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ATTORNEY FOR FORD MOTOR CREDIT COMPANY

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

IN RE:	§	
	§	
MIRANT CORPORATION, DEBTOR.	§	CASE NO. 03-46590-DML-11
	§	
FORD MOTOR CREDIT COMPANY, MOVANT.	§	
VS.	§	A Hearing on the Motion for Relief from the Automatic Stay
MIRANT CORPORATION,	§	Or, in the Alternative, Request
	§	for Adequate Protection set:
RESPONDENT.	§	<b>DECEMBER 22, 2003 AT 9:30 A.M.</b>

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY, OR,  
IN THE ALTERNATIVE, REQUEST FOR ADEQUATE PROTECTION  
AND MOTION TO COMPEL DEBTOR TO REJECT LEASE**

TO THE HONORABLE D. MICHAEL LYNN, U.S. BANKRUPTCY JUDGE:

COMES NOW, Ford Motor Credit Company, ("Ford") complaining of Mirant Corporation ("Debtor") and for cause would respectfully show the Court as follows:

1. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §157 and 11 U.S.C. §§362 and 365. This is a core proceeding.
2. Ford is a corporation doing business in Texas. Debtor is an individual who may be

served at 1155 Perimeter Center West, Atlanta, GA 30338.

3. Ford is a lessor of a 2000 International Truck, Vehicle Identification Number 1HTSCABM7YH25568, a 2003 Ford Regular Cab XL, Vehicle Identification Number 1FTNF21L33EA44431, and a 2003 Ford Super Cab X, Vehicle Identification Number 1FTNX21L53EA44430.

4. With regard to the 2000 International Truck, as of November 18, 2003, the lease payments on the account are \$17,727.60 annually and due for the October 1, 2003 annual payment.

5. With regard to the 2003 Ford Regular Cab XL, as of November 18, 2003, the lease payments on the account are \$9,677.07 annually and due for the October 1, 2003 annual payment.

6. With regard to the 2003 Ford Super Cab, as of November 18, 2003, the lease payments on the account are \$12,689.09 annually and due for the October 1, 2003 annual payment.

7. But for the automatic stay, Ford could and would repossess the vehicles it leases to Debtor.

8. Ford does not have and Debtor is not able to offer adequate protection of Ford's interest in the vehicles.

9. Debtor has no equity in the vehicles and it is not necessary for an effective reorganization.

10. Debtor should be compelled to reject the unexpired lease because Debtor cannot promptly cure the existing arrearage and provide adequate assurance of future performance under the terms of the unexpired lease as required in 11 U.S.C. §365.

11. Further cause may exist to terminate the automatic stay if the vehicles are not properly insured. Ford hereby demands proof of insurance.

12. Because the Leased Vehicles described herein depreciates and may not be insured, any order either terminating or conditioning the automatic stay should be effective immediately and there should be no stay of the order for ten days after the entry of the order.

WHEREFORE, PREMISES CONSIDERED, Ford Motor Credit Company prays for:



**NOTICE REGARDING REQUIRED ANSWER**

**THIS SHALL SERVE AS NOTICE TO YOU THAT PURSUANT TO RULE 4001 OF THE LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF TEXAS, THE TRUSTEE (IF ONE HAS BEEN APPOINTED) OR THE DEBTOR MUST FILE AN ANSWER TO ANY MOTION FOR RELIEF FROM THE AUTOMATIC STAY WITHIN TWELVE (12) DAYS FROM THE SERVICE OF THE MOTION.\* THE DEBTOR'S ANSWER SHALL INCLUDE A DETAILED AND COMPREHENSIVE STATEMENT AS TO HOW THE MOVANT CAN BE "ADEQUATELY PROTECTED" IF THE STAY IS TO BE CONTINUED. IF THE DEBTOR DOES NOT FILE AN ANSWER AS REQUIRED, THE ALLEGATIONS IN THE CREDITOR'S MOTION FOR RELIEF FROM THE AUTOMATIC STAY SHALL BE DEEMED ADMITTED, UNLESS GOOD CAUSE IS SHOWN WHY THESE ALLEGATIONS SHOULD NOT BE DEEMED ADMITTED, AND AN ORDER GRANTING THE RELIEF SOUGHT MAY BE ENTERED BY DEFAULT.**

\*Under Bankruptcy Rule 9006(e) service by mail is completed upon mailing; under Bankruptcy Rule 9006(f), three (3) days are added to the period for answer or other response when service is by mail.

**CERTIFICATE OF CONFERENCE**

I, the undersigned, hereby certify that prior to the filing of this Motion, I did the following:

My office called but was unable to reach Debtors' attorney or Debtors' attorney's assistant concerning opposition to the Motion. A message was left for Debtors' counsel or Debtors' counsel's assistant to return the call, but as of the date of this Certificate of Conference the call has not been returned.

\_\_\_\_\_/s/\_\_\_\_\_  
November 24, 2003  
Pamela Arnold Bassel

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing Motion for Relief from the Automatic Stay, or in the Alternative, Request for Adequate Protection and Motion to Compel Debtors to Reject Lease was served CERTIFIED MAIL, RETURN RECEIPT REQUESTED on:

Ian T. Peck , Judith Elkin  
Meredyth A. Purdy , Robin E. Phelan  
Hanes & Boone  
201 Main Street  
Suite 2200  
Fort Worth, TX 76102  
**CRR #7002 2410 0004 9663 3519**

Michelle C. Campbell  
White & Case  
633 West Fifth St.  
Lost Angeles, CA 90071  
**CRR #7002 2410 0004 9663 3502**

Thomas E. Lauria  
White & Case, LLP  
Wachovia Financial Ctr.  
200 Biscayne Blvd.  
Miami, FL 33131  
**CRR #7002 2410 004 9663 3496**

Michael P. Massad, Jr.  
Hunton & Williams  
Energy Plaza, 30th Floor  
1601 Bryan Street  
Dallas, TX 75201  
**CRR #7002 2410 0004 9663 3465**

Mirant Corporation  
1155 Perimeter Center West  
Atlanta, GA 30338  
**CRR #7002 2410 0004 9663 3489**

and by FIRST CLASS MAIL, POSTAGE PREPAID on:

Mirant Corporation  
1155 Perimeter Center West  
Atlanta, GA 30338

and each party listed on mailing matrix attached to motion

and by ELECTRONIC FILING on:

Office of the U.S. Trustee  
1100 Commerce, Room 9C60  
Dallas, Texas 75242

on November 24, 2003.

\_\_\_\_\_/s/\_\_\_\_\_November 24, 2003  
Pamela Arnold Bassel

## **SUMMARY OF EXHIBITS**

1. Lease dated August 19, 2002 on a 2000 International Truck, Vehicle Identification Number 1HTSCABM7YH25568, 2003 Ford Regular Cab XL, Vehicle Identification Number 1FTNF21L33EA44431, 2003 Ford Super Cab X, Vehicle Identification Number 1FTNX21L53EA44430.
  
2. Certificates of Title on a 2000 International Truck, Vehicle Identification Number 1HTSCABM7YH25568, 2003 Ford Regular Cab XL, Vehicle Identification Number 1FTNF21L33EA44431, 2003 Ford Super Cab X, Vehicle Identification Number 1FTNX21L53EA44430.

\*Copies of Exhibits are available by written request to:

Kim Raudry  
Law, Snakard & Gambill, P.C.  
1600 W. 7th Street, Suite 500  
Fort Worth, TX 76102

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