

Rule 4001-1**Local Rules of the United States Bankruptcy Court
Northern District of Alabama****RULE 4001-1 RELIEF FROM AUTOMATIC STAY**

(a) General. A motion for relief from the automatic stay or from the codebtor stay is a contested matter governed by Bankruptcy Rule 9014.

(b) Notice, Service of Motion and Hearing. Upon the filing of such a motion, the preliminary hearing will be consolidated with the final hearing unless the Court orders otherwise. The clerk's office or some other person as the Court may direct must prepare a notice of such hearing and transmit a copy of the notice to the following:

- the movant;
- the debtor or the debtor in possession;
- the Trustee;
- any committee appointed in the case, or if no committee is appointed and it is a chapter 9 or 11 case, then on all creditors; and
- any other entity as the Court may direct.

The movant must serve a copy of the motion upon all of the aforesaid parties and attach a certificate of service to the motion. The hearing will be a final evidentiary hearing, and parties must be prepared for trial.

(c) Fact Summary Sheet for Eastern, Southern, and Western Divisions. For a motion for relief from stay, a motion for relief from the codebtor stay, a motion to renew a relief from stay motion, or a motion for adequate protection filed in a chapter 7 or 13 case in the Eastern, Southern, and Western Divisions, the movant must complete and file a fact summary sheet. The fact summary sheet must substantially comply with the fact summary sheet form found on this Court's website at www.alnb.uscourts.gov/localforms.cfm. The movant must file and serve the fact summary sheet completed in full at least 14 days prior to the first hearing date on the motion. The movant must ensure that, when the fact summary sheet is filed, it is filed as a separate event using the proper event from CM/ECF, not as an attachment to the motion. To file the fact summary sheet, the movant must select "Bankruptcy," "Miscellaneous," and "Fact Summary for Motion for Relief from Stay." The movant will serve the fact summary sheet using CM/ECF. If the movant does not fully complete, timely file, and properly serve the fact summary sheet, the Court may continue, dismiss, or deny the motion.

(Eff. 7/1/2010)