

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
(Intended for use by secured creditor.)

(If waiving 30-day hearing requirement, caption must also contain: "WITH 30-DAY WAIVER.")

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

(Describe real property by commonly known address or describe personal property) - referred to as the "Property."

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

1. The debtor(s) filed a Chapter (7,13) case on (date) - referred to as the "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 one):
 - 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 - referred to as the "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 one):

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. (Use if case is under 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 since the interest of the creditor is not being adequately protected (list other reasons if applicable).
8. (If 30-day hearing requirement is waived) The creditor hereby waives the right under 11 U.S.C. §362(e) to a hearing on this motion within thirty (30) days of the date it is filed.

NOTICE IS GIVEN that any objection must be filed with the Bankruptcy Clerk within **14 days** from date of service [or such other time period as may be permitted by Fed.R. Bankr.P. 9006(f)]. Those not required or 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 St
Indianapolis, IN 46204

Evansville and Terre Haute

352 Federal Bldg.
101 NW M.L. King Jr. Blvd.
Evansville, IN 47708

New Albany

110 U.S. Courthouse
121 W. Spring St.
New Albany, IN 47150

The objecting party must ensure delivery of the objection to the party filing the motion. **If an objection is NOT timely filed, the requested relief may be granted.**

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

(See “Certificate of Service - Generic” on the Court’s website under
“Forms/Local/Motions & Related Notices-Certificates of
Service-Orders/Certificates of Service/Generic.”)