IN THE UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

IN RE:)
XXXXX XXXX XXXXXXX,) CASE NO. XX-XXXXX
Debtor.) Chapter 13
MOTION OF [CREDITOR] F	OR RELIEF FROM THE AUTOMATIC STAY
	r") moves for relief from the automatic stay imposed by the § 362 and Federal Rules of Bankruptcy Procedure 4001 and es:
1 (the "Deb Bankruptcy Code on	otor") filed a voluntary petition under Chapter 13 of the (the "Petition Date").
	a promissory note dated, (the "Note") amount of \$ A copy of the Note is attached
3. The Note requires monthly pa%. The term of the Note is years	ayments of \$, which includes interest at the rate of s, and the Note matures on
Debtor's real property located at Property is more particularly described of	Debtor gave the Creditor a real estate deed of trust on the (the "Property"). The on the deed of trust recorded at Book, Page, Deeds. The deed of trust was recorded on attached hereto as Exhibit B.
Or, In the Alternative	
[description of the motor vehicle] (the	reditor took a security interest in a e "Property"), and noted its interest on the Property's A copy of the certificate of title is attached hereto
5. As of the Petition Date, the \$	e Debtor was in arrears on the Note in the amount of
6. The Plan calls for the Debtor to	o make post-petition payments on the secured debt directly

to [the Creditor outside the Plan / the Trustee through monthly Plan payments.]
7. As of the date of the filing of this Motion, the Debtor is in arrears for the Debtor's post-petition obligations in the amount of \$, representing non-payment for the month(s) of

Or, if the debt is paid under the plan:
7. As of the date of the filing of this Motion, the Debtor has failed to make Plan payments to the Trustee, as required by the Plan, and the Debtor is delinquent in Plan payments in the approximate amount of \$ Pursuant to the Plan, the Creditors was to receive \$ per month from the Trustee, and the Creditor has not received any Plan payments for the month(s) of
8. For purposes of this Motion, the fair market value of the Property is \$, which valuation is based on (e.g., the Debtor's schedules, an appraisal, etc.).
9. The payoff balance on the note is \$
10. The Creditor requests relief from the automatic stay of the Bankruptcy Code on the basis that: [check all that apply]
A. 11 U.S.C. § 362(d)(1)
[] Creditor's interest in the Property is not adequately protected by an equity cushion
[] The fair market value of the Property is declining and payments are not being made to the Creditor to sufficiently protect the Creditor's interest in the Property [] The Debtor has failed to insure the property despite the Debtor's obligation to insure the collateral under the terms of the parties loan and/or security documents [] Payments have not been made as required by an adequate protection order previously entered by the court (include an explanation)
[] The Debtor has failed to make payment(s) directly to the Creditor as required
by the Plan [] The Debtor has failed to make Plan payment(s) to the Chapter 13 Trustee [] The Debtor filed the bankruptcy case in bad faith (include an explanation) [] Treatment of the Creditor's claim in the Plan is inadequate (include an explanation)
explanation)

B. 11 U.S.C. § 362(d)(2)

	y in the Property, and the Property is not ation because (explain why).
C. 11 U.S.C. § 362(d)(4)	
the Debtor's filing of the petition v defraud creditors that involved: (A interest in, such real property with	om the automatic stay as to real property and vas part of a scheme to delay, hinder, and) the transfer of all or part ownership of, or out the consent of the secured creditor or court cy filings affecting such real property (provide
WHEREFORE, the Creditor respectfully	requests the Court for an order that:
-	§ 362(a) with regards to the Property, and that st the Property pursuant to applicable State law;
B. Waives the 14 day stay of the order as j	provided by Fed. R. Bankr. P. 4001(a)(3);
C. Grants such other relief as the Court de	ems proper.
	the Creditor's request to lift the automatic stay, it adequate protection pursuant to section 361 of
This the day of,	·
(Nar	,
`	ress) ephone Number)