2. **As of <<DATE>>, the unpaid principal balance of the Note is**

**$<<AMOUNT>>.**

1. **The following chart sets forth those postpetition payments, due pursuant to the terms of the Note, that have been missed by the Debtor(s) as of <<DATE>>:**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of Missed Payments | From | To | Missed Principal and Interest | Missed Escrow (if applicable) | Monthly Payment Amount | Total Amounts Missed |
|  | | | | | | |
|  | | | | | | |
| **Less postpetition partial payments (suspense balance): ($<<AMOUNT>>)** | | | | | | |

Total: $<<AMOUNT>>

# [As of <<DATE>>, the total postpetition arrearage/delinquency is

**$<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of $<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON-ESCROW LOANS ONLY, INCLUDE: and advances for taxes and**

**insurance30]:**

30 FOR ESCROW LOANS ONLY, INSERT THE FOLLOWING FOOTNOTE: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). To avoid duplication, postpetition advances (if any) made for insurance, real estate taxes, or similar charges are not listed separately to the extent such advances would have been paid from the missed escrow payments. As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.

|  |  |
| --- | --- |
| **Description** | **Amount** |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |
| [FOR NON-ESCROW LOANS ONLY:  <<INSERT DESCRIPTION OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] | [FOR NON-ESCROW LOANS ONLY:  <<INSERT AMOUNTS OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] |

# Attached hereto as Exhibit <<#>> is a postpetition payment history.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this day of , .

By:

Name:

**[NOTE: PURSUANT TO LOCAL ADMINISTRATIVE ORDER 4001-1, MOVANT SEEKING RELIEF FROM AUTOMATIC STAY WITH RESPECT TO DEBTOR’S INTEREST IN RESIDENTIAL REAL PROPERTY MUST ATTACH LOCAL BANKRUPTCY FORM 4001-1A (“WORKSHEET COMPLETED BY MORTGAGEE/SERVICER IN SUPPORT OF MOTION FOR RELIEF FROM STAY INVOLVING RESIDENTIAL REAL PROPERTY”), UNLESS ANY OF THE FOLLOWING 3 EXCEPTIONS APPLY: (1) MOVANT HAS OBTAINED DEBTOR’S ASSENT TO MOTION PRIOR TO MOTION BEING FILED WITH COURT, (2) DEBTOR HAS INDICATED AN INTENT TO SURRENDER THE REAL PROPERTY THAT IS THE SUBJECT OF THE MOTION IN DEBTOR’S STATEMENT OF INTENTION FILED WITH THE COURT PURSUANT TO 11 U.S.C. § 521(a)(2), OR**

**(3) DEBTOR HAS INDICATED AN INTENT TO SURRENDER THE REAL PROPERTY THAT IS THE SUBJECT OF THE MOTION IN DEBTOR’S PLAN OF REORGANIZATION.]**

# EXHIBIT #

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW HAMPSHIRE

In re:

<DEBTOR’S NAME> , Bk. No. <#>

Debtor Chapter <#>

# WORKSHEET COMPLETED BY THE MORTGAGEE/SUBSERVICER IN SUPPORT OF MOTION FOR RELIEF FROM STAY INVOLVING RESIDENTIAL REAL PROPERTY

I, employed by Cenlar FSB as\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby declare (or certify, verify, or state):

# BACKGROUND INFORMATION

|  |  |  |
| --- | --- | --- |
| 1. | Address or general description of the real property that is the subject of this motion | <NUMBER, STREET, CITY, STATE ZIP CODE> or <GENERAL DESCRIPTION OF REAL PROPERTY> |

|  |  |  |
| --- | --- | --- |
| 2. | Name and address of original mortgagee | <NAME, NUMBER, STREET, CITY, STATE ZIP CODE> |
| 3. | Dates of the note and mortgage (MM/DD/YYYY) | <MM/DD/YYYY>;  <MM/DD/YYYY> |
| 4. | If Movant is different from the original mortgagee, the status of Movant (e.g., holder, assignee, or servicing agent) |  |
| 5. | Current address of Movant | <NAME, NUMBER, STREET, CITY, STATE ZIP CODE> |
| 6. | Postpetition payment address of Movant if different from address in paragraph 5 above | <NAME, NUMBER, STREET, CITY, STATE ZIP CODE> |
| 7. | Brief statement of Movant’s standing (e.g., first mortgagee, second mortgagee, assignee, servicing agent) |  |

**DEBT/VALUE REPRESENTATIONS**

|  |  |  |
| --- | --- | --- |
| 8. | Total indebtedness of Debtor to Movant at the time of filing the motion. This amount may not be relied upon as a “payoff” quotation. | $<AMOUNT> |
| 9. | Movant’s estimated market value of the real property | $<AMOUNT> |
| 10. | Source of estimated valuation |  |

**STATUS OF DEBT AS OF THE PETITION DATE (CH. 13) OR MOTION FOR RELIEF FILING DATE (CH .7)**

|  |  |  |
| --- | --- | --- |
| 11. | Total prepetition indebtedness of Debtor to Movant as of petition filing date (Ch. 13)  OR | $<AMOUNT> |

|  |  |  |
| --- | --- | --- |
|  | Total contractual debt owed (Ch. 7) |  |
| A. | Amount of principal | $<AMOUNT> |
| B. | Amount of interest | $<AMOUNT> |
| C. | Amount of escrow (taxes and insurance) | $<AMOUNT> |
| D. | Amount of forced placed insurance | $<AMOUNT> |
| E. | Amount of attorney’s fees incurred prepetition that have been or will be charged to the Debtor | $<AMOUNT> |
| F. | Amount of prepetition late fees, if any, billed to Debtor | $<AMOUNT> |
| G. | Itemize any additional prepetition fees or costs charged to the Debtor’s account and not listed above, including inspection fees, valuation fees, real estate taxes, etc. A separate exhibit may be attached to this worksheet. If so, it is marked Exhibit <#> . | 1. $<AMOUNT> 2. $<AMOUNT> 3. $<AMOUNT> 4. $<AMOUNT> |
| 12. | Number of payments in arrears on the petition date | <#> Payment(s) |
| 13. | Total amount of prepetition arrearage | $<AMOUNT> |
| 14. | 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. A separate exhibit may be attached to this worksheet. If so, it is marked Exhibit <#> . | <RATE>% |

**STATUS OF DEFAULT AS OF** <MM/DD/YYYY>

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| 15. | Amount of monthly payment (including principal, interest, and escrow) | | | | $<AMOUNT> | |
| 16. | Date last payment was received <MM/DD/YYYY>  (MM/DD/YYYY) | | | |  | |
| 17. | Alleged number of postpetition or contractual payments due postpetition from filing of petition through payment due on  <MM/DD/YYYY> (MM/DD/YYYY) | | | |  | |
| 18. | Number of payments in arrears as of above date | | | | <#> Payment(s) | |
| 19. | Please list below all postpetition or contractual payments alleged to be in default: | | | |  | |
| Alleged Amount Due Date | | Alleged Amount Due | Amount Received | Amount Applied to Principal and Interest | Amount Applied to Escrow | Late Fee Charged (if any) |
|  | |  |  |  |  |  |
|  | |  |  |  |  |  |
|  | |  |  |  |  |  |
|  | |  |  |  |  |  |
| Totals: | | $ | $ | $ | $ | $ |
| 20. | Amount of Movant’s attorney’s fees charged or to be charged to the Debtor for the preparation, filing, and prosecution of this motion | | | | $<AMOUNT> | |
| 21. | Amount of filing fee for this motion | | | | $<AMOUNT> | |
| 22. | Itemize any additional postpetition or contractual fees or costs charged or to be charged to the Debtor’s account and not listed above, including inspection fees, valuation fees, insurance, real estate taxes, attorney’s fees, etc. A separate exhibit may be attached to this worksheet. If so, it is marked Exhibit . | | | | 1. $<AMOUNT> 2. $<AMOUNT> 3. $<AMOUNT> 4. $<AMOUNT> | |

|  |  |  |
| --- | --- | --- |
| 23. | Sum held in suspense by Movant in connection with this contract, if applicable | Credit of $<AMOUNT> |
| 24. | Total amount of postpetition or contractual arrearage | $<AMOUNT> |

# REQUIRED ATTACHMENTS

The following documents are attached to this worksheet in support of the motion and marked as exhibits:

1. Copies of documents showing Movant’s interest in the subject property (e.g., 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 assignment in the chain from the original mortgagee to the Movant), which are marked as Exhibits <#> .
2. Copies of documents showing proof of standing to bring this motion for relief if different than the above, which are marked as Exhibits <#> .

# CERTIFICATION FOR BUSINESS RECORDS

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 and *2* immediately above) is derived from records that *(a)* 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; *(b)* were kept in the course of the regularly conducted activity; and *(c)* were made by the regularly conducted activity as a regular practice.

Further, the copies of any transactional documents attached to this worksheet or motion, as required by paragraphs *1* and *2* immediately above, are true and accurate copies of the original documents.

# DECLARATION

I, <NAME AND TITLE> (insert name and title), of

Cenlar FSB, hereby declare (or certify, verify, or state) pursuant to 28 U.S.C. § 1746 under penalty of perjury that the foregoing is true and correct based on personal knowledge of the business records of the Cenlar FSB’s books and business records.

Executed at <CITY/TOWN> (City/Town), <STATE> (State) on this <#> day of <MONTH> (Month), <YEAR> (Year).

Signature

<NAME>

Print Name

<TITLE> Title

CENLAR FSB

<ADDRESS>

Address

# REPRESENTATIONS REGARDING OTHER LIENS ATTACHING TO THE PROPERTY

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of Cenlar FSB, do hereby declare (or certify, verify, or state):

|  |  |  |
| --- | --- | --- |
| Names of Senior Lienholder | Amount Due | Source of Information (e.g., Debtor’s schedules, public records, other) |
|  | $ |  |
|  | $ |  |
|  | $ |  |
| Movant’s lien | $ |  |
| Names of Junior Lienholder | Amount Due | Source of Information (e.g., Debtor’s schedules, public records, other) |
|  | $ |  |
|  | $ |  |
|  | $ |  |

Signature

<NAME>

Print Name

<TITLE> Title

Cenlar FSB

<ADDRESS>

Address

**[IF ANY OF THE FOREGOING 3 EXCEPTIONS APPLY, MOVANT MUST INSTEAD ATTACH LOCAL BANKRUPTCY FORM 4001-1B (“STATEMENT – MOTION FOR RELIEF WORKSHEET NOT REQUIRED”).]**

# EXHIBIT #

* 1. UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW HAMPSHIRE

In re:

|  |  |
| --- | --- |
| <DEBTOR’S NAME> , | Bk. No. <#> |
| Debtor | Chapter <#> |

# STATEMENT — MOTION FOR RELIEF WORKSHEET NOT REQUIRED

1. The movant states that *LBF 4001-1A*, Worksheet Completed by the Mortgagee/Subservicer in Support of Motion for Relief from Stay Involving Residential Real Property, is not required to be filed with this motion because:

The movant has obtained the Debtor’s assent to the motion prior to the motion being filed with the Court.

The Debtor has indicated an intent to surrender the real property that is the subject of the motion in the Debtor’s statement of intention filed with the Court pursuant to 11 U.S.C.

§ 521(a)(2).

The Debtor has indicated an intent to surrender the real property that is the subject of the motion in the Debtor’s plan of reorganization.

Date: <MM/DD/YYYY>

Signature

<NAME>

Print Name

Title

Address

Tel. No. <TELEPHONE NUMBER>

# New Jersey

**NJ – Chapter 7 CERTIFICATION REGARDING CALCULATION OF AMOUNT DUE**

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-1(b)**

In Re: Case No.:

Chapter:

Hearing Date:

Judge:

# CERTIFICATION REGARDING CALCULATION OF AMOUNT DUE (NOTE AND MORTGAGE DATED )

of full age, employed as

by , hereby certifies the following:

Recorded on , in County, in Book at Page

Property Address:

Mortgage Holder:

# PAYOFF STATEMENT

Unpaid Principal Balance: $

Accrued interest from to : $

(Interest rate = % per year; $ per day x days)

Unearned interest from to : $

Per diem interest from to : $

Late Charges from to ($ /mo.

x mos.): $ Attorney’s fees and costs as of : $

Advances through for:

Real Estate Taxes: $

Insurance premiums: $

Other: $

***Sub-Total of Advances***: **$**

Less Escrow Monies: ($ )

***Net Advances:* $**

Interest on advances from to : $

Other charges (specify ): $ Less unearned interest: ($ )

# TOTAL DUE AS OF : $

**Date of last payment:**

1. **EQUITY ANALYSIS (When appropriate)**

Estimated fair market value of real estate as of : $ \_\*

\*Source: (e.g. appraisal, tax bill/assessment, contract of sale, debtor’s schedules, etc.)

Liens on the real estate:

* 1. Real estate taxes as of : $
  2. First Mortgage (principal and interest), as of : $
  3. Second Mortgage (principal and interest), as of : $
  4. Other (specify on separate exhibit): $

**TOTAL LIENS :** ($ )

**APPARENT EQUITY AS OF** : $ \*\*

\*\* If negative, insert zero (0).

# I certify under penalty of perjury that the above is true.

Date:

Signature

*rev.8/1/15*

2

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY

**Caption in Compliance with**

**D.N.J. LBR 9004-1(b)**

In Re: Case No.:

Chapter:

Hearing Date:

Judge:

# NJ – Chapter 13 CERTIFICATION OF CREDITOR REGARDING POST PETITION PAYMENT HISTORY

**CERTIFICATION OF CREDITOR REGARDING POST PETITION PAYMENT HISTORY ( NOTE AND**

**MORTGAGE DATED )**

, employed as

by

\_, hereby certifies the following:

Recorded on , in County, in Book at Page

Property Address:

Mortgage Holder:

Mortgagor(s)/ Debtor(s):

POST-PETITION PAYMENTS (Petition filed on )

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Amount Due** | **Date Payment Was Due** | **How Payment Was Applied (Mo./Yr.)** | **Amount Received** | **Date Payment Received** | **Check or Money Order Number** |
| 1. |  |  |  |  |  |
| 2. |  |  |  |  |  |
| 3. |  |  |  |  |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Amount Due** | **Date Payment Was Due** | **How Payment Was Applied (Mo./Yr.)** | **Amount Received** | **Date Payment Received** | **Check or Money Order Number** |
| 4. |  |  |  |  |  |
| 5. |  |  |  |  |  |
| 6. |  |  |  |  |  |
| 7. |  |  |  |  |  |
| 8. |  |  |  |  |  |
| 9. |  |  |  |  |  |
| 10. |  |  |  |  |  |
| TOTAL: |  |  |  |  |  |

[Continue on attached sheets if necessary.]

Monthly payments past due: mos. x $ (Monthly payment + late charge) = $ as of .

Each current monthly payment is comprised of:

|  |  |  |
| --- | --- | --- |
| Principal | $ |  |
| Interest | $ |  |
| R.E. Taxes: | $ |  |
| Insurance: | $ |  |
| Late Charge: | $ |  |
| Other: | $ |  |
| TOTAL | $ | (Specify: ) |

If the monthly payment has changed during the pendency of the case, please explain (attach separate sheet(s) if necessary):

Pre-petition arrears:

t

o

( mos. x

$

/mo. = $ )

I certify under penalty of perjury that the above is true.

Date:

Signature

# NJ - CREDITOR’S CERTIFICATION OF DEFAULT

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-**

**1(b)**

In Re: Case No.:

Chapter:

Judge:

# CREDITOR’S CERTIFICATION OF DEFAULT

certifies as follows:

1. I am a for Cenlar FSB.
2. On , an Order was entered, a copy of which is attached as an exhibit, providing for the cure of post petition arrearages, and in default of such monthly payments for a 30 day period, allowing the secured creditor ex parte relief to vacate the stay, with notice to the trustee, debtor and his attorney, if any.
3. Debtor has failed to comply with the order:
   * By missing payments and/or by failing to make the correct payments as summarized on the attached Certification of Creditor Regarding Post Petition Payment History.
   * Other .
4. This certification is being made in an effort to enforce the prior order of this court and to vacate the stay.
5. I certify under penalty of perjury that the above is true.

Date:

Signature

# NJ – Supplemental Declaration in Support or MFR

**UNITED STATES BANKRUPTCY COURT**

**FOR THE [ ] DISTRICT OF [ DIVISION]31**

Chapter

In re:

<<DEBTOR NAME(S)>>,

Debtor(s).

Case No.

<<hearing information (if applicable)>>

# SUPPLEMENTAL DECLARATION IN SUPPORT OF MOTION FOR RELIEF FROM AUTOMATIC STAY

I, <<NAME>>, declare under penalty of perjury as follows:

1. I am employed as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_of Cenlar FSB. I am authorized to sign this supplemental declaration on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”). This supplemental declaration is provided in support of the Motion for Relief from Stay (the “Motion”) filed [<<DATE>>] OR [contemporaneously herewith].
2. As part of my job responsibilities for Cenlar FSB, I have personal knowledge of the business records and I am familiar with the types of records maintained by Cenlar FSB in connection with the loan that is the subject of the Motion (the “Loan”) and the procedures for creating those types

31 **Attorney should adjust caption to comply with all applicable local rules**. Use this form only where there are one or more postpetition defaults.

of records. I have access to and have reviewed the books, records and files of Cenlar FSB that pertain to the Loan and extensions of credit given to Debtor(s) concerning the property securing such Loan.

1. The information in this declaration is taken from Cenlar FSB’s business records regarding the Loan. The records are: (a) made at or near the time of the occurrence of the matters recorded by persons with personal knowledge of the information in the business record, or from information transmitted by persons with personal knowledge of the business records; (b) kept in the course of Cenlar FSB’s regularly conducted business activities; and (c) it is the regular practice of Cenlar FSB to make such records.
2. The Debtor(s) [IF OBLIGORS ON NOTE INCLUDE NON-DEBTORS, INCLUDE NAMES OF NON-DEBTORS, TOGETHER WITH DEBTORS: and <<NAME(S) OF OBLIGORS ON NOTE>>] has/have executed and delivered or is/are otherwise obligated with respect to that certain promissory note referenced in the Motion (the “Note”). Pursuant to that certain <<TITLE OF SECURITY INSTRUMENT>> referenced in the Motion (the “<<TITLE OF SECURITY INSTRUMENT>>”), all obligations of the Debtor(s) under and with respect to the Note and the <<TITLE OF SECURITY INSTRUMENT>> are secured by the property referenced in the Motion.
3. As of <<DATE>>, there are one or more defaults in paying Debtor(s) post-petition amounts due with respect to the Note.
4. As of <<DATE>>, the unpaid principal balance of the Note is $<<AMOUNT>>.
5. The following chart sets forth those postpetition payments, due pursuant to the terms of the Note, that have been missed by the Debtor(s) as of <<DATE>>:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Number of Missed Payments** | **From** | **To** | **Missed Principal and Interest** | **Missed Escrow (if applicable)** | **Monthly Payment Amount** | **Total Amounts Missed** |
|  | | | | | | |
|  | | | | | | |
| Less postpetition partial payments (suspense balance): ($<<AMOUNT>>) | | | | | | |

# Total: $<<AMOUNT>>

1. [As of <<DATE>>, the total postpetition arrearage/delinquency is $<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of $<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON-

ESCROW LOANS ONLY, INCLUDE: advances for taxes and insurance] OR [FOR ESCROW LOANS ONLY, INSERT: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.]

|  |  |
| --- | --- |
| **Description** | **Amount** |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |
| [FOR NON-ESCROW LOANS ONLY:  <<INSERT DESCRIPTION OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] | [FOR NON-ESCROW LOANS ONLY:  <<INSERT AMOUNTS OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] |

1. Attached hereto as Exhibit <<#>> is a postpetition payment history.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this day of , .

By:

Name:

# [NOTE: PURSUANT TO LOCAL RULE 4001-1(c)(3), MOVANT SEEKING RELIEF FROM AUTOMATIC STAY MUST ATTACH LOCAL FORM 15 (“CERTIFICATION RE CALCULATION OF AMOUNTS DUE”) IN ALL CASES WHERE THE RELIEF SOUGHT IS DEPENDENT ON THE SECURED CREDITOR PROVIDING THE AMOUNT SECURED BY A MORTGAGE ON REAL ESTATE OWNED BY THE DEBTOR.]

**EXHIBIT #**

|  |  |
| --- | --- |
| UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY |  |
| **Caption in Compliance with D.N.J. LBR 9004-2(c)** |  |
| In Re: <DEBTOR’S NAME> | Case No.: <#> |
|  | Chapter: <#> |
|  | Hearing Date: <MM/DD/YYYY> |
|  | Judge: <NAME> |

**CERTIFICATION RE CALCULATION OF AMOUNTS DUE NOTE AND MORTGAGE DATED** <MM/DD/YYYY>

<NAME> of full age, employed

as <TITLE> by <CORPORATION/ORGANIZATION>

, hereby certifies the following information:

Recorded on <MM/DD/YYYY> , in <COUNTY NAME> County, in

Book <#> at Page <#>

Property Address: <NUMBER, STREET, CITY, STATE ZIP CODE>

Mortgage Holder: <NAME>

# 1. PAYOFF STATEMENT

Unpaid Principal Balance ...................................................................................................

.................................................................................................................... $<AMOUNT>

Interest from <MM/DD/YYYY> to <MM/DD/YYYY> ...................................................

$<AMOUNT>

(Interest rate = <RATE>% per year; $ <AMOUNT> per day x <#> days)

Late Charges from <MM/DD/YYYY> to <MM/DD/YYYY> ($<AMOUNT>/mo. x <#> mos.)

$<AMOUNT>

Attorney’s fees and costs as of <MM/DD/YYYY> ............................................. $

<AMOUNT>

Advances through <MM/DD/YYYY> for:

Real Estate Taxes ..................................... $<AMOUNT>

Insurance premiums ................................. $<AMOUNT> M.I.P ....................................................... $<AMOUNT>

Inspections .............................................. $<AMOUNT>

Winterizing/Securing ............................... $<AMOUNT>

***Sub-Total of Advances*** ........................... $<AMOUNT>

Less Escrow Monies ............................... ($<AMOUNT>)

***Net Advances*** ................................................ $<AMOUNT> $

<AMOUNT> .................................................

Interest on advances from <MM/DD/YYYY> to<MM/DD/YYYY>................................ $

<AMOUNT>

Other charges (specify) ......................................................................................................

$<AMOUNT> ....................................................................................................................

Less unearned interest.........................................................................................................

................................................................................................................... ($<AMOUNT> )

**TOTAL DUE AS OF <MM>/<DD>/<YYYY>** ...................................

# ................................................................................................................... $<AMO

**UNT> ........................................................................................................**

**II. EQUITY ANALYSIS (When appropriate)**

Estimated fair market value of real estate (as of <MM/DD/YYYY> ) ........................ $

<AMOUNT> \*

Liens on the real estate:

1. Real estate taxes as of <MM/DD/YYYY> ............................. $<AMOUNT>

1. First Mortgage (principal and interest), as of <MM/DD/YYYY> $<AMOUNT>
2. Second Mortgage (principal and interest), as of <MM/DD/YYYY> $<AMOUNT> 4. Other (specify on separate exhibit) ........................................... $<AMOUNT>

**TOTAL LIENS** ............................................................... ($<AMOUNT>)

$(<AMOUNT>)

**APPARENT EQUITY AS OF <MM>/<DD>/<YYYY>** ..............................

............................................................................................................................ $<A

MOUNT>........................................................................................................... \*\*

\*Source: schedules, etc.)

\*\* If negative, insert zero (0).

(e.g. appraisal, tax bill/assessment, contract of sale, debtor’s

I certify under penalty of perjury that the foregoing is true and correct.

<MM/DD/YYYY>

(Date of signature) Signature

**[IN CHAPTER 13 CASES WHERE THE RELIEF SOUGHT IS BASED ON A DEBTOR’S POST-PETITION PAYMENT DEFAULT, MOVANT MUST ATTACH LOCAL FORM 16 (“CERTIFICATION RE POST-PETITION PAYMENT HISTORY (NOTE AND MORTGAGE)”).]**

# EXHIBIT #

Case No.: <#>

|  |
| --- |
| UNITED STATES BANKRUPTCY COURT  DISTRICT OF NEW JERSEY |
| **Caption in Compliance with D.N.J. LBR 9004-2(c)** |
| In Re: <DEBTOR’S NAME> |

Chapter: <#> Hearing Date: <MM/DD/YYYY> Judge: <NAME>

# CERTIFICATION RE POST-PETITION PAYMENT HISTORY ON THE NOTE AND MORTGAGE DATED <MM/DD/YYYY>

<NAME> of full age, employed

as <TITLE> by <CORPORATION/ORGANIZATIO

N> , hereby certifies the following information:

# BACKGROUND INFORMATION

1. Recorded in <COUNTY NAME> County, in Book <#> at Page

<#>

1. Property Address: <NUMBER, STREET, CITY, STATE ZIP CODE>
2. Mortgage Holder: <NAME>
3. Mortgagor(s)/ Debtor(s): <NAME>
4. Date debtor(s) petition was filed: <MM/DD/YYYY>
5. Post-petition payment address: <NUMBER, STREET, CITY, STATE ZIP CODE>

# 3. AMOUNT OF POST-PETITION DEFAULT

(As of <MM/DD/YYYY>)

1. Amount of debtor(s) monthly mortgage payment: $ <AMOUNT>
2. Amount of debtor(s) monthly late charge: $ <AMOUNT>
3. Total monthly payment including late charge: $ <AMOUNT>
4. Since the petition date, payments should have been made to the mortgagee. Since the petition date only <#> payment(s) have been made, leaving <#> payment(s) in

arrears through the payment due <MM/DD/YYYY> . The total amount of post-

petition payment default (monthly payments + late charge) is

$ <AMOUNT> .

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Amount Due** | **Date Payment Was Due** | **How Payment Was Applied (Mo./Yr.)** | **Amount Received** | **Date Payment Received** | **Check or Money**  **Order Number** |
| 1. |  |  |  |  |  |
| 2. |  |  |  |  |  |
| 3. |  |  |  |  |  |
| 4. |  |  |  |  |  |
| 5. |  |  |  |  |  |
| 6. |  |  |  |  |  |
| 7. |  |  |  |  |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 8. |  |  |  |  |  |
| 9. |  |  |  |  |  |
| 10. |  |  |  |  |  |
| TOTAL:$ |  |  | $ |  |  |

If the monthly payment has changed during the pendency of the case, please explain (attach separate sheet(s) if necessary):

**AMOUNT HELD IN SUSPENSE (if any):** $ <AMOUNT>

Effective as of <MM/DD/YYYY> , the current monthly payment is comprised

of:

|  |  |  |
| --- | --- | --- |
| Principal ........................... | $ <AMOUNT> |  |
| Interest.............................. | $ <AMOUNT> |
| R.E. Taxes........................ | $ <AMOUNT> |
| Insurance .......................... | $ <AMOUNT> |
| Late Charge ...................... | $ <AMOUNT> |
| Other .............................. | $ <AMOUNT> | (Specify) ) |
| TOTAL ............................ | $ <AMOUNT> |  |

1. Additional charges and/or advances made post-petition:
   1. Post-petition bankruptcy fees/costs for within motion: $ <AMOUNT>
   2. Post-petition advances made for taxes: $ <AMOUNT>
   3. Post-petition advances made for insurance: $ <AMOUNT>
   4. Other fees $ <AMOUNT>

(please specify):

PREPETITION ARREARS: <MM/DD/YYYY> to <MM/DD/YYYY>

( <#> mos. x $ <AMOUNT> /mo. = $ <AMOUNT> )

# [<INCLUDE FOR CASES BEFORE JUDGE STECKROTH AND WINFIELD

**ONLY>:** <SUBSERVICER> respectfully requests a waiver of Rule 4001 (a)(3) to allow

<SUBSERVICER> to pursue all remedies available under the contract and at law immediately upon entry of the order.

1. Pursuant to 11 USC § 362(d) of the Bankruptcy Code, <SUBSERVICER> requests relief from the automatic stay for cause to allow <MORTGAGE HOLDER> to proceed with its state law remedies up to and including eviction proceedings.]
2. [**<INCLUDE IF THERE IS ONE OR MORE CO-DEBTOR(S)>:** Pursuant to 11 USC §1301(c), <SUBSERVICER> respectfully requests relief from the co-debtor stay as to

<NAME OF CO-DEBTOR(S)>.]

I certify under penalty of perjury that the foregoing is true and correct.

<MM/DD/YYYY>

Date Signature

# New York

**NY - Eastern District - Relief from Stay - Real Estate and Cooperative Apartments**

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

-----------------------------------------------------------x

In re: <DEBTOR’S NAME> CASE NO. <#>

CHAPTER <#>

Debtor(s).

-------------------------------------------------------x

RELIEF FROM STAY – REAL ESTATE AND COOPERATIVE APARTMENTS

# BACKGROUND INFORMATION

1. ADDRESS OF REAL PROPERTY OR COOPERATIVE APARTMENT: <NUMBER, STREET, CITY, STATE ZIP CODE>
2. LENDER NAME: <NAME>
3. MORTGAGE DATE: <MM/DD/YYYY>
4. POST-PETITION PAYMENT ADDRESS: <NUMBER, STREET, CITY, STATE ZIP CODE>

# DEBT AND VALUE REPRESENTATIONS

1. TOTAL PRE-PETITION AND POST-PETITION INDEBTEDNESS OF DEBTOR(S) TO MOVANT AS OF THE MOTION FILING DATE: $ <AMOUNT>

*(THIS MAY NOT BE RELIED UPON AS A “PAYOFF” QUOTATION.)*

1. MOVANT’S ESTIMATED MARKET VALUE OF THE REAL PROPERTY OR COOPERATIVE APARTMENT AS OF THE MOTION FILING DATE: $ <AMOUNT>
2. SOURCE OF ESTIMATED MARKET VALUE:

# STATUS OF THE DEBT AS OF THE PETITION DATE

1. DEBTOR(S)’S INDEBTEDNESS TO MOVANT AS OF THE PETITION DATE:
   1. TOTAL:

$ <AMOUNT

>

* 1. PRINCIPAL:

$ <AMOUNT

>

* 1. INTEREST:

$ <AMOUNT

>

* 1. ESCROW (TAXES AND INSURANCE):

$ <AMOUNT

>

* 1. FORCED PLACED INSURANCE EXPENDED BY MOVANT:

$ <AMOUNT

>

* 1. PRE-PETITION ATTORNEYS’ FEES CHARGED TO DEBTOR(S):

$ <AMOUNT

>

* 1. PRE-PETITION LATE FEES CHARGED TO DEBTOR(S):

$ <AMOUNT

>

1. CONTRACT INTEREST RATE: <RATE>%

*(IF THE INTEREST RATE HAS CHANGED, LIST THE RATE(S) AND DATE(S) THAT EACH RATE WAS IN EFFECT ON A SEPARATE SHEET AND ATTACH THE SHEET AS AN EXHIBIT TO THIS FORM. STATE THE EXHIBIT NUMBER HERE: <#> .)*

1. OTHER PRE-PETITION FEES, CHARGES OR AMOUNTS CHARGED TO DEBTOR(S)’S ACCOUNT AND NOT LISTED ABOVE:

*(IF ADDITIONAL SPACE IS REQUIRED, LIST THE AMOUNT(S) ON A SEPARATE SHEET AND ATTACH THE SHEET AS AN EXHIBIT TO THIS FORM. STATE THE EXHIBIT NUMBER HERE: <#> .)*

# AMOUNT OF POST-PETITION DEFAULT AS OF THE MOTION FILING DATE

1. DATE OF RECEIPT OF LAST PAYMENT: <MM/DD/YYYY>
2. NUMBER OF PAYMENTS DUE FROM PETITION DATE TO MOTION FILING DATE: <#> PAYMENTS.
3. Post-petition payments in default:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| PAYMENT  DUE DATE | AMOUNT  DUE | AMOUNT  RECEIVED | AMOUNT  APPLIED TO PRINCIPAL | AMOUNT  APPLIED TO INTEREST | AMOUNT  APPLIED TO ESCROW | LATE FEE CHARGED |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
| TOTAL: | $ | $ | $ | $ | $ | $ |

1. OTHER POST-PETITION FEES CHARGED TO DEBTOR(S):
   1. TOTAL:

$ <AMOUNT

>

* 1. ATTORNEYS’ FEES IN CONNECTION WITH THIS MOTION:

$ <AMOUNT

>

* 1. FILING FEE IN CONNECTION WITH THIS MOTION:

$ <AMOUNT

>

* 1. OTHER POST-PETITION ATTORNEYS’ FEES:

$ <AMOUNT

>

* 1. POST-PETITION INSPECTION FEES:

$ <AMOUNT

>

* 1. POST-PETITION APPRAISAL/BROKER’S PRICE OPINION FEES:

$ <AMOUNT

>

* 1. FORCED PLACED INSURANCE EXPENDED BY MOVANT:

$ <AMOUNT

>

1. AMOUNT HELD IN SUSPENSE BY MOVANT:

$ <AMOUNT>

1. OTHER POST-PETITION FEES, CHARGES OR AMOUNTS CHARGED TO DEBTOR(S)’S ACCOUNT AND NOT LISTED ABOVE:

*(IF ADDITIONAL SPACE IS REQUIRED, LIST THE AMOUNT(S) ON A SEPARATE SHEET AND ATTACH THE SHEET AS AN EXHIBIT TO THIS FORM. STATE THE EXHIBIT NUMBER HERE: <#> .)*

# REQUIRED ATTACHMENTS TO MOTION

PLEASE ATTACH THE FOLLOWING DOCUMENTS TO THIS MOTION AND INDICATE THE EXHIBIT NUMBER ASSOCIATED WITH EACH DOCUMENT.

1. COPIES OF DOCUMENTS THAT ESTABLISH MOVANT’S INTEREST IN THE SUBJECT PROPERTY. FOR PURPOSES OF EXAMPLE ONLY, THIS MAY BE 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 THAT ESTABLISH MOVANT’S STANDING TO BRING THIS MOTION. (EXHIBIT *<#>* .)
3. COPIES OF DOCUMENTS THAT ESTABLISH THAT MOVANT’S INTEREST IN THE REAL PROPERTY OR COOPERATIVE APARTMENT WAS PERFECTED. FOR THE PURPOSES OF EXAMPLE ONLY, THIS MAY BE A COMPLETE AND LEGIBLE COPY OF THE FINANCING STATEMENT (UCC-
   1. FILED WITH THE CLERK’S OFFICE OR THE REGISTER OF THE COUNTY IN WHICH THE PROPERTY OR COOPERATIVE APARTMENT IS LOCATED. (EXHIBIT *<#>* .)

# DECLARATION AS TO BUSINESS RECORDS

I, <NAME OF DECLARANT> , THE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ OF CENLAR FSB AS SUBSERVICER FOR<MOVANT>] , THE MOVANT HEREIN, DECLARE PURSUANT TO 28 U.S.C. SECTION 1746 UNDER PENALTY OF PERJURY THAT THE INFORMATION PROVIDED IN THIS FORM AND ANY EXHIBITS ATTACHED HERETO (OTHER THAN THE TRANSACTIONAL DOCUMENTS ATTACHED AS REQUIRED BY PARAGRAPHS 1, 2, AND 3, 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; THAT THE RECORDS WERE KEPT IN THE COURSE OF THE REGULARLY CONDUCTED ACTIVITY; AND THAT THE RECORDS WERE MADE IN THE COURSE OF THE REGULARLY CONDUCTED ACTIVITY AS A REGULAR PRACTICE.

I FURTHER DECLARE THAT COPIES OF ANY TRANSACTIONAL DOCUMENTS ATTACHED TO THIS FORM AS REQUIRED BY PARAGRAPHS 1, 2, AND 3, ABOVE, ARE TRUE AND CORRECT COPIES OF THE ORIGINAL DOCUMENTS.

EXECUTED AT ON THIS DAY OF , 20

NAME: <NAME> TITLE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

CENLAR FSB

STREET ADDRESS: ­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

CITY, STATE AND ZIP CODE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**DECLARATION**

I, <NAME OF DECLARANT> , THE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ OF CENLAR FSB AS SUBSERVICER FOR

<MOVANT>] , THE MOVANT HEREIN, DECLARE PURSUANT TO 28 U.S.C. SECTION 1746 UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT BASED ON PERSONAL KNOWLEDGE OF CENLAR FSB 'S BOOKS AND BUSINESS RECORDS.

EXECUTED AT ON THIS DAY OF , 20

NAME: <NAME> TITLE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

CENLAR FSB

STREET ADDRESS: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

CITY, STATE AND ZIP CODE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# NY - Northern District - Certification of Payment History on Note and Mortgage

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF NEW YORK

In re

<DEBTOR’S NAME>

Debtor

Employer's Tax Identification No(s). [if any]: <ID> Last four digits of Social Security No(s): <XXXX>

Case No. <#> Chapter <#>

# CERTIFICATION OF PAYMENT HISTORY ON THE NOTE AND MORTGAGE DATED <MM/DD/YYYY> AND RELATED INFORMATION

<NAME> of full age, employed as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of Cenlar FSB is authorized to make this certification on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”)hereby certifies the following information:

Mortgage Recorded on: <MM/DD/YYYY>, in <COUNTY>, in Book <#> at Page <#> Property Address: <NUMBER, STREET, CITY, STATE ZIP CODE>

Mortgage Holder: <NAME OF HOLDER>

Movant's relationship to Mortgage Holder: <RELATIONSHIP> Mortgagor(s)/Debtor(s): <NAME OF MORTGAGOR(S)/DEBTOR(S)> Bankruptcy Petition filed on: <MM/DD/YYYY>

First Post-Petition Mortgage Payment Due: <MM/DD/YYYY>

# POST-PETITION PAYMENT HISTORY:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | Amount Due | Date Payment Was Due | How Payment was Applied (Mo./Yr.) | Amount Received | Date Payment Received | Check or Money Order Number |
| 1. |  |  |  |  |  |  |
| 2. |  |  |  |  |  |  |
| 3. |  |  |  |  |  |  |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| 4. |  |  |  |  |  |  |
| 5. |  |  |  |  |  |  |
| 6. |  |  |  |  |  |  |
| 7. |  |  |  |  |  |  |
| 8. |  |  |  |  |  |  |
| 9. |  |  |  |  |  |  |
| 10. |  |  |  |  |  |  |
| 11. |  |  |  |  |  |  |
| 12. |  |  |  |  |  |  |
| 13. |  |  |  |  |  |  |
| 14. |  |  |  |  |  |  |
| 15. |  |  |  |  |  |  |
| 16. |  |  |  |  |  |  |
| 17. |  |  |  |  |  |  |
| 18. |  |  |  |  |  |  |
| 19. |  |  |  |  |  |  |
| 20. |  |  |  |  |  |  |
| 21. |  |  |  |  |  |  |
| 22. |  |  |  |  |  |  |
| 23. |  |  |  |  |  |  |
| 24. |  |  |  |  |  |  |
| TOTAL |  |  |  |  |  |  |

**MONTHLY POST-PETITION PAYMENTS PAST DUE:**

[Number of Payments Past Due] multiplied by [Monthly Payment Amount, Exclusive of Late Charges and Other Charges]:

<NUMBER OF POST-PETITION PAYMENTS PAST DUE> \* <MONTHLY PAYMENT AMT.> = $ <AMOUNT> Due as of <MM/DD/YYYY>

Itemize Past-Due Late Charges and Other Additional Charges Below. Attach a separate sheet, if necessary.

|  |  |  |  |
| --- | --- | --- | --- |
| Type of Charge | Date Incurred | Relative to Payment Due On | Amount |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Total Additional Charges Amount Due |  |  | **$** |

# EACH CURRENT MONTHLY PAYMENT IS COMPRISED OF:

|  |  |  |
| --- | --- | --- |
| Principal ........................ | <$AMOUNT> |  |
| Interest........................... | <$AMOUNT> |  |
| R.E. Taxes ..................... | <$AMOUNT> |  |
| Insurance ....................... | <$AMOUNT> |  |
| Late Charge ................... | <$AMOUNT> |  |
| Other.............................. | <$AMOUNT> | <SPECIFY> |
| TOTAL.......................... | <$AMOUNT> |  |

If the monthly payment has changed during the pendency of the case, please explain (attach a separate sheet, if necessary):

# MONTHLY PRE-PETITION PAYMENTS PAST DUE:

[Number of Payments Past Due] [From Date] [To Date] multiplied by [Monthly Payment Amount Inclusive of Late Charges and Other Charges]:

<NUMBER OF PRE-PETITION PAYMENTS PAST DUE> (from <MM/DD/YYYY> to

<MM/DD/YYYY>) \* <MONTHLY PAYMENT AMT.> = $<AMOUNT> Due as of

<MM/DD/YYYY>

# REQUIRED ATTACHMENTS TO MOTION

Please attach the following documents to your 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 the complete and legible copy of the mortgage and any assignments of the note and mortgage in the chain of title from the original mortgagee to the current moving party. (Exhibit <#>.)

1. 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 of the Register of the county the property or cooperative apartment is located in. (Exhibit <#>.)

[Remainder of Page Intentionally Left Blank]

# CERTIFICATION FOR BUSINESS RECORDS

I CERTIFY THAT THE INFORMATION PROVIDED IN THIS FORM AND/OR ANY EXHIBITS ATTACHED TO THIS FORM (OTHER THAN THE TRANSACTIONAL DOCUMENTS ATTACHED AS REQUIRED BY PARAGRAPHS 1 AND 2 IMMEDIATELY ABOVE) IS DERIVED FROM RECORDS KEPT IN THE COURSE OF REGULARLY CONDUCTED ACTIVITY, 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, AND WERE MADE BY REGULARLY CONDUCTED ACTIVITYAS REGULAR PRACTICE.

I FURTHER CERTIFY THAT THE COPIES OF ANY TRANSACTIONAL DOCUMENTS ATTACHED TO THE MOTION AS REQUIRED BY PARAGRAPHS 1 AND 2 IMMEDIATELY ABOVE, ARE TRUE AND ACCURATE COPIES OF THE ORIGINAL DOCUMENTS THAT ARE IN THE POSSESSION OF THE MOVANT, EXCEPT AS FOLLOWS: .)

I,<NAME>, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ OF CENLAR FSB, SUBSERVICER FOR CITIMORTGAGE INC, DECLARE (OR CERTIFY, VERIFY, OR STATE) UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

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

By:

Name:

CENLAR FSB

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

# NY - Southern District - Relief from Stay - Real Estate and Cooperative Apartments

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

**---------------------------------------------------------------------** X

CASE

<CASE CAPTION>

NO. - ( )

--------------------------------------------------------------------- X

RELIEF FROM STAY – REAL ESTATE AND COOPERATIVE APARTMENTS

I,

<NAME>, <TITLE> OF

[investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (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:**

<NUMBER, STREET>

<CITY, STATE ZIP CODE>

# LENDER NAME: <NAME>

1. **DATE OF MORTGAGE: <MM/DD/YYYY>**
2. **POST-PETITION PAYMENT ADDRESS:**

<NUMBER, STREET>

<CITY, STATE ZIP CODE>

# DEBT/VALUE REPRESENTATIONS

1. **TOTAL PRE-PETITION AND POST-PETITION INDEBTEDNESS OF DEBTOR(S) TO MOVANT AT THE TIME OF FILING THE MOTION: $<AMOUNT>**

(Note: this amount may not be relied on as a “payoff” quotation.)

# MOVANT’S ESTIMATED MARKET VALUE OF THE REAL PROPERTY OR COOPERATIVE APARTMENT:

**$<AMOUNT>**

1. **SOURCE OF ESTIMATED VALUATION:**

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

1. **TOTAL PRE-PETITION INDEBTEDNESS OF DEBTOR(S) TO MOVANT AS OF PETITION FILING DATE:**

$<AMOUNT>

# AMOUNT OF PRINCIPAL: $<AMOUNT>

* 1. **AMOUNT OF INTEREST: $<AMOUNT>**
  2. **AMOUNT OF ESCROW (TAXES AND INSURANCE): $<AMOUNT>**
  3. **AMOUNT OF FORCED PLACED INSURANCE EXPENDED BY MOVANT: $<AMOUNT>**
  4. **AMOUNT OF ATTORNEYS’ FEES BILLED TO DEBTOR(S) PRE- PETITION: $<AMOUNT>**
  5. **AMOUNT OF PRE-PETITION LATE FEES, IF ANY, BILLED TO DEBTOR(S): $<AMOUNT>**

1. **CONTRACTUAL INTEREST RATE: <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:**

**<#>.)**

1. **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>)

1. **DATE LAST PAYMENT WAS RECEIVED: <MM/DD/YYYY>**
2. **ALLEGED TOTAL NUMBER OF PAYMENTS DUE POST-PETITION FROM FILING OF PETITION THROUGH PAYMENT DUE ON < MM/DD/YYYY >: <#> Payment(s)**
3. **PLEASE LIST ALL POST-PETITION PAYMENTS ALLEGED TO BE IN DEFAULT:**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| ALLEGED PAYMENT D D | ALLEGED AMOUNT  D | AMOUNT RECEIVED | AMOUNT APPLIED TO P | AMOUNT APPLIED TO I | AMOUNT APPLIED TO  E | LATE FEE CHARGED (I A ) |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
| TOTALS: | $ | $ | $ | $ | $ | $ |

1. **AMOUNT OF MOVANT’S ATTORNEYS’ FEES BILLED TO DEBTOR FOR THE PREPARATION, FILING AND PROSECUTION OF THIS MOTION:**

**$<AMOUNT>**

1. **AMOUNT OF MOVANT’S FILING FEE FOR THIS MOTION: $<AMOUNT>**
2. **OTHER ATTORNEYS’ FEES BILLED TO DEBTOR POST-PETITION:**

**$<AMOUNT>**

1. **AMOUNT OF MOVANT’S POST-PETITION INSPECTION FEES:**

**$<AMOUNT>**

1. **AMOUNT OF MOVANT’S POST-PETITION APPRAISAL/BROKER’S PRICE OPINION: $<AMOUNT>**
2. **AMOUNT OF FORCED PLACED INSURANCE OR INSURANCE PROVIDED BY THE MOVANT POST-PETITION: $<AMOUNT>**
3. **SUM HELD IN SUSPENSE BY MOVANT IN CONNECTION WITH THIS CONTRACT, IF APPLICABLE: $<AMOUNT>**
4. **AMOUNT OF OTHER POST-PETITION ADVANCES OR CHARGES, FOR EXAMPLE TAXES, INSURANCE INCURRED BY DEBTOR ETC.: $<AMOUNT>**

**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

<#>.)

[Remainder of Page Intentionally Left Blank]

# CERTIFICATION FOR BUSINESS RECORDS

I CERTIFY THAT THE INFORMATION PROVIDED IN THIS FORM AND/OR ANY EXHIBITS ATTACHED TO THIS FORM (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 FORM AS REQUIRED BY PARAGRAPHS 1, 2 AND 3, IMMEDIATELY ABOVE, ARE TRUE AND ACCURATE COPIES OF THE ORIGINAL DOCUMENTS. I FURTHER CERTIFY THAT THE ORIGINAL DOCUMENTS ARE IN MOVANT’S POSSESSION, EXCEPT AS FOLLOWS:

# DECLARATION

I,

<NAME >, <TITLE> OF

CENLAR FSB, AS SUBSERVICERFOR <MOVANT>], HEREBY DECLARE (OR CERTIFY, VERIFY, OR STATE) PURSUANT TO 28 U.S.C. SECTION 1746 UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT BASED ON PERSONAL KNOWLEDGE OF CENLAR'S BOOKS AND BUSINESS RECORDS.

EXECUTED AT <CITY/TOWN>, <STATE> ON THIS DAY

OF <MONTH>, <YEAR>.

By:

Name:

CENLAR FSB

ADDRESS: <ADDRESS>

# Ohio

**OH - Northern District - Ch 7 Relief from Stay and Abandonment Worksheet**

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF OHIO

In re: ) Case No. <#>

)

<DEBTOR’S NAME>, ) Chapter 7

)

Debtor(s). ) Judge <NAME>

)

) <NAME OF MOVANT>’S RELIEF

) FROM STAY <AND ABANDONMENT>

) WORKSHEET

1. LOAN DATA
   1. IDENTIFICATION OF COLLATERAL (check all that apply):

Real Estate <NUMBER STREET, CITY, STATE ZIP CODE >

Principal Residence of Debtor(s) Other

Personal Property <- DESCRIPTION (Include ID or VIN number, as applicable)>

Other Property <- DESCRIPTION>

* 1. CURRENT VALUE OF COLLATERAL: $<AMOUNT>
  2. SOURCE OF COLLATERAL VALUATION: $<AMOUNT>
  3. ORIGINAL LENDER: <NAME>
  4. ENTITY ENTITLED TO ENFORCE THE NOTE: <NAME>
  5. CURRENT LOAN SUBSERVICER: <NAME>
  6. DATE OF LOAN: <MM/DD/YYYY>
  7. ORIGINAL PRINCIPAL AMOUNT DUE UNDER NOTE: $<AMOUNT>
  8. ORIGINAL INTEREST RATE ON NOTE: <RATE>%
  9. CURRENT INTEREST RATE: <RATE>%
  10. ORIGINAL MONTHLY PAYMENT AMOUNT

(principal and interest only for mortgage loans): $<AMOUNT>

* 1. CURRENT MONTHLY PAYMENT AMOUNT: $<AMOUNT>
  2. THE CURRENT MONTHLY PAYMENT AMOUNT LISTED ABOVE:

Includes an escrow amount of $<AMOUNT> for real estate taxes. Includes an escrow amount of $<AMOUNT> for property insurance. Includes an escrow amount of $<AMOUNT> for . Does not include any escrow amount.

* 1. DATE LAST PAYMENT RECEIVED: <MM/DD/YYYY>
  2. AMOUNT OF LAST PAYMENT RECEIVED: $<AMOUNT>
  3. AMOUNT HELD IN SUSPENSE ACCOUNT: $<AMOUNT>
  4. NUMBER OF PAYMENTS PAST DUE: <#> Payment(s)

1. AMOUNT ALLEGED TO BE DUE AS OF THE DATE THE MOTION IS FILED

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Description of Charge | Total Amount of Charges | Number  of Charges Incurred | Dates Charges Incurred |
| A. | PRINCIPAL | $ |  |  |
| B. | INTEREST | $ |  |  |
| C. | TAXES | $ |  |  |
| D. | INSURANCE | $ |  |  |
| E. | LATE FEES | $ |  |  |
| F. | NON-SUFFICIENT FUNDS FEES | $ |  |  |
| G. | PAY-BY-PHONE FEES | $ |  |  |
| H. | BROKER PRICE OPINIONS | $ |  |  |
| I. | FORCE-PLACED INSURANCE | $ |  |  |
| J. | PROPERTY INSPECTIONS | $ |  |  |
| K. | OTHER CHARGES | $ |  |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | (describe in detail and state contractual basis for recovering the amount from the debtor) |  |  |  |

TOTAL DEBT: $<AMOUNT>

LESS AMOUNT HELD IN SUSPENSE: $<AMOUNT>

TOTAL DUE AS OF DATE MOTION IS FILED: $<AMOUNT> \*

\* This total cannot be relied upon as a payoff quotation.

This Worksheet was prepared by:

/s/ <NAME> <DATE>

<PRINT NAME>

<TITLE>

Employed by Cenlar FSB

<ADDRESS>

<TELEPHONE NUMBER>

# OH - Northern District - Chs 11 and 13 Relief from Stay and Abandonment Worksheet

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF OHIO

In re: ) Case No. <#>

)

<DEBTOR’S NAME>, ) Chapter <11/13>

)

Debtor(s). ) Judge <NAME>

)

) <NAME OF MOVANT>’S RELIEF

) FROM STAY <AND ABANDONMENT>

) WORKSHEET

1. LOAN DATA
   1. IDENTIFICATION OF COLLATERAL (check all that apply):

Real Estate <- NUMBER STREET, CITY, STATE ZIP CODE>

Principal Residence of Debtor(s) Other

Personal Property <- DESCRIPTION (Include ID or VIN number, as applicable)>

Debtor(s) Chapter 13 Plan provides for surrender of the Collateral

Other Property <- DESCRIPTION>

* 1. CURRENT VALUE OF COLLATERAL: $<AMOUNT>
  2. SOURCE OF COLLATERAL VALUATION:
  3. ORIGINAL LENDER: <NAME>
  4. ENTITY ENTITLED TO ENFORCE THE NOTE: <NAME>
  5. CURRENT LOAN SUBSERVICER: <NAME>
  6. DATE OF LOAN: <MM/DD/YYYY>
  7. ORIGINAL PRINCIPAL AMOUNT DUE UNDER NOTE: $<AMOUNT>
  8. ORIGINAL INTEREST RATE ON NOTE: <RATE>%
  9. CURRENT INTEREST RATE: <RATE>%
  10. ORIGINAL MONTHLY PAYMENT AMOUNT

(principal and interest only for mortgage loans): $<AMOUNT>

* 1. CURRENT MONTHLY PAYMENT AMOUNT: $<AMOUNT>
  2. THE CURRENT MONTHLY PAYMENT AMOUNT LISTED ABOVE:

Includes an escrow amount of $<AMOUNT> for real estate taxes. Includes an escrow amount of $<AMOUNT> for property insurance. Includes an escrow amount of $<AMOUNT> for . Does not include any escrow amount.

* 1. DATE LAST PAYMENT RECEIVED: <MM/DD/YYYY>
  2. AMOUNT OF LAST PAYMENT RECEIVED: $<AMOUNT>
  3. AMOUNT HELD IN SUSPENSE ACCOUNT: $<AMOUNT>
  4. NUMBER OF PAYMENTS PAST DUE: <#> Payment(s)

1. AMOUNT ALLEGED TO BE DUE AS OF THE DATE THE MOTION IS FILED

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Description of Charge | Total Amount of Charges | Number  of Charges Incurred | Dates Charges Incurred |
| A. | PRINCIPAL | $ |  |  |
| B. | INTEREST | $ |  |  |
| C. | TAXES | $ |  |  |
| D. | INSURANCE | $ |  |  |
| E. | LATE FEES | $ |  |  |
| F. | NON-SUFFICIENT FUNDS FEES | $ |  |  |
| G. | PAY-BY-PHONE FEES | $ |  |  |
| H. | BROKER PRICE OPINIONS | $ |  |  |
| I. | FORCE-PLACED INSURANCE | $ |  |  |
| J. | PROPERTY INSPECTIONS | $ |  |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| K. | OTHER CHARGES  (describe in detail and state contractual basis for recovering the amount from the debtor) | $ |  |  |

TOTAL OF DEBT AS OF DATE MOTION IS FILED: $ <AMOUNT> \*

\* This total cannot be relied upon as a payoff quotation.

1. AMOUNT OF ORIGINAL PRE-PETITION ARREARAGES $ <AMOUNT>
2. AMOUNT OF ALLEGED POST-PETITION DEFAULT

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | Description of Charge |  |  | Date Incurred |  |
| A. | PAYMENTS | $ |  |  |  |
| B. | POST-PETITION PAYMENTS ADVANCED FOR  TAXES (if not included in payment | $ |  |  |  |
| C. | POST-PETITION PAYMENTS ADVANCED FOR  INSURANCE (if not included in payment amount above) | $ |  |  |  |
| D. | LATE FEES | $ |  |  |  |
|  |  |  |  |  |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| E. | NON-SUFFICIENT FUNDS FEES | $ |  |  |  |
| F. | PAY-BY-PHONE FEES | $ |  |  |  |
| G. | BROKER PRICE OPINIONS | $ |  |  |  |
| H. | FORCE-PLACED INSURANCE | $ |  |  |  |
| I. | PROPERTY INSPECTIONS | $ |  |  |  |
| J. | OTHER CHARGES  (describe in detail and state the contractual basis for recovering the amount from the debtor) | $ |  |  |  |

TOTAL ACCRUED: $ <AMOUNT>

LESS SUSPENSE BALANCE: $ <AMOUNT>

TOTAL POST-PETITION DEBT: $ <AMOUNT>

1. THE TRUSTEE LEDGER SHOWING POST-PETITION DISBURSEMENTS ON THIS DEBT OR A POST-PETITION PAYMENT SUMMARY SHOWING THE PAYMENTS MADE BY THE DEBTOR ON THIS DEBT IS ATTACHED TO THIS WORKSHEET AS EXHIBIT A1".

This Worksheet was prepared by:

/s/ <NAME> <DATE>

<Name>

<TITLE>

Employed by Cenlar FSB

<ADDRESS>

<TELEPHONE NUMBER>

# LBR Form 4001-1(a)

**OH - Southern Dist - Relief from Stay and Adequate Protection Exhibit and Worksheet**

**UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF OHIO**

**<DIVISION>**

In re: <DEBTOR’S NAME> Case No <#>

Chapter <#>

Judge <NAME>

*Debtor(s)*

# RELIEF FROM STAY / ADEQUATE PROTECTION EXHIBIT AND WORKSHEET — REAL ESTATE

**(For use as required by LBR 4001–1(a)(1))**

Real property address which is the subject of this motion:

<NUMBER STREET>

<CITY, STATE ZIP CODE>

|  |  |  |
| --- | --- | --- |
| **DEBT / VALUE REPRESENTATIONS:** | | |
| Total indebtedness of the debtor(s) at the time of filing the motion for relief from stay (not to be relied upon as a payoff quotation) | $ | <AMOUNT> |
| Movant's estimated market value of the real property | $ | <AMOUNT> |
| Source of the estimated valuation | | |
| **STATEMENT OF ARREARAGE:** | | |

1. As of petition filing date: $ <AMOUNT>

Amounts paid after the date of filing to be applied to the prepetition

default: $ <AMOUNT>

1. Postpetition: $ <AMOUNT>
2. Monthly payment amount: $ <AMOUNT>
3. Date of Last Payment: $ <AMOUNT>
4. Amount of Last Payment: $ <AMOUNT>

# of payments due postpetition

<#>

Payment(s) (through payment due <MM/DD/YYYY>)

# of payments received postpetition

<#>

Payment(s)

# of payments in default postpetition

<#>

Payment(s)

Total amount of postpetition payments currently in default $ <AMOUNT>

+ Postpetition late charges $ <AMOUNT>

+ Other charges $ <AMOUNT>

Foreclosure title work $

<AMOUNT>

Filing fee $

<AMOUNT>

Skip trace $

<AMOUNT>

Document acquisition costs $

<AMOUNT>

Service Process server $

<AMOUNT>

Escrow Shortage

Hazard Insurance $

<AMOUNT

Dates: <MM/DD/YYYY> to

<MM/DD/YYYY>

Taxes $

<AMOUNT>

Dates: <MM/DD/YYYY> to

<MM/DD/YYYY>

Appraisal $

<AMOUN

T>

BPO charges $

<AMOUN

T>

Property Inspection $

<AMOUN

T>

Other (specify) $

<AMOUN

T>

= Total Postpetition Arrearage $ <AMOUNT>

# OTHER LOAN INFORMATION:

Date of the Loan <MM/DD/YYYY>

Current Interest Rate <RATE>%

Money paid to and held by the mortgagee but not applied to the loan: $<AMOUNT>; if held in the form of checks, balance of such checks $ <AMOUNT>, and identity of holder of the checks .

# REQUIRED ATTACHMENTS TO MOTION:

* 1. In a Chapter 13 case, a postpetition payment history.
  2. In all cases, copies of documents which 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 real estate mortgage should be attached. The mortgage should bear date stamps reflecting the recording date together with recording references reflecting the recordation of the mortgage with the appropriate county official. If the subject property is registered land, movant shall attach a copy of the registered land certificate or other documentation reflecting that the mortgage was memorialized as a lien on the registered land certificate.

This Exhibit and Worksheet was prepared by:

/s/ <NAME> <DATE>

<NAME>

<TITLE>

Employed by Cenlar FSB

<ADDRESS>

<TELEPHONE NUMBER>

<EMAIL ADDRESS>

# OH - Southern District - Ch 13 Payment History Worksheet

<Provide history of additional payments as necessary>

**Chapter 13 Payment History**

<DEBTOR(S)>

Case No. <#>

Based on the regularly-maintained records of Cenlar FSB, the following is a summary of the Debtor’s post-petition payment history:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Date Payment Due** | **Amount Due** | **Date Payment Received** | **Amount Received** | **Month Applied** |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
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|  |  |  |  |  |
|  |  |  |  |  |

# Oregon

**OR - Affidavit Supporting Motion for Relief from Automatic Stay**

**UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF OREGON**

**<DIVISION>**

In re: <CHAPTER>

<DEBTOR NAME>

<CASE NO.>

Debtor[s].

AFFIDAVIT SUPPORTING MOTION FOR RELIEF FROM AUTOMATIC STAY

STATE OF )

) ss.

COUNTY OF )

Before me, the undersigned authority, personally appeared the person identified below, who being by me duly sworn, deposed as follows:

1. My name is <NAME>. I am of sound mind, lawful age and capable of making this Affidavit. The statements set forth in this Affidavit are true and correct based on my personal knowledge of the business records and review of the business records described herein. I am authorized to make this Affidavit on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”).
2. This Affidavit is submitted in support of the motion seeking relief from the automatic stay (the “Motion”) by Movant, in the above-captioned case.
3. I am employed by Cenlar FSB as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. In that capacity, I am familiar with the books of account and have examined all relevant books, records, and documents kept at Cenlar FSB concerning the transaction alleged in the Motion. All of thesebooks, records, and documents are kept in the regular course of business and are made at or near the time of the transaction using information transmitted by persons with knowledge of the facts. It is the regular practice to make and keep these books, records and documents. All of these books, records, and documents are managed by employees or agents whose duty it is to keep the books, records, and documents accurately and completely.
4. My responsibilities include, but are not limited to, handling bankruptcy accounts and ascertaining amounts due and payable.
5. I have personal knowledge of the facts contained in this Affidavit. Specifically, I have reviewed and have personal knowledge of the business records related to the loan account associated with the certain property described as <PROPERTY ADDRESS>.
6. Movant is the current holder of the <TITLE OF SECURITY INSTRUMENT>. A true and correct copy of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#> and incorporated herein by reference. < > A true and correct copy of the assignment of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#> and incorporated herein by reference.
7. Movant is the current holder of the note. A true and correct copy of the note is attached hereto as Exhibit <#>, and incorporated herein by reference.
8. As of <<DATE>>, there are one or more defaults in paying Debtor(s) post-petition amounts due with respect to the note.
9. As of the date hereof, the principal balance owed by the Debtor(s) to [insert Movant or name of noteholder] is

$<AMOUNT>, plus advances made, attorney fees, costs, other fees and charges, and interest accruing thereon in accordance with the loan documents.

1. The following chart sets forth those postpetition payments, due pursuant to the terms of the note, that have been missed by the Debtor(s) as of <<DATE>>:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of Missed Payments | From | To | Missed Principal and Interest | Missed Escrow (if applicable) | Monthly Payment Amount | Total Amounts Missed |
|  | | | | | | |
|  | | | | | | |
| **Less postpetition partial payments (suspense balance): ($<<AMOUNT>>)** | | | | | | |

Total: $<<AMOUNT>>

1. [As of <<DATE>>, the total postpetition arrearage/delinquency is $<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of $<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON-ESCROW LOANS ONLY, INCLUDE: advances for taxes and insurance] OR [FOR ESCROW LOANS ONLY, INSERT: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.]

|  |  |
| --- | --- |
| **Description** | **Amount** |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |

[FOR NON-ESCROW LOANS ONLY:

<<INSERT DESCRIPTION OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>]

[FOR NON-ESCROW LOANS ONLY:

<<INSERT AMOUNTS OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>]

1. Attached hereto as Exhibit <<#>> is a postpetition payment history.

I solemnly affirm under the penalty of perjury and upon personal knowledge of the business records that the contents of the foregoing paper are true.

EXECUTED on , .

By:

Name:

STATE OF )

) ss.

COUNTY OF )

Subscribed and sworn to me the undersigned authority on this day of , 20 .

My Commission Expires:

Notary Public in and for the State of

# Pennsylvania

**PA - Middle District - Supplemental Declaration in Support of MFR from Automatic Stay**

**UNITED STATES BANKRUPTCY COURT**

**FOR THE [ ] DISTRICT OF [ DIVISION]34**

Chapter

In re:

<<DEBTOR NAME(S)>>,

Debtor(s).

Case No.

<<hearing information (if applicable)>>

# SUPPLEMENTAL DECLARATION IN SUPPORT OF MOTION FOR RELIEF FROM AUTOMATIC STAY

I, <<NAME>>, declare under penalty of perjury as follows:

# I am employed by Cenlar FSB as a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. I am authorized to sign this supplemental declaration on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”). This supplemental declaration is provided in support of the Motion for Relief from Stay (the “Motion”) filed [<<DATE>>] OR [contemporaneously herewith].

* 1. **As part of my job responsibilities for Cenlar FSB, I have personal knowledge of the business records and I am familiar with the types of records maintained by Cenlar FSB**

34 **Attorney should adjust caption to comply with all applicable local rules**. Use this form only where there are one or more postpetition defaults.

# in connection with the loan that is the subject of the Motion (the “Loan”) and the procedures for creating those types of records. I have access to and have reviewed the books, records and files of Cenlar FSB that pertain to the Loan and extensions of credit given to Debtor(s) concerning the property securing such Loan.

* 1. **The information in this declaration is taken from Cenlar FSB’s business records regarding the Loan. The records are: (a) made at or near the time of the occurrence of the matters recorded by persons with personal knowledge of the information in the business record, or from information transmitted by persons with personal knowledge of the business records; (b) kept in the course of Cenlar FSB’s regularly conducted business activities; and (c) it is the regular practice of Cenlar FSB to make such records.**
  2. **The Debtor(s) [IF OBLIGORS ON NOTE INCLUDE NON-DEBTORS, INCLUDE NAMES OF NON-DEBTORS, TOGETHER WITH DEBTORS: and**

**<<NAME(S) OF OBLIGORS ON NOTE>>] has/have executed and delivered or is/are otherwise obligated with respect to that certain promissory note referenced in the Motion (the “Note”). Pursuant to that certain <<TITLE OF SECURITY INSTRUMENT>> referenced in the Motion (the “<<TITLE OF SECURITY INSTRUMENT>>”), all obligations of the Debtor(s) under and with respect to the Note and the <<TITLE OF SECURITY INSTRUMENT>> are secured by the property referenced in the Motion.**

* 1. **As of <<DATE>>, there are one or more defaults in paying Debtor(s) post- petition amounts due with respect to the Note.**
  2. **As of <<DATE>>, the unpaid principal balance of the Note is**

**$<<AMOUNT>>.**

* 1. **The following chart sets forth those postpetition payments, due pursuant to the terms of the Note, that have been missed by the Debtor(s) as of <<DATE>>:**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of Missed Payments | From | To | Missed Principal and Interest | Missed Escrow (if applicable) | Monthly Payment Amount | Total Amounts Missed |
|  | | | | | | |
|  | | | | | | |
| **Less postpetition partial payments (suspense balance): ($<<AMOUNT>>)** | | | | | | |

Total:

$<<AMOUNT>>

# [As of <<DATE>>, the total postpetition arrearage/delinquency is

**$<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of $<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON-ESCROW LOANS ONLY, INCLUDE: advances for**

**taxes and insurance]** **OR [FOR ESCROW LOANS ONLY, INSERT: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.]**

|  |  |
| --- | --- |
| **Description** | **Amount** |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |
| [FOR NON-ESCROW LOANS ONLY:  <<INSERT DESCRIPTION OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] | [FOR NON-ESCROW LOANS ONLY:  <<INSERT AMOUNTS OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] |

# Attached hereto as Exhibit <<#>> is a postpetition payment history.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this day of , .

By:

Name:

# NOTE: PURSUANT TO LOCAL RULE 4001-1(e), MOVANT SEEKING RELIEF FROM AUTOMATIC STAY MUST ATTACH LOCAL FORM 4001-1 (“ POS T -

**PETITION PAY MEN T HISTORY”) IF THE RELIEF IS SOUGHT FOR A POS T - PETITION PAYMENT DEFAULT IN A CHAPTER 11 OR CHAPTER 13 CASE WITH RESPECT TO PROPERTY THAT IS A DEBTOR ’S PRINCI PAL RESIDENCE.**

**EXHIBIT#**

**LOCAL BANKRUPTCY FORM 4001-1**

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**IN RE:** :

:

:

:

# CHAPTER <#>

**CASE NO. < - -bk- >**

**<DEBTOR’S NAME>** :

:

:

# Debtor(s)

**POST-PETITION PAYMENT HISTORY NOTE AND MORTGAGE DATED <MM/DD/YYYY>**

Recorded on <MM/DD/YYYY>, in <COUNTY NAME> **County**, in **Book <**#>, at **Page**

<#>.

Property Address:

<NUMBER STREET, CITY, STATE ZIP CODE>

Mortgage Subservicer:

<NAME>

Post-petition mailing address for Debtor(s) to send payment:

<NUMBER, ADDRESS, CITY, STATE ZIP CODE>

Mortgagor(s)/Debtor(s):

<NAME>

Payments are contractually due:

Monthly Semi-monthly Bi-weekly Other

Each Monthly Payment is comprised of:

|  |  |  |
| --- | --- | --- |
| Principal and Interest ...... | $<AMOUNT> |  |
| R.E. Taxes ...................... | $<AMOUNT> |  |
| Insurance......................... | $<AMOUNT> |  |
| Late Charge .................... | $<AMOUNT> |  |
| Other ............................... | $<AMOUNT> | (Specify: ) |
| **TOTAL** .......................... | **$<AMOUNT>** |  |

**POST-PETITION PAYMENTS** (Petition was filed on <MM/DD/YYYY>)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Payment amount due** | **Date payment was due** | **Date payment was received** | **Amount received** | **Check number** | **How payment was applied (mo./yr.)** |
|  |  |  |  |  |  |
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|  |  |  |  |  |  |

[Continue on attached sheets if necessary]

TOTAL NUMBER OF POST-PETITION PAYMENTS PAST DUE: <#> Payment(s) as of

<MM/DD/YYYY>.

TOTAL AMOUNT OF POST-PETITION ARREARS: $<AMOUNT> as of

<MM/DD/YYYY>

Dated: <MONTH> <DAY>, <YEAR> <SUBSERVICER>

Mortgage Company

By:

Name:

Title:

# PA - Western District - Supplemental Declaration in Support of MFR from Automatic Stay

**UNITED STATES BANKRUPTCY COURT**

**FOR THE [ ] DISTRICT OF [ DIVISION]36**

Chapter

In re:

<<DEBTOR NAME(S)>>,

Debtor(s).

Case No.

<<hearing information (if applicable)>>

# SUPPLEMENTAL DECLARATION IN SUPPORT OF MOTION FOR RELIEF FROM AUTOMATIC STAY

I, <<NAME>>, declare under penalty of perjury as follows:

# I am employed by Cenlar FSB as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. I am authorized to sign this supplemental declaration on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”). This supplemental declaration is provided in support of the Motion for Relief from Stay (the “Motion”) filed [<<DATE>>] OR [contemporaneously herewith].

1. **As part of my job responsibilities for Cenlar FSB, I have personal knowledge of the business records and I am familiar with the types of records maintained by Cenlar FSB in connection with the loan that is the subject of the Motion (the “Loan”) and the procedures for creating those types of records. I have access to and have reviewed the books, records and files of Cenlar FSB that pertain to the Loan and extensions of credit given to Debtor(s) concerning the property securing such Loan.**
2. **The information in this declaration is taken from Cenlar FSB’s business records regarding the Loan. The records are: (a) made at or near the time of the occurrence of the matters recorded by persons with personal knowledge of the information in the business record, or from information transmitted by persons with personal knowledge of the business records; (b) kept in the course of Cenlar FSB’s regularly conducted business activities; and (c) it is the regular practice of Cenlar FSB to make such records.**
3. **The Debtor(s) [IF OBLIGORS ON NOTE INCLUDE NON-DEBTORS, INCLUDE NAMES OF NON-DEBTORS, TOGETHER WITH DEBTORS: and**

**<<NAME(S) OF OBLIGORS ON NOTE>>] has/have executed and delivered or is/are otherwise obligated with respect to that certain promissory note referenced in the Motion (the “Note”). Pursuant to that certain <<TITLE OF SECURITY INSTRUMENT>> referenced in the Motion (the “<<TITLE OF SECURITY INSTRUMENT>>”), all obligations of the Debtor(s) under and with respect to the Note and the <<TITLE OF SECURITY INSTRUMENT>> are secured by the property referenced in the Motion.**

1. **As of <<DATE>>, there are one or more defaults in paying Debtor(s) post- petition amounts due with respect to the Note.**

36 **Attorney should adjust caption to comply with all applicable local rules**. Use this form only where there are one or more postpetition defaults.

# As of <<DATE>>, the unpaid principal balance of the Note is

**$<<AMOUNT>>.**

1. **The following chart sets forth those postpetition payments, due pursuant to the terms of the Note, that have been missed by the Debtor(s) as of <<DATE>>:**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of Missed Payments | From | To | Missed Principal and Interest | Missed Escrow (if applicable) | Monthly Payment Amount | Total Amounts Missed |
|  | | | | | | |
|  | | | | | | |
| **Less postpetition partial payments (suspense balance): ($<<AMOUNT>>)** | | | | | | |

Total: $<<AMOUNT>>

# [As of <<DATE>>, the total postpetition arrearage/delinquency is

**$<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of $<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON-ESCROW LOANS ONLY, INCLUDE: advances for**

**taxes and insurance]** **OR [FOR ESCROW LOANS ONLY, INSERT: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.]**

**Description**

**Amount**

|  |  |
| --- | --- |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |
| [FOR NON-ESCROW LOANS ONLY:  <<INSERT DESCRIPTION OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] | [FOR NON-ESCROW LOANS ONLY:  <<INSERT AMOUNTS OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] |

# Attached hereto as Exhibit <<#>> is a postpetition payment history.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this day of , .

By:

Name:

# NOTE: PURSUA NT TO PROCEDU RE NO. 8 OF THE “COURT PROCEDU RES

**MANUAL”, A MOVA NT SEEKING RELIEF FRO M AUTOMAT IC STAY IN A**

**CHAPTER 13 CASE MUST ATTACH LOCAL FORM NO. 28 (“DOCUMENT AND**

**LOAN HISTORY ABSTRACT”).**

EXHIBIT #

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

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| In Re: |  | : |  |  |
|  | | : | Bankruptcy No. <#> | |
| <DEBTOR’S NAME> | | : | Chapter <#> | |
|  | | : | <DOCUMENT #> | |
| <MOVANT> | | : |  | |
|  | | : | Hearing Date & Time: <MM/DD/Y | |
| v. | | : |  | |
| : | | | | |
| <RESPONDENT(S)> | | : |  | |

# DOCUMENT AND LOAN HISTORY ABSTRACT (COMPLETE A SEPARATE ABSTRACT FOR

**THE ORIGINAL TRANSACTION AND EACH ASSIGNMENT)**

***TYPE OF*** Mortgage Retail Installment Contract

***INSTRUMENT*** Assignment

UCC Financing Statement

Lease Promissory Note / Security Agreement

Other (describe)

***PARTIES*** Borrower/Lessee

Lender/Lessor

***DATE OF INSTRUMENT*** <MM/DD/YYYY> ***# OF PAGES***

***ESSENTIAL*** $<AMOUNT> Original Principal Balance

***TERMS*** Term: <MM/DD/YYYY> to <MM/DD/YYYY>

<RATE>% Interest Rate

<MM/DD/YYYY> First Payment Due

$<AMOUNT> Payment Amount

yearly, etc.)

<FREQUENCY> Frequency of Payments (weekly, monthly,

<MM/DD/YYYY> First Payment Due Date

Last Payment Applied to Installment due on <MM/DD/YYYY>

$<AMOUNT> Amount in Arrears

Petition

$<AMOUNT> Total Amount of Claim on Date of Filing of

Motion

$<AMOUNT> Total Amount of Claim on Date of Filing of

## SECURED (LEASED) PROPERTY DESCRIPTION

Real Property Motor Vehicle Other

Address/Description

*Lien Recording*

Recorder of Deeds

County/Commonwealth/State

Secretary of State/Commonwealth/State

Bureau of Motor Vehicles (Commonwealth/State )

Other (Describe)

Recording Date

Book & Page/Instrument Number

## OTHER ESSENTIAL INFORMATION:

***PROOF OF CLAIM FILED WITH CLERK, U.S. BANKRUPTCY COURT***

(Yes/No)

# Puerto Rico

**PR – Statement of Amount Due**

**UNITED STATES BANKRUPTCY COURT DISTRICT OF PUERTO RICO**

STATEMENT OF AMOUNT DUE

R(S)>

XXXXXXXX<LAST FOUR DIGITS>

<SUBSERVICER>

|  |  |
| --- | --- |
| Principal Balance as of <DATE>: | $<AMOUNT> |
| Per Diem: | $<INTEREST> |
| Other Arrearage Alleged |  |
| Accrued Interest, from <DATE> to <DATE> | $<AMOUNT> |
| Late Charges, from <DATE> to <DATE> | $<AMOUNT> |
| Unearned Interest | $<AMOUNT> |
| Advances Under Contract | $<AMOUNT> |
| Tax Certificate: | $<AMOUNT> |
| Inspection: | $<AMOUNT> |
| Title Search: | $<AMOUNT> |
| Legal Fees and Costs: | $<AMOUNT> |

|  |  |
| --- | --- |
| <ITEMIZE ANY OTHER ARREARAGE ALLEGED> | $<AMOUNT> |
| **Total Arrearage** | **$<AMOUNT>** |

The subscribing authorized representative of <SUBSERVICER> declares under penalty of perjury that according to the information gathered from <SUBSERVICER>’s book, records, and documents kept concerning the above-referenced loan and based upon personal knowledge of the business records acquired from examining such book, records, and documents that the foregoing information is true and correct. The subscribing representative further declares under penalty of perjury that all of such books, records, and documents are kept in the regular course of business and managed by employees or agents whose duty it is to keep the books, records, and documents accurately and completely.

EXECUTED on , .

Name:

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, employed by Cenlar FSB{

# PR - Supplemental Declaration in Support of MFR from Automatic Stay

**UNITED STATES BANKRUPTCY COURT**

**FOR THE [ ] DISTRICT OF [ DIVISION]38**

Chapter

In re:

<<DEBTOR NAME(S)>>,

Debtor(s).

Case No.

<<hearing information (if applicable)>>

# SUPPLEMENTAL DECLARATION IN SUPPORT OF MOTION FOR RELIEF FROM AUTOMATIC STAY

I, <<NAME>>, declare under penalty of perjury as follows:

# I am employed by Cenlar FSB as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. I am authorized to sign this supplemental declaration on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”). This supplemental declaration is provided in support of the Motion for Relief from Stay (the “Motion”) filed [<<DATE>>] OR [contemporaneously herewith].

# As part of my job responsibilities for Cenlar FSB, I have personal knowledge of the business records and I am familiar with the types of records maintained by Cenlar FSB in connection with the loan that is the subject of the Motion (the “Loan”) and the procedures for creating those types of records. I have access to and have reviewed the

38 **Attorney should adjust caption to comply with all applicable local rules**. Use this form only where there are one or more postpetition defaults.

# books, records and files of Cenlar FSB that pertain to the Loan and extensions of credit given to Debtor(s) concerning the property securing such Loan.

# The information in this declaration is taken from Cenlar FSB’s business records regarding the Loan. The records are: (a) made at or near the time of the occurrence of the matters recorded by persons with personal knowledge of the information in the business record, or from information transmitted by persons with personal knowledge of the business records; (b) kept in the course of Cenlar FSB’s regularly conducted business activities; and (c) it is the regular practice of Cenlar FSB to make such records.

# The Debtor(s) [IF OBLIGORS ON NOTE INCLUDE NON-DEBTORS, INCLUDE NAMES OF NON-DEBTORS, TOGETHER WITH DEBTORS: and

# <<NAME(S) OF OBLIGORS ON NOTE>>] has/have executed and delivered or is/are otherwise obligated with respect to that certain promissory note referenced in the Motion (the “Note”). Pursuant to that certain <<TITLE OF SECURITY INSTRUMENT>> referenced in the Motion (the “<<TITLE OF SECURITY INSTRUMENT>>”), all obligations of the Debtor(s) under and with respect to the Note and the <<TITLE OF SECURITY INSTRUMENT>> are secured by the property referenced in the Motion.

# As of <<DATE>>, there are one or more defaults in paying Debtor(s) post- petition amounts due with respect to the Note.

# As of <<DATE>>, the unpaid principal balance of the Note is $<<AMOUNT>>.

# The following chart sets forth those postpetition payments, due pursuant to the terms of the Note, that have been missed by the Debtor(s) as of <<DATE>>:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of Missed Payments | From | To | Missed Principal and Interest | Missed Escrow (if applicable) | Monthly Payment Amount | Total Amounts Missed |
|  | | | | | | |
|  | | | | | | |
| **Less postpetition partial payments (suspense balance): ($<<AMOUNT>>)** | | | | | | |

Total: $<<AMOUNT>>

# [As of <<DATE>>, the total postpetition arrearage/delinquency is

**$<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of $<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON-ESCROW LOANS ONLY, INCLUDE: advances for**

# taxes and insurance] OR [FOR ESCROW LOANS ONLY, INSERT: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.]

|  |  |
| --- | --- |
| **Description** | **Amount** |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |
| [FOR NON-ESCROW LOANS ONLY:  <<INSERT DESCRIPTION OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] | [FOR NON-ESCROW LOANS ONLY:  <<INSERT AMOUNTS OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] |

# Attached hereto as Exhibit <<#>> is a postpetition payment history.

**Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.**

**Executed this day of , .**

**By:**

**Name:**

# [NOTE: MOVANT SEEKING RELIEF FROM STAY IN PUERTO RICO MUST FILE A STATEMENT OF AMOUNT DUE.]

EXHIBIT #

# UNITED STATES BANKRUPTCY COURT DISTRICT OF PUERTO RICO

STATEMENT OF AMOUNT DUE

<DEBTOR(S)>

Account: XXXXXXXX<LAST FOUR DIGITS> Movant: <SUBSERVICER>

Principal Balance as of <DATE>:

$<AMOUNT

>

|  |  |
| --- | --- |
| <DATE> | $<AMOUNT> |
| <DATE> | $<AMOUNT> |
| <DATE> | $<AMOUNT> |
| <DATE> | $<AMOUNT> |
| <DATE> | $<AMOUNT> |

|  |  |  |
| --- | --- | --- |
|  | Per Diem: | <INTEREST  >% |
|  | Post-Petition Payments Past Due  Total | $<AMOUNT  > |
| **Other Arrearage Alleged** | | |
|  | Late Charges, from <DATE> to <DATE> | $<AMOUNT  > |
|  | Unearned Interest | $<AMOUNT  > |
|  | Advances Under Contract | $<AMOUNT  > |
|  | Tax Certificate: | $<AMOUNT  > |
|  | Inspection: | $<AMOUNT  > |
|  | Title Search: | $<AMOUNT  > |
|  | Legal Fees and Costs: | $<AMOUNT  > |
|  |  |  |
|  | <ITEMIZE ANY OTHER ARREARAGE ALLEGED> | $<AMOUNT  > |

**Total Arrearage**

**$<AMOUNT>**

The subscribing authorized representative of Cenlar FSB declares under penalty of perjury that according to the information gathered from Cenlar FSB’s book, records, and documents kept concerning the above-referenced loan and based upon personal knowledge of the business records acquired from examining such book, records, and documents that the foregoing information is true and correct. The subscribing representative further declares under penalty of perjury that all of such books, records, and documents are kept in the regular course of business and managed by employees or agents whose duty it is to keep the books, records, and documents accurately and completely.

EXECUTED on , .

Signature

<PRINT NAME>

# Rhode Island

**RI - Relief from Stay Worksheet - Real Estate**

UNITED STATES BANKRUPTCY COURT R.I. Local Bankr. Form R FOR THE DISTRICT OF RHODE ISLAND

::::::::

In re:

<DEBTOR’S NAME>

Debtor(s)

BK No.<#>

Chapter <#>

# RELIEF FROM STAY WORKSHEET – REAL ESTATE

I <NAME> am employed by Cenlar FSB as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. I am authorized to make this Affidavit on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”) and I hereby declare (or certify, verify, or state):

# BACKGROUND INFORMATION

1. Real property address which is the subject of this motion:

<NUMBER STREET, CITY, STATE ZIP CODE> .

1. Lender Name: <NAME> .
2. Date of Mortgage: <MM/DD/YYYY> .
3. Post-Petition payment address:

<NUMBER STREET, CITY, STATE ZIP CODE> .

1. The manner in which the movant perfected its interest in the property:

.

1. All other material liens and encumbrances on the property:

.

# DEBT/VALUE REPRESENTATIONS

1. Total pre-petition and post-petition indebtedness of Debtor(s) to Movant at the time of filing the motion: $ <AMOUNT>.

(Note: this amount may not to be relied on as a “payoff” quotation.)

1. Movant’s estimated market value of the real property: $ <AMOUNT>.
2. Source of estimated valuation: .

# STATUS OF DEBT AS OF THE PETITION DATE

1. Total pre-petition indebtedness of Debtor(s) to Movant as of petition filing date:

$ <AMOUNT>.

* 1. Amount of principal: $ <AMOUNT>.
  2. Amount of interest: $ <AMOUNT>.
  3. Amount of escrow (taxes and insurance): $<AMOUNT>.
  4. Amount of forced placed insurance expended by Movant: $<AMOUNT>.
  5. Amount of Attorney’s fees billed to Debtor(s) pre-petition: $<AMOUNT>.
  6. Amount of pre-petition late fees, if any, billed to Debtor(s): $<AMOUNT>.

1. Contractual interest rate: <RATE>% (If interest rate is (or was) adjustable, please list the rate(s) and dates(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: <#>.)
2. Please explain any additional pre-petition fees, charges or amounts charged to Debtor’s/Debtor’s 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>)**

1. Date last payment was received: <MM/DD/YYYY>
2. Alleged total number of payments post-petition from filing of petition through payment due on <MM/DD/YYYY>: <#> Payment(s).
3. Please list all post-petition payments alleged to be in default:

# SCHEDULE OF PAYMENTS THAT WERE DUE:

|  |  |
| --- | --- |
| **Date Payment Due** | **Payment Amount Due Post Petition** |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
| **Totals:** | **$** |

**SCHEDULE OF PAYMENTS THAT WERE RECEIVED**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Date** | **Amount Received** | **Amount Applied to Principal and Interest** | **Amount Applied to Escrow** | **Late Fee Charged (if any)** | **Amount applie to legal fees or costs (specify)** |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
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|  |  |  |  |  |  |
|  |  |  |  |  |  |
| **Totals:** | **$** | **$** | **$** | **$** | **$** |

1. Amount of Movant’s Attorneys’ fees billed to Debtor for the preparation, filing and prosecution of this motion: $ <AMOUNT>.
2. Amount of Movant’s filing fee for this motion: $ <AMOUNT>.
3. Other Attorney’s fees billed to Debtor post-petition: $ <AMOUNT>.
4. Amount of Movant’s post-petition inspection fees: $ <AMOUNT>.
5. Amount of Movant’s post-petition appraisal/broker’s price opinion: $ <AMOUNT>.
6. Amount of forced placed insurance or insurance provided by the Movant post- petition:

$ <AMOUNT>.

1. Sum held in suspense by Movant in connection with this contract, if applicable:

$ <AMOUNT>.

1. Amount of other post-petition advances or charges: i.e., taxes, insurance incurred by Debtor, etc.: $ <AMOUNT>.
2. Amount and date of post-petition payments offered by the debtor and refused by the Movant: $<AMOUNT> ; Date(s): <MM/DD/YYYY>.

Movant: $<AMOUNT> ; Date(s): <MM/DD/YYYY>.

Movant: $<AMOUNT> ; Date(s): <MM/DD/YYYY>.

# 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 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 is located in. (Exhibit <#>.)

# CERTIFICATION AND DECLARATION FOR BUSINESS RECORDS

I certify that the information provided in this worksheet and/or exhibits attached to this worksheet 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 matter, 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, I further certify that the original documents are in movant’s possession, except as follows: .

I/we declare (or certify, swear, affirm, verify or state) that the foregoing is true and correct.

Executed on <MONTH> <DAY>, <YEAR>

By:

Name:

Subscribed and sworn to before me this [date]

Notary Public:[name]

My commission Expires:

# South Carolina

**SC - Supplemental Declaration in Support of MFR from Automatic Stay**

**UNITED STATES BANKRUPTCY COURT**

**FOR THE [ ] DISTRICT OF [ DIVISION]40**

Chapter

In re:

<<DEBTOR NAME(S)>>,

Debtor(s).

Case No.

<<hearing information (if applicable)>>

# SUPPLEMENTAL DECLARATION IN SUPPORT OF MOTION FOR RELIEF FROM AUTOMATIC STAY

I, <<NAME>>, declare under penalty of perjury as follows:

# I am employed by Cenlar FSB as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. I am authorized to sign this supplemental declaration on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”). This supplemental declaration is provided in support of the Motion for Relief from Stay (the “Motion”) filed [<<DATE>>] OR [contemporaneously herewith].

1. **As part of my job responsibilities for Cenlar FSB, I have personal knowledge of the business records and I am familiar with the types of records maintained by Cenlar FSB in connection with the loan that is the subject of the Motion (the “Loan”) and the procedures for creating those types of records. I have access to and have reviewed the books, records and files of Cenlar FSB that pertain to the Loan and extensions of credit given to Debtor(s) concerning the property securing such Loan.**
2. **The information in this declaration is taken from Cenlar FSB’s business records regarding the Loan. The records are: (a) made at or near the time of the occurrence of the matters recorded by persons with personal knowledge of the information in the business record, or from information transmitted by persons with personal knowledge of the business records; (b) kept in the course of Cenlar FSB’s regularly conducted business activities; and (c) it is the regular practice of Cenlar FSB to make such records.**
3. **The Debtor(s) [IF OBLIGORS ON NOTE INCLUDE NON-DEBTORS, INCLUDE NAMES OF NON-DEBTORS, TOGETHER WITH DEBTORS: and**

**<<NAME(S) OF OBLIGORS ON NOTE>>] has/have executed and delivered or is/are otherwise obligated with respect to that certain promissory note referenced in the Motion (the “Note”). Pursuant to that certain <<TITLE OF SECURITY INSTRUMENT>> referenced in the Motion (the “<<TITLE OF SECURITY INSTRUMENT>>”), all obligations of the Debtor(s) under and with respect to the Note and the <<TITLE OF SECURITY INSTRUMENT>> are secured by the property referenced in the Motion.**

1. **As of <<DATE>>, there are one or more defaults in paying Debtor(s) post- petition amounts due with respect to the Note.**

40 **Attorney should adjust caption to comply with all applicable local rules**. Use this form only where there are one or more postpetition defaults.

# As of <<DATE>>, the unpaid principal balance of the Note is

**$<<AMOUNT>>.**

1. **The following chart sets forth those postpetition payments, due pursuant to the terms of the Note, that have been missed by the Debtor(s) as of <<DATE>>:**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of Missed Payments | From | To | Missed Principal and Interest | Missed Escrow (if applicable) | Monthly Payment Amount | Total Amounts Missed |
|  | | | | | | |
|  | | | | | | |
| **Less postpetition partial payments (suspense balance): ($<<AMOUNT>>)** | | | | | | |

Total:

$<<AMOUNT>>

# [As of <<DATE>>, the total postpetition arrearage/delinquency is

**$<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of $<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON-ESCROW LOANS ONLY, INCLUDE: advances for**

**taxes and insurance]** **OR [FOR ESCROW LOANS ONLY, INSERT: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.]**

|  |  |
| --- | --- |
| **Description** | **Amount** |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |
| [FOR NON-ESCROW LOANS ONLY:  <<INSERT DESCRIPTION OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] | [FOR NON-ESCROW LOANS ONLY:  <<INSERT AMOUNTS OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] |

# Attached hereto as Exhibit <<#>> is a postpetition payment history.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this day of , .

By:

Name:

# NOTE: PURSUANT TO LOCAL RULE 4001-1, A MOVANT SEEKING RELIEF

**FROM A UTOMATIC STAY MUST ATTACH A “CERTIFICATION OF FACTS” IN ACCORDANCE WITH THE FORM PROVIDED IN EXHIBIT B TO LOCAL RULE 4001-1.**

IN RE:

EXHIBIT #

UNITED STATES BANKRUPTCY COURT DISTRICT OF SOUTH CAROLINA

CASE NO. <#> CHAPTER <#>

<DEBTOR’S NAME>

CERTIFICATION OF FACTS

DEBTOR(S)

In the above-entitled proceeding, in which relief is sought by <INSERT NAME OF MOVANT> (the “Movant”) from the automatic stay provided by 11 U.S.C. § 362, I do hereby certify to the best of my knowledge the following:

1. Nature of Movant's Interest:

Movant is the current holder of the <TITLE OF SECURITY INSTRUMENT>.

1. Brief Description of Security Agreement, copy attached (if applicable):

True and correct copies of the note and <TITLE OF SECURITY INSTRUMENT> are attached hereto as Exhibits <#> and <#>, respectively, and incorporated herein by reference.

<> A true and correct copy of the assignment agreement with respect to the note and <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#> and incorporated herein by reference.

1. Description of Property Encumbered by Stay (include serial number, lot and block number, etc.):

<NUMBER STREET, CITY, STATE ZIP CODE>

<SERIAL NUMBER, LOT AND BLOCK NUMBER>

1. Basis for Relief (property not necessary for reorganization, debtor has no equity, property not property of estate, etc.; include applicable subsection of 11 U.S.C. § 362):

<BASIS FOR RELIEF AND APPLICABLE SUBSECTION OF 11 U.S.C. § 362>

1. Prior Adjudication by Other Courts, copy attached (Decree of Foreclosure, Order for Possession, Levy of Execution, etc. ( if applicable)):
2. Valuation of Property, copy of Valuation attached (Appraisal, Blue Book, etc.):

Fair Market Value: $<AMOUNT>

Liens (Mortgages): $<AMOUNT>

Net Equity: $<AMOUNT>

Source/Basis of Value: <BASIS OF VALUE>

<Include if valuation of the property is based on an appraisal> Attached hereto as Exhibit <#> is a true and correct copy of an appraisal of the subject property that was

prepared by <NAME AND TITLE OF APPRAISER>. The appraisal provides an appraised valuation date of <MM/DD/YYYY>, in the amount of $<AMOUNT>.

1. Amount of Debtor's Estimated Equity (using figures from paragraph 6. supra):

$<AMOUNT>

1. Month and Year in Which First Direct Post-petition Payment Came Due to Movant (if applicable):

<MONTH>, <YEAR>

9.(a) For Movant/Lienholder (if applicable): List or attach a list of all post-petition payments received directly from debtor(s), clearly showing date received, amount, and month and year for which each such payment was applied.42

<Include if the Movant/Lienholder **has** received any post-petition payments from the

Debtor(s)>

|  |  |  |
| --- | --- | --- |
| **Date Payment Received** | **Amount Received** | **Date Applied (MM/YYYY)** |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

<Include if the Movant/Lienholder **has not** received any post-petition payments from the

Debtor(s)> The Movant has not received any post-petition payments from the Debtor(s).

9.(b) For Objecting Party (if applicable): List or attach a list of all post-petition payments included in the Movant's list from ( a ) above which objecting party

disputes as having been made. Attach written proof of such payment(s) or a statement as to why such proof is not available at the time of filing this objection.

1. Month and Year for Which Post-petition Account of Debtor(s) is Due as of the Date of this Motion:

<MONTH>, <YEAR>

|  |  |  |
| --- | --- | --- |
| Date: | <MM/DD/YYYY> | Signature |
|  | | <NAME>  <TITLE>  Employed by <SUBSERVICER> |
| <NUMBER, STREET>  <CITY, STATE ZIP CODE>  <TELEPHONE> |

42 This requirement may not be met by the attachment of a payment history generated by the movant. Such attachment may be utilized as a supplement to a complete and detailed response to (9)(a) above, which should be shown on this certification.

# Texas

**TX - Eastern District - Affidavit Supporting MFR from Automatic Stay**

**UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF TEXAS**

**<DIVISION>**

In re: <CHAPTER>

<DEBTOR NAME>

<CASE NO.>

Debtor[s].

AFFIDAVIT SUPPORTING MOTION FOR RELIEF FROM AUTOMATIC STAY

STATE OF )

) ss.

COUNTY OF )

Before me, the undersigned authority, personally appeared the person identified below, who being by me duly sworn, deposed as follows:

* 1. My name is <NAME>. I am of sound mind, lawful age and capable of making this Affidavit. The statements set forth in this Affidavit are true and correct based on my personal knowledge of the business records and review of the business records described herein. I am authorized to make this Affidavit on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”).
  2. This Affidavit is submitted in support of the motion seeking relief from the automatic stay (the “Motion”) by Movant, in the above-captioned case.
  3. I am employed by Cenlar FSB as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. In that capacity, I am familiar with the books of account and have examined all relevant books,records, and documents kept at Cenlar FSB concerning the transaction alleged in the Motion. All of these books, records, and documents are kept in the regular course of business and are made at or near the time of the transaction using information transmitted by persons with personal knowledge of the facts. It is the regular practice to make and keep these books, records and documents. All of these books, records, and documents are managed by employees or agents whose duty it is to keep the books, records, and documents accurately and completely.
  4. My responsibilities include, but are not limited to, handling bankruptcy accounts and ascertaining amounts due and payable.
  5. I have personal knowledge of the facts contained in this Affidavit. Specifically, I have reviewed and have personal knowledge of the business records related to the loan account associated with the certain property described as <PROPERTY ADDRESS>.
  6. Movant is the current holder of the note as Movant’s records reflect that Movant is in possession of the original note. A true and correct copy of the note is attached hereto as Exhibit <#>, and incorporated herein by reference.
  7. Movant is the current holder of the <TITLE OF SECURITY INSTRUMENT>. A true and correct copy of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#> and incorporated herein by reference. < > The <TITLE OF SECURITY INSTRUMENT> was assigned and transferred to Movant. A true and correct copy of the assignment of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#> and incorporated herein by reference.
  8. As of <<DATE>>, there are one or more defaults in paying Debtor(s) post-petition amounts due with respect to the note.
  9. As of the date hereof, the principal balance owed by the Debtor(s) to [insert Movant or name of noteholder] is $<AMOUNT>, plus advances made, attorney fees, costs, other fees and charges, and interest accruing thereon in accordance with the loan documents.
  10. The following chart sets forth those postpetition payments, due pursuant to the terms of the note, that have been missed by the Debtor(s) as of <<DATE>>:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of Missed Payments | From | To | Missed Principal and Interest | Missed Escrow (if applicable) | Monthly Payment Amount | Total Amounts Missed |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
| Less postpetition partial payments (suspense balance): ($<<AMOUNT>>) | | | | | | |

Total: $<<AMOUNT>>

* 1. [As of <<DATE>>, the total postpetition arrearage/delinquency is $<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of $<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON-ESCROW LOANS ONLY, INCLUDE: advances for taxes and insurance] OR [FOR ESCROW LOANS ONLY, INSERT: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.]

|  |  |
| --- | --- |
| Description | Amount |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |
| [FOR NON-ESCROW LOANS ONLY:  <<INSERT DESCRIPTION OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] | [FOR NON-ESCROW LOANS ONLY:  <<INSERT AMOUNTS OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] |

* 1. An additional payment will come due on <DATE>, and on the <1st> day of each month thereafter until the loan is paid in full.
  2. Attached as Exhibit <#> is a true and correct copy of the post-petition arrearage accounting reflecting all payments, credits, and other fees and costs with respect to the loan described above.

I solemnly affirm under the penalty of perjury and upon personal knowledge of the business records that the contents of the foregoing paper are true.

EXECUTED on , .

By:

Name:

STATE OF )

) ss.

COUNTY OF )

Subscribed and sworn to me the undersigned authority on this day of , 20 .

My Commission Expires:

Notary Public in and for the State of

# TX - Northern District - Affidavit Supporting MFR from Automatic Stay

**UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF TEXAS**

**<DIVISION>**

In re: <CHAPTER>

<DEBTOR NAME>

<CASE NO.>

Debtor[s].

AFFIDAVIT SUPPORTING MOTION FOR RELIEF FROM AUTOMATIC STAY

STATE OF )

) ss.

COUNTY OF )

Before me, the undersigned authority, personally appeared the person identified below, who being by me duly sworn, deposed as follows:

1. My name is <NAME>. I am of sound mind, lawful age and capable of making this Affidavit. The statements set forth in this Affidavit are true and correct based on my personal knowledge of the business records and review of the business records described herein. I am authorized to make this Affidavit on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”).
2. This Affidavit is submitted in support of the motion seeking relief from the automatic stay (the “Motion”) by Movant, in the above-captioned case.
3. I am employed by Cenlar FSB as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. In that capacity, I am familiar with the books of account and have examined all relevant books, records, and documents kept at Cenlar FSB concerning the transaction alleged in the Motion. All of these books, records, and documents are kept in the regular course of business and are made at or near the time of the transaction using information transmitted by persons with knowledge of the facts. It is the regular practice to make and keep these books, records and documents. All of these books, records, and documents are managed by employees or agents whose duty it is to keep the books, records, and documents accurately and completely.
4. My responsibilities include, but are not limited to, handling bankruptcy accounts and ascertaining amounts due and payable.
5. I have personal knowledge of the facts contained in this Affidavit. Specifically, I have reviewed and have personal knowledge of the business records related to the loan account associated with the certain property described as <PROPERTY ADDRESS>.
6. Movant is the current holder of the note as Movant’s records reflect that Movant is in possession of the original note. A true and correct copy of the note is attached hereto as Exhibit <#>, and incorporated herein by reference.
7. Movant is the current holder of the <TITLE OF SECURITY INSTRUMENT>. A true and correct copy of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#> and incorporated herein by reference. < > The <TITLE OF SECURITY INSTRUMENT> was assigned and transferred to Movant. A true and correct copy of the assignment of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#> and incorporated herein by reference.
8. As of <<DATE>>, there are one or more defaults in paying Debtor(s) post-petition amounts due with respect to the note.
9. As of the date hereof, the principal balance owed by the Debtor(s) to [insert Movant or name of noteholder] is $<AMOUNT>, plus advances made, attorney fees, costs, other fees and charges, and interest accruing thereon in accordance with the loan documents.
10. The following chart sets forth those postpetition payments, due pursuant to the terms of the note, that have been missed by the Debtor(s) as of <<DATE>>:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of Missed Payments | From | To | Missed Principal and Interest | Missed Escrow (if applicable) | Monthly Payment Amount | Total Amounts Missed |
|  | | | | | | |
|  | | | | | | |
| Less postpetition partial payments (suspense balance): ($<<AMOUNT>>) | | | | | | |

Total: $<<AMOUNT>>

1. [As of <<DATE>>, the total postpetition arrearage/delinquency is $<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of $<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON-ESCROW LOANS ONLY, INCLUDE: advances for taxes and insurance] OR [FOR ESCROW LOANS ONLY, INSERT: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.]

|  |  |
| --- | --- |
| Description | Amount |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |

|  |  |
| --- | --- |
|  |  |
| [FOR NON-ESCROW LOANS ONLY:  <<INSERT DESCRIPTION OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] | [FOR NON-ESCROW LOANS ONLY:  <<INSERT AMOUNTS OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] |

1. An additional payment will come due on <DATE>, and on the <1st> day of each month thereafter until the loan is paid in full.
2. Attached as Exhibit <#> is a true and correct copy of the post-petition arrearage accounting reflecting all payments, credits, and other fees and costs with respect to the loan described above.

I solemnly affirm under the penalty of perjury and upon personal knowledge of the business records that the contents of the foregoing paper are true.

EXECUTED on , .

By:

Name:

STATE OF )

) ss.

COUNTY OF )

Subscribed and sworn to me the undersigned authority on this day of , 20 .

My Commission Expires:

Notary Public in and for the State of

# TX - Western District - Supporting Affidavit in Support of MFR

**UNITED STATES BANKRUPTCY COURT**

**FOR THE [ ] DISTRICT OF [ DIVISION]45**

In re:

<<DEBTOR NAME(S)>>,

Debtor(s).

Chapter

Case No.

<<hearing information (if applicable)>>

# SUPPLEMENTAL AFFIDAVIT IN SUPPORT OF MOTION FOR RELIEF FROM AUTOMATIC STAY

I, <<NAME>>, declare under penalty of perjury as follows:

# I am employed by Cenlar FSB as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. I am authorized to sign this supplemental affidavit on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”). This supplemental affidavit is provided in support of the Motion for Relief from Stay (the “Motion”) filed [<<DATE>>] OR [contemporaneously herewith].

45 **Attorney should adjust caption to comply with all applicable local rules**. Use this form only where there are one or more postpetition defaults.

# As part of my job responsibilities for Cenlar FSB, I have personal knowledge of the business records and I am familiar with the types of records maintained by Cenlar FSB in connection with the loan that is the subject of the Motion (the “Loan”) and the procedures for creating those types of records. I have access to and have reviewed the books, records and files of Cenlar FSB that pertain to the Loan and extensions of credit given to Debtor(s) concerning the property securing such Loan.

* + 1. **The information in this affidavit is taken from Cenlar FSB’s business records regarding the Loan. The records are: (a) made at or near the time of the occurrence of the matters recorded by persons with personal knowledge of the information in the business record, or from information transmitted by persons with personal knowledge of the business records; (b) kept in the course of Cenlar FSB’s regularly conducted business activities; and (c) it is the regular practice of Cenlar FSB to make such records.**
    2. **The Debtor(s) [IF OBLIGORS ON NOTE INCLUDE NON-DEBTORS, INCLUDE NAMES OF NON-DEBTORS, TOGETHER WITH DEBTORS: and**

**<<NAME(S) OF OBLIGORS ON NOTE>>] has/have executed and delivered or is/are otherwise obligated with respect to that certain promissory note referenced in the Motion (the “Note”). Pursuant to that certain <<TITLE OF SECURITY INSTRUMENT>> referenced in the Motion (the “<<TITLE OF SECURITY INSTRUMENT>>”), all obligations of the Debtor(s) under and with respect to the Note and the <<TITLE OF SECURITY INSTRUMENT>> are secured by the property referenced in the Motion.**

* + 1. **As of <<DATE>>, there are one or more defaults in paying Debtor(s) post- petition amounts due with respect to the Note.**
    2. **As of <<DATE>>, the unpaid principal balance of the Note is**

**$<<AMOUNT>>.**

* + 1. **The following chart sets forth those postpetition payments, due pursuant to the terms of the Note, that have been missed by the Debtor(s) as of <<DATE>>:**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of Missed Payments | From | To | Missed Principal and Interest | Missed Escrow (if applicable) | Monthly Payment Amount | Total Amounts Missed |
|  | | | | | | |
|  | | | | | | |
| **Less postpetition partial payments (suspense balance): ($<<AMOUNT>>)** | | | | | | |

Total: $<<AMOUNT>>

# [As of <<DATE>>, the total postpetition arrearage/delinquency is

**$<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of $<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON-ESCROW LOANS ONLY, INCLUDE: advances for taxes and insurance]** **OR [FOR ESCROW LOANS ONLY, INSERT: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.]**

|  |  |
| --- | --- |
| **Description** | **Amount** |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |
| [FOR NON-ESCROW LOANS ONLY:  <<INSERT DESCRIPTION OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] | [FOR NON-ESCROW LOANS ONLY:  <<INSERT AMOUNTS OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] |

# Attached hereto as Exhibit <<#>> is a postpetition payment history.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this day of , .

By:

Name:

STATE OF )

) ss.

COUNTY OF )

Subscribed and sworn to me the undersigned authority on this day of , 20

My Commission Expires:

Notary Public in and for the State of

# Vermont

**VT - Affidavit Supporting Motion for Relief from Automatic Stay**

**UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF VERMONT**

**<DIVISION>**

In re: <CHAPTER>

<DEBTOR NAME>

<CASE NO.>

Debtor[s].

AFFIDAVIT SUPPORTING MOTION FOR RELIEF FROM AUTOMATIC STAY

STATE OF )

) ss.

COUNTY OF )

Before me, the undersigned authority, personally appeared the person identified below, who being by me duly sworn, deposed as follows:

1. My name is <NAME>. I am of sound mind, lawful age and capable of making this Affidavit. The statements set forth in this Affidavit are true and correct based on my personal knowledge of the business records and review of the business records described herein. I am authorized to make this Affidavit on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”).

2. This Affidavit is submitted in support of the motion seeking relief from the automatic stay (the “Motion”) by Movant, in the above-captioned case.

3. I am employed by Cenlar FSB as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. In that capacity, I am familiar with the books of account and have examined all relevant books, records, and documents kept at Cenlar FSB concerning the transaction alleged in the Motion. All of these books, records, and documents are kept in the regular course of business and are made at or near the time of the transaction using information transmitted by persons with knowledge of the facts. It is the regular practice to make and keep these books, records and documents. All of these books, records, and documents are managed by employees or agents whose duty it is to keep the books, records, and documents accurately and completely.

4. My responsibilities include, but are not limited to, handling bankruptcy accounts and ascertaining amounts due and payable.

5. I have personal knowledge of the facts contained in this Affidavit. Specifically, I have reviewed and have personal knowledge of the business records related to the loan account associated with the certain property described as <PROPERTY ADDRESS>.

6. Movant is the current holder of the <TITLE OF SECURITY INSTRUMENT>. A true and correct copy of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#> and incorporated herein by reference. < > A true and correct copy of the assignment of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#> and incorporated herein by reference.

7. Movant is the current holder of the note. A true and correct copy of the note is attached hereto as Exhibit <#>, and incorporated herein by reference.

8. As of <<DATE>>, there are one or more defaults in paying Debtor(s) post- petition amounts due with respect to the note.

9. As of the date hereof, the principal balance owed by the Debtor(s) to [insert Movant or name of noteholder] is $<AMOUNT>, plus advances made, attorney fees, costs, other fees and charges, and interest accruing thereon in accordance with the loan documents.

10. The following chart sets forth those postpetition payments, due pursuant to the terms of the note, that have been missed by the Debtor(s) as of <<DATE>>:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of Missed Payments | From | To | Missed Principal and Interest | Missed Escrow (if applicable) | Monthly Payment Amount | Total Amount Missed |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
| **Less postpetition partial payments (suspense balance): ($<<AMOUNT>>)** | | | | | | |

Total: $<<AMOUNT>>

11. [As of <<DATE>>, the total postpetition arrearage/delinquency is $<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of $<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON-ESCROW LOANS ONLY, INCLUDE: advances for taxes and insurance] OR [FOR ESCROW LOANS ONLY, INSERT: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.]

|  |  |
| --- | --- |
| **Description** | **Amount** |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |
| [FOR NON-ESCROW LOANS ONLY:  <<INSERT DESCRIPTION OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] | [FOR NON-ESCROW LOANS ONLY:  <<INSERT AMOUNTS OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] |

12. Attached hereto as Exhibit <<#>> is a postpetition payment history.

I solemnly affirm under the penalty of perjury and upon personal knowledge of the business records that the contents of the foregoing paper are true.

EXECUTED on , .

# By:

Name:

STATE OF )

) ss.

COUNTY OF )

Subscribed and sworn to me the undersigned authority on this day of , 20 .

My Commission Expires:

# Notary Public in and for the State of

**Washington**

**WA – Eastern District Affidavit Supporting MFR**

**UNITED STATES BANKRUPTCY COURT**

**FOR THE [ ] DISTRICT OF [ DIVISION]48**

Chapter

In re:

<<DEBTOR NAME(S)>>,

Debtor(s).

Case No.

<<hearing information (if applicable)>>

# SUPPLEMENTAL DECLARATION IN SUPPORT OF

**MOTION FOR RELIEF FROM AUTOMATIC STAY [AND CO-DEBTOR STAY]**

I, <<NAME>>, declare under penalty of perjury as follows:

1. I am employed by Cenlar FSB as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. I am authorized to sign this supplemental declaration on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”). This supplemental declaration is provided in support of the Motion for Relief from Stay (the “Motion”) filed [<<DATE>>] OR [contemporaneously herewith].

2. As part of my job responsibilities for Cenlar FSB, I have personal knowledge of the business records and I am familiar with the types of records maintained by Cenlar FSB in connection with the loan that is the subject of the Motion (the “Loan”) and the procedures for creating those types of records. I have access to and have reviewed the books, records and files of Cenlar FSB that pertain to the Loan and extensions of credit given to Debtor(s) concerning the property securing such Loan.

3. The information in this declaration is taken from Cenlar FSB’s business records regarding the Loan. The records are: (a) made at or near the time of the occurrence of the matters recorded by persons with personal knowledge of the information in the business record, or from information transmitted by persons with personal knowledge of the business records; (b) kept in the course of Cenlar FSB’s regularly conducted business activities; and (c) it is the regular practice of Cenlar FSB to make such records.

4. The Debtor(s) [IF OBLIGORS ON NOTE INCLUDE NON-DEBTORS, INCLUDE NAMES OF NON-DEBTORS, TOGETHER WITH DEBTORS: and

<<NAME(S) OF OBLIGORS ON NOTE>>] has/have executed and delivered or is/are otherwise obligated with respect to that certain promissory note referenced in the Motion (the “Note”). Pursuant to that certain <<TITLE OF SECURITY INSTRUMENT>> referenced in the Motion (the “<<TITLE OF SECURITY INSTRUMENT>>”), all obligations of the Debtor(s) under and with respect to the Note and the <<TITLE OF SECURITY INSTRUMENT>> are secured by the property referenced in the Motion.

48 **Attorney should adjust caption to comply with all applicable local rules**. Use this form only where there are one or more postpetition defaults.

5. <<MOVANT/ BENEFICIARY>> is the holder of, and is entitled to enforce, the original endorsed Note.

6. As of <<DATE>>, there are one or more defaults in paying Debtor(s) post- petition amounts due with respect to the Note.

7. As of <<DATE>>, the unpaid principal balance of the Note is

$<<AMOUNT>>.

8. The following chart sets forth those postpetition payments, due pursuant to the terms of the Note, that have been missed by the Debtor(s) as of <<DATE>>:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Number of Missed Payments** | **From** | **To** | **Missed Principal and Interest** | **Missed Escrow (if applicable)** | **Monthly Payment Amount** | **Total Amount Missed** |
|  | | | | | | |
|  | | | | | | |
| Less postpetition partial payments (suspense balance): ($<<AMOUN | | | | | | |

**Total:**

**$<<AMOUNT>>**

9. [As of <<DATE>>, the total postpetition arrearage/delinquency is

$<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of $<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON-ESCROW LOANS ONLY, INCLUDE: advances for

taxes and insurance] OR [FOR ESCROW LOANS ONLY, INSERT: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.]

|  |  |
| --- | --- |
| **Description** | **Amount** |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |
| [FOR NON-ESCROW LOANS ONLY:  <<INSERT DESCRIPTION OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] | [FOR NON-ESCROW LOANS ONLY:  <<INSERT AMOUNTS OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] |

10. Attached hereto as Exhibit <<#>> is a postpetition payment history.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this day of \_, 20 , at ,

(city, state).

By: Name:

# Wisconsin

**WI – Eastern District - Affidavit Supporting MFR**

**UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF WISCONSIN**

**<DIVISION>**

In re: <CHAPTER>

<DEBTOR NAME>

Debtor[s].

<CASE NO.>

AFFIDAVIT SUPPORTING MOTION FOR RELIEF FROM AUTOMATIC STAY

STATE OF )

) ss.

COUNTY OF )

Before me, the undersigned authority, personally appeared the person identified below, who being by me duly sworn, deposed as follows:

1. My name is <NAME>. I am of sound mind, lawful age and capable of making this Affidavit. The statements set forth in this Affidavit are true and correct based on my personal knowledge of the business records and review of the business records described herein. I am authorized to make this Affidavit on behalf of [investor name of movant i.e. applicable investor or CitiMortgage, Inc.] its Successors and/or Assigns (“Movant”). Cenlar FSB is the Subservicer of the loan and is authorized to act on behalf of the holder of the note, <<INSERT NAME OF HOLDER>>.
2. This Affidavit is submitted in support of the motion seeking relief from the automatic stay (the “Motion”) by Movant.
3. I am employed by Cenlar FSB as a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. In that capacity, I am familiar with the books of account and have examined all relevant books, records, and documents kept at Cenlar FSB concerning the transaction alleged in the Motion. All of these books, records, and documents are kept in the regular course of business and are made at or near the time of the transaction using information transmitted by persons with knowledge of the facts. It is the regular practice to make and keep these books, records and documents. All of these books, records, and documents are managed by employees or agents whose duty it is to keep the books, records, and documents accurately and completely.
4. My responsibilities include, but are not limited to, handling bankruptcy accounts and ascertaining amounts due and payable.
5. I have personal knowledge of the facts contained in this Affidavit. Specifically, I have reviewed and have personal knowledge of the business records related to the loan account associated with the certain property described as <PROPERTY ADDRESS>.
6. Movant is the current holder of the <TITLE OF SECURITY INSTRUMENT>. A true and correct copy of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#> and incorporated herein by reference. < > A true and correct copy of the assignment of the <TITLE OF SECURITY INSTRUMENT> is attached hereto as Exhibit <#> and incorporated herein by reference.
7. Movant is the current holder of the note. A true and correct copy of the note is attached hereto as Exhibit <#>, and incorporated herein by reference.
8. As of <<DATE>>, there are one or more defaults in paying Debtor(s) post- petition amounts due with respect to the note.
9. As of the date hereof, the principal balance owed by the Debtor(s) to

<MOVANT> is $<AMOUNT>, plus advances made, attorney fees, costs, other fees and charges, and interest accruing thereon in accordance with the loan documents.

1. The following chart sets forth those postpetition payments, due pursuant to the terms of the note, that have been missed by the Debtor(s) as of <<DATE>>:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Number of Missed Payments** | **From** | **To** | **Missed Principal and Interest** | **Missed Escrow (if applicable)** | **Monthly Payment Amount** | **Total Amounts Missed** |
|  | | | | | | |
|  | | | | | | |
| Less postpetition partial payments (suspense balance): ($<<AMOUNT>>) | | | | | | |

# Total: $<<AMOUNT>>

1. [As of <<DATE>>, the total postpetition arrearage/delinquency is $<<INSERT SUM OF (I) AND (II) BELOW>>, consisting of (i) the foregoing total of missed postpetition payments in the amount of $<<AMOUNT>>, plus (ii) the following postpetition fees [FOR NON-ESCROW LOANS ONLY, INCLUDE: advances for taxes and insurance] OR [FOR ESCROW LOANS ONLY, INSERT: The total of missed postpetition payments for this escrow loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). As part of the next annual RESPA analysis, movant will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total postpetition arrearage/delinquency is qualified accordingly.]

|  |  |
| --- | --- |
| **Description** | **Amount** |
| <<INSERT DESCRIPTION OF FEES FROM FEE BREAKDOWN ADDENDUM>> | <<INSERT AMOUNTS OF FEES FROM FEE BREAKDOWN ADDENDUM>> |
| [FOR NON-ESCROW LOANS ONLY:  <<INSERT DESCRIPTION OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] | [FOR NON-ESCROW LOANS ONLY:  <<INSERT AMOUNTS OF TAX OR INSURANCE ADVANCE FROM POST- PET TAXES-INS ADVANCES ADDENDUM>>] |

1. <If the motion for relief from the automatic stay alleges a payment default pursuant to loan documents, provide the following and see attached chart> Attached hereto as Exhibit <#> and incorporated herein by reference is a summary of the post-petition mortgage payment history since the post-petition mortgage payments were last current.

# OR

<If the motion for relief from the automatic stay alleges a payment default pursuant to a chapter 13 plan, provide the following and see attached chart> Attached hereto as Exhibit <#> and incorporated herein by reference is a summary of the date and amount of each payment default under the chapter 13 plan of the Debtor(s).As of the date hereof, the total debt owed by the Debtor(s) to [insert Movant or name of noteholder] is

$<AMOUNT>.

1. <If the motion for relief from the automatic stay alleges a lack of an equity cushion in the subject property as a basis for relief, provide the following> Based on [the tax-assessed value of the property/the Debtor’s schedules], the estimated current market value of the property is $<AMOUNT>.
2. <If the motion for relief from the automatic stay alleges a lack of an equity cushion in the subject property as a basis for relief and no equity exists in the property, provide the following> Based upon the estimated value of the property provided in paragraph 14 and the total debt owed by the Debtor(s) provided in paragraph 13, no equity exists in the property.

I solemnly affirm under the penalty of perjury and upon personal knowledge of the business records that the contents of the foregoing paper are true.

EXECUTED on , .

By: Name:

STATE OF )

) ss.

COUNTY OF )

Subscribed and sworn to me the undersigned authority on this day of , 20 .

My Commission Expires:

Notary Public in and for the

State of

**[NOTE: MOVANT SEEKING RELIEF FROM STAY IN THE EASTERN DISTRICT OF WISCONSIN MUST ALSO COMPLETE THE ATTACHED PAYMENT LEDGER.]**

DEBTOR’S NAME

Case No.

Property Address

Based on the regularly-maintained records of the mortgage Subservicer, the following is a summary of the debtor’s payment history since post-petition mortgage payments were last current:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **Date Payment Due** | **Amount Due** | **Date Payment Received** | **Amount Received** | **Post-Petition Month**  **Applied As** | **Sus Ba** |
| **1** |  |  |  |  |  |  |
| **2** |  |  |  |  |  |  |
| **3** |  |  |  |  |  |  |
| **4** |  |  |  |  |  |  |
| **5** |  |  |  |  |  |  |
| **6** |  |  |  |  |  |  |
| **7** |  |  |  |  |  |  |
| **8** |  |  |  |  |  |  |
| **9** |  |  |  |  |  |  |
| **10** |  |  |  |  |  |  |
| **11** |  |  |  |  |  |  |
| **12** |  |  |  |  |  |  |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **13** |  |  |  |  |  |  |
| **14** |  |  |  |  |  |  |
| **15** |  |  |  |  |  |  |
| **16** |  |  |  |  |  |  |
| **17** |  |  |  |  |  |  |
| **18** |  |  |  |  |  |  |
| **19** |  |  |  |  |  |  |
| **20** |  |  |  |  |  |  |
| **21** |  |  |  |  |  |  |
| **22** |  |  |  |  |  |  |
| **23** |  |  |  |  |  |  |
| **24** |  |  |  |  |  |  |
| **25** |  |  |  |  |  |  |

The undersigned is an employee of the movant and/or Subservicer of the mortgage loan which is the subject of this motion and states that the foregoing information is true and accurate to the best of my knowledge.

Subscribed and sworn to before me

this day of \_\_\_ 20\_\_\_.

Notary Public

, State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

My commission expires: