

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
DIVISION**

IN RE: _____)
CASE NO. _____)
)
Debtor(s))
CHAPTER _____)

-----)
)
_____,)
)
Movant)
v.)
)
_____,)
)
Respondent(s).)
)

CONTESTED MATTER

**MOTION FOR ORDER UNDER § 362(c)(4)(A)(ii)
CONFIRMING NO AUTOMATIC STAY
IS IN EFFECT**

COMES NOW Movant and files this Motion under 11 U.S.C. § 362(c)(4)(A)(ii), for an order confirming that no automatic stay is in effect, showing the Court as follows:

1. Movant holds a security interest on property of Debtor commonly known as _____, Georgia.
2. This Chapter _____ case was filed on (Date) , and Debtor is an individual.
3. During the one-year period preceding the filing of this case, two or more cases of the Debtor were pending but were dismissed. Debtor was a debtor in a prior case, Case No. _____, which was dismissed on (Date) . Debtor was a debtor in a second prior case, Case No. _____, which was dismissed on (Date) . Neither of the prior cases was a Chapter 7 case dismissed pursuant to 11 U.S.C. §707(b).
4. No order has been issued under 11 U.S.C. § 362(c)(4)(B) imposing the stay.
5. Movant therefore shows that upon and since the filing of this case, the automatic stay did not go into effect.

WHEREFORE, Movant respectfully requests that the Court enter an Order confirming that the automatic stay is not in effect.

(Attorney/Bar No./Address/Telephone)

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for all other parties (or the parties themselves if not represented by counsel) in the foregoing matter with a copy of the within and foregoing pleading by depositing in the United States Mail copies of same in a properly addressed envelope with adequate postage thereon, addressed as follows:

Debtor

Debtor's Counsel

Trustee

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on _____
(Date)

By: _____
(Attorney/Bar No./Telephone)

**UNITED STATES BANKRUPTCY COURT
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v.)	CONTESTED MATTER
)	
_____,)	
Respondent(s).)	

**ORDER UNDER § 362(c)(4)(A)(ii) CONFIRMING
THE AUTOMATIC STAY IS NOT IN EFFECT**

Movant seeks an order under 11 U.S.C. § 362(c)(4)(A)(ii) confirming that the automatic stay is not in effect.

Debtor was a debtor in two prior cases that were both dismissed within the one-year period preceding the filing of this case. Neither of the prior cases was a Chapter 7 case dismissed pursuant to 11 U.S.C. § 707(b), and no order has been entered pursuant to 11 U.S.C. § 362(c)(4)(B) imposing the stay. Accordingly, the automatic stay under § 362(a) did not go into effect upon or since the filing of this case and, as of the date hereof, no order has been entered imposing a stay.

IT IS SO ORDERED, this _____ day of _____, 2005.

UNITED STATES BANKRUPTCY JUDGE