

LOCAL RULE 4001-1
Motions for Relief from Stay

(a) Motions for relief from the automatic stay of [11 U.S.C. § 362\(a\)](#) shall be set for hearing in accordance with [LBR 9014-1](#). However, if a movant wishes to invoke the time constraints of [11 U.S.C. § 362\(e\)](#), the motion shall be set for hearing pursuant to paragraph (f)(1) of [LBR 9014-1](#).

(b) Relief from the automatic stay will not be granted if the movant utilizes the notice and opportunity for hearing procedure defined in [11 U.S.C. § 102\(1\)](#). A hearing must be set on every motion for relief from the automatic stay. See [LBR 9014-1](#).

(c) Relief from Stay Information Sheet. The movant shall file and serve as a separate document a completed Relief from Stay Information Sheet ([EDC Approved Form 3-468](#)) with each motion for relief from the automatic stay.

(d) Motions In Chapter 12 and 13 Cases. If relief from the automatic stay is sought in a chapter 12 or 13 case, the motion shall include the following:

(1) When the motion alleges that the debtor or the trustee has failed to maintain postpetition payments on an obligation secured by real or personal property, including, but not limited to, installment payments and lease payments,

(i) the motion shall include a verified statement showing all postpetition payments and other obligations that have accrued and all payments received postpetition, the dates of the postpetition payments, and the obligation(s) to which each of the postpetition payments was applied; and

(ii) the motion shall state whether a contract or applicable nonbankruptcy law requires that the debtor be given a statement, payment coupon, invoice, or other comparable document and whether such document was sent to the debtor or the trustee as to any postpetition payment(s) allegedly not made by the debtor or the trustee; and

(iii) if a document of the kind described in the preceding subparagraph was not sent, or if a contract or applicable nonbankruptcy law does not require one to be sent, the motion shall state whether the debtor or the trustee was advised prior to the filing of the motion of the alleged delinquency and given an opportunity to cure it.

(2) If the motion asserts that the automatic stay should be modified or terminated because the debtor has failed to make plan payments to the chapter 12 or 13 trustee, the movant shall include in the motion a certification that the movant or its counsel conferred with the chapter 12 or 13 trustee before the motion was filed and confirmed that the alleged delinquency under the plan was outstanding within ten (10) days of the filing of the motion. This requirement may be satisfied by downloading from the trustee's Internet site, and attaching to the motion, a report indicating that the alleged delinquency was outstanding within ten (10) days prior to the filing of the motion. If the movant does not confer with the trustee, the motion shall detail the attempts made to confer with the trustee or explain why no such attempt was made.