

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 NOTICE. 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 _____ days before the hearing.
- (1) An Application for Order Setting Hearing on Shortened Notice was not required (according to the calendaring procedures of the assigned judge).
- (2) An Application for Order Setting Hearing on Shortened Notice was filed per LBR 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) An Application for Order Setting Hearing on Shortened Notice 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 Clerk's Office or use the court's website (www.cacb.uscourts.gov) to obtain a copy of an approved court form for use in preparing your response (optional court form F 4001-1.RESPONSE), or you may prepare your response using the format required by LBR 9004-1 and the Court Manual.

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.

Date: _____

Print name of law firm (if applicable)

Signature of individual Movant or attorney for Movant

Print name of individual Movant or attorney for Movant

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 (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.

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 LBRs.
 - 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 under penalty of perjury concerning Movant's claims set forth in Debtor'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.

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.

Date: _____

Respectfully submitted,

Printed name of Movant

Printed name of attorney (if applicable)

Signature

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

Date

Printed name of declarant

Signature

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

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: **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)** 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

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