

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

IN RE: _____)
)
XXXXXX XXXX XXXXXXXX,) CASE NO. XX-XXXXXX
)
Debtor.) Chapter 7

**MOTION TO CONFIRM TERMINATION OF THE AUTOMATIC STAY AS TO
PERSONAL PROPERTY COLLATERAL FOR FAILURE TO FILE A STATEMENT OF
INTENTION OR FOR FAILING TO INDICATE ON SUCH STATEMENT THAT THE
DEBTOR WILL SURRENDER, REAFFIRM, OR REDEEM PERSONAL PROPERTY
COLLATERAL**

_____ (the “Creditor”) moves for an order confirming termination of the automatic stay imposed by the Bankruptcy Code with respect to certain personal property pursuant to 11 U.S.C. § 362(h)(1)(A), and in support of this Motion states:

1. _____ (the “Debtor”), an individual, filed a voluntary petition under Chapter 7 of the Bankruptcy Code on _____ (the “Petition Date”).

2. The Creditor is a holder of a promissory note dated _____, signed by the Debtor, in the principal amount of \$ _____. A copy of the Note is attached hereto as Exhibit A.

3. As security for the Note, the Creditor took a security interest in the following personal property of the Debtor: _____ (the “Personal Property”) which secures, in whole or in part, the Creditor’s claim. Evidence of the Creditor’s security interest in the Personal Property is attached hereto as Exhibit B.

4. The date first set for the Debtor’s meeting of creditors pursuant to § 341(a) of the Bankruptcy Code was _____. Thirty days from the Petition Date expired on _____.

5. The Debtor failed to timely file a statement of intention as required by § 521(a)(2)(A) of the Bankruptcy Code, or, failed to indicate in that statement that the Debtor would either surrender the Personal Property or retain it and, if retaining it, failed to state whether the Debtor would redeem the Personal Property under § 722 of the Bankruptcy Code or enter into a reaffirmation agreement pursuant to § 524(c) of the Bankruptcy Code.

6. The Creditor filed this Motion on _____.

7. The Debtor's Chapter 7 trustee has not timely filed a motion stating that the Personal Property is of consequential value to the Debtor's bankruptcy estate.

WHEREFORE, the Creditor requests entry of an order that:

A. Confirms that the automatic stay provided by 11 U.S.C. § 362(a) in favor of the Debtor and of the estate is terminated with respect to the Personal Property as of _____, which date is either more than 30 days after the filing of the Debtor's Chapter 7 petition, or after the date of the meeting of creditors, whichever is earlier; and

B. Confirms that the Personal Property is no longer property of the estate as of that same date.