

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
_____ DIVISION

IN RE: _____)
)
DEBTOR(S), _____) Case Number ____ - _____
Debtor(s). _____) Chapter 13
_____)

ORDER GRANTING [OR CONDITIONALLY DENYING] RELIEF FROM THE
AUTOMATIC STAY

This case came before the Court for hearing on _____, on the Motion for Relief from Stay (the “Motion”) filed by _____ (“_____”) pursuant to 11 U.S.C. § 362 et seq., for relief from stay regarding _____ (the “Personal Property”). All interested parties having been given due notice of the hearing, at the hearing, _____ appeared.

The Court finds after hearing on the Motion that the Debtor(s) is/are in default to _____ such that the Motion should be granted.

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED, AND DECREED that the Motion is GRANTED and the stay modified to allow _____ to exercise its rights with respect to the Personal Property [if the request is, in fact, denied on certain conditions, set forth here with specificity each condition upon which relief is to be granted in the future and change the rest of the order accordingly, including previous paragraph]; and, it is further

ORDERED that _____ is allowed 120 days from the entry of this order to file a documented deficiency claim based on liquidation of the Personal Property, unless the Court, for good cause shown by motion filed before the expiration of such period, extends the same; and, it is further

ORDERED that the failure of _____ to timely file a documented deficiency claim based on liquidation of the Personal Property will result in the modification of the stay as to the Personal Property being in full satisfaction of the Debtor(s)’ liability under the note secured by the Personal Property; and, it is further

ORDERED that any payments scheduled for disbursement by the Trustee on the claim of _____ secured by the Personal Property will terminate immediately due to relief from stay being granted; and, it is further

ORDERED that upon disposition of the Personal Property, _____ must provide an explanation of any surplus to the Trustee, the Debtor(s)' attorney, and the Debtor(s) within 14 days and send payment of such surplus to the Trustee within 60 days, pending further order of the Court regarding its distribution; and, it is further

[INCLUDE THIS PARAGRAPH ONLY IF SPECIFIC RELIEF REQUESTED IN MOTION: ORDERED that the 14-day waiting period imposed by Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure is waived, and the automatic stay is immediately modified.]

END OF DOCUMENT

PARTIES TO BE SERVED