

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF ALABAMA**

**IN RE:**

**CHAPTER 13**

**CASE No.** \_\_\_\_\_

**NAME [include both Debtors if jointly filed bankruptcy case],  
Debtor(s).**

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**PURSUANT TO M.D. ALA., LBR 9007-1, THIS FILING WILL BE TAKEN UNDER ADVISEMENT BY THE COURT AND MAY BE GRANTED/APPROVED UNLESS A PARTY IN INTEREST FILES A RESPONSE WITHIN TWENTY-ONE (21) DAYS OF THE DATE OF SERVICE. RESPONSES MUST BE SERVED UPON THE MOVING PARTY AND IN THE MANNER DIRECTED BY M.D. ALA., LBR 5005-4, FILED WITH THE CLERK ELECTRONICALLY OR BY U.S. MAIL ADDRESSED AS FOLLOWS: CLERK, U.S. BANKRUPTCY COURT, ONE CHURCH STREET, MONTGOMERY, AL 36104.**

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**MOTION FOR AUTHORITY TO USE CASH COLLATERAL**

COMES NOW, the Debtor(s), \_\_\_\_\_, by and through his/her/their undersigned attorney, pursuant to 11 U.S.C. §§ 363 and 1303, Fed. R. Bankr. P. 4001 and 9014, and M.D. Ala., LBR 9007-1 and move(s) this Honorable Court for authority to use cash collateral in the form of insurance proceeds; and, in support thereof would aver as follows:

1. \_\_\_\_\_ [Name of Creditor], (hereinafter referred to as "Creditor"), is a secured creditor of the Debtor(s) that holds a perfected security interest in a \_\_\_\_\_ having a VIN of \_\_\_\_\_ (hereinafter referred to as the "vehicle"). See POC No. \_\_\_ filed \_\_\_\_\_. This claim is being paid through the Debtor(s)'s Chapter 13 plan.

2. Recently, the vehicle was totaled; as a result, the insurer, \_\_\_\_\_ [name of insurance company] is prepared to pay \_\_\_\_\_ Dollars and \_\_\_/100 Dollars (\$\_\_\_\_\_) on this insurance claim. See Exhibit "A." (include statement from insurer regarding the settlement terms and amount)

3. The Debtor(s) must have authority to use the cash collateral (i.e., insurance proceeds).

4. Debtor(s) request that the insurance proceeds be paid to - [set out how debtor proposes the insurance company disburse the proceeds and how those proceeds are to be applied, i.e. all of the insurance proceeds are to be paid to the Trustee for the benefit of the lienholder and any remaining proceeds, less administrative fees and expenses, are to go to the Debtor **OR** the insurance company is directed to pay the lienholder directly and the claim in the case is to be reduced to the amount paid by the Trustee with a zero balance.].

5. The Debtor [was/was not] injured and [is/is not] pursuing a possible personal injury claim due this accident.

# SAMPLE

WHEREFORE, the above premises considered, the Debtor(s) pray(s) that this Honorable Court will authorize the Debtor(s)' use of the cash collateral (insurance proceeds) upon the terms and conditions set forth herein.

Respectfully submitted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
*Name of Attorney*

*FIRM NAME*

*ATTORNEY'S ADDRESS*

*TELEPHONE NUMBER*

*FAX NUMBER*

*EMAIL ADDRESS*

## **CERTIFICATE OF SERVICE**

I hereby certify that on this date, a true and correct copy of the foregoing MOTION FOR AUTHORITY TO USE CASH COLLATERAL was served as follows:

### **By CM/ECF:**

(Name), Debtor(s) Bankruptcy Attorney  
Email address

Sabrina L. McKinney, Standing Chapter 13 Trustee  
[13trustee@ch13mdal.com](mailto:13trustee@ch13mdal.com)

Danielle K. Greco, Bankruptcy Administrator  
[ba@almba.uscourts.gov](mailto:ba@almba.uscourts.gov)

Attorney for Creditor (if applicable)

### **by First Class Mail, postage prepaid:**

Name of Debtor(s)  
Address

### **Other:**

Name of Creditor at issue (for specific notice certification)

Insurance Company (for specific notice certification)

Dated: \_\_\_\_\_

# SAMPLE

/s/

\_\_\_\_\_

*[Name of attorney being retained]*

Address

Phone

Email