

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In the Matter of:

NAME OF DEBTORS,

CASE NO. 20__ - ____ - initials of judge
(RAE/JES/MDM)

Debtors.

CHAPTER 13

MOTION OF _____ FOR
RELIEF FROM AND ANNULMENT OF AUTOMATIC STAY

[Name of Creditor], through its attorneys, [name of law firm], hereby moves the court for relief from and the annulment of the automatic stay pursuant to section 362 of the Bankruptcy Code and, in support of said motion, alleges as follows:

1. The movant holds a promissory note and a properly perfected purchase money first mortgage encumbering real property owned by the debtor(s) and located at [insert street address, city and state]. The debtors have not made current monthly mortgage payments as required by the terms of the confirmed plan in this case, which has resulted in the following post-petition arrearage:

(mo/yr) through (mo/yr) payments:	\$ _____
Attorney Fees and Costs	\$ _____
POST-PETITION ARREARAGE	\$ _____

2. The debtor(s)' failure to make these monthly payments constitutes a material default under the plan, and said default constitutes "cause" for terminating the automatic stay under section 362(d)(1) of the Bankruptcy Code.

3. The failure to make the monthly payments has resulted in the loss of adequate protection of the movant's interest in the encumbered property, thereby entitling the movant to relief from the automatic stay under section 362(d)(1) of the Bankruptcy Code.

4. The principal balance due the movant is \$_____ which, when added to the amounts due for accrued delinquent interest, escrow advances and attorneys' fees and costs, may substantially exceed the encumbered property value. Accordingly, the debtor(s) may have

Drafted By:

Name

Address

Telephone No

no equity in the property, which is unnecessary for an effective reorganization, thereby entitling the movant to relief from the automatic stay under section 362(d)(2) of the Bankruptcy Code.

5. To the extent that the movant may have taken any action against the debtor(s) or the property in question without knowledge of the commencement of this case, such action was unintentional and constitutes "cause" for annulling the automatic stay under section 362(1)(d) of the Bankruptcy Code.

WHEREFORE, the movant requests that the automatic stay as it pertains to the debtor(s) and the encumbered real property be terminated and annulled pursuant to section 362(d) of the Bankruptcy Code, that any order entered pursuant to this motion be effective immediately upon its entry and for such further relief as may be just and equitable.

Dated this ____ day of _____, 20__.

LAW FIRM NAME
ETC.

[ATTACHMENTS TO THE MOTION MAY INCLUDE A COPY OF THE MORTGAGE AND NOTE]