

**Mont. LBF 8. Motion to Modify Stay.**

[If applicable:  
(Attorney for \_\_\_\_\_)  
State Bar I.D. Number \_\_\_\_\_]

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

In re \_\_\_\_\_ ) Case No. \_\_\_\_\_  
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 Debtor(s). )

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MOTION TO MODIFY STAY, AND NOTICE  
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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 \_\_\_\_\_, 20\_\_.

2. Creditor is the holder of a secured claim against the Debtor(s), and pursuant to Mont. LBR 4001-1, provides the following information:

(a) The present balance owing to Creditor, excluding any precomputed interest or other unearned charges, is \$ \_\_\_\_\_ .

(b) The date upon which the subject debt was incurred was \_\_\_\_\_.

(c) Creditor holds a security interest or lien upon the following described property of the estate:

\_\_\_\_\_  
\_\_\_\_\_

(d) The nature of Creditor's security interest, the date upon which the security interest was obtained, and the date upon which the security interest was perfected are as follows: \_\_\_\_\_

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Creditor has attached copies of all security agreements, financing statements, titles, and other perfection documents necessary to prove the validity of its security interest to its Proof of Claim on file herein, as required by Mont. LBR 4001-1; or if no Proof of Claim has been filed, such documents are attached to this Motion.

(e) A description of Creditor's collateral, including its location, is as follows:

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(f) The fair market value of Creditor's collateral is \$ \_\_\_\_\_.

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

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

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(i) This Motion is made under and pursuant to the following subsection of 11 U.S.C. § 362: \_\_\_\_\_.

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

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3. Creditor further represents that in the event the Court grants this Motion, Creditor will seek foreclosure and liquidation of the above-described collateral in accordance with applicable nonbankruptcy law. Upon disposition of such collateral, Creditor will account for all proceeds to the Court (and trustee, if applicable), and agrees to turn over any proceeds in excess of Creditor's allowed secured claim to the Court (and trustee, if applicable).

WHEREFORE, Creditor moves the Court to grant this Motion to Modify Stay, and to grant such other relief as the Court may deem appropriate.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_  
Attorney for Creditor

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**NOTICE TO DEBTOR(S)**  
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**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 objecting party shall schedule the 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:** \_\_\_\_\_

**This contested matter shall be scheduled for hearing for the next hearing date scheduled in the division within which the case is filed. The date, time and location of the hearing can be obtained from the Clerk of Court or from the Court’s website at [www.mtb.uscourt.gov](http://www.mtb.uscourt.gov). In the event such scheduled hearing date is thirty (30) days beyond the filing date of the motion for relief, then a preliminary hearing within such thirty (30) day period shall be scheduled by the responding party after such party contacts the Clerk of Court to confirm the preliminary telephone hearing date and time, which shall be set forth in the response.**

**If you fail to file a written response to the above Motion to Modify Stay with the particularity required by Mont. LBR 4001-1(b), and request a hearing, within ten (10) days of the date of this Notice, with service on the undersigned and all parties entitled to service under all applicable rules, then your failure to respond or to request a hearing will be deemed an admission that the motion for relief should be granted without further notice or hearing.**

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 200\_.

By: \_\_\_\_\_  
Attorney for Creditor

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**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.”)

**Mont. LBF 8. Motion to Modify Stay.**

Name of Attorney/Party in Interest  
Address  
Phone Number  
[If applicable:  
(Attorney for \_\_\_\_\_)  
State Bar I.D. Number \_\_\_\_\_]

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

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By: \_\_\_\_\_  
Attorney for Creditor

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