UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re	)	Case No._____
	)	
	)	(CHECK **ALL** APPLICABLE BOXES)
	)	☐ Ch. 7/13 Motion for Relief from
	)	☐ DEBTOR ☐ Chapter **13** CODEBTOR Stay
	)	Filed by Creditor:
	)	_____
	)	☐ *Response to Stay Motion filed by Respondent:*
Debtor(s)	)	_____

1. **Debt, Default, Other Encumbrances, Description and Value of Collateral** *(To be completed by creditor)*

   a. Description of collateral (car model, year, VIN, property address):

   b. Amount of debt: $_____ consisting of principal: $_____; interest: $_____; other:

   c. Description, amount and priority of other encumbrances on collateral. If not known, include applicable information from debtor's schedules if available on PACER:

   Total debt secured by collateral (total 1.b. + 1.c.): $_____.

   d. Value of collateral: $_____.
   Equity in collateral: $_____, after deducting $_____ liquidation costs.

   e. Current monthly payment: $_____.

   f. If Chapter 13:

   (1) $_____ postpetition default consisting of (e.g., $____ payments, $____ late charges, $____ fees):

   (2) $_____ prepetition default consisting of ☐ amounts specified in proof of claim, or, ☐ consisting of:

   g. If Chapter 7, total amount of default $_____.

RESPONSE *(Identify specific items disputed and specify what you contend are the pertinent facts including why there is a postpetition default, if applicable) (to be completed by respondent):*

2. **Relief from stay should be granted because (check ALL that apply):** *(To be completed by creditor)*
   - ☐ Lack of adequate protection because of failure to make sufficient adequate protection payments and lack of a sufficient equity cushion.
   - ☐ Lack of insurance on collateral.
   - ☐ No equity in the collateral and the property is not necessary for an effective reorganization.
   - ☐ Failure of debtor to make Chapter 13 plan payments.
   - ☐ Failure of debtor to make payments to secured creditor required by pt. 4 of Chapter 13 plan.
   - ☐ Other (describe):

RESPONSE *(Specify why relief from stay should be denied. If respondent proposes to cure a postpetition default, detail the cure by* **ATTACHING** *a proposed order using Local Form (LBF) #720.90 available at www.orb.uscourts.gov under Ct. Rules/Orders/Forms) (to be completed by respondent):*

3. **Background** *(To be completed by creditor)*

   a. Date petition filed: _____ Current Chapter: ____ (7 or 13)
   If 13, current plan date _____ Confirmed: ☐ Yes ☐ No
   If 13, treatment of creditor's prepetition claim(s) in plan:

   If 7, debtor ☐ has ☐ has NOT stated on Local Form (LBF) #521 that debtor intends to surrender the collateral.

   b. Creditor has a lien on the collateral by virtue of (check **ALL** applicable sections **AND** also see pt. 6 below):
   - ☐ Security agreement, trust deed or land sale contract dated _____, and, if applicable, an assignment of said interest to creditor. The security interest was perfected as required by applicable law on _____.
   - ☐ Retail installment contract dated _____, and, if applicable, an assignment of said interest to creditor. The security interest was perfected on the certificate of title on _____.
   - ☐ Other (describe):

RESPONSE *(Identify any disputed items and specify the pertinent facts) (to be completed by respondent):*

4. **Request for Relief from Codebtor Stay** (Only Chapter **13**)

   a. _____, whose address is _____
   _____, is a codebtor on the obligation described above, but is not a debtor in this bankruptcy.

   b. Creditor should be granted relief from the codebtor stay because (check **ALL** applicable boxes): ☐ codebtor received the consideration for the claim held by creditor, ☐ debtor's plan does not propose to pay creditor's claim in full, ☐ creditor's interest would be irreparably harmed by continuation of the codebtor stay as a result of the default(s) described above and/or ☐ because:

RESPONSE *(Identify any disputed items and specify the pertinent facts) (to be completed by respondent):*

5. **Other Pertinent Information** *(To be completed by creditor, if applicable)*

☐ Creditor's claim is secured by real property and debtor's filing of this petition was part of a scheme to delay, hinder, and defraud creditors that involved either (a) transfer of all or part ownership of, or other interest in, the real property without creditor's consent or court approval, or, (b) multiple bankruptcy filings affecting the real property. The following facts support this assertion:

☐ Other pertinent information:

RESPONSE *(Identify any disputed items and specify the pertinent facts) (to be completed by respondent):*

6. **Relief Requested (check ALL applicable sections):** *(To be completed by creditor)*

☐ Creditor requests relief from the automatic stay to allow it to foreclose its lien on the above identified collateral, and, if necessary, to take appropriate action to obtain possession of the collateral.

☐ Creditor has a security interest in real property and requests relief from stay with respect to an act against such property and that the relief be binding in any other bankruptcy case purporting to affect such real property filed not later than 2 years after the date of the entry of an order granting this motion.

☐ Creditor requests that the 10 day stay provided by FRBP 4001(a)(3) be waived based on the following cause:

☐ Other (describe and explain cause):

RESPONSE *(Identify any disputed items and specify the pertinent facts. If respondent agrees to some relief,* **ATTACH** *a proposed order using Local Form (LBF) #720.90 available at www.orb.uscourts.gov under Ct. Rules/Orders/Forms) (to be completed by respondent):*

7. **Documents:**

If creditor claims to be secured in pt. 3.b. above creditor's counsel has served on all parties listed in the notice, **BUT NOT FILED** with the court (i.e., such documents will not be filed), a copy of the documents creating and perfecting the security interest. If respondent disputes the creation and/or perfection of the claimed lien(s), respondent has filed with the response all the documents creditor's counsel served.

RESPONDENT requests creditor provide *Respondent with the following document(s), if any checked, which are pertinent to this response:*

☐ Postpetition payment history.
☐ Other document(s) (specific description)

CREDITOR/ATTORNEY

Signature:_____
Name:_____
Address:_____
_____
Email Address:_____
Phone No:_____
OSB#:_____

RESPONDENT **DEBTOR**/ATTORNEY *(by signing, the respondent also certifies that [s]he has not altered the information completed by creditor)*

Signature:_____
Name:_____
Address:_____
_____
Email Address:_____
Phone No:_____
OSB#:_____

RESPONDENT **CODEBTOR**/ATTORNEY *(by signing, the respondent also certifies that [s]he has not altered the information completed by creditor)*

Signature:_____
Name:_____
Address:_____
_____
Email Address:_____
Phone No:_____
OSB#:_____

YOU ARE HEREBY NOTIFIED THAT THE CREDITOR IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.