

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address          <input type="checkbox"/> <i>Individual appearing without attorney</i> <input type="checkbox"/> <i>Attorney for:</i>	FOR COURT USE ONLY
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**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA — \_\_\_\_\_ DIVISION**

In re:	CASE NO.: CHAPTER: 11
	<b>NOTICE OF MOTION AND MOTION IN INDIVIDUAL CHAPTER 11 CASE FOR ORDER AUTHORIZING DEBTOR TO PROVIDE ADEQUATE ASSURANCE OF PAYMENT TO UTILITY SERVICE PROVIDERS [11 U.S.C. § 366]</b>
	This motion is being made under <b>ONLY ONE</b> of the following notice procedures: <input type="checkbox"/> <b>No hearing unless requested under LBR 9013-1(o)(4); or</b> <input type="checkbox"/> <b>Hearing requested on emergency basis: LBR 9075-1(a); or</b> <input type="checkbox"/> <b>Hearing requested on shortened notice: LBR 9075-1(b); or</b> <input type="checkbox"/> <b>Hearing set on regular notice: LBR 9013-1(d):</b>  DATE: TIME: COURTROOM: ADDRESS:
Debtor(s).	

1. **PLEASE TAKE NOTICE THAT** the Debtor moves this court for an order authorizing the Debtor to provide adequate assurance of payment to utility service providers under 11 U.S.C. § 366.
2. **NOTICE PROVISIONS AND DEADLINES FOR FILING AND SERVING A WRITTEN RESPONSE:** Your rights might be affected by this Motion. You may want to consult an attorney. Refer to the box checked below for the deadline to file and serve a written response. If you fail to timely file and serve a written response, the court may treat such failure as consent to the relief sought in the Motion and may grant the requested relief. You must serve a copy of your opposition upon the Debtor, the Debtor's attorney, the United States trustee, and on the judge pursuant to LBR 5005-2(d) and the Court Manual.

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This form is optional. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

- a.  **No Hearing Scheduled; Notice Provided Under LBR 9013-1(o):** This Motion is filed by the Debtor pursuant to LBR 9013-1(o), which provides for granting of motions without a hearing, unless a hearing is requested in writing. The entire Motion is attached, including the legal and factual grounds upon which the Motion is made. If you wish to oppose this Motion, you must file a written response and request for hearing with the court and serve it as stated above, **no later than 14 days after the date stated on the Proof of Service of this Motion** plus 3 additional days if you were served by mail, electronically, or pursuant to F.R.Civ.P. 5(b)(2)(D), (E), or (F). Your opposition must comply with LBR 9013-1(f) and (o).
  
- b.  **Hearing Requested on Emergency Basis under LBR 9075-1(a): Hearing Requested on Emergency Basis under LBR 9075-1(a):** The Debtor has contacted the court and requested an emergency hearing on less than 48-hours notice. If the court grants the request, you will receive a separate Notice of Hearing that identifies the deadline for the Debtor to file and serve the Motion and the deadline for you to file and serve a written response. If the court denies the request to set an emergency hearing, the Debtor will provide written notice of a regular hearing date or other disposition of this motion and the deadline for filing an opposition.
  
- c.  **Hearing Requested on Shortened Notice under LBR 9075-1(b):** Debtor has filed a separate application asking the court to set a hearing on shortened notice, titled Application for Order Setting Hearing on Shortened Notice (Application). If the court grants the Application, the Debtor will serve you with another document providing notice of the deadline to file and serve a written response. If the court denies the Application, the Debtor must provide written notice of a hearing date on regular notice or other proposed disposition of this Motion.
  
- d.  **Hearing Set on Regular Notice; Notice Provided Under LBR 9013-1(d):** This Motion is set for hearing on regular notice pursuant to LBR 9013-1(d). The entire Motion and supporting documentation are attached, including the legal and factual grounds upon which the Motion is made. If you wish to oppose this Motion, you must file a written response with the court and serve it as stated above **no later than 14 days prior to the hearing**. Your response must comply with LBR 9013-1(f). The undersigned hereby verifies that the hearing date and time selected were available for this type of Motion according to the judge's self-scheduling procedures [LBR 9013-1(b)].
  
- e.  **Other (specify):**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Signature of Debtor

Name: \_\_\_\_\_  
Printed name of Debtor

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Signature of attorney for Debtor, if any

Name: \_\_\_\_\_  
Printed name of attorney for Debtor, if any

**MOTION FOR ORDER AUTHORIZING DEBTOR TO PROVIDE ADEQUATE  
ASSURANCE OF PAYMENT TO UTILITY SERVICE PROVIDERS [11 U.S.C. § 366]**

In order to confirm a plan of reorganization, the Debtor must provide adequate assurance of payment to utility service providers.

Debtor requests that this court authorize the Debtor to provide the following type(s) of adequate assurance of payment to each of the utilities identified in the accompanying declaration.

11 U.S.C. § 366(c)(1)(A) specifies that "assurance of payment" (Adequate Assurance Method) means:

- (i) A cash deposit. [For multiple accounts with varying deposit amounts, attach an exhibit detailing each account and its respective cash deposit. Also provide the overall total cash deposit amount for all accounts.];
- (ii) A letter of credit;
- (iii) A certificate of deposit;
- (iv) A surety bond;
- (v) A prepayment of utility consumption. [For multiple accounts with varying prepayment amounts, attach an exhibit detailing each account and its respective prepayment amount. Also provide an overall total prepayment amount for all accounts.]; or
- (vi) Another form of security that is mutually agreed on between the utility and the Debtor. [Attach a declaration of Debtor detailing the terms of the agreement.]

The Debtor requests authorization to provide the assurance of payment to the subject utility service(s) provided as described.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Signature of Debtor

Name: \_\_\_\_\_  
Printed name of Debtor

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Signature of attorney for Debtor, if any

Name: \_\_\_\_\_  
Printed name of attorney for Debtor, if any

**DECLARATION OF DEBTOR IN SUPPORT OF MOTION  
FOR ORDER AUTHORIZING DEBTOR TO PROVIDE ADEQUATE  
ASSURANCE OF PAYMENT TO UTILITY SERVICE PROVIDERS [11 U.S.C. § 366]**

1. I am the Debtor in this chapter 11 bankruptcy case. The facts asserted in this declaration are of my own personal knowledge.

2. a.  I have current accounts with the following utilities and, unless an alternative is offered in section 4 below, recommend the following deposit amounts:

NAME OF UTILITY	LAST 4 DIGITS OF ACCOUNT NUMBER	CURRENT DEPOSIT PROVIDED	AMOUNT (IF ANY) OF PROPOSED ADDITIONAL DEPOSIT
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$

b.  Attached as Exhibit A is a continuation chart for utility service providers.

3. I have the ability to pay the proposed deposits set forth in section 2.

4. a.  As an alternative to deposits, or in addition to a deposit, I propose the following:

NAME OF UTILITY	LAST 4 DIGITS OF ACCOUNT NUMBER	ADEQUATE ASSURANCE METHOD categories (i) through (vi) from previous page	AMOUNT (IF ANY) OF ADEQUATE ASSURANCE

b.  Attached as Exhibit B is a continuation chart for utility service providers.

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

\_\_\_\_\_ *Date*

\_\_\_\_\_ *Printed Name*

\_\_\_\_\_ *Signature*

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## 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 entitled: **NOTICE OF MOTION AND MOTION IN INDIVIDUAL CHAPTER 11 CASE FOR ORDER AUTHORIZING DEBTOR TO PROVIDE ADEQUATE ASSURANCE OF PAYMENT TO UTILITY SERVICE PROVIDERS [11 U.S.C. § 366]** 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 stated below:

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

Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (date) \_\_\_\_\_, I served the following persons and/or entities at the last known addresses 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 addressed 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

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, 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 personal delivery on, or overnight mail 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 that the foregoing is true and correct.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

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