

## Rule 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)~~ *twenty-one (21)* 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:
  - (A) That as between the debtor and the co-debtor, 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 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).

**Related Provisions**

11 USC 1201  
11 USC 1301

Co-Debtor Stay  
Co-Debtor Stay

FRBP 7004  
FRBP 9014

Process, Service of Summons, Complaint  
Contested Matters

LBR 2002-1  
LBR 4001-1(e)  
LBR 9013-1

Notice to Creditors and Other Parties in Interest  
Non-Combining of Motions  
Motions and Order

**LBR 4001-3**  
**DECEMBER 1, 2009**