

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA

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In re:

Case No. _____
Chapter _____

Debtor*.

ORDER GRANTING [Creditor's Name] RELIEF FROM AUTOMATIC STAY

THIS CASE came on for consideration without a hearing of the motion for relief from stay filed by [Creditor] (Doc. No. ____) ("Motion"). Movant has submitted an affidavit that the Debtor's Chapter 13 Plan provides for surrender of the property, provides for the Debtor to make payments directly to the Creditor outside of the Chapter 13 Plan, or does not address the Creditor's secured claim. The Court makes no determination that the Debtor has defaulted on the underlying obligation or as to the Creditor's standing. Accordingly, it is

ORDERED:

1. The Motion is GRANTED.
2. The automatic stay arising by reason of 11 U.S.C. § 362 is terminated as to the Movant's interest in the following property:

[YEAR, MAKE AND MODEL OF VEHICLE, VIN#]
OR
[LEGAL DESCRIPTION OF REAL PROPERTY]

3. The automatic stay is modified for the sole purpose of allowing the Movant to complete *in rem* relief, to take any and all steps necessary to exercise any rights it may have in the property, to gain possession of the property, and to have *in rem* relief in accordance with non-bankruptcy law. Movant does not have *in personam* relief against the Debtor.

[The Court will grant requests to waive the 14 day period if: (1) the Motion seeks the relief, AND (2) the Motion either attaches an affirmative consent from the debtor (not just a lack of response to a motion served by negative notice) OR the motion involves stay relief affecting real property. If these conditions are met, please include the following paragraph:]

4. Movant's request to waive the 14-day stay period under Bankruptcy Rule 4001(a)(3) is GRANTED.

5. The Court retains jurisdiction to reimpose the automatic stay if merited.

Dated: _____

United States Bankruptcy Judge

Service Instructions: Attorney for Movant is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of the entry of the order.

*All references to "debtor" shall include and refer to both of the debtors in a case filed jointly by two individuals.