

**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 TAKE TIMELY ACTION  
ON THE DEBTOR’S STATEMENT OF INTENTION**

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)(B) 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 date first set for the meeting of creditors under § 341(a) of the Bankruptcy Code was \_\_\_\_\_.
5. The Debtor filed a timely statement of intention, but failed to timely take action on the Debtor’s specified intention, or timely amended intention, within 30 days after the date first set for the meeting of creditors under § 341(a) of the Bankruptcy Code.

6. The Creditor has not refused to reaffirm the debt owed to it based on the party's original contract terms.
7. The Creditor filed the Motion on \_\_\_\_\_, which is more than 30 days after the date first set for the meeting of creditors.
8. 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.
9. 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.
10. 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.