

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re

Case No. _____
Amended

Debtor

**NOTICE OF MOTION AND MOTION BY
CHAPTER 13 DEBTOR TO USE, LEASE,
OR DISPOSE OF INTEREST IN PROPERTY**

NOTICE

1. YOU ARE NOTIFIED that the motion below was filed by the debtor to [*check all that apply*]:
 - Use property
 - Lease property
 - Dispose of interest in property
2. If you wish to object to the motion, you must, within 21 days after the service date in paragraph 5 below, file with the clerk at 1050 SW 6th Ave. #700, Portland OR 97204 or 405 E 8th Ave. #2600, Eugene OR 97401 a written objection stating the specific facts upon which the objection is based, and include a certificate of service of the objection on the movant.
3. **Failure to Object.** If you fail to file a timely objection, then the court may sign an order without further notice, submitted by the moving party on Local Bankruptcy Form 1302.5, granting the relief requested in the motion
4. This document constitutes the notice required by Local Bankruptcy Rule 2002-1.
5. I certify that on _____ this document was:
 - a. served under Federal Rule of Bankruptcy Procedure (FRBP) 7004, on the debtor, Chapter 13 trustee, U.S. trustee, each holder of liens or encumbrances on the property, and their attorneys; and
 - b. was sent, pursuant to FRBP 2002(a), to all creditors and all parties as listed in the court's records that were obtained on _____, a copy of which is attached to the document filed with the court.
6. For further information, contact [*enter name and contact information of debtor's attorney, or, if no debtor's attorney, debtor*]:

Date

Signature & Relation to Movant

Debtor's Address & Last 4 Digits of Taxpayer ID#

MOTION

[In this motion, to "use" or "dispose of" property means to use or dispose of it other than by selling or encumbering it.]

Information About the Property

[Movant must complete this entire section]

1. **Description of the Property** *[for example, real property address; car model, year, and VIN; or manufacturer and serial number]:*

Is the property the debtor's primary residence? Yes No

Additional property description attached? Yes No

2. **Description of Existing Liens and Encumbrances on the Property, Listed in Priority Order** *[for property where debtor will be the lessee, do not list liens and encumbrances that are the responsibility of the lessor]:*

Name of Holder	Approximate Amount	Interest Rate	Maturity Date	Proposed Treatment (fully paid, partially paid, or not paid)

Additional information on existing liens and encumbrances attached? Yes No

Relief Requested

[Movant must complete each applicable part of this section; inapplicable parts of this section may be left blank.]

3. **Motion to Approve Use of Property.** Debtor hereby moves for the authority to use the property described in paragraph 1 of this motion outside of the ordinary course of business. In support of this motion, debtor provides the following information:

Proposed use of the property:

Name of other parties to the use (if any):

Relationship of those parties to debtor:

Consideration for proposed use:

Other relevant terms of use:

4. **Motion to Approve Lease of Property.** Debtor hereby moves for the authority to lease the property described in paragraph 1 of this motion. In support of this motion, debtor provides the following information:

Debtor will be the lessor lessee

Name of other parties to the lease:

Relationship of those parties to debtor:

Rent:

Anticipated lease commencement date:

Term of lease [*for example, month to month, annual*]:

Other relevant lease terms:

5. **Motion to Approve Disposition of Interest in Property.** Debtor hereby moves for the authority to dispose of the property described in paragraph 1 of this motion. In support of this motion, debtor provides the following information:

Reason for disposition:

Method of disposition:

Other parties involved in disposition:

Relationship of those parties to debtor:

Cost of disposition (if any) and source of funds to pay for disposition:

Points and Authorities

[Movant must complete this entire section]

6. **Basis for Relief.** Debtor asserts that the court should grant the relief requested because:

7. **Chapter 13 Trustee Position on this Motion.** Debtor or debtor's counsel has conferred with the chapter 13 trustee, and the trustee:

Consents to this motion

Opposes this motion

Takes no position on this motion

Other:

8. **Plan**

a. Does the chapter 13 plan contemplate the relief requested herein? Yes No

b. Effect on Plan or Plan Payments. Check all that apply:

Satisfies an arrearage or other secured debt being paid in the plan. Debtor anticipates an increased a reduced housing expense of \$ _____ compared to the amount listed in the most recently filed Schedule J. Net proceeds will be used to complete debtor's obligations under the plan.

Net proceeds will be used to pay all creditors in full.

Other:

9. Exhibits

In support of this motion, debtor hereby attaches the following exhibits [*for example, purchase and sale agreement, note, deed of trust, preliminary title report, estimated closing statement*]:

None

Exhibits:

Exhibit Number <i>[for example, Exhibit B]</i>	Exhibit Description <i>[for example, purchase and sale agreement, note, deed of trust, preliminary title report, estimated closing statement]</i>

10. Declarations

In support of this motion, debtor hereby attaches the following declarations:

None

Declarant names:

Date

Signature & Relation to Movant

Debtor's Address & Last 4 Digits of Taxpayer ID#