**IN THE UNITED STATES BANKRUPTCY COURT**

**FOR THE NORTHERN DISTRICT OF ALABAMA**

**WESTERN DIVISION**

|  |  |  |
| --- | --- | --- |
| **In re:**  **Click to enter DEBTOR and JOINT DEBTOR,**  **Debtor(s).** |  | **Case No. Case number-JHH**  **Chapter Chapter #** |

|  |
| --- |
| NOTICE OF OPPORTUNITY TO OBJECT AND REQUEST HEARING  Pursuant to Western Division Administrative Order No. 20-01, the court will consider the relief requested in this motion (the "Motion") without further notice or hearing unless a party in interest files a response within 21 days from the date set forth on the attached certificate of service, plus an additional three days for service if any party was served by U.S. Mail.  If you oppose the relief requested in the Motion, then, within the time allowed, you must file a response with the clerk of court electronically (or by hand delivery or mail to the clerk's office at 2005 University Boulevard, Room 2300, Tuscaloosa, Alabama 35401), and you must serve a copy of your response on all appropriate persons. If you file and serve a response within the time permitted, the court will schedule and notify you of a hearing.  If you do not file a response within the time permitted, the court will consider that you do not oppose the relief requested in the Motion; the court may deem admitted the allegations set forth in the Motion; the court will proceed to consider the Motion without further notice or hearing; and the court may grant the relief requested. |

**MOTION FOR RELIEF FROM STAY AS TO COLLATERAL**

**(CHAPTER 13 PLAN PROPOSES SURRENDER)**

Enter Creditor's Name (the "Movant"), a secured creditor in the above-captioned bankruptcy case (the "Case"), moves the court, pursuant to 11 U.S.C. § 362(d) and Rule 4001 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), for entry of an order substantially in the form of the proposed order attached hereto as "Exhibit A" (the "Proposed Order"),[[1]](#footnote-1) terminating the stay of 11 U.S.C. § 362(a) as to the Movant's collateral, Enter description of collateral (the "Collateral"). In support of the Motion, the Movant shows the court as follows:

1. The Movant has a security interest in the Collateral, as evidenced by the Movant's proof of claim in the Case and the attachments to the Movant's proof of claim. (*See* Claim No. Enter Claim #.)
2. The above-named debtor(s) (the "Debtor") filed a chapter 13 plan that proposes to surrender the Collateral. (*See* Doc. Enter Doc #)
3. Based on the foregoing, the Movant asserts that cause exists to terminate the stay of 11 U.S.C. § 362(a) as to the Collateral. The Movant does not request relief to proceed against the Debtor personally.
4. To facilitate consideration of the Motion on negative notice, the Movant affirmatively waives all applicable 11 U.S.C. § 362(e) deadlines.

**WHEREFORE, PREMISES CONSIDERED,** the Movant requests that the court enter an order substantially in the form of the Proposed Order, terminating the stay of 11 U.S.C. § 362(a) as to the Collateral and waiving the stay of Bankruptcy Rule 4001(a)(3).

Dated: Enter or select a date.

Signature of Attorney for Movant

Print Name: Enter Name

Address: Enter Address

Telephone No. Enter Telephone No.

Email: Enter Email Address

**CERTIFICATE OF SERVICE**

I hereby certify that on the date of this certificate of service, I caused the Motion, the exhibit(s) to the Motion, including the Proposed Order, and this certificate of service[[2]](#footnote-2) to be served on the parti(es) listed below by the means specified:[[3]](#footnote-3)

|  |  |
| --- | --- |
| **Name and Address**  (If any entity is served care of an officer or agent, identify the person served by name and by title.) | **Method of Service**  (If service is made by certified mail, include the certified mail number.) |
| Click here to enter text. | Click here to enter text. |

Dated: Enter or select a date.

Signature of Attorney for Movant

**EXHIBIT A**

(Proposed Order)

**IN THE UNITED STATES BANKRUPTCY COURT**

**FOR THE NORTHERN DISTRICT OF ALABAMA**

**WESTERN DIVISION**

|  |  |  |
| --- | --- | --- |
| **In re:**  **Click to enter DEBTOR and JOINT DEBTOR,**  **Debtor(s).** |  | **Case No. Case number-JHH**  **Chapter Chapter #** |

**ORDER TERMINATING AUTOMATIC STAY AS TO COLLATERAL**

This matter is before the court on the *Motion for Relief from Stay as to Collateral (Chapter 13 Plan Proposes Surrender)* (Doc. Enter Doc #) (the "Motion") filed by Enter Movant's name. Capitalized terms used herein and not otherwise defined have the meanings ascribed to them in the Motion. The Motion was served on all interested parties with the Western Division Administrative Order No. 20-01 negative notice legend informing the parties of their opportunity to respond. No party filed a response within the time permitted, and, therefore, the court considers the Motion to be unopposed and deems admitted the uncontroverted factual allegations set forth in the Motion. (*See* Admin. Order No. 20-01.) It appears to the court that the Motion is due to be granted. Accordingly, it is ORDERED:

1. The Motion is granted, and the stay of 11 U.S.C. § 362(a) is terminated as to the Collateral.
2. The stay of this order, pursuant to Bankruptcy Rule 4001(a)(3), is waived.

Dated:

UNITED STATES BANKRUPTCY JUDGE

1. The movant must submit a Word version of the Proposed Order to the court's e-orders e-mail address ([ordersjhh@alnb.uscourts.gov](mailto:ordersjhh@alnb.uscourts.gov)) in accordance with Western Division Administrative Order Number 20-01. [↑](#footnote-ref-1)
2. This certificate of service must be attached to, and filed with, the Motion. [↑](#footnote-ref-2)
3. Include the Debtor, the Debtor's attorney, the trustee, and any other parties entitled to notice of the Motion. [↑](#footnote-ref-3)