

incurred and, in support of said statement, an attached exhibit, designated “Exhibit A,” containing the names, addresses and amounts paid to persons to whom allowances were made.

- (3) A statement that the debtor, trustee or plan proponent has commenced the distribution to creditors of the sums due them under the plan and, in support of said statement, an attached exhibit, designated “Exhibit B,” containing the names, addresses and amounts paid to each such creditor.
- (4) A statement of all remaining distributions to be made to creditors following entry of the final decree, the date or dates involved and, in support of said statement, an attached exhibit, designated “Exhibit C,” containing the names, addresses and amounts to be paid to each such creditor.
- (5) If applicable, a statement that the debtor, trustee or plan proponent has not been able to make distribution to creditors, together with a list of such creditors setting forth their names, addresses and the amounts of any dividends owing. Representation must be made that checks were mailed to said creditors but were returned and that the debtor, trustee or plan proponent has been unable to determine an adequate address despite reasonable attempts to do so.
- (6) A statement of requested additional provisions by way of injunction or otherwise as may be equitable.
- (7) A statement that all fees due to the Court and all quarterly fees due to the United States Trustee have been paid in full.

(c) *Statistical Report.* Along with the application for a final decree, the debtor, trustee or plan proponent shall file a completed Bankruptcy Closing Report (*LBF 3022-1*) as an exhibit to the application for final decree. The figures set forth in this report shall correspond to the figures set forth in the application.

(d) *Proposed Order.* The application for a final decree shall be filed with a proposed form of final decree for the Court’s use, which proposed order shall incorporate by reference the representations set forth in the application, to support a determination that the estate has been fully administered and that the case may be closed.

Cross References:

- *Bankruptcy Rule 3022 (Final Decree in Chapter 11 Reorganization Case)*
- *LBF 3022-1 (Statistical Bankruptcy Closing Report for Confirmed Chapter 11 Cases)*

PART IV

THE DEBTOR: DUTIES AND BENEFITS

LBR 4001-1 Automatic Stay — Relief From

(a) *Content Required.* Any motion seeking relief from the automatic stay pursuant to § 362(d) of the Bankruptcy Code involving encumbered real or personal property shall include: (1) the claimed value of the property with respect to which relief is requested, (2) the amount of movant’s debt alleged to be secured by such property, (3) evidence of movant’s security interest in such property, and (4) the total of all lien claims attaching to such property.

(b) *Relief Limited.* A motion for relief from stay or co-debtor stay shall include no other requested relief, except that the movant may request adequate protection as alternative relief.

(c) *Denial if Insufficient Data.* Any motion for relief from stay involving encumbered real or personal property that fails to include the items recited in paragraph (a) of this rule may be denied without prejudice by the Court without further consideration.

(d) *Hearing Scheduled.* Movant shall obtain a hearing date prior to filing a motion for relief from stay from the Court's web site at www.nhb.uscourts.gov.

(e) *Uncontested Motions.* In the absence of a timely response, the motion shall be treated as uncontested, the scheduled hearing shall be canceled without further notice, and the motion shall be granted. Notwithstanding the above, the motion shall be heard as scheduled if (1) the debtor is *pro se*, (2) the first scheduled date for the § 341 meeting has not passed, or (3) the case is a Chapter 11 case.

(f) *Contested Motions.* Any response filed in opposition to a motion for relief from stay involving encumbered real or personal property shall: (1) identify the interest of the opposing party in the property, (2) state with particularity the grounds for the opposition, and (3) state the claimed value of the property specified in the motion and the amount of equity which exists in the property after deduction of all encumbrances.

(g) *Settlement Agreements.* Any settlement agreement regarding a motion for relief from stay shall comply with the mandatory notice and service requirements of Bankruptcy Rule 4001(d) and *LBR 9071-1*.

Cross-References:

- *LBR 5075-1 (Designation of Parties to Receive Notice)*
- *LBR 9071-1 (Stipulations; Affidavits of Noncompliance)*
- *AO 4001-1 (Automatic Stay — Worksheets in Support)*
- *AO 9012-1 (Compliance with the Servicemembers' Civil Relief Act of 2003)*
- *LBF 4001-1A (Worksheet Completed by the Mortgagee/Servicer in Support of Motion for Relief from Stay Involving Residential Real Property)*
- *LBF 4001-1B (Statement — Motion for Relief Worksheet is Not Required)*

LBR 4001-2 Cash Collateral

(a) *Motions.* All motions for use of cash collateral and any stipulations pertaining to the same, shall be served by the debtor upon all parties claiming an interest in such cash collateral as the debtor proposes to use, the creditors' committee, or if a committee has not been appointed by the time the debtor files and serves such application, then on the twenty (20) largest unsecured creditors and the United States Trustee in accordance with the notice provisions of Bankruptcy Rule 4001(b) and *LBRs 2002-1* and *2002-2*. A hearing on a motion for use of cash collateral will be held only after compliance with the mandatory notice and service requirements of Bankruptcy Rule 4001(b) and *LBRs 2002-1* and *2002-2*.

(b) *Interim Use.* If a motion for use of cash collateral is filed with the Court on or shortly after entry of the order for relief, the Court may grant interim use of cash collateral pending review of the terms of such use by the interested parties. Such interim relief should be granted only to avoid immediate and irreparable harm to the estate pending a final hearing. In the absence of extraordinary circumstances, the Court shall not approve interim cash collateral orders that include any of the provisions identified below in subparagraphs (c)(1) through (c)(9) of this rule. A debtor that seeks an order approving interim use of cash collateral pending a final hearing shall present the following information by affidavit: (1) the names and addresses of all creditors holding a secured interest in the cash collateral and their attorneys, if known; (2) the efforts made