

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
\_\_\_\_\_ DIVISION

IN RE:	§	
_____ ,	§	CASE NO. _____
	§	
Debtor	§	Chapter _____
_____ ,	§	
	§	
Movant	§	Hearing Date: _____
	§	Time: _____
v.	§	
_____ ,	§	
	§	
Respondent	§	Judge: _____

**AFFIDAVIT OF [Affiant's name]**  
**FOR [ Movant]**

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

§  
§  
§  
§

“Affiant, being duly sworn, deposes and says that:

1. My name is \_\_\_\_\_, I am of sound mind, capable of making this affidavit, and am personally acquainted with the facts herein stated.
2. I am a custodian of the records of \_\_\_\_\_ (“Movant”).
3. Attached hereto as Exhibit “A” are \_\_\_\_\_ page(s) of the Payment History, prepared by me from records of Movant kept by it in the regular course of its business, and it was the regular course of business of Movant for an employee or a representative of said business, with knowledge of the acts, conditions, or opinions recorded, to make those records or to transmit the information to be included in such records; and such records were made at or near the time or reasonably soon after the acts, conditions or opinions recorded.
4. The records summarized in the Payment History, or copies thereof, have been or will be made available to any respondent on Movant’s Motion for Relief from Stay upon request.

Further Affiant sayeth not.”

\_\_\_\_\_  
(Affiant)

Subscribed and sworn to me the undersigned authority of this \_\_\_\_\_ day of \_\_\_\_\_.

My Commission Expires:

\_\_\_\_\_  
Notary Public in and for the  
State of \_\_\_\_\_.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Affidavit was served on \_\_\_\_\_  
\_\_\_\_\_. Service was accomplished by the method(s) and on the persons  
indicated below.

\_\_\_\_\_  
/ s /  
ATTORNEY FOR MOVANT

BY ELECTRONIC NOTICE OR REGULAR FIRST CLASS MAIL:

Debtor’s Attorney:

Persons filing notices of appearance:

Debtor:

Other persons with an interest in the  
subject matter of the Motion for Relief  
from Stay:

Trustee:

**PAYMENT HISTORY  
SHOWING POST-PETITION DEFAULT(S)**

MONTHS WITH NO PMTS OR PARTIAL PMTS *	AMOUNT OF PMT [ rec'd and/or <owed> ]	ESCROW SHORTAGE **

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\* This should be the actual month(s) for which the full payment has not been made. The industry standard practice of crediting the most recent payment against the “oldest” missed payment should NOT be used. Rather, state the month(s) in which no payment or only a partial payment was actually made, in the form of “04-05”–i.e., month followed by year.

\*\* Including any payments for insurance premiums or ad valorem taxes made post-petition by the creditor.

**EXHIBIT “A”**