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5 Attorneys for WFS Financial

6  
7 **UNITED STATES BANKRUPTCY COURT**  
8 **FOR THE DISTRICT OF ARIZONA**

9 In re: )  
10 ) No. 2:05-bk-14971-RJH  
MICHAEL THOMAS HERZOG, ) Chapter 13  
11 )  
Debtor. ) **NOTICE OF MOTION FOR INTERIM**  
ADEQUATE PROTECTION

12 NOTICE IS GIVEN that movant, WFS Financial, a creditor herein, has filed a  
13 motion for interim adequate protection. The motion provides, in essence, that WFS Financial  
14 receive a portion of its payment on the secured portion of its claim before the plan is confirmed,  
15 in order to be adequately protected, pursuant to 11 U.S.C. §§361 and 362(d). WFS Financial is  
secured by the following described personal property:

16 1997 Lexus SC-16  
VIN #JT8CD3Z0V0038199

17 ("the collateral"). WFS Financial seeks to receive \$101.00 per month from the payments made  
18 to the trustee, until regular payments are to begin under a confirmed plan. This represents the  
approximate depreciation of the collateral.

19 Any person opposing the motion shall file a written objection with the Clerk of  
20 the United States Bankruptcy Court, 230 N. First Avenue, Ste. 101, Phoenix, Arizona 85003,  
within 15 days from the date this notice is mailed. A copy of the objection must be mailed to the  
21 attorney for the movant, to the attorney for the debtor, and to the trustee at the following  
addresses:

22 Attorney for WFS Financial: Paul M. Weich  
Law Offices of Paul Weich  
23 P.M.B. 24, 3646 E. Ray Road, Suite B16  
Phoenix, Arizona 85044

24 Attorney for Debtor: Wade Waldrip  
25 2301 W. Dunlap #103  
Phoenix, AZ 85021

26 Trustee: Edward J. Maney  
27 P.O. Box 10434  
Phoenix, AZ 85064-0434  
28

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1708 EAST THOMAS ROAD  
PHOENIX, ARIZONA 85016  
(602) 263-9616 or (480) 759-1983

1                    If a party in interest timely objects to the motion in writing and requests a hearing,  
2 the matter will be placed on the calendar to be heard by a United States Bankruptcy Judge. If  
3 there is no timely written objection and request for hearing filed, no hearing will be held and the  
4 court may summarily enter an order approving the motion.

5                    DATED this 28 day of October, 2005.

6                    LAW OFFICES OF PAUL WEICH

7                    By/S/\_\_\_\_\_  
8 Paul M. Weich (# 014089)  
9 P.M.B. 24, 3646 East Ray Rd, Suite B16  
10 Phoenix, Arizona 85044  
11 Attorneys for WFS Financial

12 COPIES of the foregoing  
13 mailed this 28 day of  
14 October, 2005 to:

15 Michael Thomas Herzog  
16 7206 W. Abraham Lane  
17 Glendale, AZ 85308  
18 Debtor

19 Wade Waldrip  
20 2301 W. Dunlap #103  
21 Phoenix, AZ 85021  
22 Attorney for Debtor

23 Edward J. Maney  
24 Chapter 13 Trustee  
25 P.O. Box 10434  
26 Phoenix, AZ 85064-0434  
27 Trustee

28 By/S/\_\_\_\_\_  
Cynthia Tolle

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