D.N.J. LBR 4001-1. Relief From the Automatic Stay

(a) General requirements.

(1) The movant must file a statement of amount due that includes, as applicable:

(A) unpaid principal;

(B) accrued interest from a specific date to a specific date;

(C) unearned interest;

(D) per diem interest;

(E) late fees from a specific date to a specific date;

(F) attorney's fees;

(G) advances for taxes and insurance;

(H) total post-petition arrearage;

(I) any other fees and charges; and

(J) date of last payment.

The movant must file Local Form *Certification Regarding Calculation of Amount Due* as the statement if the amount claimed due is secured by a mortgage on real property owned by the debtor.

(2) The movant must file a certification that includes the following exhibits, as applicable:

(A) note;

(B) bond;

(C) mortgage bearing the stamped date of recordation;

(D) security agreement;

(E) financing statement bearing the stamped date of filing;

(F) assignment; and

(G) appraisal.

(3) When the movant alleges that the debtor has failed to make a post-petition mortgage or vehicle payment, the party must file either Local Form *Certification of Creditor Regarding Post Petition Payment History (Note and Mortgage)* or Local Form *Certification of Creditor Regarding Post Petition Payment History (Vehicle Loan/Lease)*.

(b) Opposition in a chapter 13 case.

(1) To oppose a motion for relief from the automatic stay or a motion to dismiss filed by a Chapter 13 trustee, a Chapter 13 debtor must file and serve on the movant and the Chapter 13 trustee Local Form *Chapter 13 Debtor's Certification in Opposition* not later than 7 days before the hearing date.

(2) To oppose a *Creditor's Certification of Default* or *Chapter 13 Trustee's Certification of Default*, a Chapter 13 debtor must file and serve on the movant and the Chapter 13 trustee Local Form *Chapter 13 Debtor's Certification in Opposition* not later than 14 days after the filing of the certification of default.

(c) Effect of failure to oppose an adjournment request. A movant's failure to oppose a request for an adjournment of a hearing on a motion for relief from the automatic stay constitutes consent to the adjournment under § 362(e) of the Code.

2025 Comment

Nothing in this Rule is intended to override compliance with D.N.J. LBRs 2002-1 and 9013-1. Additional amendments to this Rule are stylistic to conform with the Bankruptcy Rules.

2024 Comment

Local Bankruptcy Rule 9021-1 is superseded by new Local Bankruptcy Rule 9019-4.

2015 Comment

This Rule eliminates the provision stating that court appearances are not required for unopposed motions relating to the automatic stay because Local Bankruptcy Rule 9013-3(d) provides that the court decides all unopposed matters on the papers.

Local Bankruptcy Rule 9021-1(c) addresses consent orders in lieu of a motion for stay relief in Chapter 11 cases where no committee has been appointed.