

Information & Instructions: Default Order Granting Relief From The Stay

PREVIEW

1. Use this form to obtain the right for a creditor to repossess secured property after the creditor has filed a motion to lift the automatic stay and the debtor has failed to timely contest the motion.
2. A creditor is prohibited from repossessing a debtor's property after the court signs the Order which lifts the automatic stay and authorizes the repossession.
3. Be sure to check the local rules concerning the court's practice on obtaining the court's signature on the order. Some courts take the position that an order is not required if the debtor fails to contest the motion that the motion is granted automatically by law if the debtor fails to respond.
4. The safest practice is to obtain a signed order, if the court will approve the same.
5. This form assumes that the creditor is secured and uses the example of a debtor who purchased an automobile and then failed to pay the bank debt on the vehicle.

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Form: Default Order Granting Relief From The Stay

UNITED STATES BANKRUPTCY COURT

FOR THE [NAME] DISTRICT OF TEXAS [NAME] DIVISION

In Re
[Debtor's Name]

THIS DOCUMENT

Case No. _____
Chapter _____

[Plaintiff's Name]

v.

[Defendant's Name]

Adv. Proc. No. _____

DEFAULT ORDER LIFTING THE AUTOMATIC STAY

Came on to be heard Movant's Motion to Lift the Automatic Stay in the above styled and numbered proceeding; the Movant appeared at the scheduled hearing through its counsel, and it appearing to the Court, based on the representation made below, that proper notice has been given under Local Bankruptcy Rule 4001, and that the Respondent Debtor has failed to appear, file an affidavit, answer or request for hearing, and that no other interested party has appeared in opposition to the Motion, it is therefore

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ORDERED that the stay of 11 U.S.C., Section 362 is lifted for the purpose of
PREVIEW
allowing Movant to exercise any rights of foreclosure with respect to the following property:

[property]

and thereafter to obtain possession thereof which may be proper under law.

Signed on _____.

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MOVANT HAS COMPLIED WITH LOCAL BANKRUPTCY RULE 4001

APPROVED AS TO FORM AND SUBSTANCE:

[Law Firm's or Attorney's Name]
Attorney for [Name]
[Address]
[Telephone & facsimile numbers]
Federal Bar no. [Number]

THIS DOCUMENT

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