

## **RULE 4001-1. AUTOMATIC STAY**

(a) **Comfort Orders.** Any party seeking an order confirming the automatic termination of the stay pursuant to any applicable provision of the Bankruptcy Code must file a motion pursuant to Local Bankruptcy Rule 9013-1.

(b) **Rent Deposits Under § 362(l).** Any deposit of rent pursuant to 11 U.S.C. § 362(l)(1)(B), must be in the form of a cashier's check or a money order payable to the order of the lessor, and delivered to the clerk of court upon filing of the petition and certification made under § 362(l)(1). The debtor must at the same time file proof of service of the certification under § 362(l)(1) upon the lessor. Upon receipt of the cashier's check or money order, the clerk of court will promptly transmit the check/money order to the lessor ~~by certified mail/return receipt requested,~~ at the address of the lessor as stated in the certification filed by the debtor under § 362(l)(1), unless the clerk of court is instructed in writing by the debtor or landlord to use a different address.

(c) **Relief from Stay.**

(1) *Motions and Related Pleadings.* Motions for relief from stay shall comply with Local Bankruptcy Rule 9013-1 and be supported by a declaration or other admissible evidence. In addition, motions for relief from stay involving real property shall include a common address; a copy of any recorded security instrument; the status of any pending foreclosure, action or matter for which relief from stay is sought; the contractual default; and, in a chapter 11, 12 or 13 case, the post-petition default amounts and the current monthly payment amount, including any applicable escrow component.

(2) *Notice of Motions.* The moving party shall schedule the motion for hearing not less than 21 or more than 30 days after the date such motion is filed. If the moving party schedules a hearing for or agrees to continue a hearing to a date more than 30 days after the date the motion was filed, the party shall be deemed to have waived the automatic termination provisions of 11 U.S.C. § 362(e)(1). In addition to those parties listed in Fed. R. Bankr. P. 4001, notice shall be given to the debtor, attorney for the debtor and trustee. In addition, any motion for relief from the codebtor stay pursuant to 11 U.S.C. § 1201 or 11 U.S.C. § 1301 shall be served upon the codebtors.

(3) *Procedure for Motions Timely Controverted.* If the motion is timely and properly controverted, the originally scheduled hearing will be a final hearing with argument on the documents filed, unless an evidentiary hearing is required. In that event, the initial hearing may be a preliminary hearing at which the court may set a date for final hearing and enter such other orders as may be appropriate.