Attorney or Party Name, Address, Telephone & FAX Numbers, and California State Bar Number ☐ *Individual appearing without counsel* ☐ *Attorney for:*	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re: Debtor(s).	CHAPTER: CASE NO.: DATE: TIME: CTRM: FLOOR:

ORDER GRANTING MOTION FOR (1) RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362, AND (2) RELIEF FROM TURNOVER UNDER 11 U.S.C. § 543 BY PREPETITION RECEIVER OR OTHER CUSTODIAN

(MOVANT/LENDER: _____ (the "Movant"))

1. The Motion was: ☐ Contested ☐ Uncontested ☐ Settled by stipulation

2. The Motion affects the following real property (the "Property"):

   Street Address:
   Apartment/Suite No.:
   City, State, Zip Code:

   Legal description or document recording number (including county of recording):

   ☐ See attached page.

3. The Motion is granted under: ☐ 11 U.S.C. § 362(d)(1) ☐ 11 U.S.C. § 362(d)(2) ☐ 11 U.S.C. § 362(d)(3)

4. As to Movant, its successors, transferees and assigns ("Movant"), the stay of 11 U.S.C. § 362(a) is:
   a. ☐ Terminated as to Debtor(s) and Debtor's(s') bankruptcy estate.
   b. ☐ Annulled retroactively to the date of the bankruptcy petition filing.
   c. ☐ Modified or conditioned as set forth in Exhibit _____ to this Order.

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Relief from stay to foreclose:

5. ☐ Movant may enforce its remedies to foreclose upon and obtain possession of the Property in accordance with applicable non-bankruptcy law, but may not pursue any deficiency claim against the Debtor(s) or property of the estate except by filing a Proof of Claim pursuant to 11 U.S.C. § 501.

6. ☐ Movant shall not conduct a foreclosure sale before the following date:

Annulment, modification, and/or relief from stay regarding Custodianship Proceedings:

7. ☐ **Turnover excused; Stay annulled:** Pursuant to 11 U.S.C. § 543(b)(1), the Movant and the Custodian (and their agents) are excused from the requirement for immediate turnover of the Property. The Stay is annulled to allow all issues regarding the Custodianship to be determined by the Custodian's Appointing Court as if this bankruptcy case had not been commenced.

8. ☐ **Turnover required; Stay modified to allow Appointing Court to complete Custodianship Proceedings:** Pursuant to 11 U.S.C. § 543 (b)(2), Movant and Custodian (and their agents) are required to turnover any property of the Debtor(s), held by the custodian as of the commencement of the bankruptcy case, to the debtor in possession or to the appointed trustee within _____ days of the entry of this Order. The stay is modified to permit the following proceedings before the Appointing Court:

   a. The Custodian is excused from filing with the bankruptcy court an accounting and request for approval of compensation under 11 U.S.C. § § 543(b)(2) and (c)(2), and is authorized to file with the Appointing Court a final report and account and request for order approving compensation and reimbursement of costs and expenses in accordance with non-bankruptcy law.

   b. The Appointing Court may hear and determine all issues related to the appropriateness of the accounting and amounts of compensation requested, including any postpetition period prior to the entry of this Order, and may authorize payment out of any funds in the possession of the Custodian that have not been required to be turned over to the Debtor(s) or bankruptcy trustee.

   c. The Appointing Court may proceed as allowed by non-bankruptcy law to terminate the Custodianship and exonerate any bond or undertaking as may be appropriate.

   d. The Custodian is authorized to file an appropriate motion in the bankruptcy court pursuant to 11 U.S.C. § 543(c)(2) to seek an order from this Court approving payment of compensation and reimbursement approved by the Appointing Court from funds that have been turned over to the Debtor(s) or bankruptcy trustee.

9. ☐ **Turnover required; all further custodian proceedings to be before the Bankruptcy Court:** Pursuant to 11 U.S.C. § 543 (b)(2), Movant and Custodian (and their agents) are required to turnover any property of the Debtor(s), held by the Custodian as of the commencement of the bankruptcy case, to the debtor in possession or to the appointed trustee within _____ days of the entry of this Order. The Custodian is further ordered to file in the Bankruptcy Court and serve on Movant, the Debtor(s), and any trustee appointed in the bankruptcy case by *(specify date)*:

   a. An accounting of any property of the Debtor(s) or proceeds thereof that has been received by the Custodian

   b. A conformed copy of the appointing order

   c. A motion for payment of compensation for services rendered and costs and expenses incurred by such Custodian

10. ☐ **Adequate protection required:** The stay shall remain in effect subject to the terms and conditions set forth in the Adequate Protection Attachment to this Order.

11. ☐ In chapter 13 cases, the trustee shall not make any further payments on account of Movant's secured claim after entry of this Order. The secured portion of Movant's claim is deemed withdrawn upon entry of this Order without prejudice to Movant's right to file an amended unsecured claim for any deficiency. Absent a stipulation or order to the contrary, Movant shall return to the trustee any payments received from the trustee on account of Movant's secured claim after entry of this Order.

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12. **Scope of relief:** This Court further orders as follows:
    a. ☐ This Order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.
    b. ☐ The 10-day stay provided by Bankruptcy Rule 4001(a)(3) is waived.
    c. ☐ The provisions set forth in the Extraordinary Relief Attachment shall also apply *(attach Optional Form F 4001-1O.ER)*.
    d. ☐ See attached continuation page for additional provisions.

Dated:

_____
UNITED STATES BANKRUPTCY JUDGE

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

ADEQUATE PROTECTION ATTACHMENT
(MOVANT/LENDER: _____ (the "Movant"))

(This Attachment is the continuation page for Paragraph 10 of the Order on the Motion.)

The stay shall remain in effect subject to the following terms and conditions:

1. ☐ The Debtor(s) shall make regular monthly payments in the amount of $_____ commencing _____. The amount of these payments may be subject to change under the terms of the parties' original agreements. All payments due Movant hereunder shall be paid to Movant at the following address:

   _____

   _____

   _____

   _____

2. ☐ The Debtor(s) shall cure the postpetition default computed through _____ in the sum of $_____ as follows:
   a. ☐ In equal monthly installments of $_____ each commencing _____ and continuing thereafter through and including _____,
   b. ☐ By paying the sum of $_____ on or before _____,
   c. ☐ By paying the sum of $_____ on or before _____,
   d. ☐ By paying the sum of $_____ on or before _____,
   e. ☐ Other:

3. ☐ The Debtor(s) shall maintain insurance coverage on the property and shall remain current on all taxes that fall due postpetition with regard to the property.

4. ☐ The Debtor(s) shall file a Disclosure Statement and Plan on or before *(specify date)*:
   Disclosure Statement shall be approved on or before *(specify date)*:
   The Plan shall be confirmed on or before *(specify date)*:

5. ☐ Upon any default in the foregoing terms and conditions, Movant shall serve written notice of default to Debtor(s), and any attorney for Debtor(s). If Debtor(s) fails to cure the default within 10 calendar days after mailing of such written notice:
   a. ☐ The stay shall automatically terminate without further notice, hearing or order.
   b. ☐ Movant may file and serve a declaration under penalty of perjury specifying the default, together with a proposed order terminating the stay, which the Court may grant without further notice or hearing.
   c. ☐ The Movant may move for relief from the stay upon shortened notice in accordance with Local Bankruptcy Rules.
   d. ☐ The Movant may move for relief from the stay on regular notice.

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6. ☐ Notwithstanding anything contained herein to the contrary, the Debtor(s) shall be entitled to a maximum of _____ *(number)* notices of default and opportunities to cure pursuant to the preceding paragraph. Once a Debtor(s) has defaulted this number of times on the obligations imposed by this Order and has been served with this number of notices of default, Movant shall be relieved of any obligation to serve additional notices of default and provide additional opportunities to cure. If an event of default occurs thereafter, Movant shall be entitled, without first serving a notice of default and providing the Debtor(s) with an opportunity to cure, to file and serve a declaration under penalty of perjury setting forth in detail the Debtor's(s') failures to perform hereunder, together with a proposed order terminating the stay, which the Court may enter without further notice or hearing.

7. ☐ The foregoing terms and conditions shall be binding only during the pendency of this bankruptcy case. If, at any time, the stay is terminated with respect to the Property by court order or by operation of law, the foregoing terms and conditions shall cease to be binding and Movant may proceed to enforce its remedies under applicable non-bankruptcy law against the Property and/or against the Debtor(s).

8. ☐ If Movant obtains relief from stay based on Debtor's(s') defaults hereunder, the order granting that relief shall contain a waiver of the 10-day stay created by Federal Rule of Bankruptcy Procedure 4001(a)(3).

9. ☐ Movant may accept any and all payments made pursuant to this Order without prejudice to or waiver of any rights or remedies to which it would otherwise have been entitled under applicable non-bankruptcy law.

10. ☐ Other *(specify)*:

_____
Judge's Initials

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

NOTICE OF ENTRY OF JUDGMENT OR ORDER AND CERTIFICATE OF MAILING

TO ALL PARTIES IN INTEREST ON THE ATTACHED SERVICE LIST:

1. You are hereby notified, pursuant to Local Bankruptcy Rule 9021-1, that an ORDER GRANTING MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 (in whole or in part), AND GRANTING RELIEF FROM TURNOVER OF PROPERTY UNDER § 543, was entered on *(specify date)*:

2. I hereby certify that I mailed a copy of this notice and a true copy of the order or judgment to the persons and entities on the attached service list on *(specify date)*:

Dated:

JON D. CERETTO
Clerk of the Bankruptcy Court

By: _____
Deputy Clerk