

Attorney or Party Name, Address, Telephone & FAX Numbers, and California State Bar Number  <input type="checkbox"/> Individual appearing without counsel <input type="checkbox"/> Attorney for:	FOR COURT USE ONLY
<b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA</b>	
In re:          <div style="text-align: right;">Debtor(s).</div>	CHAPTER:  CASE NO.:  DATE: TIME: CTRM: FLOOR:

**TRUSTEE'S NOTICE OF MOTION AND MOTION FOR ORDER CONTINUING THE AUTOMATIC STAY UNDER 11 U.S.C. § 362(h)(2), FOR ADEQUATE PROTECTION AND FOR DELIVERY OF PERSONAL PROPERTY IN INDIVIDUAL CASE (with supporting declarations)**  
**(MOVANT: \_\_\_\_\_)**

1. NOTICE IS HEREBY GIVEN to \_\_\_\_\_ ("Secured Creditor/Lessor"), and affected creditors ("Responding Parties"), their attorneys (if any), and other interested parties that on the above date and time and in the indicated courtroom, Movant in the above-captioned matter will move this Court for an Order continuing the automatic stay and related relief as to the personal property described and on the grounds set forth in the attached Motion.
  
2. **Hearing Location:**

<input type="checkbox"/> 255 East Temple Street, Los Angeles
<input type="checkbox"/> 21041 Burbank Boulevard, Woodland Hills
<input type="checkbox"/> 3420 Twelfth Street, Riverside

<input type="checkbox"/> 411 West Fourth Street, Santa Ana
<input type="checkbox"/> 1415 State Street, Santa Barbara
  
3. a.  This Motion is being heard on REGULAR NOTICE pursuant to Local Bankruptcy Rule 9013-1. If you wish to oppose this Motion, you must file a written response to this Motion with the Bankruptcy Court and serve a copy of it upon the Movant's attorney (or upon Movant, if the Motion was filed by an unrepresented individual) at the address set forth above no less than 14 days before the above hearing and appear at the hearing of this Motion.
- b.  This Motion is being heard on SHORTENED TIME. If you wish to oppose this Motion, you must appear at the hearing. Any written response or evidence must be filed and served:
  - at the hearing       at least \_\_\_\_\_ court days before the hearing.
  - (1)  A Motion for Order Shortening Time was not required (according to the calendaring procedures of the assigned judge).
  - (2)  A Motion for Order Shortening Time was filed per Local Bankruptcy Rule 9075-1(b) and was granted by the Court and such motion and order has been or is being served upon the Secured Creditor/Lessor and parties in interest.
  - (3)  A Motion for Order Shortening Time has been filed and remains pending. Once the Court has ruled on that Motion, you will be served with another notice or an order that will specify the date, time and place of the hearing on the attached Motion and the deadline for filing and serving a written opposition to the Motion.
  
4. You may contact the Bankruptcy Clerk's Office to obtain a copy of an approved court form for use in preparing your response (*Optional Court Form F 4001-1M.RES*), or you may prepare your response using the format required by Local Bankruptcy Rule 9004-1 and the Court Manual.

In re	(SHORT TITLE)  Debtor(s).	CHAPTER:  CASE NO.:
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If you fail to file a written response to the Motion or fail to appear at the hearing, the Court may treat such failure as a waiver of your right to oppose the Motion and may grant the requested relief.

Dated:

\_\_\_\_\_  
*Print Law Firm Name (if applicable)*

\_\_\_\_\_  
*Print Name of Individual Movant or Attorney for Movant*

\_\_\_\_\_  
*Signature of Individual Movant or Attorney for Movant*

In re	(SHORT TITLE)	CHAPTER:
Debtor(s).		CASE NO.:

**TRUSTEE'S MOTION FOR ORDER CONTINUING THE STAY, ETC.  
(MOVANT: \_\_\_\_\_)**

**1. The Property or Debt at Issue:**

- a.  Under 11 U.S.C. §362(h)(2) Movant moves for an order continuing the automatic stay with respect to the following personal property ("this Property" or "the Property") :
- Vehicle (*describe year, manufacturer, type, and model*):  
*Vehicle Identification Number:*  
*Location of vehicle (if known):*
- Equipment (*describe manufacturer, type, and characteristics*):  
*Serial number(s):*  
*Location (if known):*
- Other Personal Property (*describe type, identifying information, and location*):
- b.  The Secured Creditor/Lessor has a claim in the amount of \$\_\_\_\_\_ which is allegedly secured in whole or in part by the Property. The following parties in addition to the Secured Creditor/Lessor have an alleged security interest in the Property to secure the sums as shown \_\_\_\_\_
- \_\_\_\_\_ (attach continuation pages naming secured creditors and amounts owed)

**2. Case History:**

- a.  A voluntary  An involuntary petition under Chapter  7  11  12  13 was filed concerning the present case on (*specify date*):
- b.  An Order of Conversion to Chapter  7  11  12  13 was entered on (*specify date*):
- c.  Plan was confirmed on (*specify date*):
- d.  Other bankruptcy cases affecting this Property have been pending within the past year preceding the petition date in this case. See attached Declaration. (If previously dismissed give dismissal dates, if any, and reasons for dismissal, for each case as applicable)
- e.  As of the date of this motion the Debtor  has  has not filed a statement of intentions regarding this Property as required under 11 U.S.C. §521(a)(2). If a statement of intentions has been filed, Debtor  has  has not performed as promised therein.
- f.  The first date set for the meeting of creditors under 11 U.S.C. §341(a) is/was \_\_\_\_\_ and the court  has  has not fixed a later date for performance by Debtor of the obligations described at 11 U.S.C. § 521(a)(2). The extended date (if applicable) is \_\_\_\_\_.
- g.  In a previous case involving the Debtor there was, as of the dismissal of that case,  an action by the Secured Creditor/Lessor under 11 U.S.C. §362(d) still pending or  that action had been resolved by an order terminating, conditioning or limiting the stay as to the Secured Creditor/Lessor.

(Continued on next page)

In re	(SHORT TITLE)	CHAPTER:
Debtor(s).		CASE NO.:

**3. Grounds for Continuing The Stay:**

- a.  Pursuant to 11 U.S.C. §362(h)(2) cause exists for continuing the stay as follows:
  - 1.  The Property is of consequential value or benefit to the estate because the fair market value of the Property is greater than all liens on the property (describe separately as to each property):
    - A.
 

1. Property description/value: _____	\$ _____
2. Creditor/Lien amount: _____	\$ _____
3. Creditor/Lien amount: _____	\$ _____
4. Creditor/Lien amount: _____	\$ _____
5. Creditor/Lien amount: _____	\$ _____
6. Total Liens	\$ _____
7. Debtor's Exemption	\$ _____
8. Equity in the Property (subtract lines 6 and 7 from line 1 and enter here)	\$ _____
    - B.
 

1. Property description/value: _____	\$ _____
2. Creditor/Lien amount: _____	\$ _____
3. Creditor/Lien amount: _____	\$ _____
4. Creditor/Lien amount: _____	\$ _____
5. Creditor/Lien amount: _____	\$ _____
6. Total Liens	\$ _____
7. Debtor's Exemption	\$ _____
8. Equity in the Property (subtract lines 6 and 7 from line 1 and enter here)	\$ _____
  - See attached continuation page(s)
- 2.  The Property is of consequential value or benefit to the estate because the Property is necessary to a reorganization for the following reasons: \_\_\_\_\_  
 \_\_\_\_\_  
 See attached continuation page
- 3.  The Secured Creditor/Lessor's interest can be adequately protected by (describe Movant's proposal for adequate protection): \_\_\_\_\_  
 \_\_\_\_\_  
 See attached continuation page
- 4.  The Property  has  has not been delivered to the Trustee.

**4. Evidence in Support of Motion: (Important Note: Declaration(s) in support of the Motion MUST be attached hereto.)**

- a.  Movant submits the attached Declaration(s) on the Court's approved forms (if applicable) to provide evidence in support of this Motion pursuant to Local Bankruptcy Rules.
  - b.  Movant submits the attached supplemental Declaration(s) under penalty of perjury, to provide additional admissible evidence in support of this Motion.
  - c.  Movant requests that the Court consider as admissions the statements made by Debtor(s) under penalty of perjury concerning Movant's claims and the Property set forth in Debtor's(s)' Schedules. Authenticated copies of the relevant portions of the Schedules are attached as Exhibit \_\_\_\_\_.
  - d.  Other evidence (specify): \_\_\_\_\_
5.  **An optional Memorandum of Points and Authorities is attached to this Motion.**

(Continued on next page)

In re _____ (SHORT TITLE) _____ Debtor(s).	CHAPTER: CASE NO.:
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**WHEREFORE, Movant prays that this Court issue an Order Continuing the Automatic stay and granting the following (specify forms of relief requested):**

1.  That the Automatic Stay be continued in effect regarding the Property as to the Secured Creditor/Lessor, and all other persons with a security interest in the Property, until further order of the court.
2.  For adequate protection of the interest of the Secured Creditor/Lessor and all other parties with an interest in the Property.
3.  For turnover of the Property to the Trustee.
4.  For other relief requested, see attached continuation page.

Dated:

Respectfully submitted,

\_\_\_\_\_  
*Movant Name*

\_\_\_\_\_  
*Firm Name of Attorney for Movant (if applicable)*

By: \_\_\_\_\_  
*Signature*

Name: \_\_\_\_\_  
*Typed Name of Individual Movant or Attorney for Movant*

**DECLARATION OF TRUSTEE**

I, \_\_\_\_\_, am the  trustee duly appointed in this case  debtor in possession. I have read the foregoing motion consisting of \_\_\_\_ pages, and the attached materials incorporated therein by reference. I believe that the foregoing is true and correct to the best of my knowledge. Executed this \_\_\_\_ day of \_\_\_\_\_, 200\_\_ at \_\_\_\_\_.

\_\_\_\_\_  
 (Signature of trustee)

In re	(SHORT TITLE)	CHAPTER:
	Debtor(s).	CASE NO.:

**NOTE:** When using this form to indicate service of a proposed order, **DO NOT** list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on a CM/ECF docket.

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A true and correct copy of the foregoing document described as \_\_\_\_\_ will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d), and **(b)** in the manner indicated below:

**I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** - Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On \_\_\_\_\_ I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email addressed indicated below:

Service information continued on attached page

**II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL** (indicate method for each person or entity served):

On \_\_\_\_\_ I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follow. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

**III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL** (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on \_\_\_\_\_ I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method) by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date	Type Name	Signature
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