

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF WYOMING

NOV - 5 2015

General Order 15-03

United States Bankruptcy Court  
District of Wyoming

**RELIEF FROM AUTOMATIC STAY**

The United States Bankruptcy Court for the District of Wyoming finds it necessary to modify WY LBR 4001-1 for the efficient and expeditious review of said motions.

IT IS ORDERED that WY LBR 4001-1 is repealed and the following is adopted:

- A. **Motion for Relief from Stay.** All motions requesting relief from the automatic stay must comply with LBR 9013-1 and LBR 9004-1(B) and shall:
- a. Plead with specificity, facts supporting the elements of 11 U.S.C. § 362(d) and must include:
    - i. A heading stating the relief sought and “Notice of Time to Object;”
    - ii. The name of the movant;
    - iii. Citation to the sections(s) under which relief is sought;
    - iv. A complete description of any property on which relief is requested;
    - v. A statement of the property’s value, regardless of the basis for relief;
    - vi. Where applicable, a copy of:
      1. a vehicle certificate of title showing perfection of a lien;
      2. the mortgage on real property showing recording information by the county clerk;
      3. documents showing perfection of a security interest with filing information;
      4. the note or contract;
      5. all applicable assignments; and,
    - vii. The following must be verified by a declaration, affidavit or supporting documentation:
      1. the value of the collateral;
      2. the total amount owed; and,
      3. the amount of default or delinquent monthly payments.
  - b. Other Allegations:
    - i. Lack of adequate protection under 11 U.S.C. § 362(d)(1):

State with specificity the grounds for relief, i.e., whether there is insurance, the amount of unpaid taxes, whether and why the asset is rapidly depreciating, and the property’s value in relationship to allegations in support of lack of adequate protection.
    - ii. No equity and not necessary for an effective reorganization under 11 U.S.C. § 362(d)(2):

Provide information regarding the status of other liens and encumbrances, if known. Describe the basis for the allegation that

there is not any equity by providing the value and its relationship to the amount owed, or that the collateral is not necessary for an effective reorganization.

iii. Other "cause:"

Describe any pertinent information or reasons for filing the motion.

iv. Waiver of Fed. Rule Bankr. P. 4001(a)(3):

State with specificity the grounds for such waiver.

- c. Service. In addition to the service required by Fed. R. Bankr. P. 4001 and 9014, the movant must serve the notice and the motion on the debtor, the debtor's attorney, and any joint owner or co-borrower who is not a debtor in the case.
- d. Notice and Time to Object. A 17-day notice of time to object must be set forth **after** the motion. The 17-day period includes three (3) days for service by mail allowed by Fed. R. Bankr. P. 9006(f).

The form of the notice is:

NOTICE OF TIME TO OBJECT

YOU ARE HEREBY NOTIFIED that if you desire to oppose this motion, you are required to file with this court and serve on \_\_\_\_\_, attorney for the movant, whose address is shown above, a written objection to the motion on or before \_\_\_\_\_, or the relief requested may be granted by the Court.

Dated: \_\_\_\_\_.

\_\_\_\_\_(movant)  
By \_\_\_\_\_

- e. Fee. The applicable fee must be paid upon filing.
- f. Court Action.
- i. In the absence of a timely objection, the Court will consider the motion and may grant relief after the time for objection has lapsed, if movant has presented a prima facie case and provided all required information.
  - ii. If a timely objection is filed, the Court will notice and hold a telephonic preliminary hearing on the motion. If after the preliminary hearing an evidentiary hearing is required, the Court will set and hold a final hearing on the motion.
- g. Proposed Order.
- i. Contemporaneous with the filing the motion, the movant must submit a proposed order containing a complete description of the property on which relief is requested.


1. The proposed order must be a separate document from the motion and shall not contain a date line above the signature line or the attorney's heading in the upper left hand corner.
2. When relief is requested to permit a creditor to exercise its state law remedies with regard to its collateral, the proposed order must contain language stating that the creditor shall provide an accounting to the trustee or debtor in possession of all net surplus from the sale proceeds of the collateral.

**B. Motion to Extend the Stay under 11 U.S.C. § 362(c)(3)(B) or Impose the Stay Under 11 U.S.C. § 362(c)(4)(B).** A motion to extend or impose the stay should be filed with the petition or promptly thereafter. The motion must be verified and identify the creditors to be affected by the relief requested and must explain why the present case is filed in good faith as to those creditors.


The movant must obtain a hearing date from the Judge's chambers which shall be within 28 days from the date of filing of the petition. The movant must give a minimum of 10-day notice (seven (7) days plus three (3) days for mailing) prior to the date of the hearing to all creditors against whom relief is sought and must file a certificate evidencing such service. The notice must include a copy of the motion.

IT IS FINALLY ORDERED that this Order is effective immediately.

DATED this 5<sup>th</sup> day of November, 2015.

  
\_\_\_\_\_  
Chief Judge Cathleen D. Parker  
United States Bankruptcy Court,  
District of Wyoming

DATED this 5th day of November, 2015.

  
\_\_\_\_\_  
Chief Judge Nancy D. Freudenthal  
United States District Court, District of Wyoming