

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

- (a) **Relief by motion.** 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 *Motion for Order Confirming Automatic Stay is Not in Effect*.
- (b) **General requirements.** A party seeking an order under subdivision (a) must file and serve Local Form *Motion for Order Confirming Automatic Stay is Not in Effect* and a proposed order on the debtor, the debtor's attorney, secured creditors, official committees, trustees, and parties requesting notice of all proceedings. The party must file Local Form *Certification of Service* evidencing compliance with this subdivision.
- (c) **Objection.** An objection to the motion must be filed and served within 7 days after the filing of the motion. The court may conduct a hearing on the objection in its discretion, which will be scheduled not later than 10 days after the objection is filed.

2018 Comment

This Rule is new and provides an expedited procedure for obtaining an order confirming the status of the automatic stay in situations where the stay is inapplicable or has expired pursuant to statute.

To obtain an order in cases where §362(c)(3) of the Code applies, a motion complying with Local Bankruptcy Rules 9013-1 through 9013-3 is required.