

## UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF WISCONSIN

IN RE:	_[DEBTOR]		Case No. 13-12345-XX
		Debtor.	Chapter 13
[DEBTO	R],		Adv. Case No. 13-1234
		Plaintiff,	
V.			
		Defendant[s]	

## ORDER GRANTING DEFAULT JUDGMENT, VALUING CLAIM AND SATISFYING LIEN UPON COMPLETION OF PLAN

The above-named plaintiff[s] filed an adversary complaint seeking to establish the value of the above-named defendant's interest in the plaintiff's['] real property located at [ADDRESS OF HOUSE], more fully described on the attached legal description. The complaint alleges that the value of the property is less than the amount due and owing to the holder(s) of the senior lien(s) on the property, and that there is no equity in the property to which the defendant's junior lien can attach. The complaint requests that the Court determine that the value of the defendant's interest in the property is zero, and that it permit the defendant's claim to be treated as unsecured in this Chapter

13 case. The plaintiff[s] properly served the complaint on the defendant pursuant to Bankruptcy Rule 7004, and the defendant failed to answer or appear. [For those of judges who require it, "The plaintiff[s] submitted evidence in support of the allegations in the complaint."]

Accordingly, the Court finds and declares:

- 1. The Court grants default judgment in favor of the plaintiff[s].
- 2. The value of the property is less than the amount of the claims secured by liens that are senior to the defendant's lien.
- 3. Pursuant to 11 U.S.C. section 506(a), the defendant's claim in this Chapter 13 case is allowed as a general, unsecured claim and not an allowed, secured claim.
- 4. Consequently, the plaintiff's['] Chapter 13 plan may modify the defendant's rights as a holder of an unsecured claim pursuant to 11 U.S.C. section 1322(b), including by providing that the defendant's lien will be satisfied upon the plan's completion and the granting of a discharge.
- 5. Upon completion of a plan so providing, and entry of the order granting the plaintiff's['] discharge, the defendant's lien on the property will be satisfied. If the defendant fails to release its lien upon the completion of that plan and the granting of the discharge, the plaintiff may seek additional relief to effectuate this order.

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