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

IN RE:)

)

XXXXX XXXX XXXXXXX,   )   CASE NO. XX-XXXXX

)

        Debtor.   )   Chapter 7

MOTION TO CONFIRM TERMINATION OF THE AUTOMATIC STAY AS TO
PERSONAL PROPERTY COLLATERAL FOR FAILURE TO TAKE TIMELY ACTION
ON THE DEBTOR'S STATEMENT OF INTENTION

_____ (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)(B), and in support of this Motion states:

     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 $_____. 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 meeting of creditors under § 341(a) of the Bankruptcy Code was _____.

     5. The Debtor timely filed a statement of intention indicating that the Debtor intended to [surrender / redeem / reaffirm] the Personal Property.

6.   The Debtor failed to timely take action on the Debtor's specified intention within 30 days after the date first set for the meeting of creditors under § 341(a) of the Bankruptcy Code.

7. The Creditor has not refused to reaffirm the debt owed to it based on the party's original contract terms.

8. The Creditor filed this Motion on _____, which is more than 30 days after the date first set for the meeting of creditors.

9. 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 more than 30 days after the first date set for the meeting of creditors; and

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