

(a) Imposition/Continuation Motions Scheduled for Hearing Upon Filing

1. The following motions to impose or to continue the automatic stay shall not require negative notice language but instead shall be scheduled for an accelerated hearing upon filing:
 - (A) Motion to impose automatic stay pursuant to §362(c)(4)(B) of the Code;
 - (B) Motion to impose automatic stay by small business debtor pursuant to §362(n)(2) of the Code;
 - (C) Motion to continue automatic stay in consecutive individual case under chapter 7, 11 or 13 pursuant to §362(c)(3)(B); and
 - (D) Motion to continue automatic stay on personal property of individual debtor by trustee pursuant to §362(h)(2) and §521(a)(6).
2. The stay imposition or continuation motion shall disclose all information pertinent to the movant's need for a accelerated hearing on the motion, and the applicable Courtroom Deputy must be immediately notified by telephone or by e-mail. However, no hearing shall be conducted on less than two (2) business days' notice.
3. A stay imposition or continuation motion shall contain a certificate of service reflecting service of the motion upon the master mailing list (matrix) as constituted by the Court on the date of service if the stay is to be imposed or continued as to all parties in the case, or otherwise in accordance with LBR 9013(f), and in a manner consistent with Fed. R. Bankr. P. 7004(b). The motion must be accompanied by a proposed order granting the requested relief.
4. Any objection to a stay imposition or continuation motion must be filed and served no later than two (2) business days prior to the scheduled hearing; provided, however, that if the hearing is held on notice of five (5) business days or less, no formal objection shall be required.

(b) Petition-Date Certification of Compliance: Lease of Residential Real Property

1. A petition-date certification of compliance necessary for a debtor to invoke the protection of the automatic stay regarding a lease of real property in which the debtor resides as a tenant pursuant to §362(l)(1) – in addition to the requirements imposed by the Code – shall contain:
 - (A) the following 15-day negative notice language, which must be in boldface, large font and located in the text of the motion -- preferably in the first paragraph:

THIS PETITION DATE CERTIFICATION IS SELF-EXECUTING AND SHALL DEFER THE APPLICABILITY OF 11 U.S.C. §362 (b)(22) TO THIS LEASE OF RESIDENTIAL REAL PROPERTY FOR A PERIOD OF 30 DAYS FROM THE PETITION DATE ABSENT AN ORDER OF THE COURT TO THE CONTRARY. NO HEARING WILL BE CONDUCTED REGARDING THIS CERTIFICATION UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN FIFTEEN (15) DAYS FROM THE DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

and

(B) contain a certificate of service reflecting service of the petition date certification upon the affected lessor.

2. A lessor objecting to a debtor's petition-date certification of compliance may waive the 10-day hearing requirement, if desired, in the caption of the objection. If a waiver is not filed, the Court will convene a hearing within the required 10 days in the division most convenient to the Court.

Title Example: Objection to Debtor's Petition-Date Certification of Compliance Regarding Lease of Residential Real Property, Waiver of 10-Day Hearing Requirement, and Request for Hearing in Beaumont, Texas.

(c) Post-Petition Certification of Compliance: Lease of Residential Real Property

1. A post-petition certification of compliance necessary for a debtor to continue the protections of the automatic stay regarding a lease of real property in which the debtor resides as a tenant for a period beyond 30 days from the petition date pursuant to §362(l)(2) of the Code – in addition to the requirements imposed by the Code – shall contain:

(A) the following 15-day negative notice language, which must be in boldface, large font and located in the text of the motion -- preferably in the first paragraph:

THIS POST-PETITION CERTIFICATION IS SELF-EXECUTING

AND SHALL DEFER THE APPLICABILITY OF 11 U.S.C. §362 (b)(22) TO THIS LEASE OF RESIDENTIAL REAL PROPERTY FOR THE DURATION OF THIS BANKRUPTCY CASE ABSENT AN ORDER OF THE COURT TO THE CONTRARY. NO HEARING WILL BE CONDUCTED REGARDING THIS CERTIFICATION UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN FIFTEEN (15) DAYS FROM THE DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

and

(B) contain a certificate of service reflecting service of the post-petition certification upon the affected lessor.

2. A lessor objecting to a debtor's post-petition certification of compliance may waive the 10-day hearing requirement, if desired, in the title of the objection. If a waiver is not filed, the Court will convene a hearing within the required 10 days in the division most convenient to the Court.

Title Example: Objection to Debtor's Post-Petition Certification of Compliance Regarding Lease of Residential Real Property, Waiver of 10-Day Hearing Requirement, and Request for Hearing in Beaumont, Texas.

(d) Requests to Confirm Status of Automatic Stay

Any request for the Court to confirm the status of the automatic stay, including a request for an order pursuant to §362(c)(4)(A)(ii) to confirm that the automatic stay is not in effect, or a request for an order pursuant to §362(j) to confirm that the automatic stay has been previously terminated, shall be in writing and filed with the Clerk. Such requests shall not require negative notice language, a certificate of service, nor a proposed order.

(e) Notice of Termination of Automatic Stay

Any creditor which asserts that the automatic stay has been terminated by operation of law as against its interests shall file a Notice of Termination with the Court to evidence such termination of the automatic stay. Such Notice of Termination shall cite the statutory basis for the asserted termination.

