

IT IS ORDERED

Date Entered on Docket: September 12, 2019



The Honorable David T. Thuma  
United States Bankruptcy Judge

---

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW MEXICO ALBUQUERQUE DIVISION

IN RE:

Aidan L. Gallegos aka Aiden L. Gallegos and  
Amanda L. Gallegos fka Amanda L. Garcia,

Debtors.

Case No. 18-12620-TA13

**STIPULATED ORDER REGARDING  
MOTION FOR RELIEF FROM AUTOMATIC STAY**

This matter comes before the Court on stipulation of Secured Creditor, First Guaranty Mortgage Corporation, its assignees and/or successors, by and through its servicing agent Rushmore Loan Management Services LLC (“Secured Creditor”), and the Debtors, Aidan L. Gallegos and Amanda L. Gallegos (“Debtors”). Upon approval by the Secured Creditor, the Debtors, and the Chapter 13 Trustee, and good cause appearing,

IT IS THEREFORE ORDERED AS FOLLOWS:

1. This Stipulated Order affects the real property commonly known as: 1512 Lester Drive NE, Albuquerque, NM 87112 (the “Subject Property”).
2. Commencing August 1, 2019, Debtors shall make regular monthly post-petition payments under the Note and Deed of Trust to Secured Creditor, and continuing on the first day of each month thereafter, under the terms of the Note and Deed of Trust.

3. Payments shall be made directly to Rushmore Loan Management Services LLC at P.O. Box 52708, Irvine, CA 92619-2708, with reference to the last four digits of the Loan Number 9319, or as otherwise directed.

4. Commencing August 15, 2019, and continuing thereafter on the fifteenth day of each month through and including December 15, 2019, Debtors shall make an additional monthly payment of \$783.30, with a final additional payment in the amount of \$783.28 due on or before January 15, 2020, until post-petition arrears in the sum of \$3,466.11 are paid. Said sum represents the post-petition delinquency itemized below:

3 post-petition payments at \$1,233.67 each: (5/1/2019 through 7/1/2019)	\$3,701.01
Bankruptcy attorney fees and costs at:	\$1,031.00
Less Debtor's Suspense:	\$(32.23)
<b>Total Delinquency in the amount of:</b>	<b>\$4,699.78</b>

5. Debtors shall timely perform all of their obligations under Secured Creditor's loan documents as they come due, including but not limited to the payment of real estate taxes, maintaining insurance coverage, Chapter 13 Plan payments, and any and all senior liens.

6. In the event Debtors fail to timely perform any of the obligations set forth in this stipulation, Secured Creditor shall notify Debtors and their counsel of the default in writing. Debtors shall have ten (10) calendar days from the date of the written notification to cure the default and to pay an additional \$50.00 for attorneys' fees for each occurrence. An additional \$150.00 will also be due if court certification of the default required.

7. If Debtors fail to timely cure the default, and default on the obligations set forth herein on more than three (3) occasions, Secured Creditor may lodge a Declaration and Order Terminating the Automatic Stay. The Order shall be entered without further hearing. The automatic stay shall be immediately terminated and extinguished for all purposes as to Secured Creditor and Secured Creditor may proceed with and hold a Trustee's sale of the Subject Property, pursuant to applicable state law, and without further Court Order or proceeding being

necessary, and commence any action necessary to obtain complete possession of the Subject Property, including unlawful detainer, if required.

8. Secured Creditor's Proof of Claim is due and owing and is allowed in full.

##END OF ORDER##

Prepared and submitted by:

/s/ Daniel Grunow

Daniel Grunow, Esq.  
McCarthy & Holthus, LLP  
Attorneys for Secured Creditor  
6501 Eagle Rock NE, Suite A-3  
Albuquerque, NM 87113  
(505) 219-4900

/s/ Arun A Melwani with permission

Arun A Melwani, Esq.  
MELWANI LAW P.C.  
10749 Prospect Ave NE, Ste F  
Albuquerque, NM 87112-3281  
(505) 323-5800

/s/ Tiffany M. Cornejo with permission

Tiffany M. Cornejo  
625 Silver Avenue SW, Suite 350  
Albuquerque, NM 87102  
(505) 243-1335