

RULE 4001-1.3 AUTOMATIC STAY – MOTIONS FOR RELIEF

(a) Designation. A motion for relief from the automatic stay (stay motion) shall be clearly and distinctly designated as such.

(b) Content. A stay motion relating to collateral shall specify the relief requested and shall set forth or attach the following:

(1) a description of the subject property (collateral), a description of the interest claimed by the creditor in the collateral, and the means by which the interest is perfected;

(2) if the value of the collateral is at issue, the movant's good faith estimate of the value of the collateral and the basis for the estimate;

(3) the amount secured by the interest in the collateral, with an itemization showing the outstanding principal balance, accrued but unpaid interest through a specific date, attorneys fees through a specific date, a *per diem* rate of interest accrual, and any other amounts owed;

(4) the amount of any other interests secured by the collateral (if known), and the movant's good faith belief as to the relative priorities of the interests; and

(5) any grounds alleged to constitute cause under 11 U.S.C. section 362(d)(1).

(c) Insurance. If the movant alleges that the collateral is not properly insured, the motion shall include sufficient detail to permit the debtor or case trustee to remedy the problem. If the debtor or case trustee fails to remedy the problem or refute the allegation by the time of the preliminary hearing, the court may enter an order modifying the stay without further notice or hearing.

(d) The 30-day termination provision of 11 U.S.C. section 362(e) shall be deemed waived such that it does not commence until movant has complied with the requirements of sections (a) and (b) of this rule.