

UNITED STATES BANKRUPTCY COURT 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 Local Bankruptcy Rule 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 Local Bankruptcy Rules 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