

in this rule will not be considered unless the court, for cause, extends the time. An objection must set forth the grounds relied upon by the objecting party and must contain a certificate evidencing service on the debtor, the debtor's attorney, and the chapter 13 trustee, unless the objection is lodged with the trustee during the § 341(a) meeting of creditors.

**(b) Court Consideration of Plan.** If no objection to the plan is filed, the court may confirm the plan without a hearing. If a party in interest objects to plan confirmation, the court will conduct a hearing. The court has determined that it would be in the best interests of creditors and the estate to hold confirmation hearings at a date earlier than 20 days after the date of the meeting of creditors under 11 U.S.C. § 341(a) if there is no objection to such earlier date. Accordingly, the confirmation hearing will (absent a contrary agreement of the objecting parties and the debtor) be the first scheduled time for confirmation hearings that is at least seven days after the completion of the meeting of creditors, unless a written objection to such time is filed or lodged in the same manner and by the same deadlines as an objection to confirmation, as provided in subdivision (a) of this rule. If such written objection to the scheduled time of the confirmation hearing is timely filed or lodged, the confirmation hearing will (absent a contrary agreement of the objecting parties and the debtor) be the first scheduled time for confirmation hearings that is at least 20 days after the completion of the meeting of creditors.

## **RULE 4001-1. AUTOMATIC STAY — RELIEF FROM**

### **(a) Chapter 7 Cases.**

(1) *Contents of Motion.* A motion for relief from the automatic stay filed by a secured creditor in a chapter 7 case must include—

- (i) a statement of the unpaid balance of the creditor's claim as of the date of filing of the debtor's petition;
- (ii) a description of the collateral in which the creditor asserts a security interest; and
- (iii) a statement of the creditor's good faith estimate of the value of the collateral.

(2) *Attachments.* Documents or pertinent excerpts of the documents which evidence the creation and perfection of a security interest such as the security agreement, UCC-1 financing statement, certificate of title, or deed of trust must be attached to the motion. Alternatively, such documents may be summarized in the body of the motion or listed in an attachment to the motion, utilizing the Exhibit Summary Form, Local Form 9070.1. Regardless of whether the movant chooses to file the documents as attachments to the motion or merely summarize the documents either in the motion or in a separate Exhibit Summary Form, copies of such documents or their pertinent excerpts must actually be served as provided in subdivision (a)(5) of this rule.

(3) *Procedure.* The movant must set the motion for hearing in accordance with Local Rule 9013-1(f) or utilize the passive notice procedure of Local Rule 9013-1(h).

(4) *Proposed Order.* Each motion must be accompanied by a proposed order, approved for entry by the movant, which must be served with the motion.

(5) *Service.* Each motion must contain a certificate evidencing service of the motion, actual copies of the attachments or their pertinent excerpts, and the proposed order (along with a Notice of Hearing if hearing is set) on the debtor, debtor's attorney, and trustee.

**(b) Fed. R. Bankr. P. 4001(d) Motions in Chapter 11 Cases.**

(1) *Scope.* This rule applies to agreements in chapter 11 cases—

- (i) to provide adequate protection;
- (ii) to prohibit or condition the use, sale, or lease of property;
- (iii) to modify or terminate the stay provided for in 11 U.S.C. § 362(a);
- (iv) to use cash collateral; or
- (v) between the debtor and an entity that has a lien or interest in property of the estate pursuant to which the entity consents to the creation of a lien senior or equal to the entity’s lien or interest in such property.

(2) *Motion.* Subject to Fed. R. Bankr. P. 4001(d)(4), approval of any agreement within the scope of this rule, whether in the form of a proposed agreed order or otherwise, must be sought by motion pursuant to Fed. R. Bankr. P. 4001(d). A copy of the agreement must be attached to the motion and signed by the debtor in possession or trustee if one has been appointed.

(3) *Procedure.* The movant must set the motion for hearing in accordance with Local Rule 9013-1(f) or utilize the passive notice procedure of Local Rule 9013-1(h).

(4) *Proposed Order.* Each motion must be accompanied by a proposed order, approved for entry by the movant, which must be served with the motion.

(5) *Service.* Each motion must contain a certificate evidencing service of the motion and proposed order (along with a Notice of Hearing if a hearing is set) on the parties identified in Local Rule 2002-1(b).

**(c) Waiver of Automatic Termination Provisions.** If the movant utilizes the passive notice procedure of Local Rule 9013-1(h) in a case under chapter 7, or does not schedule a hearing on a motion for relief from the automatic stay for a date that is within 30 days after the date the motion was filed in a case under any chapter, the movant is deemed to have waived the automatic termination provisions of 11 U.S.C. § 362(e)(1).

**RULE 4001-2. AUTOMATIC STAY — IMPOSITION OR CONTINUATION**

**(a) Motion to Impose Stay**

(1) *Contents of Motion.* A motion to impose a stay filed by a debtor pursuant to 11 U.S.C. § 362(c)(4)(B) must—

- (i) identify the creditors proposed to be stayed;
- (ii) list the case numbers of all cases pending within the year preceding the commencement of the current case, along with the reasons the cases were dismissed; and
- (iii) set forth the facts that demonstrate that the filing of the present case is in good faith as to the creditors proposed to be stayed.

(2) *Procedure.* The movant must set the motion for hearing at least seven days after the date of notice. If a party desires a hearing on notice that is less than seven days, or that requires a special setting that is not one of the court’s scheduled motion days, the party must seek permission from the court by contacting a courtroom deputy clerk.