UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF KENTUCKY

IN RE:)		
	,)	CASE NO.
DEBTOR)	
JOINT DEBTOR)	
)	

MOTION FOR ORDER DECLARING MORTGAGE DEFAULT HAS BEEN CURED AND THAT LOAN IS CURRENT

The Debtors move the Court pursuant to Sections 1322, 1327 and 1328 of the Bankruptcy Code, for the entry of an order in this case to declare the mortgage loan currently serviced by BANK to have been cured by the completion of the debtors' chapter 13 plan and to be current as of the date of entry of the Discharge Order in this case. In support of their motion the debtors aver:

- 1) This case was commenced by the filing of a petition with the Clerk of this court on DATE.
- 2) The debtors' chapter 13 plan provided for a cure of the debtor's mortgage delinquency and the maintenance of current mortgage payments during the plan pursuant to 11 U.S.C. § 1322(b)(5).
- 3) The debtors' mortgage delinquency was determined by the allowance of mortgagee's proof of claim in the amount of \$_____ (or amount on OC).
- 4) The debtors' chapter 13 plan providing for payment of that amount and maintenance of current payments by the debtor was confirmed by order of this Court and is binding on BANK under 11 U.S.C. § 1327.
- 5) The debtors have completed their plan payments.
- 6) The amount established as the arrearage to be cured by the debtors on their mortgage has been paid, according to the Final Report of the trustee.
- 7) The debtors have made all of their post-petition mortgage payments to BANK up to and including the date of the filing of this motion.

8) The court has not, since confirmation of the plan, approved any further expenses, fees or charges in connection with the claim of BANK.

WHEREFORE, the debtors request this Court to declare:

- That the debtors' mortgage loan has been cured so that it is current as of the effective date of the debtors' discharge and the debtors' remaining balance due is the amount that would have existed if their default had never occurred.
- That any amounts for charges, fees or expenses that BANK may allege the debtors to owe as of the date of the discharge in connection with any default on their mortgage or otherwise, that have not been approved by this Court through the allowance of the claim of BANK or otherwise, be deemed cured by completion of the plan and therefore canceled and discharged by the discharge order.
- 3) That any attempt to collect any of these discharged charges, fees or expenses be deemed to be a willful violation of the discharge injunction and contempt of the orders of this Court.
- 4) That the debtors be afforded such other and further relief as is just and proper.

/s/John Rogers John Rogers, Attorney for Debtors 111 West Wayne Street Glasgow, Kentucky 42141 (270) 651-7777

CERTIFICATE OF SERVICE

I certify that a copy electronic mail this	of this motion was _ day of	served by first class mail upon and/or, 2010 to the following:
William W. Lawrence ECF@louchapter13.com		
CREDITOR AND/OR THE	IR ATTORNEY	

/s/John Rogers
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