Form M-400

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re:	**§**	**Case No.**
	§	**(Chapter __)**

MOTION FOR RELIEF FROM THE STAY REGARDING DIVORCE PROCEEDING

THIS IS A MOTION FOR RELIEF FROM THE AUTOMATIC STAY. IF YOU OBJECT TO THE GRANTING OF RELIEF FROM THE AUTOMATIC STAY, YOU SHOULD CONTACT THE MOVANT IMMEDIATELY TO TRY TO REACH AN AGREEMENT. IF YOU CANNOT REACH AN AGREEMENT, YOU MUST FILE A WRITTEN RESPONSE AND SEND A COPY TO MOVANT NOT LATER THAN [DATE] AND YOU MUST ATTEND THE HEARING.

THE COPY SENT TO THE MOVANT MUST BE DELIVERED BY HAND OR ELECTRONIC DELIVERY IF IT IS SENT LESS THAN 7 DAYS PRIOR TO THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE HEARING MAY BE AN EVIDENTIARY HEARING AND THE COURT MAY GRANT OR DENY RELIEF FROM THE STAY BASED ON THE EVIDENCE PRESENTED AT THIS HEARING. IF A TIMELY OBJECTION IS FILED, THE COURT WILL CONDUCT A HEARING ON THIS MOTION ON [DATE] AT [TIME] IN COURTROOM [ADDRESS].

1. This motion requests an order from the Bankruptcy Court authorizing the person filing this motion to proceed with a divorce in state court.

2. Movant: _____

3. Name of spouse: _____

4. If divorce case is pending, court and case number: _____.

5. This motion seeks relief solely to allow the state court to issue judgments and orders concerning (i) child custody, (ii) support; and (iii) the division of exempt property.

6. Movant certifies that prior to filing this motion an attempt was made to confer with the non-moving spouse's counsel (or with the non-moving spouse, if *pro se*) either by telephone, by e-mail, or by facsimile by the following person on the following date and time: _____
_____
_____
_____. An agreement could not be reached.

Date: _____

_____
Movant's counsel signature
Name: _____
State Bar No.: _____
S.D. Tex. Bar No.: _____
Address: _____
_____
Telephone: _____
Fax: _____
E-mail: _____

Certificate of Service and Certificate of Compliance with BLR 4001

A copy of this motion was served on the persons shown on exhibit "1" at the addresses reflected on that exhibit on [date] by prepaid United States first class mail. Movant certifies that movant has complied with Bankruptcy Local Rule 4001.

_____
Movant's Counsel