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*ofh*  
M.C. COMBES  
03/02/99 - 7 PM 4:29  
CLERK OF DISTRICT COURT  
IDAHO

FILED  
PAID  
REF *lde 333*

Attorneys for Creditor, Combs Car Corral

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF IDAHO

In re: )  
          ) Case No. 99-01784  
DALE BLUSH and LEONA BLUSH, )  
          ) NOTICE OF MOTION AND MOTION  
          ) LIFT AUTOMATIC STAY  
          ) Debtors. )

COMES NOW, Combs Car Corral ("Combs"), a secured/lessor creditor of the Debtor, and pursuant to the terms of 11 U.S.C. § 362, and moves this court for an order lifting, annulling and vacating the stay existing upon the following showing:

1) Debtors filed for relief under Chapter 13 of Title 11 on July 13, 1999 and as a result a stay against certain actions by creditor issued on that date.

2) Creditor, Combs, is a secured creditor of the debtors, holding non-avoidable, perfected security interest in and to the following property:

A) 1973 Chevrolet Pickup

A copy of the evidence of creditor's security interest in the said secured property is attached hereto as Exhibit "A", and incorporated herein as if fully set forth.

3) The debtors' plan under Chapter 13 of Title 11 was confirmed on October 13,

**NOTICE OF MOTION AND MOTION TO LIFT AUTOMATIC STAY - 1**

*20/21*

1999 and provided that Combs would be paid \$4,000 plus 9% interest at \$149.40 per month for 36 months regarding the above referenced vehicle.

4) That Debtors have made no post-petition payments to Combs.

5) That the subject property is a depreciating asset and Combs is not adequately protected.

6) That the vehicle, a 1973 Chevrolet Pickup, has a fair market value of \$4,000, and creditor was owed \$4,481.75 at the time of filing, and therefore, there is no equity in the vehicle.

7) That based upon the foregoing, the depreciating nature of the asset herein, petitioner asserts that cause exists to waive the requirement of B.R. 4001(a)(3), and making the order effective upon the execution of an order by this court.

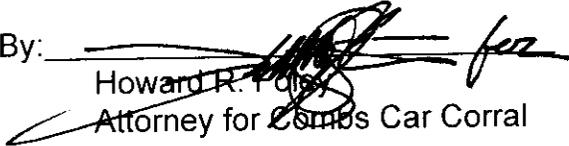
#### NOTICE OF HEARING

**YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that the secured creditor, Combs Car Corral, will bring on for hearing its Motion to Lift Automatic Stay on the 12<sup>th</sup> day of April, 2000, at the hour of 9:30 a.m., or as soon thereafter as counsel can be heard before the Honorable Judge Jim D. Pappas, at the United States Bankruptcy Court located at 550 W. Fort Street, 5<sup>th</sup> Floor, Boise, Idaho.**

DATED this 31 day of March, 2000.

FOLEY & FREEMAN, CHARTERED

By:

  
Howard R. Foley  
Attorney for Combs Car Corral

**NOTICE OF MOTION AND MOTION TO LIFT AUTOMATIC STAY - 2**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 31 day of March, 2000, I caused to be served a true and correct copy of the foregoing Notice of Motion and Motion to Lift Automatic Stay by the method indicated below, and addressed to the following:

Mr. Harold Q. Noack, Jr.  
P.O. Box 875  
Boise, Idaho 83701

Mailed  
 FAXED  
 Hand-delivered

Dale & Leona Blush  
5601 Marvin Ln., #127D  
Boise, Idaho 83705

Mailed  
 FAXED  
 Hand-delivered

Mr. Bernie R. Rakozy  
P.O. Box 1738  
Boise, Idaho 83701

Mailed  
 FAXED  
 Hand-delivered

  
Howard R. Foley

# IDAHO CERTIFICATE OF TITLE

VEHICLE IDENTIFICATION NUMBER <b>CKY243F436685</b>		YEAR <b>1973</b>	MAKE <b>CHEV</b>	BODY <b>PK</b>	MODEL <b>TK</b>	DESCRIPTION <b>CK20903</b>	
2ND VEHICLE IDENTIFICATION NUMBER		ODOMETER READING <b>EXEMPT</b>		DATE			
TITLE NUMBER <b>H447788</b>	PRINT DATE <b>03/31/1999</b>	WEIGHT	LENGTH	WIDTH	HULL	HORSEPOWER	PROPULSION
OWNER'S NAME AND ADDRESS <b>BLUSH, DALE EDWARDS OR BLUSH, EEOA T 5601 MARVIN LN #127 BOISE, ID 83705</b>				OTHER PERTINENT DATA			

### Assignment of Title

Federal and state law requires that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.

1 ODOMETER READING - Reading is actual unless indicated otherwise. (NO TENTHS): <b>[REDACTED]</b> DATE: <b>[REDACTED]</b> <input type="checkbox"/> In Excess of Mechanical Limits <input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Not Actual - Warning: Odometer Discrepancy <input type="checkbox"/> No Device		5 PURCHASER'S PRINTED NAME(S) A B	
2 DATE SOLD: _____ SELLING PRICE: _____		6 ADDRESS	
3 SELLER'S/REPRESENTATIVE'S PRINTED NAME(S)		7 CITY STATE ZIP	
4 I certify, to the best of my knowledge, that the odometer reading reflects the actual mileage, unless otherwise indicated. I also hereby release my interest and transfer ownership to the named purchaser. SELLER'S/REPRESENTATIVE'S SIGNATURE: A <input checked="" type="checkbox"/> B <input checked="" type="checkbox"/>		8 I am aware of the odometer certification made by the seller. PURCHASER'S/REPRESENTATIVE'S SIGNATURE: A <input checked="" type="checkbox"/> 2nd PURCHASER'S/REPRESENTATIVE'S SIGNATURE (or representative's printed name): B <input checked="" type="checkbox"/>	

### Lienholder Section

FIRST LIEN <b>COMBS CAR CORRAL 9640 W FAIRVIEW BOISE, ID 83704 RECORDED 03/15/1999</b>		SECOND LIEN	
9 SIGNATURE RELEASING LIEN <input checked="" type="checkbox"/>		10 SIGNATURE RELEASING LIEN DATE <input checked="" type="checkbox"/>	
		11 NEW LIENHOLDER'S NAME	
		12 ADDRESS	
		13 CITY STATE ZIP	

Alterations May Void This Document  
This title contains an eagle watermark that is visible when held to the light.

AUDIT NO. **03845210**

# EXHIBIT A