Mont. LBF 8-B. STIPULATION TO MODIFY STAY.

[Mont. LBR 4001-1(d)]

Name of Attorney

Office Mailing Address

Telephone Number

Facsimile Number

E-Mail Address

State Bar I.D. Number

(Attorney for \_\_\_\_\_\_\_\_\_)

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF MONTANA

|  |  |
| --- | --- |
| IN RE:    ,  ,    Debtors. | Case No.  **STIPULATION TO MODIFY STAY** |

The undersigned Creditor, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (“Creditor”), the above- named Debtor(s), and the trustee, if applicable, hereby stipulate as follows:

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:
   1. The present balance owing to Creditor, excluding any precomputed interest or other unearned charges, is $\_\_\_\_\_\_\_\_\_\_\_\_.
   2. The date upon which the subject debt was incurred was \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
   3. Creditor holds a security interest or lien upon the following described property of the estate:
   4. The nature of Creditor’s security interest; the date upon which the security interest was obtained; the date upon which the security interest was perfected; and the facts which give Creditor standing to file this Stipulation are as follows:

[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, and such documents as are necessary to establish its standing to file this Stipulation, as required by Mont. LBR 4001-1; or if no Proof of Claim has been filed, such documents are attached to this Stipulation.]

* 1. A description of Creditor’s collateral, including its location, is as follows:
  2. The fair market value of Creditor’s collateral is $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
  3. A description of, and the amounts due upon, any other security interests which have priority over that of Creditor are as follows:
  4. If the Debtor(s) is in default, the number of defaulted installments and the total amount in default are as follows:
  5. This Stipulation is made under and pursuant to the following subsection of 11 U.S.C. § 362\_\_\_\_\_.
  6. Other facts which are relevant to this Stipulation are as follows:

1. Creditor agrees that in the event the Court grants the relief sought by this Stipulation, Creditor will seek foreclosure and liquidation of the above-described collateral in accordance with applicable non-bankruptcy law. Upon disposition of such collateral, Creditor shall 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, or trustee if applicable.

WHEREFORE, the undersigned Creditor, Debtor(s) and trustee, if applicable, hereby stipulate that the Court may modify the stay in accordance with the terms of this Stipulation.

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

Name of Creditor:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

Creditor or Attorney for Creditor

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

Debtor(s) or Attorney for Debtor(s)

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

Trustee (if applicable)

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify under penalty of perjury that on the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, a copy of the foregoing was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court’s ECF transmission facilities and/or by mail on the following parties:

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

[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed “under penalty of perjury” and by identifying the document served.]