

**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

**ORDER CONFIRMING 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**

This matter came before the Bankruptcy Court on the Motion to Confirm the Termination of the Automatic Stay (the “Motion”) filed by _____ (the “Creditor”), pursuant to 11 U.S.C. § 362(h)(1)(A) of the Bankruptcy Code with respect to certain personal property (the “Personal Property”), consisting of _____, as more fully described in the Motion. The Court, having considered the Motion and the record in this case, finds and concludes as follows:

1. _____ (the “Debtor”), an individual, filed a voluntary petition under Chapter 7 of the Bankruptcy Code on _____ .
2. The Creditor is a holder of a promissory note dated _____, signed by the Debtor, in the principal amount of \$_____.
3. As security for the Note, the Creditor took a security interest in the Personal Property, which secures, in whole or in part, the Creditor’s claim.
4. 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.

5. The Creditor filed the Motion on _____.
6. 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.
7. The Clerk of the Bankruptcy Court mailed a Notice to interested parties on _____ [mailing date] directing that any objection to the Motion be filed with the Court by _____, and that if no objection(s) was/were filed within that time period, then the Court would consider the Motion without a hearing.
8. No objection to the Motion was filed by any interested party, and the time within which the objection must be filed as set forth in the Notice has expired.

THEREFORE, it is ORDERED that the automatic stay provided by 11 U.S.C. § 362(a) in favor of the Debtor and of the estate terminated with respect to the Personal Property as of _____. It is

FURTHER ORDERED that the Personal Property was no longer property of the estate as of that same date.