

Rule 4001-3

Relief From ~~Co-Debtor~~ *Codebtor* Stay

(a) Notice

- (1) A party in interest desiring relief from the codebtor stay shall give twenty-one (21) 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	Co-Debtor Stay <i>of Action against Codebtor</i>
11 USC 1301	Co-Debtor Stay <i>of Action against Codebtor</i>
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
LBR 9013-1	Motions and Orders

LBR 4001-3

~~DECEMBER 1, 2009~~ *August 1, 2011*