

PART IV
THE DEBTOR: DUTIES AND BENEFITS

Local Rule 4001-1
Motions for Relief from Stay

a. **Motion Requirements.** In a motion for relief from stay, the following shall be included:

1. Amount of the movant's debt;
2. Brief description of security interest, if applicable, with copies of documents evidencing the security interest and perfection;
3. Description of the property encumbered by the stay, including serial number, vehicle identification number, legal description, physical address, lot and block number, and the like; failure to describe adequately the property may result in denial of the motion, even absent objection;
4. Basis for relief, i.e., property not necessary for reorganization, debtor has no equity, property is not property of the estate; or, if brought for cause, specific facts constituting cause;
5. Valuation of property and basis and date of valuation, e.g., appraisal, blue book, etc . . ., including applicable copies;
6. In Chapter 13 cases, when a creditor whose claim is secured by an interest in real property or personal property that is the debtor's principal residence, is seeking relief from stay on the grounds of postpetition default by the debtor, the creditor must include with the motion for relief from stay a statement of all postpetition account activity that is readable, reasonably understandable, and stated in plain English and substantially consistent with Local Form 10; and
7. In the event the debtor disputes the payment history, within five (5) days of the initial hearing, the debtor shall prepare and serve a postpetition account payment history in a form consistent with Local Form 11.