

4001-1 Relief from Automatic Stay

- (a) Motions for relief pursuant to 11 U.S.C. §362(d) or for adequate protection in a case under any chapter of the Bankruptcy Code shall comply with Local Rules 9013-3 and 9014-1.
- (b) The motion shall include:
 - (1) an allegation of the value of the property and the factual basis for the allegation. If mover relies on the value assigned in the debtorschedules, the motion shall specify the scheduled value. A mover intending to offer expert valuation testimony shall include in the motion the name and address of every expert and attach a statement of every expert's qualifications, any appraisal, brokeropinion or any other report of every proposed expert, unless the court orders otherwise. Movers failing to comply with this subsection shall not be permitted to offer expert testimony at the hearing.
 - (2) if the motion seeks stay relief to foreclose on or to enforce a security interest in property of the estate or of the debtor:
 - (i) documents evidencing the debtor's obligation to the mover, including without limitation notes and assignments; and
 - (ii) documents evidencing the date and method of perfection of the mover's lien under applicable law, including without limitation mortgages bearing evidence of recordation, and vehicle certificates of title. Recitation of recordation information alone is not sufficient.
- (c) The mover shall serve the motion, with attachments, notice of hearing and the proposed order on:
 - (1) Chapter 7 Cases. The debtor, debtor's attorney, trustee and every person claiming a lien on or security interest in any property that is the subject of the motion;

- (2) Chapter 11 Cases. The debtor-in-possession or trustee and their counsel, committee of creditors and its counsel, or if no committee has been appointed, creditors holding the twenty largest unsecured claims, the United States Trustee and every person claiming a lien on or security interest in any property that is the subject of the motion;
 - (3) Chapter 12 Cases. The debtor, debtor's attorney, trustee, creditors holding the twenty largest unsecured claims and every person claiming a lien on or security interest in any property that is the subject of the motion;
 - (4) Chapter 13 Cases. The debtor, debtor's attorney, co-debtors (if applicable), trustee and every person claiming a lien on or security interest in any property that is the subject of the motion.
- (d) Objections to motions under this Local Rule shall comply with Local Rule 9014-1 and shall include:
- (1) The valuation asserted by the party opposing relief, if property value is an issue. A party intending to offer expert valuation testimony in opposition to a motion shall include with the opposition the name and address of every expert and attach a statement of the expert's qualifications, any appraisal, broker opinion or any other report of every proposed expert, unless the court orders otherwise. A party opposing the motion who fails to comply with this subsection shall not be permitted to offer expert testimony at the hearing.
 - (2) For all grounds other than valuation, specific facts supporting denial of relief as a matter of law. The court may strike oppositions not complying with this subsection.
 - (3) If a chapter 13 debtor opposes stay relief on the ground that the debtor will amend a proposed plan or modify a confirmed plan, its opposition shall specify the reasons the debtor failed to make post-petition payments to the secured creditor. The debtor shall file the proposed amended or modified plan no later than two days before the scheduled hearing. The court may strike oppositions not complying with this subsection.
- (e) If a motion under this Local Rule is timely and properly controverted, all parties shall be prepared for an evidentiary

hearing on the date on which the motion is noticed for hearing, unless they agree otherwise before the hearing and have informed the court.

- (f) The mover shall submit a proposed order pursuant to Local Rule 9013-5 upon filing the motion.
 - (1) Proposed orders relating to immovable property shall include both the legal description and the street address of the property.
 - (2) Proposed orders shall not routinely include a waiver of the ten-day stay of execution in FRBP 4001(a)(3), recite that they are binding if the case is converted to a proceeding under any other chapter of the Bankruptcy Code, or award mover's attorney's fees or costs.