

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION**

IN RE: [NAME] )  
          [NAME] )           CHAPTER 13  
          Debtor(s) )           CASE NO. XX-XXXXX

**MOTION TO INCUR POST-PETITION INDEBTEDNESS**

**[NOTE: THIS TEMPLATE IS BASED ON A REAL ESTATE PURCHASE. YOU WILL NEED TO MODIFY IT FOR OTHER KINDS OF PROPERTY PURCHASES]**

Comes now **[DEBTOR NAME(S)]**, Debtor(s), and move the Court for authority to incur indebtedness, and in support thereof states unto the Court as follows:

1. Your Debtor(s) filed a Chapter 13 bankruptcy proceeding in this Court on **[FILING DATE]**, and the Chapter 13 Plan was last confirmed on **[DATE OF CONFIRMATION]**.

2. As of the present time, the Debtors are performing under their last confirmed Chapter 13 plan.

3. That your Debtor(s) desire to incur a new indebtedness, the terms of which are as follows:

*The Debtor(s) wish to purchase known as [address of property if real estate], by executing a Loan with [name of lender]. Under the terms of the proposed Loan, the Debtors would finance approximately [amount of loan] with an interest rate of approximately [interest rate]% for [term of loan] months and monthly payments of approximately \$[monthly payment amount].*

4. The following information is provided pursuant to Local Rule 6004-3.

**[THE FOLLOWING TEXT IS AN EXAMPLE. REFER TO LOCAL RULE 6004-3 FOR THE REQUIREMENTS]**

The maximum amount to be financed is approximately \$200,795.00. Pursuant to the terms of the proposed Loan, there will be no proceeds available to be used to pay to the Trustee the remaining balance of the base gross of the Debtor's confirmed plan. The Debtor will receive no funds directly from this Loan. The Debtors' last confirmed plan provides that the allowed general unsecured creditors will be paid less than 100% of their allowed claims.

5. That your Debtor(s) believe that incurring the new indebtedness is necessary and proper, that your Debtor(s) are able to repay said indebtedness upon the terms set forth hereinabove, and the purpose for incurring the new indebtedness is as follows:

***The Debtor(s) wish to finance this property through the execution of a Loan. The Debtor(s) do not feel this will be a burden on their finances and are requesting your permission to execute this Loan.***

WHEREFORE, your Debtor(s) respectfully request the Court to authorize your Debtors to incur the indebtedness described hereinabove for the purposes previously stated.

Date: [DATE]

[name of debtor]  
[name of debtor]

/s/ [attorney name]  
Of Counsel

[Attorney name and address]

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF VIRGINIA  
[DIVISION NAME] DIVISION**

IN RE: [NAME] )  
          [NAME] )       CHAPTER 13  
          Debtor(s) )       CASE NO. XX-XXXXX

**ORDER ON DEBTORS' MOTION TO INCUR POST-PETITION DEBT**

**[NOTE: THIS TEMPLATE IS BASED ON A REAL ESTATE PURCHASE. YOU WILL NEED TO MODIFY IT FOR OTHER KINDS OF PROPERTY PURCHASES]**

Upon a Motion and Hearing on the [DAY] day of [MONTH/YEAR], the Debtors' Attorney moved the Court for the entry of an order authorizing the Debtors to Incur the Debt in order to purchase real property known as [STREET ADDRESS], with the total amount to be financed approximately [TOTAL AMOUNT FINANCED] with an interest rate of approximately [PERCENTAGE RATE%]. The mortgage will be financed for [TOTAL NUMBER OF MONTHS] months at approximately [\$MONTHLY PAYMENT] per month, and upon the consideration of the Court; it is hereby,

**ORDERED**

that the Debtor(s) are hereby authorized to purchase real property known as [STREET ADDRESS], on the terms and in the amount as set forth above. Debtor's attorney shall ensure that a copy of this Order is received by the closing agent prior to the scheduled closing.

Copies of this Order are hereby directed to [NAME OF DEBTOR COUNSEL], Counsel for Debtor, [ADDRESS OF DEBTOR COUNSEL], Herbert Beskin, Chapter 13 Trustee, PO Box 2103, Charlottesville VA 22902, and the Debtor, [ADDRESS OF DEBTOR].

ENTERED:

\_\_\_\_\_  
U.S. Bankruptcy Judge

I ask for this:

/s/ [ATTORNEY NAME]  
[NAME & ADDRESS]  
Counsel for Debtor(s)

/s/ Herbert Beskin  
Herbert Beskin, Chapter 13 Trustee