

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN

In re: John and Jane Debtor

Chapter X
Hon. Roy Bean

_____/

**DEBTOR'S [EX-PARTE] FIRST DAY MOTION TO EXTEND STAY BEYOND 30
DAYS \PURSUANT TO 11 USC §362(C)(3)(B)**

[Note: review 11 USC §362(c)(3)(B), Rule 7065 FRBP, Rule 65, FRCP, LBR 9001-1, LBR 9013-1, LBR 9013-4, LBR Guideline1]

1. The debtor(s) is/are a(n) individual(s) who have had a pending case within the previous year that was dismissed, other than a case refiled under 11 USC §707(b).
2. The debtor(s) prior Case No. XX-XXXXX, was filed on _____, and dismissed on _____;
3. At the time of the dismissal of the prior case, there [was / was not] then pending any motion to modify, annul or for relief from the automatic stay pursuant to 11 U.S.C. 362 (4).
4. At the time of the dismissal of the prior case, a motion to modify, annul or for relief from the automatic stay pursuant to 11 U.S.C. 362 (4) had been resolved by an order terminating, conditioning or limiting the stay with respect to the following creditors _____.
5. The debtor(s)' present case is filed in good faith. The debtor offers the following evidence to rebut the presumption of filing not in good faith:

(a) While the debtor's prior case was dismissed for the debtor's failure to file or amend [state document not filed or amended], the debtor had the following substantial excuse, amounting to more than mere inadvertence or negligence, for such failure to file or amend:

(b) While the debtor's prior case was dismissed for the debtor's failure to provide adequate protection, the debtor had the following substantial excuse for such failure to so provide:

(c) While the debtor's prior case was dismissed for the debtor's failure to abide by the terms of debtor's confirmed plan, the debtor had the following substantial excuse for such failure to so abide:

(d) There has been a substantial change in the financial and/or personal affairs of the debtor since the dismissal of the next most previous case and imposition of a stay [as to all creditors/as to enumerated creditors; list them here] is appropriate, to wit:

1. [E.g.] the debtor has become employed, re-employed, or has received a substantial raise in salary.
2. [E.g.] the debtor has recovered from [crippling accident/injury/illness].

3. [E.g.] the debtor has received a substantial back award of social security disability/workers compensation and expects a future income stream of benefits from same.
4. [E.g.] the debtor no longer has to provide for the following dependents who were dependents on the debtor in the prior case [insert names].
5. {E.g.} the debtor's house/car/other secured asset has been foreclosed/repossessed and sold, thereby significantly lightening the debtor's debt load.

(e) The following are adequate reasons to conclude that this case will be concluded with a discharge (if chapter 7) or with a confirmed and performable plan (if chapter 11 or 13): {insert reasons}

6. The debtor requests that the court impose the following conditions or limitations:
 1. [E.g.] condition continuance of the stay on the debtor providing insurance; maintaining any property secured by the claim; paying all current taxes due upon any property secured by the claim; making the collateral available for inspection/appraisal; providing adequate protection.
7. A proposed order is attached as Exhibit A.

WHEREFORE, Debtor respectfully requests that the court continue the automatic stay beyond the thirtieth day following the filing of this case and impose such conditions and limitations upon the automatic stay as set forth in this motion, and grant such other relief as the court in equity deems appropriate under the circumstances.

Dated:

John Attorney PXXXXX
[address]
[city/state/ZIP Code]
[telephone number]
[e-mail address]