

Honorable Frank L. Kurtz  
Honorable John A. Rossmeissl

## **Rule 4001-3**

### **Relief From Codebtor Stay**

#### **(a) Notice**

- (1) A party in interest desiring relief from the codebtor stay shall give twenty~~-one~~ (20~~1~~) days' notice to the debtor and codebtor in accordance with LBR 2002-1.
- (2) Service on the debtor and codebtor shall be in accordance with FRBP 9014.
- (3) The notice shall state:
  - (A) That as between the debtor and the codebtor, which party received the consideration for the claim held by the creditor; and
  - (B) Whether the plan filed by the debtor proposes to pay or not pay the claim; and
  - (C) Whether or not the creditor's interest would be irreparably harmed by the continuation of the stay; and
  - (D) That the stay may be terminated with respect to the party seeking relief unless the debtor or codebtor files and serves a written objection; and
  - (E) Identity of codebtor by name.

#### **(b) Order**

If an order is desired it shall be requested in accordance with LBR 9013-1(c).

#### **Related Provisions**

11 USC 1201	Stay of Action against Codebtor
11 USC 1301	Stay of Action against Codebtor
FRBP 7004	Process; Service of Summons, Complaint
FRBP 9014	Contested Matters
LBR 2002-1	Notice to Creditors & Other Parties in Interest
LBR 4001-1(e)	Non-Combining of Motions
LBR 9013-1	Motions and Orders

**LBR 4001-3**

~~AUGUST 1, 2011~~ **DECEMBER 10, 2016**

## Rule 7008-1

### ~~Statement Regarding Consent in Adversary Proceedings~~

~~In any adversary proceeding before the bankruptcy court, the following shall contain a statement that the pleader does or does not consent to entry of final orders or judgment by the bankruptcy court:~~

- ~~(1) the complaint, counterclaim, cross-claim, or third-party complaint; and~~
- ~~(2) any pleading in response to a pleading set forth in paragraph (1)~~

*Abrogated.*

### Related Provisions

FRBP 7008

General Rules of Pleading

LBR 7008-1

~~NOVEMBER 27, 2013~~ **DECEMBER 10, 2016**