

Attorney or Party Name, Address, Telephone & FAX Numbers, and California State Bar Number   <input type="checkbox"/> <i>Individual appearing</i> without counsel <input type="checkbox"/> Attorney for:	FOR COURT USE ONLY
<b>UNITED STATES BANKRUPTCY COURT</b>	
In re:	CHAPTER: CASE No.: DATE: TIME: <input type="checkbox"/> AM <input type="checkbox"/> PM CTRM: FLOOR:
Debtor(s).	

**RESPONSE TO MOTION FOR ORDER TO TERMINATE, ANNUL, MODIFY, OR CONDITION THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 AND DECLARATION(S) IN SUPPORT**

(MOVANT: \_\_\_\_\_)

(RESPONDENT:  Debtor    Trustee    Other: \_\_\_\_\_)

**GENERAL NOTE.** A request for *additional time* is not usually an adequate response in opposition to the Motion. This Response and supporting *declaration(s)* and *other admissible evidence* must be filed with the Court and served pursuant to the *Local Bankruptcy Rules*.

1.  **NON-OPPOSITION:** Notice is hereby given that the Respondent does not oppose the granting of the Motion.

NO If you do not oppose the Motion, there is no need to appear at the hearing scheduled in the Motion.

2.  **LIMITED OPPOSITION---APPEARANCE REQUIRED:** Respondent opposes the Motion to the extent that it seeks immediate relief from stay. Respondent requests that no lock out, foreclosure, or repossession shall take place until after trial on the merits. :  
**The reason for this request is (specify):**



In re	CHAPTER
Debtor(s).	CASE NO.:

### NOTICE OF OPPOSITION

3.  **OPPOSITION -APPEARANCE REQUIRED:** Notice is hereby given that the Respondent opposes the granting of the Motion for opposes the granting of the Motion for the following reasons:

a. Respondent **disputes the allegations/evidence** contained in the Motion. As shown in the Declaration(s) filed with this Response:

- The value of the Property is \$ \_\_\_\_\_, based upon (specify):  
\_\_\_\_\_
- Total amount of debt (loans) on the Property is \$ \_\_\_\_\_
- More payments have been made to Movant than the Motion has accounted for. True and correct copies of canceled checks proving the payments that have been made are attached as Exhibit(s) \_\_\_\_\_
- The Property is necessary for an effective reorganization. Respondent has filed or intends to file a plan requiring the Property. A true and correct copy of the Plan is attached as Exhibit \_\_\_\_\_
- The Property is insured. A true and correct copy of the policy currently in effect is attached as Exhibit \_\_\_\_\_
- The movant's description of the status of the unlawful detainer proceeding is not accurate. See attached Declaration for Respondent's evidence.
- Respondent denies that this bankruptcy was filed in bad faith or improperly. See attached Declaration containing Respondent's evidence.
- Debtor would be prejudiced if the lawsuit or administrative proceeding is allowed to continue outside the bankruptcy court. See attached Declaration regarding Respondent's contentions.
- Service of the Motion:     **Not all parties were served**         Insufficient notice of the hearing
- Incorrect address used for (specify) \_\_\_\_\_
- Other (specify): \_\_\_\_\_

b. Respondent asserts:

- Case has been converted from Chapter \_\_\_\_\_ to Chapter \_\_\_\_\_
- All postpetition arrears, if any, will be cured by the hearing date.
- The Debtor has equity in the Property in the amount of \$ \_\_\_\_\_
- Movant has an equity cushion of \$ \_\_\_\_\_ which is sufficient to provide adequate protection.
- The Property is necessary for an effective reorganization because (specify reasons why):  
\_\_\_\_\_
  
- An adversary proceeding is pending in this case establishing issues which that movant has no real interest in the subject property.
- Movant is NOT the holder in due course of the note connected to subject property, and or has no legal interest in the subject property
- Movant has failed to submit competent evidence which establish that it is the Real Party In Interest, or that it has standing to bring this action before this court, and against the debtor(s).
  
- Movant and/or its attorneys have made material misrepresentations to this court which constitute fraud upon the court.
- The Motion should further be denied because (specify):  
\_\_\_\_\_

In re _____  Debtor(s).	CHAPTER _____  CASE NO.: _____
-------------------------------	--------------------------------------

## EVIDENCE IN SUPPORT

**4. EVIDENCE IN SUPPORT OF RESPONSE AND SUPPORTING PAPERS:**

NOTE RE SUPPORTING PAPERS: Declarations in opposition to the Motion *MUST be attached hereto*. Any individual signing a declaration must have personal knowledge of the facts stated in it and should attach any supporting documents, if possible. You may attach a Memorandum of Points and Authorities if you desire, but it is not required.

NOTICE OF SERVICE OF RESPONSE AND SUPPORTING PAPERS: Pursuant to the Local Bankruptcy Rules, you must file with the *Bankruptcy Court Clerk* this completed Response along with supporting declaration(s) signed under penalty of perjury, *AND also* serve a copy of the Response and declaration(s) on the Movant's attorney (or Movant, if no attorney), the *Bankruptcy Trustee*, the United States Trustee, and all other parties to the Motion.

Pursuant to the Local Bankruptcy Rules, attached hereto are the following papers in support of this Response:

- |   |   |
|---|---|
| <input type="checkbox"/> Declaration by Debtor<br><input type="checkbox"/> Declaration by Trustee<br><input type="checkbox"/> Declaration by Appraiser<br><input type="checkbox"/> Other (specify): _____ | <input type="checkbox"/> Declaration by Debtor's Attorney<br><input type="checkbox"/> Declaration by Trustee's Attorney<br><input type="checkbox"/> Memorandum of Points and Authorities (optional) |
|---|---|

Dated: \_\_\_\_\_

Respectfully submitted,

\_\_\_\_\_  
Respondent's Name

\_\_\_\_\_  
Law Firm Name (if applicable)

By: \_\_\_\_\_  
Signature

Name: \_\_\_\_\_  
Attorney for Respondent or Pro Se Respondent

*Appendix of Exhibits*

<b>Exhibit #</b>	<b>Description of Exhibit</b>
------------------	-------------------------------

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

**PROOF OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument entitled:  
**RESPONSE TO MOTION FOR ORDER TO TERMINATE, ANNUL, MODIFY, OR CONDITION  
THE AUTOMATIC STAY UNDER 11 U.S.C 362 AND DECLARATIONS IN SUPPORT**  
has been forwarded to all counsel of record, and parties, by depositing a true and correct copy of the same on the date and manner indicated below, to wit:

**DELIVERED VIA:**

U.S. First Class Mail

U.S. Express Mail

Certified Mail/RRR

\_\_\_\_\_

Hand Delivered

Via Fax# \_\_\_\_\_

Via Email: \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

Plaintiff

VS

Defendant

Case No. \_\_\_\_\_

**UNSWORN DECLARATION  
UNDER PENALTY OF PERJURY  
UNDER 28 U.S.C. §1746**

This unsworn declaration is made in accordance with 28 U.S.C. §1746 (Unsworn declarations under penalty of perjury relative to a matter pertaining to the above captioned case which is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same and, in accordance with 28 U.S.C. §1746 the matter declared in this unsworn declaration shall have, with like force and effect, and is hereby supported, evidenced, established, or proved by the unsworn declaration herein, certificate, verification, or statement, in writing of the above named person and the same has been subscribed by him/her, as true under penalty of perjury, and same is dated, in substantially conforming to the provisions of 28 U.S.C. §1746.

I declare under penalty of perjury that the foregoing statements are true and correct:

Declaration of

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

I declare under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_  
, Declarant