

| | |
|---|----------------|
| UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF CALIFORNIA 325 West F Street, San Diego, California 92101-6991 | |
| In Re | BANKRUPTCY NO. |
| Debtor. | RS NO. |
| Moving Party | Hearing Date: |
| Respondent(s) | Hearing Time: |

OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY☐**REAL PROPERTY**☐**PERSONAL PROPERTY**

Respondent in the above-captioned matter moves this Court for an Order denying relief from the automatic stay on the grounds set forth below.

1. A Petition under Chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13 was filed on _____.
2. Procedural Status:
 - a. ☐ Name of Trustee Appointed *(if any)*:
 - b. ☐ Name of Attorney of Record for Trustee *(if any)*:
 - c. ☐ Debtor has previously filed a Bankruptcy Petition on: _____.
If applicable, the prior case was dismissed on: _____.
 - d. ☐ *(If Chapter 13 case)*: Chapter 13 Plan was confirmed on _____ or a confirmation hearing is set for _____.
3. *Number of unsecured creditors _____. Amount of unsecured debt \$_____.
4. *Last operating report filed:_____
5. *Disclosure statement: Filed? (yes/no)_____. Approved? (yes/no)_____.
If yes, date of plan confirmation hearing:_____

*Only required if respondent is the debtor in a Chapter 11 case.

Respondent alleges the following in opposition to the Motion:

1. ☐ The following real property is the subject of this Motion:
 - a. Street address of the property including county and state:
 - b. Type of real property (e.g., single family residence, apartment building, commercial, industrial, condominium, unimproved):
 - c. Legal description of property is attached as Exhibit A.
 - d. **Fair market value of property: \$_____.
 - e. **Nature of Respondent's interest in the property:
2. ☐ The following personal property is the subject of this Motion (*describe property*):
 - a. **Fair market value of property: \$_____.
 - b. **Nature of Respondent's interest in the property:
3. Status of Movant's loan:
 - a. Balance owing on date of Order for Relief: \$_____
 - b. Amount of monthly payment: \$_____
 - c. Date of last payment: _____
 - d. If real property,
 - (1) Date of default: _____
 - (2) Notice of Default recorded on: _____
 - (3) Notice of Sale published on: _____
 - (4) Foreclosure sale currently scheduled for: _____
 - e. If personal property,
 - (1) Pre-petition default: \$_____ No. of months: _____
 - (2) Post-petition default: \$_____ No. of months: _____
4. (*If Chapter 13 Case, state the following:*)
 - a. Date of post-petition default: _____
 - b. Amount of post-petition default: \$_____
5. Encumbrances:
 - a. Voluntary encumbrances on the property:

| Lender Name | Principal Balance | Pre-Petition Arrearages Total Amount - # of Months | | Post-Petition Arrearages Total Amount - # of Months | |
|-----------------------|-------------------|---|--|--|--|
| 1st: | | | | | |
| 2nd: | | | | | |
| 3rd: | | | | | |
| 4th: | | | | | |
| Totals for all Liens: | \$ | \$ | | \$ | |

**Separately filed Declaration required by LBR 4001-4.

- b. ☐ Involuntary encumbrances of record (e.g., tax, mechanic's, judgment and other liens, lis pendens):
☐ See attached page, if necessary.

6. Relief from the automatic stay should not be granted because:

- a. ☐ Movant's interest in the property described above is adequately protected.
- b. ☐ Debtor has equity in the property described above and such property is necessary to an effective reorganization.
- c. ☐ The property is not "single asset real estate", as defined in 11 U.S.C. § 101(51B).
- d. ☐ The property is "single asset real estate", as defined in 11 U.S.C. § 101(51B), and less than 90 days (or _____ days ordered by this court) have passed since entry of the order for relief in this case, or
- (1) the Debtor/Trustee has filed a plan of reorganization that has a reasonable possibility of being confirmed within a reasonable time; or
- (2) the Debtor/Trustee has commenced monthly payments to each creditor whose claim is secured by the property (other than a claim secured by a judgment lien or by an unmatured statutory lien) which payments are equal to interest at a current fair market rate on the value of each creditors' interest in the property.
- e. ☐ Other (*specify*): ☐ See attached page.

When required, Respondent has filed a separate Declaration pursuant to LBR 4001-4.

Respondent attaches the following:

1. ☐ Other relevant evidence:
2. ☐ (*Optional*) Memorandum of points and authorities upon which the responding party will rely.

Wherefore, Respondent prays that this Court issue an Order denying relief from the automatic stay.

Dated:

[Attorney for] Respondent