

Mont. LBF 25. Motion to Assume [Reject] Executory Contract [or Unexpired Lease].

(Attorney for _____)
State Bar I.D. Number _____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re _____) Case No. _____
)
)
)
)
)
 Debtor(s).)

MOTION TO ASSUME [REJECT] EXECUTORY CONTRACT
[OR UNEXPIRED LEASE]

The Motion of _____ (hereinafter "Creditor") respectfully represents:

1. The debtor(s) filed a petition in this Court under chapter ____ of the Bankruptcy Code on the ____ day of _____, 200_.

2. Creditor is the seller/lessor [or otherwise] of property to the debtor(s), and pursuant to Mont. LBR 6006-1, provides the following information: [Attach copies of executory contract or unexpired lease, or refer to Proof of Claim or other location of such documents in the file.]

(a) The present balance owing to Creditor, excluding any precomputed interest or other unearned charges, is \$ _____. Additional charges claimed are \$ _____ (describe with specificity).

(b) The date upon which the subject debt was incurred: _____.

(c) Creditor is a seller/lessor [or specify] of the following described property:

_____.

(d) A description of the property, including its location, is as follows:

_____.

(e) The fair market value of the property subject to the executory contract or unexpired lease is \$ _____.

(f) A description of, and the amounts due upon, any other interests which have priority over that of Creditor are as follows:

_____.

(g) If the debtor is in default, the number of defaulted installments and the total amount in default are as follows:

_____.

(h) Provisions of debtor's proposed cure [if applicable] are as follows:

_____.

(i) This Motion is made under and pursuant to the following subsection of 11 U.S.C. § 365: _____.

(j) Other facts which are relevant in determining whether relief should be granted are as follows: _____

_____.

WHEREFORE, the undersigned moves the Court to grant this Motion to Assume [Reject] Executory Contract [or Unexpired Lease] pursuant to 11 U.S.C. § 365_____, and to grant such other relief as the Court may deem appropriate.

DATED this ____ day of _____, 20__.

By: _____
Attorney for Creditor

NOTICE

If you object to the motion, you must file a written responsive pleading and request

a hearing within ten (10) days of the date of the motion. The responding party shall schedule the hearing on the motion at least 20 days after the date of the response and request for hearing and shall include in the caption of the responsive pleading the date, time and location of the hearing by inserting in the caption the following:

NOTICE OF HEARING

Date: _____

Time: _____

Location: _____

If no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED this _____ day of _____, 200_.

By: _____
Attorney for Debtor(s)

CERTIFICATE OF SERVICE

(Must comply with Mont. LBR 9013-1(c), by reflecting the name and address of each party served, and by being signed “under penalty of perjury.”)

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Name of Attorney
Address
Phone Number
(Attorney for _____)
State Bar I.D. Number _____

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