

domestic support obligation. If the debtor is not required to pay any amounts under a domestic support obligation, then the debtor shall file a certification stating that the debtor is not required to pay said amounts. (Form available on Court internet site.)

RULE 4001-1

AUTOMATIC STAY - RELIEF FROM

A. Unless otherwise stated in the notice of hearing, a preliminary, non-evidentiary hearing under 11 U.S.C. §362(e) will be restricted to the pleadings, affidavits and documents of record, and argument of counsel.

B. The movant shall file with the Motion, or within seven (7) days after service of the notice of hearing, the following as appropriate in the circumstances:

(1) An affidavit of indebtedness;

(2) Copies of documents, including filing and recording information necessary to establish a perfected secured interest;

(3) An appraisal or other evidence of value together with the qualifications of the appraiser;

(4) An affidavit showing such facts as may be necessary to demonstrate the movant's right to relief from stay;

(5) A statement showing the debtor's payment history.

C. If the motion is opposed, the debtor or the trustee shall file a response within fifteen (15) days after entry of the Court's order and notice of preliminary hearing; said response shall be accompanied by such appraisals, affidavits and documents as may be necessary to demonstrate the movant is not entitled to relief from the stay. If no response is filed within the time provided by this rule, the Court may grant the motion without a hearing.

D. In final hearings under 11 U.S.C. §362(e), respective counsel shall present competent evidence admissible under the Federal Rules of Evidence either in support of, or in opposition to, the motion.

E. Not less than fourteen (14) days prior to the final hearing, each party shall furnish a list of the names and addresses of all witnesses (designating expert witnesses as such) and copies of all exhibits that such party intends to introduce at trial.

F. A party who intends to introduce the testimony of an expert witness shall make such witness available for deposition upon reasonable notice.

G. The moving party may, without leave of Court, take a deposition of the trustee, debtor, and debtor-in-possession fourteen (14) days after the date of service of the motion. Leave of Court must be obtained only if the moving party seeks to take the deposition of the trustee, debtor, or the debtor-in-possession prior to the expiration of fourteen (14) days after the date of service of the motion. Leave of Court is not required if a trustee, debtor, or debtor-in-possession has served a notice of taking deposition or otherwise sought discovery after service of the motion.

H. Any party in interest shall be entitled to inspect the property which is the subject of a motion under this rule upon reasonable notice. The notice shall provide for inspection not less than seven (7) days from the date of service of such notice unless the time is shortened or extended by the Court.

I. For the purpose of this rule, the time for responding under Bankruptcy Rule 7033, 7034 and 7036, is reduced to twenty-one (21) days unless otherwise directed by the Court.

RULE 4001-2

AUTOMATIC STAY - CONFIRMATION OF NO STAY

If the party in interest contends the debtor is a repeat filer under §362(c)(3) or §362(c)(4), the party shall provide the following as appropriate in the circumstances for each prior case: