

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

GENERAL ORDER PENDING ADOPTION OF
D.N.J. LBR 4001-4. STATUS OF AUTOMATIC STAY

The Court having determined the need for a *General Order Pending Adoption of D.N.J. LBR 4001-4. Status of Automatic Stay* to set forth the procedure for seeking an order confirming the status of the automatic stay in cases where the automatic stay is not in effect by operation of law, it is hereby

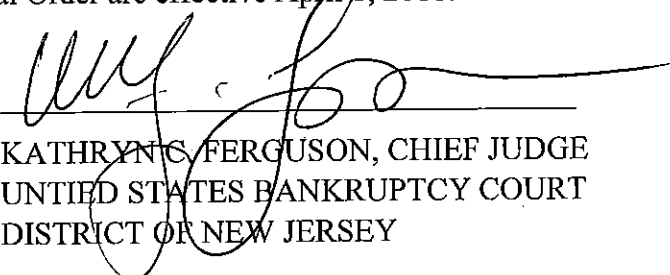
ORDERED that pending adoption of *D.N.J. LBR 4004-1. Status of Automatic Stay* under the Court's 2018 Annual Rule Making Cycle, parties seeking an order confirming the status of the automatic stay pursuant to § 362(b)(22), § 362(b)(23), § 362(c)(4), and § 362(n) of the Bankruptcy Code must file Local Form *Application for Order Confirming Stay is Not in Effect*, and it is further

ORDERED that the Application and proposed order must be served on the debtor, debtor's attorney, trustee, secured creditors, official committees, and parties requesting notice of all proceedings, and it is further

ORDERED that an objection to the application must be filed and served not later than 7 days after the filing of the application. The court may conduct a hearing on the objection in its discretion.

ORDERED that the provisions of this General Order are effective April 1, 2018.

DATE: March 6, 2018


KATHRYN G. FERGUSON, CHIEF JUDGE
UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

D.N.J. LBR 4001-4. Status of Automatic Stay

- (a) Relief by Application.** A party seeking an order confirming the status of the automatic stay under § 362(b)(22), § 362(b)(23), § 362(c)(4) or § 362(n) of the Code must file Local Form *Application for Order Confirming Automatic Stay is Not in Effect*.
- (b) Service.** A party seeking an order under this rule must file and serve Local Form *Application for Order Confirming the Automatic Stay is Not in Effect* and a proposed order on the debtor, the debtor's attorney, secured creditors, official committees, trustees, and parties in interest.
- (c) Objection.** An objection must be filed and served within 7 days after the filing of the application. The court may conduct a hearing on the objection in its discretion.

2018 Comment

This Rule is new. A party may, by application, seek an order in a case where the automatic stay is not in effect by operation of law.

This Rule does not include requests for relief under § 362(c)(3) of the Code, for which a motion must be filed.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

In Re:

Case No.: _____

Chapter: _____

Judge: _____

**APPLICATION FOR ORDER CONFIRMING
THE AUTOMATIC STAY IS NOT IN EFFECT**

I, _____, creditor, attorney for creditor, request an order confirming that the automatic stay provisions of 11 U.S.C. § 362(a) are not in effect as to this case for the reason(s) indicated below.

11 U.S.C. § 362(b)(22).

The debtor has not filed with the petition an *Initial Statement About an Eviction Judgment Against You (Official Form 101A)*.

The debtor has not served upon the applicant an *Initial Statement About an Eviction Judgment Against You (Official Form 101A)*.

The debtor has not deposited with the Clerk the rent due within 30 days of the filing of the petition in the amount of \$ _____.

The debtor filed with the petition and served upon the applicant an *Initial Statement About an Eviction Judgment Against You (Official Form 101A)*. The Clerk has forwarded to me, and I have received, the amount of _____ \$ _____ representing the full amount of rent due within 30 days after the filing of the petition.

The debtor has not filed a *Statement About Payment of an Eviction Judgment Against You (Official Form 101B)*.

The debtor has not served on the applicant a *Statement About Payment of an Eviction Judgment Against You (Official Form 101B)*.

The debtor has not paid the total amount of arrears due in the amount of \$ _____ within 30 days of the date of the petition.

11 U.S.C. § 362(b)(23).

On _____ the applicant filed a certification regarding the debtor's actions, specifically endangerment of the property, and/or illegal use of controlled substances on the property by the debtor, or others. It is more than 15 days from the filed date of the Certification and the debtor has not filed an objection to the certification, or has filed an objection to the certification but has not served it upon the applicant.

11 U.S.C. § 362(c)(4). The following cases have been pending in the preceding one year period, and have been dismissed.

_____ [Case number]

_____ [Case number]

_____ [Case number]

_____ [Case number]

_____ [Case number]

_____ [Case number]

11 U.S.C. § 362(n). Section 362(n) of the Code applies.

Date: _____

Applicant