

## Motion for Relief

This is a motion filed by a creditor that holds a lien on real or personal property. The creditor is requesting that the Court lift the automatic stay (protection) provided by your Chapter 7 or Chapter 13 case with respect to the property referenced in the motion.

### **Chapter 7 cases:**

If you are in a Chapter 7 case and you receive a motion for relief, you do not need to attend the hearing. The Court will grant the motion and you may then have direct contact with the creditor regarding the property.

### **Chapter 13 cases:**

The motion could be filed for several different reasons.

1. Surrendering Property: If you are surrendering real or personal property as a part of your Chapter 13 plan you do not need to attend the hearing and you do not need to fill out this form. The Court will grant the motion and the creditor can take possession and/or sell the property referenced in the motion.
2. Insurance: If a creditor is unable to verify insurance on your car, please complete this form and send it to our office with proof of coverage.
3. Behind with Direct Car Payments: If you are responsible for making direct car payments that have come due since the filing of your case and you are behind on the payments, you need to fill out this form. If a cosigner is responsible for making the payment, you do not need to fill out this form and you do not need to attend the hearing. In this situation, the Court will grant the motion and your cosigner will need to contact the creditor directly regarding the account delinquency.
4. Delinquent Mortgage Payments: If you have fallen behind with mortgage payments that have come due since the filing of your case, you will need to fill out this form and send it to our office.

I, \_\_\_\_\_, case number \_\_\_\_\_, received a Motion for Relief from the following creditor: \_\_\_\_\_. The Court hearing is scheduled for: \_\_\_\_\_.

I wish to retain the property listed in the motion: yes/no (circle).

I agree/disagree with the statements in the motion (circle and explain below).

\_\_\_\_\_

\_\_\_\_\_

If I disagree with the statements in the motion, I understand that I will need to provide proof that the motion is incorrect (proof of all payments made to the creditor since the filing of your case).

I am able to pay the following amount towards the delinquency \_\_\_\_\_. I understand that I will need to speak with my attorney's office prior to the hearing to work out a catch-up plan if I am unable to bring the payment current.

I understand that my case is my responsibility and that I need to call the office three to five business days before the scheduled hearing to confirm receipt of this form and to find out if I need to attend the Court hearing to defend my case.

Debtor: \_\_\_\_\_ Date: \_\_\_\_\_

Joint Debtor: \_\_\_\_\_ Date: \_\_\_\_\_

**(Please send this form to Mai Theodocion either via USPS, fax, or email)**