

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.

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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.**

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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: CASE NO.:
Debtor(s).	

PROOF OF SERVICE

STATE OF CALIFORNIA
 COUNTY OF _____

1. I am over the age of 18 and not a party to the within action. My business address is as follows:

2. **Regular Mail Service:** On _____, pursuant to Local Bankruptcy Rule 9013-1, I served the documents described as: NOTICE OF MOTION and MOTION FOR RELIEF FOR ORDER CONTINUING THE AUTOMATIC STAY, ETC. (with supporting declarations) on the interested parties at their last known address in this action by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at _____, California, addressed as set forth on the attached list.

NOTE: *If the Notice and Motion have been served pursuant to an Order Shortening Time ("Order"), you must file a Proof of Service that indicates that the notice and service requirements contained in the Order have been met.*

3. **See attached list for names and addresses of all parties and counsel that have been served.** *(In the manner set forth in Local Bankruptcy Rule 7004-1(b), specify capacity in which service is made; e.g., Debtor(s), Debtor's(s) Attorney, Trustee, Trustee's Attorney, Creditors Committee, or 20 largest unsecured creditors, etc.)*

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

Dated:

Typed Name

Signature