UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re

Case No. _____
    Amended

[*Check all applicable boxes*]
CHAPTER 7/13 MOTION FOR RELIEF FROM
    Debtor   Chapter 13 Codebtor Stay
Filed by Movant:

_____

Objection to Stay Motion filed by Respondent:

Debtor

_____

Instructions to movant: You must file this motion with a notice of motion on Local Bankruptcy Form (LBF) 720*. See* LBF 720.50*, Procedures re: Motions for Relief from Stay, for more information.*

1. **Debt, Default, Other Encumbrances, Description and Value of Collateral** [*To be completed by movant*]

   a. Description of collateral [*e.g., car model, year, and VIN, or property address*]:

   b. Amount of debt: $ _____, consisting of principal of $ _____, interest of $ _____, and 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 [*1.b. + 1.c.*]: $ _____.

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

OBJECTION [*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 movant*]:

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 to the trustee.

Failure of debtor to make direct payments required by Chapter 13 plan.

Other [*describe*]:

OBJECTION [*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 LBF 720.90 available at https://www.orb.uscourts.gov under Forms/Local Forms; to be completed by respondent*]:

3. **Background** [*To be completed by movant)*

a. Date petition filed: _____ Current Chapter: _____ (7 or 13)

If 13, current plan date _____ Confirmed: ____ Yes ____ No

If 13, treatment of movant's prepetition claim(s) in plan:

If 7, debtor ____ has ____ has not stated on Official Form B 108 that debtor intends to surrender the collateral.

b. Movant has a lien on the collateral by virtue of [*check all applicable sections, see also paragraph 6 below*]:

Security agreement, trust deed, or land sale contract dated _____ and any assignment of that interest to movant. The security interest was perfected as required by applicable law on _____ .

Retail installment contract dated _____ and any assignment of that interest to movant. The security interest was perfected on the certificate of title on _____ .

Other [*describe*]:

OBJECTION [*Identify any disputed items and specify the pertinent facts; to be completed by respondent*]:

4. **Request for Relief from Codebtor Stay** [*Chapter 13 only*]
   a. _____ , whose address is _____
   _____ , is a codebtor on the obligation described above, but is not a debtor in this bankruptcy.

   b. Movant should be granted relief from the codebtor stay because [*check all that apply*]:
   codebtor received the consideration for the claim held by movant   debtor's plan does not propose to pay movant's claim in full   movant's interest would be irreparably harmed by continuation of the codebtor stay as a result of the default(s) described above   because:

OBJECTION [*Identify any disputed items and specify the pertinent facts; to be completed by respondent*]:

5. **Other Pertinent Information** [*To be completed by movant, if applicable*]:

OBJECTION [*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 movant*]:

Movant requests relief from the automatic stay to allow it to foreclose its lien on the collateral and to take any necessary action to obtain possession of the collateral.

Movant has a security interest in real property and requests relief from stay of an act against the collateral and that the relief be binding in any other bankruptcy case purporting to affect the collateral filed not later than 2 years after the date of the entry of an order granting this motion. [*If you check this box, you must complete paragraph 5 above to support this request. If you do not do so, the Court will not grant relief binding in any other bankruptcy case.*]

Movant requests that the 14-day stay provided by FRBP 4001(a)(4) be waived based on the following cause:

Other [*describe and explain cause*]:

OBJECTION [*Identify any disputed items and specify the pertinent facts. If respondent agrees to some relief, attach a proposed order using* LBF 720.90 *available at* https://www.orb.uscourts.gov *under Forms/Local Forms; to be completed by respondent*]:

7. **Documents**:

If movant claims to be secured in paragraph 3.b. above, movant has attached to and filed with this motion a copy of the documents creating and perfecting the security interest, if not previously attached to a proof of claim.

If this case is a chapter 13 case and the collateral is real property, movant has attached to and filed with this motion a postpetition payment history current to a date not more than 30 days before this motion is filed, showing for each payment the amount due, the date the payment was received, the amount of the payment, and how movant applied the payment.

RESPONDENT requests movant provide respondent with the following document(s), if any are marked below, which are pertinent to this objection:

Postpetition payment history, if not required above.

Documents establishing that movant owns the debt described in paragraph 1 or is otherwise a proper party to bring this motion.

Other document(s) [*describe*]:

Movant/Attorney	Respondent /Attorney
	(By signing, the respondent also certifies that the respondent has not altered the information completed by movant.)

Signature: _____   Signature:_____

Name: _____   Name:_____

Address: _____   Address:_____

_____   _____

Email: _____   Email:_____

Phone #: _____   Phone #:_____

OSB#: _____   OSB#:_____

You are hereby notified that the creditor is attempting to collect a debt and any information obtained will be used for that purpose.