

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION AT GARY**

IN RE:) **CHAPTER 13 PROCEEDINGS**
)
) **CASE NO.** _____
)

**MOTION FOR AUTHORITY TO USE CASH COLLATERAL
OR FOR SUBSTITUTION OF COLLATERAL**

Comes now the Debtors, _____, by Counsel, and move the Court pursuant to 11 U.S.C. Sec. 363, for authority to use cash collateral to purchase a replacement vehicle, and in support thereof, states as follows:

1. The Debtors commenced this Chapter 13 proceeding on the ____ day of _____, ____.

2. That amongst the assets of the Debtors provided for in said bankruptcy and the Chapter 13 Plan filed concurrently therewith is a certain automobile, to-wit: _____, which the Debtors have continued to be in possession of since the filing of this proceeding.

3. That pursuant to the terms of the Debtors' confirmed Chapter 13 Plan, Creditor, _____, has an allowed secured claim in the amount of \$_____, secured by said automobile.

4. That at the present time a balance on said allowed secured claim remains in the amount of \$_____, pursuant to the records of the Trustee.

5. That on the _____ day of _____, 19____, said automobile was damaged in a collision and as a result it is required that it either be repaired or replaced.

6. a) That the value of the repair exceeds the value of the automobile and said automobile is determined to be totaled and the insurance company is prepared to settle the claim on said automobile for the sum of \$_____, which constitutes cash collateral. The insurance company that will be paying the funds is the _____ Insurance Company. (or)

6. b) The amount of the repairs required is the sum of \$_____ and that the insurance company, to-wit: _____ Insurance Company, is prepared to tender funds to effectuate repairs in the amount of \$_____.

7. The Debtors are requesting authority to use cash collateral by either repair or replacement of said vehicle, to have the insurance company pay the money into the Chapter 13 Trustee to either pay for the repair or replacement of said vehicle, the lien to attach to either the replacement vehicle or the vehicle to which repairs have been made, (to which it already attached).

8. Said repair or replacement should be made under such terms and conditions that the Court deems appropriate to protect the interests of the secured creditor, to-wit:

_____.

Wherefore, Debtors pray for authority to use cash collateral to either repair or replace the damaged automobile which is property of the debtor and which is subject to an allowed secured claim in this bankruptcy proceeding, subject to such terms and conditions as the Court deems as appropriate, and for all other appropriate relief.

Counsel for Debtors

CERTIFICATE OF SERVICE

I hereby certify that on the ___ day of _____, 19___, service of a true and complete copy of the above and foregoing pleading or paper was made upon the parties set forth below by depositing the same in the United States mail, envelopes properly addressed to each of them and with sufficient first-class postage affixed.

DISTRIBUTION:
U. S. Trustee
Chapter 13 Trustee
Secured Creditor
Counsel for Secured Creditor