

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In the Matter of:

DEBTORS' NAMES,

Case No. 20__ - ____ -INI
(INSERT RAE/JES/MDM)
Chapter 13

**MOTION FOR RELIEF FROM AUTOMATIC STAY
BY [CREDITOR'S NAME]**

[Creditor's Name], by its attorneys, moves this court pursuant to 11 U.S.C. 362(d) and Rule 4001(a), Federal Rules of Bankruptcy Procedure, for an order terminating, annulling, modifying or conditioning the automatic stay imposed by 11 U.S.C. 362(a). In support of its motion, [Creditor's Name] alleges as follows:

1. [Name of Debtor], hereinafter referred to as debtor, whether one or more persons, filed a petition for relief under Chapter 13 of Title 11 United States Code on [insert date bankruptcy petition was filed]. Louis R. Jones was appointed as the Chapter 13 Standing Trustee in this case.

2. On or about [insert date] the debtor executed a promissory note and security agreement to the creditor, a copy of which is attached hereto and marked as Exhibit A. The collateral securing this note is more particularly described as [insert vehicle description including year, make and model], Vehicle Identification Number [insert 17-digit VIN].

3. [Creditor's Name] perfected its security interest in said collateral, a copy of the confirmation of which is attached hereto as Exhibit B.

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Name

Address

Telephone No.

4. The debtor has defaulted on its obligations to the creditor under the terms and conditions of the promissory note and security agreement attached hereto.

5. The creditor does not have adequate protection for its interest in the property of the debtor for the following reasons:

a) The debtor has failed to make all contractual payments when due and the collateral is a motor vehicle which by its very nature rapidly depreciates in value;

b) Upon information and belief the debtor has defaulted in his payments to the Chapter 13 Standing Trustee;

c) Upon information and belief, the debtor has failed to obtain or maintain physical damage insurance on the collateral as required by the terms of the agreement set forth in Exhibit A.

6. The debtor has little or no equity in the collateral and, upon information and belief, the collateral is not necessary to an effective reorganization.

7. The debtor is in possession of the collateral which is decreasing in value.

WHEREFORE, [Creditor's Name] requests the following relief:

A. An order terminating, annulling, modifying or conditioning the stay imposed by 11. U.S.C. 362(a);

B. An order permitting [creditor's name] to pursue its legal remedies against said debtor;

C. If the relief requested in A. and B., above, is not granted, then an order determining the amount and form of adequate protection for [Creditor's name]'s interest in the collateral; and

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D. Such further relief as the court may deem just and reasonable under the circumstances.

Dated at Milwaukee, Wisconsin, this ____ day of _____, 20__.

[INSERT NAME, ADDRESS,
TELEPHONE NO. AND SIGNATURE]

Drafted By:
Name
Address
Telephone No.