





In re <span style="float: right;">(SHORT TITLE)</span>  <div style="text-align: right;">Debtor(s).</div>	CHAPTER:  CASE NO.:
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**MOTION FOR ORDER CONFIRMING TERMINATION OF STAY OR THAT NO STAY IS IN EFFECT**  
**(MOVANT: \_\_\_\_\_)**

**1. Case History:**

- a.  A voluntary  An involuntary petition concerning an individual(s) 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.  One or more single or joint bankruptcy cases filed by or against this Debtor were pending within the year preceding the petition date in this case. These cases and the reasons for dismissal are:

1. Case Name: \_\_\_\_\_ Chapter: \_\_\_\_\_  
 Case Number: \_\_\_\_\_ Date Filed: \_\_\_\_\_ Date Dismissed: \_\_\_\_\_  
 Reason for Dismissal: \_\_\_\_\_  
 Relief from stay re this Movant  was  was not granted.

2. Case Name: \_\_\_\_\_ Chapter: \_\_\_\_\_  
 Case Number: \_\_\_\_\_ Date Filed: \_\_\_\_\_ Date Dismissed: \_\_\_\_\_  
 Reason for Dismissal: \_\_\_\_\_  
 Relief from stay re this Movant  was  was not granted.

See attached continuation page

**2. Grounds for Order:**

- a.  Under 11 U.S.C. § 362(j):
  - 1.  A single or joint case filed by or against the debtor was pending but dismissed within the year ending on the petition date in this case;
  - 2.  The dismissed case was not a case refiled under a chapter other than Chapter 7 following dismissal under 11 U.S.C. § 707(b);
  - 3.  30 days have elapsed since the filing of the Petition in the above-entitled case and no order has been entered continuing the stay;
  - 4.  An order under 11 U.S.C. § 362(j) confirming that the stay has been terminated is necessary and appropriate because:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ (attach continuation pages as necessary).

- b.  Under 11 U.S.C. § 362(c)(4)(A)(ii):
  - 1.  Two or more single or joint cases filed by or against the debtor were pending but dismissed within the year ending on the petition date in this case;
  - 2.  Neither of the dismissed cases were cases refiled under a chapter other than Chapter 7 after dismissal under 11 U.S.C. § 707(b);
  - 3.  An order under 11 U.S.C. § 362(c)(4)(A)(ii) confirming that no stay is in effect is necessary and appropriate because:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ (attach continuation pages as necessary).

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3. **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.  Other Declaration(s) are also attached 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*): \_\_\_\_\_
4.  **An optional Memorandum of Points and Authorities is attached to this Motion.**

**WHEREFORE, Movant prays that this Court issue an Order (*specify forms of relief requested*):**

- 1.  Confirming under 11 U.S.C. § 362(j) that the automatic stay has been terminated.
- 2.  Confirming under 11 U.S.C. § 362(c)(4)(A)(ii) that no stay is in effect.
- 3.  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 MOVANT

I, \_\_\_\_\_, the Movant herein, or officer of the Movant, declare that I have read the foregoing and pages attached, consisting of a total of \_\_\_\_ pages, and declare that the statements made therein are true of my own knowledge, or are based upon business records of the Movant kept in the ordinary course of Movant's business by persons whose duty it is to accurately record same at or near the time of the events recorded, and that I am one of the custodians of such records. That as to the dates, case numbers and reasons for dismissal of earlier cases, the statements are based upon the official records of the courts in the cases described hereinabove. Executed this \_\_\_\_ day of \_\_\_\_\_, 200\_\_ at \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Movant)

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**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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**ADDITIONAL SERVICE INFORMATION** (if needed):