

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA

In re:)
) Case No.
)
)
 Debtor (s))

**MOTION FOR RELIEF FROM AUTOMATIC STAY
[AND/OR ABANDONMENT OF PROPERTY]**

[If waiving 30-day hearing requirement, caption must also contain: "WITH 30-DAY WAIVER"]

Creditor, [INSERT NAME], hereby moves the Court pursuant to 11 U.S.C. §362(d) and §554 to lift the automatic stay [and abandon from the estate] [as to] the following [real /personal] property:

[describe real property by commonly known address
or describe personal property] (the "Property")

AND, in support of its Motion, the Creditor states the following:

1. The Debtor(s) filed their chapter [7,13] case on [date] (the "Petition Date").
2. As of the Petition Date, [creditor] was the holder of a claim secured by the Property, more particularly described in the [mortgage, UCC financing statement, certificate of title], a copy of which is attached as "Exhibit A."
3. The above described [mortgage, security interest] was given to secure a promissory note (the "Note") dated [date] made payable to [creditor] in the original sum of [original sum of note].
4. [Creditor] perfected its interest in the Property and [recorded its mortgage, filed its UCC financing statement, certificate of title] with [name of filing office] on [date].
5. *As of the date of the filing of this Motion*, the outstanding principal of the Note was [principal amount] and the

- outstanding interest was [interest amount].
6. Pursuant to the Note, the Debtor(s) were required to pay [monthly, quarterly, etc] installments of [amount] to [creditor]. The Debtor(s) are in default under the terms of the Note and [mortgage, security interest] and the [creditor] last received a payment on the Note on [date of last payment rec'd] in the amount of [amount of last payment rec'd]. *As of the date of the filing of this Motion*, there is an arrearage of [amount], [together with attorney fees, late charges and costs] [may list other events of default, i.e. failure to maintain insurance coverage, etc] OR [creditor] attaches as Exhibit "B" a history of payments made by the Debtor(s) over the last [number] months with respect to the Note.
 7. The Property is [burdensome to the estate or is of inconsequential value and benefit to the estate]. Cause exists to lift the automatic stay since [creditor's] interest is not being adequately protected [list other reasons].
 8. [If creditor waives 30 day hrg requirement] [creditor] hereby waives its right under 11 U.S.C. §362(e) to a hearing on this Motion within thirty (30) days of the date it is filed.

WHEREFORE, [creditor] moves the Court to enter an order lifting the automatic stay and abandoning the Property and granting such other relief as appropriate.

/s/Attorney for Creditor
Attorney for Creditor
[required signature block]

CERTIFICATE OF SERVICE

[See the form "Certificate of Service - Generic" on the Court's website under "Bankruptcy Forms and Instructions"]