

**IN THE UNITED STATES BANKRUPTCY COURT**  
**Middle District of Tennessee**

**In RE:**

**Case No.**  
**Chapter 13**  
**Judge**

**Debtor(s)**  
**SSN: xxx-xx-**

**NOTICE AND MOTION TO EXTEND AUTOMATIC STAY**  
**PROVISIONS OF 11 U.S.C. § 362**

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**NOTICE:** A request is being made to extend the automatic stay. If no party files a timely objection, the Court may grant the request without conducting the scheduled hearing.

**DEADLINE TO FILE A TIMELY RESPONSE:**

**HEARING DATE:**

**HEARING LOCATION:**

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Pursuant to 11 U.S.C. § 362(c)(3)(B), the Debtor(s) request(s), through counsel, that this Court extend the automatic stay provisions of 11 U.S.C. § 362(a), as to all creditors beyond the 30<sup>th</sup> day after filing of this case pending further orders of the Court. This Motion and Notice is being filed in accordance with Local Bankruptcy Rule 4001-1(h), and all criteria set forth therein have been met. In support of the request, the following information is provided:

1. The Debtor(s) filed a Chapter 13 bankruptcy petition on \_\_\_\_\_. A prior bankruptcy by the Debtor(s) was dismissed within one year of the new filing.
2. A Chapter 13 plan, all statements and schedules, and a mailing matrix have been filed in this case.
3. The first payment provided under the Chapter 13 plan in the amount of \$\_\_\_\_\_ has been made or will be made by the deadline for objections set forth herein.
4. The factual basis for demonstrating that this case is in good faith and for overcoming any presumption of a lack of good faith under 11 U.S.C. § 362(c)(3)(C) includes the following:
  - (a) The Debtor(s) filed the prior bankruptcy petition on \_\_\_\_\_.
  - (b) The prior bankruptcy was dismissed on \_\_\_\_\_.
  - (c) The reason for the dismissal of the prior bankruptcy was *[provide the legal grounds for dismissal in the relevant order as well as any pertinent underlying factual circumstances that led to the dismissal.]*
  - (d) The present case is expected to be successful for reasons including the following: *[provide information about change in income, employment, marital status, health, or other*

*factors that reflect upon the change in circumstances that are asserted to provide a basis for this case to be successful when the prior case was not.]*

Accordingly, it is requested that this Court grant this motion and extend the automatic stay provisions of 11 U.S.C. § 362(a) in this case indefinitely pending further orders of this Court.

Respectfully Submitted,

/S/

Name and bar #:

Attorney for Debtor

Address:

Telephone:

Facsimile:

Email:

### **Declaration of Debtor(s) Under Penalty of Perjury**

Pursuant to 28 U.S.C. Sec. 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: \_\_\_\_\_

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

### **CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_ true and correct copies of the attached document were served in the following manner:

By Electronic Case Noticing to:

By U. S. Postal Service, postage prepaid to:

/s/

Name and bar #:

Attorney for Debtor

**IN THE UNITED STATES BANKRUPTCY COURT**  
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**In re**

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**Judge**

**ORDER EXTENDING AUTOMATIC STAY**

Pursuant to 11 U.S.C. § 362(c)(3)(B), the Debtor(s) requested that this Court extend the automatic stay provisions of 11 U.S.C. § 362(a) beyond the 30<sup>th</sup> day after the filing of this case. A Notice and Motion was filed in accordance with Local Bankruptcy Rule 4001-1(h), and no objections were filed. In the absence of any timely objection, the motion is granted.

Accordingly, the automatic stay provisions of 11 U.S.C. § 362(a) are hereby extended as to all creditors pending further orders of the Court.

IT IS SO ORDERED.