

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE**

In Re:

Case No.
Chapter 13

Debtor.

**ORDER GRANTING SURRENDER BY DEFAULT
[or GRANTING MOTION FOR POST-CONFIRMATION MODIFICATION]**

The Chapter 13 Debtor(s) moved to surrender certain collateral [describe]
to [creditor's name]

and to modify the confirmed plan to provide for that surrender and the transfer of the creditor's claim from secured to unsecured, and it appearing that the motion and notice of opportunity to object, or to request a hearing, was served on the creditor and that the creditor failed to object or to appear for a hearing;

IT IS ORDERED that the creditor's failure to object or to appear for a hearing on the motion is the equivalent of a default and that the Debtor's motion may accordingly be **GRANTED**. The Debtor or Debtor's attorney shall have responsibility to contact the creditor to arrange for a prompt surrender of the collateral, and any insurance in place for the benefit of the creditor shall remain in effect until the creditor has possession of the collateral. Upon the actual surrender of the collateral, the creditor's claim shall be transferred from secured status in the plan to unsecured, and the creditor shall file an amended proof of its unsecured deficiency claim, if any, after the collateral has been sold pursuant to applicable state law. It

shall be the responsibility of the Debtor or Debtor's attorney to notify the Chapter 13 trustee when the creditor has actual possession of the collateral. The automatic stay is lifted to permit the creditor to exercise its state-law remedies, including repossession if necessary.

Copies to be served on:

Debtor

Debtor's attorney

Chapter 13 Trustee

[creditor holding security in surrendered asset]

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