

Procedures for Motions to Continue the Stay Pursuant to 11 U.S.C. § 362(c)(3)

I. Content of motion. Any motion filed by a party in interest pursuant to § 362(c)(3)(B) shall:

A. Identify the prior case filed by the debtor within the preceding year and its disposition. In addition, the motion shall identify whether any motion for relief from the stay was pending and/or whether any motion had been resolved by terminating, conditioning, or limiting the stay, in the prior case at the time of dismissal.

B. Identify the extent to which the party in interest wishes the automatic stay to be continued, including the length of the proposed continuation and the parties affected (i.e. all creditors or only particular creditors).

C. Identify the basis for the relief requested.

II. Notice.

A. **The motion shall provide a minimum 10 days notice to creditor(s) of the hearing.** The motion should be served on all creditors as to whom the stay is sought to be applicable. This should include: (1) service on the person and at the address shown on any proof of claim filed in the prior case(s); (2) service on any attorney who entered an appearance for those creditors in the prior case(s) or who is known to represent those creditors in any pending foreclosure or litigation and (3) service on any address identified in Section 342(c), (e) or (f) in the pending or prior case(s). Proof of service of both the Motion and Notice of Hearing is required. If a motion is not filed in such time as to provide 10 days notice of a hearing before the 30th day after the filing of the case, the court may be unable to schedule the motion for a hearing. If a hearing is not concluded prior to the 30th day after the filing of the case, the stay terminates. **No motion brought pursuant to §362(c)(3) may be heard after the 30th day after the filing of the case.**

B. Any request for a hearing on less than 10 days notice must be accompanied by a request for expedited hearing showing cause why the time for notice should be shortened. Such motion for expedited hearing shall be considered in the judge's discretion.

III. Scheduling the Hearing on the Motion.

A. If the moving party is represented by counsel: Counsel is directed to schedule the motion using the court's self-calendaring procedures. The moving party should refer to the applicable judge's schedule of hearing dates to determine the appropriate date/time for scheduling such a hearing. If the dates listed do not permit the moving party to provide 10 days notice and have a hearing prior to the 30th day after the filing of the case, counsel should contact Chambers directly.

B. If the moving party is pro se: Contact the Judge's Courtroom Deputy regarding scheduling of the motion for hearing.