

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

Debtor

Case No. \_\_\_\_\_

☐ Amended

**NOTICE OF MOTION FOR RELIEF FROM  
AUTOMATIC STAY IN A CHAPTER 11/12  
CASE AND NOTICE OF HEARING  
THEREON**

**Notice**

**YOU ARE NOTIFIED THAT:**

1. A motion was filed by \_\_\_\_\_ for relief from the automatic stay protecting the debtor(s) and debtor's property, as provided by 11 U.S.C. § 362.
2. The name and address of the moving party's attorney or, if not attorney, the moving party are:
3. If you wish to resist the motion you must, within 14 days of the service date shown below, file a written response with the clerk at 1050 SW 6th Ave. #700, Portland OR 97204 or 405 E 8th Ave. #2600, Eugene OR 97401. If the response is served in paper, you must also file a certificate showing the response has been served on the moving party's attorney.
4. A response must state the facts upon which relief from the automatic stay is resisted. See [Local Bankruptcy Form \(LBF\) 720.50, Procedures re: Relief from Stay](#), for details.
5. If you file a timely response, a hearing on the motion, which  
☐ is *[check this box only if directed to do so by the court]*  
☐ is not  
an evidentiary hearing at which witnesses may testify, will be held as follows:

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

**Time:** \_\_\_\_\_

# Chapter 11 Motion To Lift Stay Sample

**Ian Pickup**



## **Chapter 11 Motion To Lift Stay Sample:**

**An Empirical Study of Residential Developer Bankruptcies in the United States 2007-2008** Pei Yee Woo, 2010  
With falling home prices and home foreclosures currently acknowledged as a severe problem in the U S more attention needs to be paid to the contributing phenomenon of residential developers undergoing liquidation which has left behind a trail of partially completed or abandoned properties This dissertation presents the results of an empirical investigation aimed at understanding this phenomenon Specifically we addressed the following research questions How have the Chapter 11 bankruptcy cases of residential developers and home builders during this downturn been resolved How did the actions taken by secured lenders in the course of bankruptcy proceedings shape the resolution outcome To what extent was bank behavior during these bankruptcies affected and constrained by the banking regulatory framework and culture This dissertation research involves the analysis of more than 200 residential developers that filed Chapter 11 bankruptcy petitions between November 2007 and December 2008 The main finding is that only a small minority of these developers confirmed a reorganization plan The majority of the cases were dismissed or converted to Chapter 7 culminating in foreclosure or liquidation Over 70% of the cases showed at least one instance where a secured lender sought lift stay motions to pursue foreclosure Among such cases orders granting the lift stay motions were granted most of the time Investigating this insistence on quick foreclosure more nuanced views of banks lending functions risk management and their regulatory environment are explored through a study of FDIC data interviews with industry participants and banks comment letters A key finding is that during a recession banks may have a preference for liquidation in bankruptcy because of capital shortfalls and procyclical regulatory pressure to reduce portfolio concentrations particularly in real estate lending This would be inconsistent with theories that secured lenders will choose economically optimal outcomes within a bankruptcy case as they may choose outcomes that are sub optimal within a bankruptcy to maximize an exogenous urgent need for capital

**Chapter 11 Business Reorganizations**, 2003      **Michie's West Virginia Code, Annotated** West Virginia, 1966  
**Bankruptcy Amendments of 1997; and Bankruptcy Law Technical Corrections Act of 1997** United States.  
Congress. House. Committee on the Judiciary. Subcommittee on Commercial and Administrative Law, 1997      **Title XI Bankruptcy Reform** United States. Congress. Senate. Committee on Commerce, Science, and Transportation.  
Subcommittee on Merchant Marine, 1986      **United States Code Service** United States, 1995      **West's Federal Practice Digest 3d**, 1984      *West's Federal Practice Digest*, 1997      Bankruptcy Explained Mark Steven Summers, 1989-05-12 What actually happens during the bankruptcy process everything explained in straightforward language Describes the legal credit and psychological impact upon the debtor major events in a bankruptcy and pre bankruptcy considerations for both the potentially bankrupt and the credit manager concerned with the possibility of a customer filing bankruptcy Discusses how to determine whether or not to file for bankruptcy types of bankruptcy liquidation

reorganization family farmer and wage earner the major players in bankruptcy proceedings how and where to file and what documents are needed Complete with numerous standard forms      **Creditors' Rights** Alexander L. Paskay,2002

**California. Court of Appeal (2nd Appellate District). Records and Briefs** California (State)., Received document entitled APPENDIX TO PETITION FOR WRIT      **United States Code Service, Lawyers Edition** United States,1936

*Texas Rules of Court* ,2009      *Bankruptcy* David G. Epstein,Steve H. Nickles,James J. White,1992-12-31 Commencement Dismissal and Conversion Automatic Stay Use Sale Lease of Estate Property Leases and Executory Contracts Avoidance Powers Liquidation Exempt Property Individual Reorganization Chapters 13 and 12 Business Reorganization Chapter 11 Selected Topics in Chapter 11 Proceedings Jurisdiction and Procedure      West's New York Digest, 4th ,1989

**Understanding the 1994 Amendments to the Bankruptcy Code** Arnold M. Quittner,1995      Understanding Secured Transactions William H. Lawrence,William H. Henning,R. Wilson Freyermuth,1997      Federal Procedural Forms, Lawyers Edition ,1975      *Colorado Lawyer* ,1995      **Bankruptcy Court Decisions** ,2003

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