

Form No. 13-13
Effective October 1, 2023

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

DIVISION**

In re: § **Case No.**
§ **(Chapter ____)**

EMERGENCY MOTION TO IMPOSE THE AUTOMATIC STAY

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU.

IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

EMERGENCY RELIEF HAS BEEN REQUESTED. IF THE COURT CONSIDERS THE MOTION ON AN EMERGENCY BASIS, THEN YOU WILL HAVE LESS THAN 21 DAYS TO ANSWER. IF YOU OBJECT TO THE REQUESTED RELIEF OR IF YOU BELIEVE THAT EMERGENCY CONSIDERATION IS NOT WARRANTED, YOU SHOULD FILE AN IMMEDIATE RESPONSE.

THE DATE RELIEF IS NEEDED TO AVOID THE CONSEQUENCES OF THE EMERGENCY:
_____ 20 _____.

1. This motion requests an order from the Bankruptcy Court authorizing the imposition of the automatic stay pursuant to 11 U.S.C. §362(c)(4).
2. Debtor(s), who was/were represented by _____, filed a prior case #___-_____-____ on ___/___/_____ and which was dismissed on ___/___/_____, and the latest filed plan and schedules reflected the following:
 - a) combined monthly gross income of \$ _____;
 - b) combined monthly expenses of \$ _____;
 - c) chapter 13 plan payment in the amount of \$ _____ with a ___ % dividend to the general unsecured class of creditors;

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- d) a total of \$ _____ paid into the chapter 13 trustee;
- e) the following motions for relief from stay were either pending or had been resolved by terminating, conditioning, or limiting the stay: _____
- f) the case was dismissed for the following reasons: _____

3. Debtor(s), who was/were represented by _____, filed a prior case # ___-_____-____ on ___/___/____ and which was dismissed on ___/___/____, and the latest filed plan and schedules reflected the following:

- a) combined monthly gross income of \$ _____;
- b) combined monthly expenses of \$ _____;
- c) chapter 13 plan payment in the amount of \$ _____ with a ___ % dividend to the general unsecured class of creditors;
- d) a total of \$ _____ paid into the chapter 13 trustee;
- e) the following motions for relief from stay were either pending or had been resolved by terminating, conditioning, or limiting the stay: _____
- f) the case was dismissed for the following reasons: _____

4. Debtor(s) current case was filed on ___/___/____, which is within a 1-year period of the prior cases being dismissed, and in which the latest filed plan and/or schedules reflect the following:

- a) combined monthly gross income of \$ _____;
- b) combined monthly expenses of \$ _____;
- c) chapter 13 plan payment in the amount of \$ _____ with a ___ % dividend to the general unsecured class of creditors.
- d) a Wage Order or EFT was filed on ___/___/_____.

5. Describe any substantial change in the financial or personal affairs of the debtor(s) since the dismissal of the Debtor's most recent case: _____

The undersigned have reviewed the foregoing and acknowledge that the matters raised are true and correct.

Date: _____

Debtor's signature

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Date: _____

Joint Debtor's signature

Date: _____

Movant's counsel signature

Name: _____

State Bar No.: _____

S.D. Tex. Bar No.: _____

Address: _____

Telephone: _____

Fax: _____

E-mail: _____

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Certificate of Service and Certificate of Compliance with BLR 4001

A copy of this motion was served on the persons shown on exhibit "1" at the addresses reflected on that exhibit on [date] by prepaid United States first class mail.

Debtor(s)' Counsel