**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF VERMONT**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

In re:

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Chapter \_\_**

**Debtor(s). Case # \_\_\_\_\_\_\_\_**

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

**Motion to Sell Property Free and Clear of Liens**

**Pursuant to 11 U.S.C.** § **363(f)**

NOW COMES *[name of party filing this motion]* (the “Movant”) by and through attorney *[name of debtor’s attorney]*, pursuant to 11 U.S.C. § 363(f) and Vt. LBR 6004-1, to request an order of this Court granting the Movant’s motion to sell *[description of the property]* (the “Property”). In support of this Motion, the Movant attaches a copy of *[the contract or a summary of the terms of sale]* and states the following:

1. The Property has a fair market value of $\_\_\_\_\_\_\_\_\_. This valuation is based upon *[state basis for valuation]*.
2. The following entities claim an interest and/or lien in the Property as described below:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Name and address of entity claiming an interest | Date interest/lien created/recorded | Recording reference (town, book, page and date) | Original amount  of claim | Outstanding balance of claim |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

1. The proposed sale complies with § 363(f). With respect to each of the above-listed entities (choose one):

\_\_\_ (a) applicable non-bankruptcy law permits sale of the Property free and clear of such interest;

\_\_\_ (b) consent of the [*entity or entities*] has been filed;

\_\_\_ (c) the price at which the Property is to be sold, $\_\_\_\_\_\_\_\_\_, is greater than the aggregate value of all liens on the Property, $\_\_\_\_\_\_\_\_\_;

\_\_\_ (d) the interest claimed by [*specify entity*] is the subject of a bona fide dispute; or

\_\_\_ (e) [*specify entity*] could be compelled, in a legal or equitable proceeding, to accept a money satisfaction of its interest [*describe*].

1. The Property will be sold to *[names of purchasers]* (the “Purchasers”) of *[city and state in which the Purchasers reside]* for $\_\_\_\_\_\_\_\_\_, which will result in net proceeds to the bankruptcy estate in the amount of $\_\_\_\_\_\_\_\_\_.
2. The Movant advertised the sale of the Property as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_
3. The Purchasers, who made a deposit of $\_\_\_\_\_\_\_\_\_ on \_\_\_\_\_\_ *[date]*, will pay the balance due, in the amount of $\_\_\_\_\_\_\_\_\_, as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
4. The *[closing or sale]* will take place at *[time, date, and location]*, unless changed by agreement between the Movant and the Purchasers.
5. The Movant will convey title to the Property to the Purchasers by *[description of deed or other document transferring title]* free and clear of all liens and interests.
6. The Movant has given sufficient notice of the sale by: *[describe due diligence undertaken to identify and provide notice to all parties with an interest in the property being sold and all potential bidders]*.

WHEREFORE, the Movant respectfully requests that this Court enter an order granting the motion to sell the Property, pursuant to 11 U.S.C. § 363(f), free and clear of liens.

Respectfully submitted,

*[name of Movant]*

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[*Signature]*

*[typed name, with address, e-mail address, and telephone number]*