

Form M-200

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

In re: § Case No. 23-80179
JUSTIN ALLEN HICKS § (Chapter 7)

**MOTION FOR RELIEF FROM THE STAY [AND CO-DEBTOR STAY, IF APPLICABLE] REGARDING
EXEMPT PROPERTY**

THIS IS A MOTION FOR RELIEF FROM THE AUTOMATIC STAY. IF IT IS GRANTED, THE MOVANT MAY ACT OUTSIDE OF THE BANKRUPTCY PROCESS. IF YOU DO NOT WANT THE STAY LIFTED, IMMEDIATELY CONTACT THE MOVING PARTY TO SETTLE. IF YOU CANNOT SETTLE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY AT LEAST 7 DAYS BEFORE THE HEARING. IF YOU CANNOT SETTLE, YOU MUST ATTEND THE HEARING. EVIDENCE MAY BE OFFERED AT THE HEARING AND THE COURT MAY RULE.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

There will be a hearing on this matter on 11/01/2023 at 09:30 a.m. in Courtroom 403, 515 Rusk, Houston, TX 77002 (Judge Jeffrey P Norman).

You may attend virtually or in person. To attend virtually, you must connect by separate audio and video connections. The audio connection is 832-917-1510. The code is 174085. The video connection is at GOTOMEETING.COM. The Code is JudgeNorman. The Court recommends that you download the free GOTOMEETING app.

1. This motion requests an order from the Bankruptcy Court authorizing the person filing this motion to foreclose on or to repossess the property that is identified in paragraph 3.
2. Movant: Credit Human Federal Credit Union.
3. Movant, directly or as agent for the holder, holds a security interest in a 2019 Toyota Sienna, VIN XXXX5391.
4. Movant has reviewed the schedules filed in this case. The property described in paragraph 3 is claimed as exempt by the debtor. Movant does not contest the claimed exemption.
5. Type of collateral (e.g., Home, Manufactured Home, Car, Truck, Motorcycle): Vehicle.
6. Debtor's scheduled value of property: \$34,000.00.
7. Movant's estimated value of property: \$29,500.00.
8. Total amount owed to movant: \$18,506.18.
9. Estimated equity (paragraph 7 minus paragraph 8): \$10,993.82.
10. Total pre and post-petition arrearages: \$2,677.52.
11. Total post-petition arrearages: \$0.00.
12. Amount of unpaid, past due property taxes, if applicable: NA.
13. Expiration date on insurance policy, if applicable: NA.
14. Movant seeks relief based on the debtor(s)' failure to make payments. Debtor(s)' payment history is attached as exhibit "A". Movant represents that the attached payment history is a current payment history reflecting all

payments, advances, charges and credits from the beginning of the loan. Movant further represents that the payment history is self explanatory or can be interpreted by application of coding information that is also attached. Movant acknowledges that the Court may prohibit the use of parol evidence to interpret a payment history that does not satisfy these representations.

15. Movant seeks relief based on the debtor(s)' failure to provide a certificate of insurance reflecting insurance coverage as required under the debtor(s)' pre-petition contracts.

16. If applicable: Name of Co-Debtor:

17. Based on the foregoing, movant seeks termination of the automatic stay [and the co-debtor stay, if applicable] to allow movant to foreclose or repossess the debtor(s)' property and seeks to recover its costs and attorneys' fees in an amount not to exceed the amount listed in paragraph 9.

18. Movant certifies that prior to filing this motion an attempt was made to confer with the Debtor(s)' counsel (or with Debtor(s), if pro se) either by telephone, by e-mail or by facsimile, by the following person on the following date and time: See attached Certificate. An agreement could not be reached. If requested by debtor or debtor's counsel, a payment history in the form attached to this motion was provided at least two days, excluding intermediate weekends and holidays before this motion was filed.

Date: 10/12/2023

/s/ Don J. Knabeschuh
Movant's counsel signature
Name: Don J. Knabeschuh
State Bar No.: 11578800
S.D. Tex Bar No.: 3275
Address: PO Box 571587
Houston, TX 77257-1587
Telephone: 713 984-4615
E-mail: dknab52@gmail.com

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 10/12/2023 by prepaid United States first class mail. Movant certifies that movant has complied with Bankruptcy Local Rule 4001.

/s/ Don J. Knabeschuh
Movant's Counsel