

UNITED STATES BANKRUPTCY COURT
Southern District of Indiana

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

(EMERGENCY) MOTION TO (EXTEND OR IMPOSE)
THE AUTOMATIC STAY PURSUANT TO 11 U.S.C. 362(c)(3) [or (4)]

The debtor(s) respectfully request(s) that this Court (extend or impose) the automatic stay, pursuant to 11 U.S.C. §362(c)(3) [or (4)], and in support thereof state(s):

1. The debtor(s) filed this bankruptcy petition on [date].
2. The debtor(s) previously filed bankruptcy, [case number], under Chapter [#] on [date] and that case was dismissed on [date].

(If more than one prior filing in the past year) Debtor(s) also previously filed another bankruptcy case, [case number], on [date], and that case was dismissed on [date].
3. The debtor(s) had no other pending bankruptcy cases in the preceding one-year period.
4. The debtor(s) did not have any prior case(s) dismissed in the past year due to:
 - (failure to file or amend other required documents without substantial excuse),
 - (failure to provide adequate protection as ordered by the Court), or
 - (failure to perform the terms of a plan confirmed by the Court).
5. There has been a substantial change in the financial or personal affairs of the debtor(s) since the dismissal of the last case, and the debtor(s) believe(s) that this case will:
 - *(If a Chapter 7)* be concluded with a discharge; or
 - *(If a Chapter 11 or 13)* result in a confirmed plan that will be fully performed.

(Those changes are described in the attached affidavit.)

6. *(if applicable)* One or more creditors had filed a Motion for Relief from Stay and such motion(s) (was/were) pending at the time of, or was granted within 60 days prior to, dismissal of the prior case.

[List creditor(s) and statuses of any motions for relief here.]

7. *(if seeking to extend the stay)* The automatic stay will terminate on [date] without further order of this Court.
8. *(if seeking to impose the stay, and if the motion is intended to stop a sheriff's sale)* This motion seeks to impose the automatic stay as to the case of [list parties to the case and the case number], pending in [list state court in which case is pending]. Contact information for the non-debtor parties and their attorneys in that case is [provide names and contact information].
9. [Discuss contact with creditor(s), if any, prior to filing the motion.]

WHEREFORE, the debtor(s) pray that this Court grant the Motion to (Extend or Impose) the Automatic Stay as to all creditors (or identify creditors specifically), after notice and opportunity to be heard, and for all other proper relief.

/s/ Counsel for Debtor(s)
Counsel for Debtor(s)
(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)

[Note: Attach Affidavit in Support of Motion to (Extend or Impose) Automatic Stay.]

UNITED STATES BANKRUPTCY COURT
Southern District of Indiana

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

AFFIDAVIT IN SUPPORT OF
(EMERGENCY) MOTION TO (EXTEND OR IMPOSE) THE AUTOMATIC STAY
PURSUANT TO 11 U.S.C. §362(c)(3) [or (4)]

The debtor(s), in support of the (Emergency) Motion to (Extend or Impose) the Automatic Stay, state as follows:

1. (I/We) filed this bankruptcy petition on [date].
2. (I/We) previously filed bankruptcy, [case number], under Chapter (7, 11, 13) on [date] and that case was dismissed on [date].

(If more than one prior filing in the past year) (I/We) also previously filed another bankruptcy case, [case number], on [date], and that case was dismissed on [date].
3. (I/We) have had no other pending bankruptcy cases in the preceding one-year period.
4. (I/We) have not had any prior case(s) dismissed in the past year for any of the following reasons:
 - (failure to file or amend other required documents without substantial excuse),
 - (failure to provide adequate protection as ordered by the Court), or
 - (failure to perform the terms of a plan confirmed by the Court).

5. (I/We) have had a substantial change in (my/our) financial or personal affairs since the dismissal of the last case, and (I/we) believe that this case will:

- (If a Chapter 7) be concluded with a discharge; or
- (If a Chapter 11 or 13) result in a confirmed plan that will be fully performed.

Those changes are as follows:

[Describe in detail]

(I/We) affirm under the penalty of perjury that the foregoing is true and correct to the best of (my/our) information and belief.

Signature of Debtor

Signature of Joint Debtor