

March 28, 2011

CLERK, U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

0003379385

RELIEF FROM STAY SUMMARY SHEET

* * * INSTRUCTIONS ON FORM EDC 3-468-INST * * *

COMPLETE ALL PORTIONS APPLICABLE TO THE RELIEF FROM STAY MOTION.
THIS IS IN THE NATURE OF A PRETRIAL STATEMENT AND IS NOT EVIDENCE.DEBTOR: DONALD CLYDE WILLIS CASE NO. 10-53326-C-7MOVANT: BANK OF THE WEST DC NO. MDE-1HEARING DATE/TIME: April 26, 2011, 9:30 a.m.

RELIEF IS SOUGHT AS TO:

- ☒ REAL PROPERTY Assessor Parcel Number (APN): _____
- ☐ PERSONAL PROPERTY If applicable, Vehicle Identification Number (VIN): _____
- ☐ STATE COURT LITIGATION

1. Address OR description of property or state court action: 12197 South Stoneridge Circle, Paradise, California 959692. Movant's trust deed is a ☒ 1st ☐ 2nd ☐ 3rd ☐ Other: _____
ORLeased property is ☐ Residential ☐ Non-residential Term: ☐ Month-to-Month ☐ Other3. Verified appraisal filed? No Movant's valuation of property: \$ 160,000.00

4. The following amounts are presently owing to movant for:

PRINCIPAL	INTEREST	COSTS	TOTAL
\$ <u>173,501.62</u>	\$ <u>4,068.18</u>	\$ <u>329.56</u>	\$ <u>178,189.23</u>

5. State identity, rank, and balance owing to other known lien holders. Use additional page(s) if necessary.

_____	\$ _____
_____	\$ _____
_____	\$ _____

TOTAL ALL LIENS \$ 178,189.23DEBTOR'S EQUITY \$ -18,189.236. Monthly payment is \$ 1,309.12, of which \$ _____ is for impound account. Monthly late charge is \$ _____.

7. The last payment by debtor was received on _____ and was applied to the payment due _____.

8. Number of payments past due and amount: (a) Pre-petition 1 \$ 1,309.12 (b) Post-petition 3 \$ 3,927.36.

9. Notice of Default was recorded on _____. Notice of sale was published on _____.

10. If a chapter 13 case, in what class is this claim? _____

11. Grounds for seeking relief (check as applicable):

- ☒ § 362(d)(1) ☒ § 362(d)(2) ☐ § 362(d)(3) ☐ § 362(d)(4)
- ☒ Cause ☒ Inadequate protection ☒ Lack of equity ☐ Lack of insurance ☐ Bad faith
- ☐ Surrendered pursuant to Statement of Intention. ☐ Report of No Distribution has been filed.
- ☐ Other _____.

12. For each ground checked in item 11, furnish a brief supporting statement below. Use additional page(s) if necessary.

Subsection (1) of 11 U.S.C. Section 362(d) allows the court to grant relief from the automatic stay for "cause." A debtor's failure to make post-petition mortgage payments as they become due constitutes "cause."

Subsection (1) also allows relief if Movant's interest in the property is not adequately protected.

Subsection (2) of 11 U.S.C. Section 362 (d) allows the Court to grant relief from the automatic stay if the debtor does not have equity in the subject property and if the subject property is not necessary to an effective reorganization.