UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

In Re: The Newport Creamery Inc. :

BK No.: 01-13196

Debtor(s) : Chapter

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Motion for Relief from Stay
By: FORD MOTOR CREDIT COMPANY
AS TO THE 1999 MERCUY SABLE VIN#1MEFM53S3XG662065

SUMMONS, NOTICE TO FILE JOINT PRETRIAL ORDER, AND NOTICE OF TRIAL

To the above-named defendant:

You are hereby summoned AND REQUIRED TO SERVE upon Lynda L. Laing, the movant's attorney, whose address is: 403 South Main Street, Providence, Rhode Island 02903

An OBJECTION OR AN ANSWER to the MOTION which is herewith served upon you, ON OR BEFORE 11-8-01 AND TO FILE THE OBJECTION OR ANSWER WITH THIS COURT, IF YOU FAIL TO DO SO, JUDGMENT BY DEFAULT WILL BE TAKEN AGAINST YOU for relief demanded in the motion.

YOU ARE HEREBY NOTIFIED THAT IN ACCORDANCE WITH 11 U.S.C. §362(e), A PRELIMINARY HEARING WITH RESPECT TO THIS MOTION HAS BEEN SET FOR 11-15-01 at 9:30 o'clock a. .m., at 380 Westminster Mall, Sixth Floor, Providence, Rhode Island 02903.

Any attorney who is not admitted to practice in the U.S. District Court for the District of Rhode Island must obtain pro hac vice admission pursuant to LBR 9010-1(b) and must have local counsel enter an appearance at least 5 days before the hearing. See LBR 9010-1(c).

A JOINT PRETRIAL ORDER IS REQUIRED TO BE FILED NO LATER THAN 3 BUSINESS DAYS BEFORE THE PRELIMINARY HEARING DATE AND IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN LOCAL BANKRUPTCY RULE 9014-1(c).

****FAILURE TO TIMELY FILE THE JOINT PRETRIAL ORDER WILL RESULT IN THE COURT'S DENIAL, WITHOUT PREJUDICE, OF THE MOTION FOR RELIEF FROM STAY AND THE ABOVE HEARING DATE WILL BE AUTOMATICALLY VACATED. A NEW MOTION AND FILING FEE WILL BE REQUIRED TO REINITIATE THIS MATTER. ****

SUSAN M. THURSTON, CLERK
U.S. BANKRUPTCY COURT
By: Patrice A. Moore
Deputy Clerk

[seal of the U.S. Bankruptcy Court]
Date of issuance: 10-26-01

THE PLAINTIFF MUST SERVE THIS SUMMONS, TOGETHER WITH THE MOTION ON THE DEFENDANT(S) AND ALL PARTIES HOLDING ANY INTEREST IN THE PROPERTY THAT IS THE SUBJECT OF THIS MOTION. IF THEREAFTER CONTESTED, IT MUST SERVE THE INITIAL DRAFT OF THE JOINT PRE-TRIAL ORDER ON DEFENDANT(S).

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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

IN RE: **The Newport Creamery Inc.** **Case No.: 01-13196**
Debtor **Chapter**

MOTION AND MEMORANDUM FOR RELIEF FROM STAY

Ford Motor Credit Company, through its attorneys, respectfully states as follows:

1. This is a motion pursuant to 11 U.S.C. §362(d) and Bankruptcy Rule 4001 for relief from the automatic stay.

2. On June 25, 2001, debtor filed a petition for relief under Chapter 7 of the Bankruptcy Code.

3. Ford Motor Credit Company is the owner of 1999 Mercury Sable with a VIN #1MEFM53S3XG662065 as provided in Exhibit A (certificate of title).

4. On September 21, 1999, debtor entered into a Net (Closed End) lease with Ford Motor Credit Company to lease a 1999 Mercury Sable with a VIN # 1MEFM53S3XG662065as provided in Exhibit B (closed end lease).

5. The debtor has defaulted on its obligations under the lease and Ford Motor Credit Company is entitled to pay the term of said lease to retake possession of the vehicle but 11 U.S.C. §362(a) prevents Ford Motor Credit Company from exercising this or other remedies available to it.

6. The debtor is in possession of said vehicle.

7. The indebtedness secured thereby exceeds $12,419.55 and said indebtedness is now due and owing in full.

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8. On information and belief, the collateral is depreciating in value.

9. Ford Motor Credit Company is entitled to relief from the automatic stay on the grounds that:

A. Ford Motor Credit Company does not have adequate protection for its vehicle.
B. The debtor has not equity in Ford Motor Credit Company's vehicle, and such property is not necessary to an effective reorganization of the debtor.

C. The debtor is using the vehicle but has not performed its obligations under the lease, either when due under the lease or within any other time set by this Court.

D. Default under the lease remains uncured, and Ford Motor Credit Company has not received any adequate assurance that same will be promptly be cured. Ford Motor Credit Company believes the debtor has no ability to cure or give such adequate assurance.

E. Ford Motor Credit Company has suffered pecuniary loss to the vehicle but Ford Motor Credit Company has received neither compensation therefore nor adequate assurance of prompt compensation. Ford Motor Credit Company believes the debtor has no ability to compensate Ford Motor Credit Company or give such adequate assurance.

F. Ford Motor Credit Company has not received adequate assurance of future performance under the lease. Ford Motor Credit Company believes the debtor has no ability to give such adequate assurance.

G. The debtor's interest in the Vehicle is of inconsequential value to the debtor, and the lease is burdensome to the debtor.

10. If Ford Motor Credit Company is not granted relief from the stay, the value of the vehicle will deteriorate and decrease through wear and tear and/or inadequate care and deterioration of said vehicle.

11. Ford Motor Credit Company makes this Motion without prejudice to its Motion to Compel Assumption or Rejection of the Lease.

In the event the provisions of the Federal Fair Debt Collection Practices Act are deemed applicable to these bankruptcy proceedings and for purposes of compliance with the Federal Fair

Debt Collection Practices Act, please note that this communication is an attempt to collect a debt and any information obtained during the pendency hereof will be used for that purpose.

Unless you notify this office, in writing, within thirty (30) days after being served herewith, that you dispute the validity of the debt stated herein or any portion thereof, this office will assume that the subject debt is valid. If you notify this office, in writing, within thirty (30) days after being served herewith that you dispute the validity of the debt stated herein or any portion thereof, this office will obtain verification of the debt or obtain a copy of the judgment and mail the same to you. If you so request, in writing, that this office do so within thirty (30) days after being served herewith, this office will provide you with the name and address of the original creditor, if different from the current creditor.[1]

Please be advised, however, that the automatic stay as provided for in 11 U.S.C. §362 remains in effect, unless modified by Court Order, and the preceding notice concerning the Federal Fair Debt Collection Practices Act is given for the sole purpose of compliance with the Federal Fair Debt Collection Practices Act.

WHEREFORE, Ford Motor Credit Company prays that this Court modify the stay, to permit Ford Motor Credit Company to foreclose its said security interest, and that Ford Motor Credit Company have such other and further relief, as this Court deems appropriate.

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[1] Please take notice that this Motion has been set for hearing and served pursuant to governing Local Rules of Practice.

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Dated: October 26, 2001

CERTIFICATION

See Attached Exhibit A.

I hereby certify that I mailed a true copy of the motion for relief from stay to the above mentioned on October 26, 2001.

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