

UNITED STATES BANKRUPTCY COURT
Southern District of Indiana

In re:)
)
[Name of Debtor(s)],) Case No. (xx-xxxxx)
Debtor(s).)

**MOTION FOR (RELIEF FROM AUTOMATIC STAY
AND/OR ABANDONMENT OF PROPERTY)
AND NOTICE OF OBJECTION DEADLINE**

(If waiving 30-day hearing requirement, include: ‘..WITH 30-DAY WAIVER..’ in title.)

The creditor, [name of creditor], hereby moves the Court, pursuant to 11 U.S.C. 362(d) and 554, to lift the automatic stay (and/or abandon the property from the estate) on the following (real/personal) property:

[describe real property by commonly known address or describe personal property] (“Property”).

In support of the motion, the creditor states the following:

1. The debtor(s) filed a Chapter (7,11,13) case on [date] (“Petition Date”).
2. As of the Petition Date, the creditor was the holder of a claim secured by the Property, more particularly described in the (select Option A or B):
 - Option A: (Mortgage, UCC financing statement, certificate of title) - a copy of which is attached as Exhibit A;
 - Option B: Proof of Claim (#), (option available if documents are attached to POC).
3. The above described (mortgage/security interest) was given to secure a promissory note (“Note”) dated [date] and made payable to the creditor in the original sum of [original sum of the Note].
4. The creditor perfected an interest in the Property, more particularly described in a [select Option A or B]:
 - Option A: (Mortgage, UCC financing statement, certificate of title) with the [name of filing office] on [date]. Evidence of perfection is attached as Exhibit B;

Option B: Proof of Claim (#), (option available if documents showing perfection are attached to POC).

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. *(if Chapter 13 and a post-petition default is alleged)* The debtor(s) (is/are) in default post-petition. A payment history is attached as Exhibit C.
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 (and/ or abandon the property) since the interest of the creditor is not being adequately protected (and/or the property is burdensome or of inconsequential value to the estate) [list other reasons if applicable].

OMIT NOTICE SECTION IF REFUSING TO WAIVE HEARING REQUIREMENT

NOTICE: Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to enter an order affecting the property, or if you want the court to consider your views on the motion, then on or before [date] (**14 days** from the date of service) you or your attorney must file with the court a written objection explaining your position.

Those not permitted to file electronically must deliver any objection by U.S. mail, courier, overnight/express mail, or in person at:

(select the appropriate address)

Indianapolis

116 U.S. Courthouse
46 East Ohio Street
Indianapolis, IN 46204

Evansville and Terre Haute

352 Federal Bldg.
101 NW Martin Luther King Jr. Blvd.
Evansville, IN 47708

New Albany

110 U.S. Courthouse
121 West Spring Street
New Albany, IN 47150

If you mail your objection to the court, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also send a copy of your objection to:

[movant's attorney's name and address]

[names and addresses of others to be served]

If you or your attorney do not take these steps, the court may decide that you do not oppose an order affecting the property.

WHEREFORE, the creditor moves the Court to enter an order lifting the automatic stay (and/or abandoning the Property) and granting such other relief as appropriate.

/s/ Counsel for Creditor
Counsel for Creditor
(required signature block)

CERTIFICATE OF SERVICE

(Certificates of Service forms are available on the Court's website under Rules & Forms > Local Forms > Motions & Related Notices/Certificates of Service/Orders)