

LBR 4001-3

Relief From Co-Debtor Stay

(a) Notice

- (1) A party in interest desiring relief from the co-debtor stay shall give twenty (20) days notice to the debtor and co-debtor in accordance with LBR 2002-1.
- (2) Service on the debtor and co-debtor shall be in accordance with FRBP 9014.
- (3) The notice shall state:
 - (~~1~~A) That as between the debtor and the co-debtor, which party received the consideration for the claim held by the creditor; and
 - (~~2~~B) Whether the plan filed by the debtor proposes to pay or not pay the claim; and
 - (~~3~~C) Whether or not the creditor's interest would be irreparably harmed by the continuation of the stay; and
 - (~~4~~D) That the stay may be terminated with respect to the party seeking relief unless the debtor or co-debtor files and serves a written objection.

(b) Order

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

Note: 11 USC 1201 and 1301 (d) suggests that the co-debtor stay is terminated without the need for an order unless there is an objection. The local rule only sets out the process for giving the notice, but does not address whether or not an order is required. The suggested change would advise the party filing the request for the termination that if an order was desired, it should be requested as required by LBR 9013-1(c).

Related Provisions

11 USC 1201	Co-Debtor Stay
11 USC 1301	Co-Debtor Stay
FRBP 7004	Process, Service of Summons, Complaint
FRBP 9014	Contested Matters
LBR 2002-1	Notice to Creditors and Other Parties in Interest
LBR 4001-1(e)	Non-Combining of Motions
<u>LBR 9013-1</u>	<u>Motions and Orders</u>

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