

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

IN RE:)
)
,) Case No.
)
Debtor.)
)
,)
)
Plaintiff,)
)
v.) Adversary No.
)
,)
)
Defendant.)

ORDER ON COMPLAINT TO AVOID JUNIOR LIEN ON REAL PROPERTY
AND TREAT AS UNSECURED CLAIM

[Orders to obtain the captioned relief should contain a legal description of the real property and should also ordinarily contain the following or similar language in the ordering paragraphs]:

IT IS THEREFORE ORDERED:

1. The Defendant's claim shall be treated as an unsecured claim without priority in this case, and if a proof of claim is filed by Defendant, it shall be paid through the Debtor's Chapter 13 Plan along with other non-priority unsecured claims.
2. The avoidance (stripping) of Defendant's Deed of Trust as referenced

herein will be effective at such time as payments due under the Plan have been completed.

3. Defendant shall retain its lien in the junior position for the full amount due under the corresponding Note and Deed of Trust in the event of the dismissal of the Debtor's Chapter 13 case, the conversion of the Debtor's Chapter 13 case to any other chapter under the Bankruptcy Code, or if the subject property is sold or refinanced prior to the Debtor's completion of payments in his/her Chapter 13 Plan.
4. In the event that the holder of any prior Deed of Trust on the subject property forecloses on its interest and extinguishes Defendant's lien rights prior to the Debtor's completion of payments in the Chapter 13 Plan, Defendant's lien shall attach to the proceeds in excess of the senior lien, if any, from the foreclosure sale.
5. Upon Debtor's completion of payments in the Chapter 13 Plan, Defendant shall be required to release the Deed of Trust so that it shall not operate as an encumbrance upon the real property described herein. In the event that Defendant fails to release the Deed of Trust, Debtor(s) may apply to this Court for an Order releasing the Deed of Trust, which Order may then be filed with the recorder's office. If a discharge was

entered in the case, no filing fee will be charged to reopen the case to obtain such Order releasing the Deed of Trust.

IT IS SO ORDERED.

Date: _____

/s/ _____

Judge Name

United States Bankruptcy Court