

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Case No.: - -AST
Chapter ___

Debtor(s).

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**ORDER GRANTING CONDITIONAL RELIEF
FROM THE AUTOMATIC STAY**

On [Date of hearing], the Motion (the “Motion”) of [Name of Movant] (“Movant”), dated [Date of Application] came before the Court, for relief from the automatic stay with respect to the collateral known as [Property Address or Vehicle Identified As] (the “Collateral”). This Court, having considered the evidence presented and the arguments of the parties, and with good cause appearing therefor, and upon the agreement of the parties hereto, it is hereby

ORDERED, that the automatic stay in effect pursuant to 11 U.S.C. § 362(a), shall remain in effect with respect to the Collateral as to Movant, its agents, assigns or successors in interest, subject to the conditions set forth herein; and it is further

ORDERED, that Debtor(s) is/are directed to make [Number/Frequency of Payments] adequate protection payment(s) pursuant to 11 U.S.C. § 361 in the sum of [Dollar Amount] by [Manner of Payment] by [Date Payment is Due] which payment shall be delivered to [Address Where Payments are to be Made]; and it is further

ORDERED, [If certain payments are to be made on a schedule different from the payment schedule indicated above, the amount of those payments and the dates by which those payments must be paid should be set forth]; and it is further

ORDERED, that pursuant to 11 U.S.C. § 362(d), in the event Debtor(s) (i) fails to timely pay any part of the adequate protection payments in accordance with the above decretal paragraphs, and (ii) fails to cure such default within **ten (10) days** written notice to Debtor's counsel by email, the automatic stay will be terminated by an Order entered without a hearing, **ten (10) days** after an affirmation of non-compliance is filed with the Court and served upon the Debtor(s) and Debtor's counsel, provided that no challenge to Movant's affirmation of non-compliance is timely made and filed in accordance with this Order, whereupon Movant may take any and all action under applicable state law to exercise its remedies against the Collateral; and it is further

ORDERED, that if Debtor(s) has/have received two notices of default, then, in the event of a third default, the stay will be terminated by an Order entered **ten (10) days** after an affirmation of non-compliance is filed with the Court and served upon the Debtor(s) and Debtor's counsel, provided that no challenge to Movant's affirmation of non-compliance is timely made and filed in accordance with this Order; and it is further

ORDERED, that a proposed Order lifting the stay shall be submitted to the Court via electronic upload at the time an affirmation of non-compliance is filed; and it is further

ORDERED, that for any affirmation of non-compliance served by mail to any party, **three (3) days** additional notice is required under E.D.N.Y. LBR 9006-1(c) before the automatic stay terminates; and it is further

ORDERED, that any challenge to an affirmation of non-compliance shall be brought by counter-affidavit and must be filed with the Court and served on Movant's counsel within **seven (7) days** after the date of service of the affidavit of non-compliance. Any such challenge shall be limited to the defense that the payment(s) have, in fact, been timely paid and have not been properly credited. The counter-affidavit shall be accompanied by evidence of such payment(s). If a counter-

affidavit is timely served and filed, the stay shall remain in effect pending a hearing which the Court may schedule on an expedited basis or further order of the Court.

[If applicable] ORDERED, that an adjourned hearing on the Motion shall be held on [Date of Adjourned Hearing].