

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MISSOURI**

In Re:	)	
	)	Case No. 16-42398-drd7
Christopher Joseph Moreno, and Cortney Camille Moreno, <i>Debtors</i>	)	Chapter: 7
	)	
Blue Ridge Bank and Trust Company, <i>Moving Creditor</i>	)	
	)	
vs.	)	
	)	
Christopher Joseph Moreno, <i>Debtor</i>	)	
	)	
and	)	
	)	
Janice E. Stanton, <i>Trustee</i>	)	
	)	

**MOTION FOR ORDER MODIFYING AUTOMATIC STAY**

COMES NOW, Blue Ridge Bank and Trust Company, its subsidiaries, affiliates, predecessors in interests, successors or assigns, (“Movant”), and in support of its motion, states as follows:

1. Christopher Joseph Moreno, Debtor, is indebted to Blue Ridge Bank and Trust Company in the sum of \$21,971.37 plus interest. Debtor’s debt is secured by a first, prior and duly perfected security interest in, to and against 2007 Cadillac Escalade VIN:1GYFK66877R259461.(the “collateral”) Debtor’s debt, Movant’s interest, and the perfection of Movant’s security interest are evidenced by the documents which are listed on the Summary of Exhibits and attached hereto.

2. The Movant’s interest in and to the Collateral is not adequately protected and the Movant will sustain irreparable harm, loss, damage and prejudice if the automatic stay imposed by Section 362(a) of the Bankruptcy Code is not modified as hereinafter prayed. In particular:

(a) The Debtor is past due for the December 20, 2016 payment and all payments thereafter for a total delinquency of \$1,163.16 plus interest, excluding to the extent of any applicable late charges, attorney fees and/or attorney costs or other fees or costs included herein in the Contract and Security Agreement.

(b) The Collateral is secured beyond its value of \$13,900.00 and the estate has no equity therein, based upon the value as listed on Schedule D of Debtor's Schedules.

(c) The Debtor's Statement of Intention provides that the Collateral is to be retained by Debtor but does not address the delinquency.

3. **WHEREFORE**, Movant, its successors or assigns, respectfully requests the Court to enter, among others, the following orders:

(a) An order modifying the automatic stay for the purpose of allowing Movant to repossess and sell the collateral and to apply all proceeds therefrom to the Debtor's debt;

(b) An order waiving the 14-day stay imposed by Bankruptcy Rule 4001(a)(3).

(c) An order granting such other and further relief as the Court deems just

SOUTHLAW, P.C.

/s/ Michael P Gaughan

Michael P Gaughan (MBE #31121; EDMO #93625; KSfd #70120)

Wendee Elliott-Clement (MBE #50311; KS #20523)

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**ATTORNEYS FOR MOVANT**

**CERTIFICATE OF MAILING/SERVICE**

The undersigned certifies that the foregoing document was served electronically to those parties who have entered an appearance in the Court's Electronic Court Filing (ECF) System and conventionally, via first-class mail, postage prepaid, to those parties below who have requested notice but are not participating in the ECF System, on the date entered on the Court's docket.

SOUTHLAW, P.C.

/s/ Michael P Gaughan

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**ATTORNEY FOR DEBTORS**

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Kansas City, MO 64105

**TRUSTEE**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MISSOURI AT KANSAS CITY**

In Re:	)	
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Christopher Joseph Moreno, and Cortney Camille Moreno, <i>Debtors</i>	)	Case No. 16-42398-drd7
	)	
	)	Chapter: 7
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vs.	)	
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Christopher Joseph Moreno, <i>Debtor</i>	)	
	)	
and	)	
	)	
Janice E. Stanton, <i>Trustee</i>	)	
	)	

**SUMMARY OF EXHIBITS AND CERTIFICATE OF SERVICE**

Pursuant to L.B.R. 9040-1, the following exhibits to the Motion for Order Modifying Automatic Stay are filed herewith:

1. Retail Installment Contract/Security Agreement dated September 4, 2015
2. Notice of Lien

Respectively submitted,

SOUTHLAW, P.C.  
/s/ Michael P Gaughan  
Michael P Gaughan (MBE #31121; EDMO #93625; KS Fd #70120)  
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**ATTORNEYS FOR MOVANT**

A copy of the above served this on January 25, 2017 to:

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**TRUSTEE**

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/s/ Michael P Gaughan  
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