

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE:  
Anthony Barlow  
Debra Barlow

2007 096196

CASE NO. 07-22517-JPK

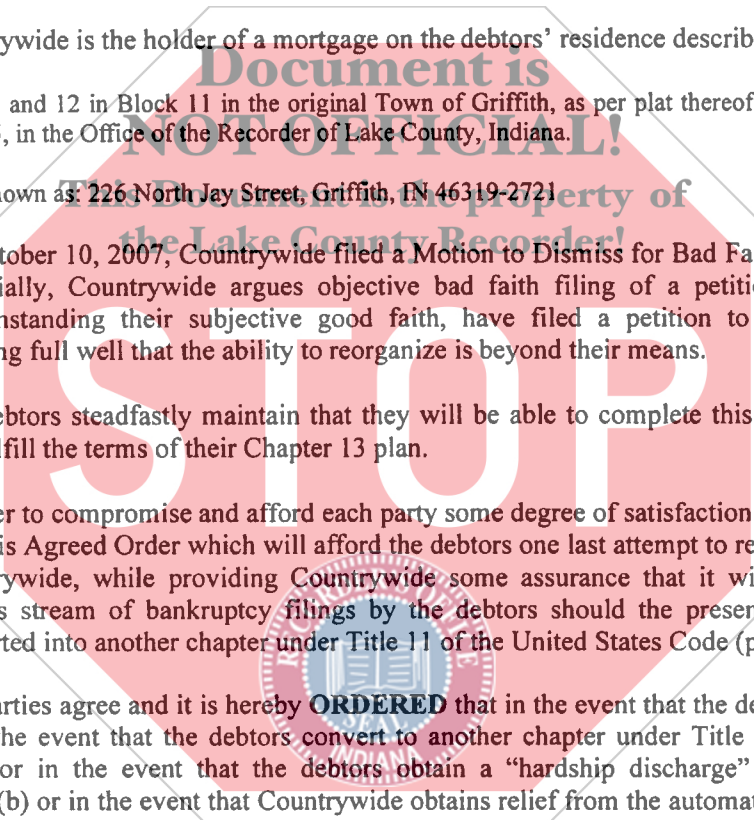
CHAPTER 13

Debtors

AGREED ORDER

Comes now Countrywide Home Loans, Inc., ("Countrywide"), by counsel, and Debtors, by counsel, and the Chapter 13 Trustee agree as follows:

1. On September 19, 2007, the debtors filed a voluntary petition under Chapter 13 of the United States Bankruptcy Code (11 U.S.C. §101, *et. seq.*).
2. This is the third Chapter 13 bankruptcy that the debtors have filed since July 7, 2005, the prior two cases being:
  - a. Case No. 06-62573; Chapter 13; Filed November 27, 2006 and dismissed June 15, 2007;
  - b. Case No. 05-63641; Chapter 13; Filed July 7, 2005 and dismissed August 24, 2006.
3. Countrywide is the holder of a mortgage on the debtors' residence described as:  
 Lots 11 and 12 in Block 11 in the original Town of Griffith, as per plat thereof, recorded in Plat Book 2, page 45, in the Office of the Recorder of Lake County, Indiana.  
 Also known as: 226 North Jay Street, Griffith, IN 46319-2721
4. On October 10, 2007, Countrywide filed a Motion to Dismiss for Bad Faith filing of the petition. Essentially, Countrywide argues objective bad faith filing of a petition in that the debtors, notwithstanding their subjective good faith, have filed a petition to reorganize their debts knowing full well that the ability to reorganize is beyond their means.
5. The debtors steadfastly maintain that they will be able to complete this Chapter 13 bankruptcy and fulfill the terms of their Chapter 13 plan.
6. In order to compromise and afford each party some degree of satisfaction the parties have entered into this Agreed Order which will afford the debtors one last attempt to reorganize their debt as to Countrywide, while providing Countrywide some assurance that it will not be subject to an endless stream of bankruptcy filings by the debtors should the present case be dismissed or converted into another chapter under Title 11 of the United States Code (presumable a Chapter 7).
7. The parties agree and it is hereby **ORDERED** that in the event that the debtors' case is dismissed or in the event that the debtors convert to another chapter under Title 11 of the United States Code or in the event that the debtors obtain a "hardship discharge" pursuant to 11 U.S.C. §1328(b) or in the event that Countrywide obtains relief from the automatic stay in this case prior to the completion of the debtors' confirmed Chapter 13 plan, that Countrywide and its agents, successors or assigns shall have relief from the automatic stay (11 U.S.C. §362) in any subsequently filed bankruptcy by the debtors and that the real estate described in paragraph three (3) of this agreed order shall not become property of the bankruptcy estate in any subsequently filed bankruptcy by the debtors in order that Countrywide may complete its pending foreclosure action, Lake County, Indiana Cause Number 45C01-0503-MF-00092. This paragraph is essentially the same as granting Countrywide "in rem" relief as defined in 11 U.S.C. §362(d)(4) in the event that the debtors' Chapter 13 plan fails to cure the arrearage owed to Countrywide.



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8. The parties agree and it is hereby **ORDERED** that Countrywide shall be entitled to record a copy of this agreed order after it has been entered by the court, with the Lake County Recorder's Office so that in the event that the debtors transfer their interest in the subject real estate that any subsequent transferee takes the property subject to this order, specifically that in the event of a subsequent conveyance by the debtors of their interest in the real estate described in paragraph 3 of this order and a subsequently filed bankruptcy petition by the transferee or transferees, that the automatic stay (11 U.S.C. §362) of any subsequently filed bankruptcy by the transferee or transferees shall not apply to Countrywide and its agents, successors or assigns and that the real estate described in paragraph three (3) of this agreed order shall not become property of the bankruptcy estate in any subsequently filed bankruptcy by the transferee or transferees in order that Countrywide may complete its pending foreclosure action, Lake County, Indiana Cause Number 45C01-0503-MF-00092. This paragraph is essentially the same as granting Countrywide "*in rem*" relief as defined in 11 U.S.C. §362(d)(4) in the event that the debtors' Chapter 13 plan fails to cure the arrearage owed to Countrywide as to any subsequent interests in the real estate.
9. The parties agree and it is hereby **ORDERED** in the event of any subsequently filed bankruptcy filed by either of the debtors or a transferee (as referred to in paragraph 8 of this agreed order), the Co-Debtor Stay (11 U.S.C. §1301) shall not apply to Countrywide and its agents, successors or assigns. Again, this provision is to provide a quasi-*in rem* Co-Debtor relief as to future filed bankruptcies filed by the debtors or transferees.
10. This agreed order is to be liberally construed in order to give effect to its intention: Namely to provide the debtors one last attempt to cure the default on their mortgage with Countrywide through this Chapter 13 and to provide assurance that in the event that the debtors are unable to do so, that Countrywide should be able to complete its pre-petition foreclosure action without a subsequently filed bankruptcy petition by the debtors or worse by having the debtors transfer part or all of their interest in the real estate and have Countrywide be stayed by a subsequently filed bankruptcy by a new owner or owners.
11. The parties agree and it is hereby **ORDERED** that Countrywide shall be entitled to amend its proof of claim to include any post-petition attorney's fees and costs which shall be paid inside the plan.
12. It is hereby **ORDERED** that in the event that the debtors complete their confirmed Chapter 13 plan and receive a discharge under 11 U.S.C. §1328(a) and Countrywide does not obtain relief from the automatic stay during the pendency of this case, that all of the provisions of this agreed order shall be null and void.
13. It is hereby **ORDERED** that in the event of a sheriff's deed issued as the result of the foreclosure filed under Lake County, Indiana Cause Number 45C01-0503-MF-00092 and recorded in the office of the Lake County Recorder's Office, that all of the provisions of this agreed order shall be null and void.
14. It is hereby **ORDERED** that there is a default of three (3) or more post-petition payments (payments are due on the first of the month pursuant to the terms of Countrywide's note) to Countrywide (regardless of who is the disbursing agent and given the pre-confirmation disbursement terms below, this should *not* be an issue unless there is a default in payment to the trustee by the debtors) Countrywide may file a Notice of Default with the Court, the debtors, the debtors' attorney and the Chapter 13 Trustee and the Court shall enter an order terminating the automatic stay as to Countrywide, its agents, successors and assigns and abandon its real estate from the bankruptcy estate without further notice or hearing.
15. The parties agree and it is hereby **ORDERED** that the Trustee shall pay to Countrywide any and all funds due and owing on its post-petition payments while the debtors' plan pends confirmation, provide the Trustee has such funds to make the payments.

16. The parties agree and it is hereby ORDERED that approval of this agreed order by the court shall resolve Countrywide's pending Motion to Dismiss.

[Signature] 12/27/07 Date  
Inga D. Lewis-Mathew Attorney for Debtors  
[Signature] 11/14/07 Date  
Chapter 13 Trustee  
[Signature] Date  
Michael J. Kulick Attorney for Creditor

SO ORDERED this 6<sup>th</sup> day of December, 2007.

APPROVED: [Signature]  
JUDGE, UNITED STATES BANKRUPTCY COURT

affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

[Signature]  
Diana Smith

UNTERBERG & ASSOCIATES, P.C.  
8050 Cleveland Place  
Merrillville, IN 46410

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