

<b>UNITED STATES BANKRUPTCY COURT</b> SOUTHERN DISTRICT OF CALIFORNIA 325 West F Street, San Diego, California 92101-6991	
In Re	BANKRUPTCY NO.
Debtor.	
Moving Party	RS NO.
Respondent(s)	Hearing Date: 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.  \*Prior Filing Information:  
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.

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 LBRules 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:

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[Attorney for] Respondent