

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF KANSAS

In re: \_\_\_\_\_ )  
Name of Debtor(s) \_\_\_\_\_ ) Case No. \_\_\_\_\_ )  
Movant's Name: \_\_\_\_\_ )

**RELIEF FROM STAY COVER SHEET FOR CHAPTER 7 CASES**

**Instructions:** To lift the stay on encumbered exempt property in a Chapter 7 case, the court must be assured of the exempt status of the property. The purpose of this form is to provide the court with that assurance through the written representation of counsel under Rule 9011.

Counsel for a party wishing to obtain stay relief in a Chapter 7 case must: (1) complete the caption of this form, (2) answer the questions posed, (3) provide counsel's address and telephone number on the form, and (4) sign the form with Rule 9011 in mind.

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1. What is the collateral for which stay relief is requested? \_\_\_\_\_  
\_\_\_\_\_
  2. Is the movant a secured creditor, a lessor, or some other type of creditor? (Specify) \_\_\_\_\_
  3. Did the debtor(s) claim the related property exempt in the schedules?  
( ) YES, ( ) NO. [If you don't know, check the Schedules.]
  4. Has anyone filed an objection to the exemption claim within thirty (30) days of the first scheduled § 341 Meeting?  
( ) YES, ( ) NO. [If you don't know, check the file.]
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Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Attorney for Movant Bar Regis. No. \_\_\_\_\_  
Name of Attorney (please print) \_\_\_\_\_  
Attorney's Address \_\_\_\_\_  
\_\_\_\_\_  
Attorney's Telephone No. \_\_\_\_\_

**Comment:** When a case is filed, all legal and equitable interests of the debtor in property become "property of the estate." If a debtor claims encumbered property as exempt and the exemption claim is permitted, the property leaves the bankruptcy estate and becomes "property of the debtor" once again. When this happens, the trustee can no longer administer the property. Consequently, there is no point in the bankruptcy court preventing a lien holder on the property from foreclosing its lien under state law. Therefore, unless good cause for not doing so can be shown, the court will lift the stay to permit state court foreclosure on the encumbered exempt property. Arguably relief from stay must be obtained even though the property is no longer in the bankruptcy estate because § 362(a)(5) applies to "property of the debtor."