

Information & Instructions: Motion To Lift The Automatic Stay Notice and Proof of Service

1. Use this form to file a motion to lift the automatic stay.
2. A creditor is prohibited from repossessing a debtor's property after the filing of a bankruptcy until the creditor obtains the court's approval.
3. The motion to lift the stay is the method by which a creditors obtains the court's approval. The motion, notice and certificate must be filed.
4. Frequently the creditor desires a speedy hearing, accordingly, use the accompanying motion for an expedited hearing.
5. Be sure to check the local rules concerning the court's practice on the motions and expedited hearings. Some districts require the use of their own forms.
6. This form assumes for illustration purposes 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.
7. The creditor bank also contends the debtor has not agreed to reaffirm the debt nor stated an intention to abandon the collateral.
8. Furthermore the creditor asserts as additional basis that the collateral is unsecured and (the most important element the debtor has no equity in the property).
9. This form also asserts that the case was converted from a chapter 13 to a chapter 7 filing.

Information & Instructions: Motion To Lift The Automatic Stay Proof And Checklist

1. File motion to lift automatic stay.
2. Do the certificate of conference to see if it will be agreed to.
3. Obtain an expert appraiser.
4. Get an appraiser report.
5. Exchange appraisers report with opposing counsel on day of the hearing.
6. Creditor calls the witness to the stand, usually it is the appraiser. Appraiser states his name, occupation and how long he has been an appraiser. State his qualifications and have him prove up that he was contacted to make an appraisal on the secured item.

7. Ask if he personally saw and inspected the secured item. State what procedures he used to value the secured item.

8. Next, have him explain what references he used, or resource books he used to help him ascertain the value, such as the NASD Bluebook.

9. Next, state what factors effect or do not effect the value. Ask if he has an opinion as to the value of the collateral. Ask what his opinion is and why his opinion is correct. On rebuttal, have him respond to other experts opinion.

10. Have him prove up what the correct interest rate would be for a Chapter 13 plan, what the fair market value is, and how payments should be made

Form: Motion To Lift The Automatic Stay

[Name of attorney in charge]

[Address]

[Telephone and facsimile numbers.]

[Federal identification no.]

Attorneys for [the Movant's name]

UNITED STATES BANKRUPTCY COURT

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

In Re

[Debtor's Name]

Case No. _____

Chapter _____

[Plaintiff's Name]

v.

[Defendant's Name]

Adv. Proc. No. _____

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

[Name], hereinafter called "Movant," [Name] Name or its assigns and or successors in

interest] by and through the undersigned attorney, complaining of [Name], hereinafter

called "Debtor," and would show the Court as follows:

Legal Help!!!

1. This Court has jurisdiction of this proceeding pursuant to §11 U.S.C. Section 362 (d), §1301 and this proceeding has been filed in accordance with Rule 9014 of the

Bankruptcy Rules

2. Debtor has filed a Petition under Chapter [7, 11, 12 or 13] of the U. S. Bankruptcy Code (the "Code") on Date] [If the proceeding has been converted from a chapter 13 to a

7, then state the following: which has subsequently been converted to a Chapter 7

3. State the Movant's legal status, i.e.: Movant was at all times herein mentioned and now is a corporation duly authorized under the laws of the United States.]

4. [State the basis for relief, i.e.: On or about [Date], Debtor, [Name], duly executed a Note in favor of Movant, granting a security interest under Texas Business and Commerce Code in one [describe item generally, i.e. a 1991 Chevrolet] with [give further

detail, such as Motor Vehicle Identification No.]

5. A true and correct copy of that Note is attached hereto, marked as Exhibit "A" and incorporated herein as if set out verbatim.

6. By virtue of said Note and Agreement, Movant retains a first lien perfected security interest in and to that [Describe the collateral].

7. On or about [Date], Debtor, [Name], duly executed a Note in favor of Movant, granting a security interest in and to a [Name] with Motor Vehicle Identification No [Number].

8. A copy of that Note is attached hereto, marked as Exhibit "B" and incorporated herein as if set out verbatim.

9. By virtue of said Note and Agreement, Movant retains a first lien perfected security interest in and to that [Describe collateral].

10. Debtor is past due on the payment under Exhibit "A" in the amount of \$[Amount] plus late charges.

11. Debtor was in arrears at the time of filing of the Original Petition and no payments have been made since the filing of the Original Petition in this case.

12. The filing of the Bankruptcy Petition by Debtor, [Name], placed an automatic stay on any foreclosure proceedings, and Plaintiff has been prohibited from obtaining any relief herein, whether by "self help" or by judicial action.

13. No suit has been filed to foreclose the security interest in the aforesaid collateral.

14. No action has been taken to repossess the collateral in violation of §11 U.S.C. Section 362.

15. On or about [Date], Movant received Notice of Cancellation of the insurance relating to the collateral described in Exhibits "A" and "B," attached hereto.

16. The Notice of Cancellation of Insurance is attached hereto, marked as Exhibit "[Number]" and incorporated herein for all purposes as if set out at length.

17. Subsequent hereto, Movant spoke with Debtor or Debtor's attorney on several different occasions, and Debtor indicated that, in fact, the insurance was no longer in effect and that no certificates of insurance would be forthcoming.

18. Debtor has neither paid the balance due on Exhibits "A" and "B" nor agreed to abandon the collateral to Movant.

19. The respective current value of the collateral is alleged by Movant to be in an amount which is less than the \$[Amount] outstanding on Exhibit "A"; and \$[Amount] which is less than the amount outstanding on Exhibit "B".

Legal Help!!!

20. Consequently Debtor has no equity in the vehicle collateralizing his debt to Movant or alternatively Debtor has failed to provide adequate protection to Movant and

the same constitutes cause to vacate the automatic stay of 11 U.S.C. 362(a)

21. Movant would further show that the collateral which is the subject of Exhibits "A" and "B" is not necessary for the reorganization or rehabilitation of the estate.

22. By reason of the above, good and sufficient cause exists for vacating the stay so that Movant may proceed to [state the relief desired, i.e. foreclose on its lien and repossess the property.]

23. Therefore, under §11 U.S.C. Section 362, the automatic stay should be lifted to allow foreclosure of Movant's security interest in the collateral.

IF DEBTOR DESIRES TO OPPOSE THIS MOTION HE SHOULD REQUEST A HEARING WITHIN TEN (10) DAYS FROM THE DATE OF ISSUANCE OF THE NOTICE OR SUCH RELIEF AS PRAYED FOR HEREIN SHALL BE GRANTED WITHOUT A HEARING.

24. Movant has been forced by the Debtor to retain legal counsel to protect its interests in this proceeding, and Debtor should be ordered to pay reasonable attorney's fees for Movant.

25. The Court should order Debtor to turn over the vehicles and collateral in his possession. The items are set out in the Petition above and include one [Describe the item].

26. As a result of the foregoing, Movant prays that this Court enter an order vacating and relaxing the stay, as provided by Section 362, U.S. Bankruptcy Code, as to [Name] permitting the Movant to enforce its security interests as though this stay had not been imposed.

PRAYER

Movant prays that per Section 362(d) of the Bankruptcy Code, this Court enter an order, after due notice and hearing, which will terminate the automatic stay as to Movant, or alternatively, that Movant be afforded adequate protection including but not limited to having all payments brought current, insurance paid on the collateral and Movant be reimbursed for all of its reasonable attorney's fees and expenses incurred herein and that Movant be granted such further relief, at law or in equity, to which Movant may be just entitled to receive.

Respectfully submitted,

[Law firm or attorney's name]

By _____

[Name of attorney]

[Attorney for Name]

[Address]

[Telephone & facsimile numbers]

Federal I. D. no.[Number]

For n: Affidavit of Mailing To The United States Trustee

[Name of attorney in charge]

[Address]

[Telephone and facsimile numbers.]

[Federal identification no.]

Attorneys for [the Movant's name]

Or

UNITED STATES BANKRUPTCY COURT

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

In Re

[Debtor's Name]

Legal Help!!!

Case No. _____
Chapter _____

[Plaintiff's Name]
v.
[Defendant's Name]

PREVIEW ONLY

Adv. Proc. No. _____

AFFIDAVIT OF MAILING TO THE UNITED STATES TRUSTEE

State of Texas
County of [County]

PLEASE DO NOT COPY

BEFORE ME, the undersigned authority, personally appeared [Name] [Attorney's name],
who being by me first duly sworn, deposed and stated that he is the Attorney in charge for
the Movant, in the above referenced case, and that a true and correct copy of the Notice of
Hearing on the Motion for Relief from Stay and [Name] [Movant's name] Motion for Relief
from Stay was forwarded to the United States Trustee by U.S. First Class Mail, postage
prepaid, on _____.

THANK YOU

Respectfully submitted,

[Law firm or attorney's
name]

By: _____

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[Name of attorney]
Attorney for [Name]

[Address]

[Telephone & facsimile
numbers]

Federal I. D. no. [Number]

Call for more information

Affiant on oath swears that the statements are true and correct based on his or her personal
knowledge and Affiant has:

State of Texas
County of _____

Or

Subscribed and sworn to before me on _____ by

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Signature of officer

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Notary's typed or printed name

My commission expires:

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[or Notary's stamp]

Information & Instructions: Notice Required For A Motion For Relief From The Automatic Stay

1. Check with the court to determine if the court has its own Notice of Hearing or Notice of Motion issued in accordance with the court's local rules.
2. The Southern District of Texas has a form Local that sets forth the date the motion was filed, the date of the preliminary hearing on the motion, the court's address and states the requirements for contesting the motion.

Form: Notice Required For A Motion For Relief From The Automatic Stay

NOTICE REQUIRED FOR A MOTION FOR RELIEF FROM THE AUTOMATIC STAY

NOTICE

RESPONDENTS ARE NOTIFIED THAT IF THEY OBJECT TO THE GRANTING OF THE RELIEF SOUGHT IN THIS MOTION, THEY MUST OBJECT IN WRITING NO LATER THAN FIVE (5) WORKING DAYS BEFORE THE HEARING ON THIS MOTION:

1. FILE WITH THE CLERK OF THE COURT AN AFFIDAVIT SAYING THAT RESPONDENTS HAVE CONFERRED WITH MOVANT'S ATTORNEY IN A GOOD FAITH EFFORT TO REACH AN AGREEMENT, THE DATES AND TIMES OF SUCH CONFERENCES, AND THAT SUCH EFFORTS WERE UNSUCCESSFUL AND THAT A HEARING WILL BE REQUIRED;

2. FILE WITH THE CLERK OF THE COURT A WRITTEN ANSWER IN OPPOSITION TO THE MOTION WHICH SHALL INCLUDE THE FOLLOWING:

a. STATING WITH PARTICULARITY THE GROUNDS FOR THE OPPOSITION PROVIDED BY RULE 8(b), FEDERAL RULES OF CIVIL PROCEDURE,

b. IDENTIFY THE INTEREST OF THE OPPOSING PARTY IN THE PROPERTY,

PREVIEW ONLY
c. STATE THE PROBABLE VALUE OF THE PROPERTY SPECIFIED IN THE MOTION AND THE AMOUNT OF EQUITY WHICH WOULD BE REALIZED BY THE DEBTOR AFTER THE DEDUCTION OF ENCUMBRANCES,

+++++
d. ATTACH A COPY OF THE AFFIDAVIT OF CONFERENCES HELD WITH MOVANT'S ATTORNEY, TOGETHER WITH A COPY OF THE ATTACHED MOTION TO RESPONDENT'S ANSWER.
PLEASE DO NOT COPY

3. SERVE A COPY OF THE WRITTEN ANSWER ON MOVANT'S ATTORNEY AT THE ADDRESS LISTED ABOVE
+++++

**CERTIFICATE OF SERVICE REQUIRED FOR RELIEF FROM THE
AUTOMATIC STAY**
THIS DOCUMENT

CERTIFICATE OF SERVICE
+++++

I, [Name], hereby certify that a true and correct copy of the foregoing Document was sent to the Respondent/Debtor, the Trustee in this matter and the 20 urgent unsecured creditors, at their respective addresses of record in these proceedings as well as a copy to the attorney for the Respondent, at his/her address of record on [Date].
THANK YOU

+++++ [Law Firm's or Attorney's name]

LegalFormsForTexas.Com
By: _____

[Name of Attorney]

Attorney for [Name]

[Address]

[Telephone & Facsimile

Number]

Federal I. D. No. [Number]

DEBTOR: [Name]

ATTORNEY: [Name]

Or

TRUSTEE: [Name]

UNSECURED CREDITORS: See attached Unsecured Creditors List
+++++

Form: Notice Of Motion For Relief From The Automatic Stay

[Name of attorney in charge]

[Address]

Legal Help!!!

[Telephone and facsimile nos.]
[Federal identification no.]
Attorneys for [the Movant's name]

PREVIEW ONLY

UNITED STATES BANKRUPTCY COURT

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

In Re
[Debtor's Name]

Case No. _____
Chapter _____

[Plaintiff's Name]

v.

[Defendant's Name]

Adv. Proc. No. _____

NOTICE OF MOTION FOR RELIEF FROM
THE AUTOMATIC STAY

TO THE ABOVE NAMED RESPONDENT(S):

YOU ARE HEREWITH NOTIFIED THAT ON [DATE]

THE MOVANT SHOWN ABOVE HAS FILED THE ATTACHED MOTION

SEEKING RELIEF FROM THE AUTOMATIC STAY OF 11 U.S.C. SECTION 362.

NO HEARING WILL BE HELD ON THIS MOTION UNLESS WITHIN 10 DAYS

OF THE DATE OF ISSUANCE OF THIS NOTICE YOU FILE WITH THE COURT

AND SERVE UPON THE MOVANT NAME

WHOSE ADDRESS IS [ADDRESS] A WRITTEN REQUEST FOR A HEARING.

IF YOU REQUEST A HEARING YOU MUST ALSO ANSWER THE MOTION BY

A PLEADING FILED WITH THE COURT AND SERVED ON THE MOVANT OR

MOVANT'S COUNSEL PRIOR TO THE TIME OF HEARING.

IF YOU FAIL TO TIMELY REQUEST A HEARING, FAIL TO OBTAIN A

TIMELY HEARING, FAIL TO ANSWER A SET FORTH HEREIN, OR FAIL TO

APPEAR FOR HEARING, THE STAY MAY BE TERMINATED BY OPERATION OF LAW WITHOUT NOTICE TO YOU.

AT [LOCATION] IN COURTROOM NO. [NUMBER] IS FIXED AS THE TIME AND PLACE FOR HEARING IF ONE IS REQUESTED BY THE RESPONDENT. NO HEARING WILL BE HELD SOLELY ON REQUEST OF THE MOVANT. NO

FURTHER NOTICE WILL BE GIVEN BY THE CLERK'S OFFICE OF THIS HEARING DATE

Clerk of the Bankruptcy Court

By: _____

Deputy Clerk

Date of Issuance of Notice: _____]

Form: Proof Of Service Required For A Motion For Relief From The Automatic Stay

I, [Name] on behalf of [Name], Movant, certify:

That I am, and at all times hereinafter mentioned was, more than 18 years of age;

That on _____, I served a copy of the Motion to Modify the Automatic Stay filed by the Movant along with "Notice of Motion for Relief from Stay" issued on _____

by [describe here the mode of service] upon the Respondent [his or her attorney of record, and the Trustee of this bankruptcy proceeding at [exact description of entities served and addresses]].

I certify under penalty of perjury that the foregoing is true and correct

Executed on _____

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Respectfully submitted,

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[Law firm or attorney's
name]

By _____

PLEASE DO NOT COPY

[Name of attorney]
Attorney for [Name]
[Address]
[Telephone & facsimile
numbers]
Federal I. D. no. [Number]

THIS DOCUMENT

NOTICE: FEDERAL RULE OF CIVIL PROCEDURE

Defenses: Form of Denials. A Party shall state in short and plain terms, his or her defenses to each claim asserted and shall admit or deny the averments upon which the adverse party

relies upon. Denials shall fairly meet the substance of the averments denied. When a pleader intends in good faith to deny only a part of the qualification of an averment, he or she shall specify so much of it as is true and material and shall deny only the remainder. He

may do so by a general denial subject to Rule 11.

Copies of this pleading have been served on:

Service List:

By CERTIFIED MAIL, RETURN RECEIPT REQUESTED:

[The Attorney for Debtor: [Name]]

The Trustee: [Name]

Or

By REGULAR FIRST CLASS MAIL, POSTAGE PREPAID:

[The Debtor]

Parties Requesting Notice:

and the attached Unsecured Creditors list.

Legal Help!!!

Form: Request For A Hearing On A Motion For Relief From The Automatic Stay

[Name of attorney in charge]

[Address]

[Telephone and facsimile nos.]

[Federal identification no.]

Attorneys for [the Movant's name]

UNITED STATES BANKRUPTCY COURT

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

In Re

[Debtor's Name]

Case No. _____

Chapter _____

[Plaintiff's Name]

v

[Defendant's Name]

Adv. Proc. No. _____

REQUEST FOR HEARING

[Name], hereinafter referred to as Debtor(s) and files [his/her/its/their] request for hearing on

[Date]'s [Movant] Motion for Relief from Automatic Stay [or other type of Motion filed].

Debtors pray that a hearing be set for _____, at [Time], at which time the Court will

take up the Motion for Relief from Automatic Stay of the Movant [Name].

Call for more information

Respectfully submitted

[Law firm or attorney's
name]

Or

By: _____

[Name of attorney]

Attorney for [Name]

[Address]

[Telephone & facsimile
numbers]

Federal I. D. no. [Number]

Legal Help!!!

Form: Motion For An Expedited Hearing On A Motion For Relief From The Automatic Stay

[Name of attorney in charge]

[Address]

[Telephone and facsimile numbers.]

[Federal identification no.]

Attorney for the Movant's name]

UNITED STATES BANKRUPTCY COURT

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

In Re

[Debtor's Name]

Case No.

Chapter

[Plaintiff's Name]

v.

[Defendant's Name]

Ad. Proc. No.

MOTION FOR AN EXPEDITED HEARING

[Name], hereinafter called "Movant," complaining of [Name], hereinafter called

"Respondent" and would show the Court as follows:

1. Movant has filed its Emergency Motion for Relief From Automatic Stay with the United States Bankruptcy Court on [Date]. Currently there is on file a Motion for Relief from Automatic Stay, calling for a hearing on [Date].

2. Movant is in danger of suffering irreparable harm in that Respondent is operating the vehicle(s) which also serve as collateral for [Promissory Note(s) held by Movant]. Movant has received Notices of Cancellation of Insurance for those vehicle(s), and as such, said vehicle(s) is/are in jeopardy of damage.

3. In addition, Movant would show that Respondent was in arrears that the time of filing his Petition, and continues to be so, without making any effort to bring current said Promissory Note(s) or maintain said Note(s) by making payments to the Trustee.

PRAYER

PREVIEW ONLY

Movant requests that this Court set an expedited hearing in this matter, and for such

other and further relief, general and special, legal and equitable, to which Movant may show

itself justly entitled to receive

PLEASE DO NOT COPY

Respectfully submitted,

[Law firm or attorney's
name]

THIS DOCUMENT

By: _____

[Name of attorney]

Attorney for [Name]

[Address]

[Telephone & facsimile
numbers]

Federal I. D. no.[Number]

THANK YOU

**CERTIFICATE OF SERVICE FOR A MOTION FOR AN EXPEDITED HEARING
ON A MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

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CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, a true and correct copy
of the above and foregoing [Title of the pleading] has been served via first class mail,
postage prepaid, upon the entities listed on Exhibit "A" attached hereto and by reference
made a part hereof for all purposes.

Call for more information

Attorney in charge

SERVICE LIST:

[List the names and addresses of the debtor, debtor's attorney, U. S. Trustee, and creditors
listed in the bankruptcy petition as well as any party who has also filed a Notice of
appearance which requests copies of filings.]

Listing of the 20 largest unsecured creditors for a notice of legal representation in a
bankruptcy and request for notice of hearings, pleadings and filings in the case

Legal Help!!!

EXHIBIT "A"

[Name of 20 Largest Unsecured Creditors]

[list]

[Name]

[Address]

[Claim]

Amount of Claim: \$[Amount]

**ORDER GRANTING AN EXPEDITED HEARING ON A MOTION FOR RELIEF
FROM THE AUTOMATIC STAY**

[Name of attorney in charge]

[Address]

[Telephone and facsimile nos.]

[Federal identification no.]

Attorneys for [the Movant's name]

UNITED STATES BANKRUPTCY COURT

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

In Re

[Debtor's Name]

Case No.

Chapter

[Plaintiff's Name]

v.

[Defendant's Name]

Adv. Proc. No.

ORDER
Call for more information

On _____, came on to be heard the Motion for Expedited Hearing
of the Movant, [Name], and the Court being of the opinion that an expedited hearing should
be set in this matter, it is

Or

ORDERED that a hearing be, and is hereby, set for _____, at [Time], at
which time the Court will take up the Motion for Relief from the Automatic Stay of the
Movant, [Name].

Legal Help!!!

Signed on _____.

PREVIEW ONLY

UNITED STATES BANKRUPTCY JUDGE

APPROVED AS TO FORM AND SUBSTANCE:

PLEASE DO NOT COPY

[Law Firm's or Attorney's Name]

Attorney for [Name]

[Address]

[Telephone & facsimile numbers]

Federal Bar no. [Number]

THIS DOCUMENT

THANK YOU

LegalFormsForTexas.Com

Call for more information

Or

Legal Help!!!

Information & Instructions: Default Order Granting Relief From The Stay

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.

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]

Case No.
Chapter

[Plaintiff's Name]

v.

[Defendant's Name]

Aff. 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

ORDERED that the stay of 11 U.S.C. Section 362 is lifted for the purpose of

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 _____.

UNITED STATES BANKRUPTCY COURT
THIS DOCUMENT

MOVANT HAS COMPLIED WITH LOCAL BANKRUPTCY RULE 4001

APPROVED AS TO FORM AND SUBSTANCE:

THANK YOU

[Law Firm's or Attorney's Name]

Attorney for [Name]

[Address]

[Telephone & facsimile numbers]

Federal Bar no. [Number]

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Call for more information

Or

Legal Help!!!

Form: Unopposed Order Granting Relief From The Stay

UNITED STATES BANKRUPTCY COURT

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

In Re
[Debtor's Name]

Case No.
Chapter

[Plaintiff's Name]

v.

[Defendant's Name]

Adv. Proc. No.

UNOPPOSED 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 there is no opposition to the motion, it is therefore

ORDERED that the stay of 11 U.S.C., Section 362 is lifted for the purpose of 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 _____

Or
UNITED STATES BANKRUPTCY JUDGE

MOVANT HAS COMPLIED WITH LOCAL BANKRUPTCY RULE 4001

[Add the notice if required by local rules]

APPROVED AS TO FORM AND SUBSTANCE:

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

PREVIEW ONLY

**CERTIFICATE OF SERVICE FOR A DEFAULT ORDER LIFTING THE
AUTOMATIC STAY PURSUANT TO A MOTION FOR RELIEF FROM THE
AUTOMATIC STAY**

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, a true and correct copy
of the above and foregoing [Title of the pleading] has been served via first class mail,
postage prepaid, upon the entities listed on Exhibit "A" attached hereto and by reference
made a part hereof for all purposes.

THANK YOU
Attorney in charge

SERVICE LIST:

List the names and addresses of the debtor, debtor's attorney, U. S. Trustee, and creditors
listed in the bankruptcy petition as well as any party who has also filed a Notice of
appearance which requests copies of filings.

Listing of the 20 largest unsecured creditors for a notice of legal representation in a
bankruptcy and request for notice of hearings, pleadings and filings in the case

Call for more information

EXHIBIT "A"

[Name of 20 Largest Unsecured Creditors]

[list]

Or

[Name]
[Address]
[Claim]

Amount of Claim: \$[Amount]

Legal Help!!!

Information & Instructions: Agreed Order Granting Relief From The Stay

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 agreed to bring the debt current and agrees to having the stay lifted if he or she fails to continue making timely payments.

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. Consequently, the creditor wants the right to repossess the property if the debtor fails to comply with the agreed order. The debtor does not want to have to re file the motion a second time.

4. Be sure to check the local rules concerning the court's practice on obtaining the court's signature on the order.

5. Some courts require the creditor's & debtor's attorney and the trustee to attend the hearing in order to obtain a signed order, even though it is an agreed one.

6. The creditor should not repossess the property until the court has signed the order, even if the debtor, debtor's attorney and creditor's attorney have signed the order.

7. The court could disapprove the order or the trustee could object to the order. Consequently the safest practice is to obtain a signed order.

8. This agreed order assumes that the creditor is secured and the debtor purchased an automobile and then failed to pay the bank the debt on the vehicle.

9. The form also assumes the debtor will make the past due payments current and then keep the note current.

10. In the event the debtor defaults, the creditor can repossess the vehicle without further court action.

Form: Agreed Order Granting Relief From The Stay

UNITED STATES BANKRUPTCY COURT

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

**In Re
[Debtor's Name]**

**Case No. _____
Chapter _____**

[Plaintiff's Name]

v.

Legal Help!!!

[Defendant's Name]

Adm. Proc. No. _____

PREVIEW ONLY

AGREED ORDER MODIFYING STAY

At [Division] the above entitled and numbered cause, in the aforesaid District, came on for hearing Movant's, [Name], Motion to lift the Automatic Stay seeking modification of Section 362 (Automatic Stay) pursuant to 11 U.S.C. Section 362; the said Motion was filed on [Date].

The Debtor, Trustee and Unsecured Creditors were served, and no objections or pleadings were filed therein opposing Movant's Motion to lift the Automatic Stay.

Thereafter, Movant and Debtor, by and through their counsel of record, presented unto the Court before the conclusion of the preliminary hearing on the said complaint an Agreed Order to Lift the Automatic Stay as to [Name].

The Agreed Order having been presented and considered the Court finds:

1. That the Debtor herein is jointly and severally indebted to [Name] as evidenced by the Promissory Notes and Security Agreements made by [Name], individually and as owners of [Name] to the order of [Name].

2. That the debts are secured by a valid and duly perfected liens and security interest in the following collateral:

[explain], as more fully described in Exhibit "A" hereto.

3. That the Debtors have defaulted in the payment of the aforesaid Note and in the performance of the above referenced instruments creating said liens and security interests.

4. That a Chapter [Number] Case was commenced by the filing of a Petition by Debtors and that cause exists under Section 362(e) in the Bankruptcy Code to modify this stay provided by Section 362 of the Bankruptcy Code in accordance with the terms of this

Order and the modifications as set forth herein are necessary to adequately protect Movant's interest and the property security payment owed on the above said Note.

5. That all summons and notices of the complaint to modify stay of this Order as required by law and the Bankruptcy Rules have been properly and timely given and that no further Order or further notices are necessary in the entry of this Order and it is in the best interest of the Debtor's estate that Movant's Motion be granted.

6. That the parties have agreed that Debtor shall execute a modified Promissory Note and Security Agreement covering the above said equipment and commence making payments on the same on or before [Date], and to further evidence Debtor's intentions to repay the same, Debtor has signed a Reaffirmation Agreement of even date therewith.

The parties have further agreed that as long as Debtor is current on his said payment in the aforesaid modified Promissory Note, Debtor shall be allowed to retain possession of the equipment referred to herein.

The parties have, however, agreed that in any event Debtor fails to make said payments on a timely basis and in the event said Debtor defaults on the modified Note described above, Movant shall be entitled to exercise any and all rights, privileges and duties granted under the aforesaid Security Agreement and/or Promissory note, including but not

limited to immediate repossession of the same without further notice or Order of this Court.

IT IS THEREFORE ORDERED that the automatic stay provisions afforded Debtor pursuant to 11 U.S.C. Section 362, be and are hereby modified as to [Name] and

IT IS FURTHER ORDERED that Debtor have released said property from the Bankruptcy Estate to [Name].

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IT IS THEREFORE ORDERED that the automatic stay as to [Name] shall be terminated as of the date of this Order.

[Name] may exercise any and all of the rights and remedies afforded by its Promissory Note and Security Agreement, and also including, but not limited to, private and non-judicial repossession of the collateral described above and in the Exhibits attached hereto.

Signed on _____

UNITED STATES BANKRUPTCY JUDGE

MOVANT HAS COMPLIED WITH LOCAL BANKRUPTCY RULE 4001

[Add the notice if required by local rules.]

APPROVED AS TO FORM AND SUBSTANCE:

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

APPROVED AS TO FORM ONLY:

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

Or

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