

13-16-2. STIPULATIONS RELATING TO MOTIONS FOR RELIEF FROM STAY

(a) Service of Stipulation

A stipulation resolving a motion for relief from stay shall be served, together with a motion to approve the stipulation, on the chapter 13 trustee, any other entity with an interest in the property, including any lienholder or co-owner, and an attorney who has filed an appearance requesting service in the case. The party filing the motion to approve the stipulation shall file a certificate of service reflecting compliance with this rule.

(b) Objections to Stipulations

Unless otherwise ordered by the Court, an objection to a stipulation resolving a motion for relief from stay shall be filed within fourteen (14) days from the date of service of the stipulation. Notwithstanding this requirement, the Court, in its discretion, may cancel a hearing scheduled on a motion for relief from stay which is the subject of a stipulation and may approve a stipulation resolving a motion for relief from stay without a hearing.

(c) Defaults under Stipulations

Any provision of a stipulation or agreement filed with the Court through which the debtor stipulates or agrees to dismissal of the Chapter 13 case or the entry of an order granting relief from the automatic stay under 11 U.S.C. § 362(a) upon the failure of the debtor to make payments beyond those necessary to cure a prior postpetition default, shall be deemed void and unenforceable, unless such language in the proposed stipulation or agreement is conspicuously set forth in capital letters and bold type.

(d) If after a prefiling conference, the parties enter into a stipulation without the need for the filing of a motion for relief from stay and the debtor subsequently defaults under the terms of the stipulation, the party filing the motion to approve stipulation must file a motion for relief from the stay, together with an affidavit of noncompliance with the stipulation and a certificate of service attesting to service on the parties as set forth in subsection (a) of this rule, to obtain an order from the court granting relief from the automatic stay.