

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA**

***HOW TO FILE A
MOTION FOR RELIEF FROM THE AUTOMATIC STAY***

What is the Automatic Stay?

Once a Debtor has filed Bankruptcy, most proceedings against him are stayed, 11 USC Section 362 (a). – In order for a party to continue a proceeding against the debtor that was stayed because of the filing of the Bankruptcy and the Automatic Stay, he must file with the Bankruptcy Court a Motion for Relief from the Automatic Stay, or a Stipulation for Relief from the Automatic Stay if the other parties, the debtor and the trustee agree.

Rules for reference

11 USC Section 362(a)
Bankruptcy Rule 4001
Bankruptcy Rule 9004
Local Rule 4001-1

How is a Motion for Relief from the Automatic Stay Commenced?

A motion is a written formal statement in which the party who is requesting the relief, the Movant, sets forth the legal basis, citing the applicable sections of the Bankruptcy Code and the Bankruptcy Rules, for the relief requested. The party against whom the relief is requested, the debtor and the trustee, if one has been appointed, are the Respondents. Each motion shall be supported by all documents which assert a valid perfected security interest and all documents which support an assertion of lack of adequate protection or of equity in the property.

Is there a specific form provided by the Court for the Motion for Relief from the Automatic Stay?

Each Motion for Relief from the Automatic Stay is unique and there is no specific form provided by the court for the motion.

Motion for Relief from the Automatic Stay as a Chapter 13 Co-Debtor

A Motion for Relief from the co-debtor stay is governed by 11 USC Section 1301. There is no filing fee for this type of motion.

Relief From Automatic Stay Chapter 7

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The Bankruptcy Reform Act of 2001 United States. Congress. Senate. Committee on the Judiciary,2002 **Uniform Issue List** ,1998 **United States Code Service** United States,2010 **The Bankruptcy Kit** John Ventura,1996 Named one of the best business books of 1991 by both Publishers Weekly and Library Journal The Bankruptcy Kit has helped thousands of individuals and small businesses on the brink of financial collapse Now readers can turn to the second edition of this bestseller to find complete coverage of the latest breaking information on this timely topic *J.K. Lasser's The New Bankruptcy Law and You* Nathalie Martin,Stewart Paley,2006-01-11 A comprehensive guide to the new bankruptcy law and what it means for you Sweeping changes to U S bankruptcy law the first major changes to the law in twenty seven years are occurring right now If you re unfamiliar with the new bankruptcy law and how it could affect you this book will quickly get you up to speed While J K Lasser s *The New Bankruptcy Law and You* thoroughly covers this latest reform along with its options and alternatives it also answers must know bankruptcy questions such as how do you decide whether bankruptcy is the right path to take and if it is when should you file Other topics discussed include The new law versus the old law The basics of bankruptcy law that apply to all bankruptcies Preparing to file for bankruptcy The liquidation option Chapter 7 The payment plan option Chapter 13 The basics of debtor creditor law Preparing for a bright financial future And much more With over twenty years of experience as bankruptcy attorneys and a dozen years of experience educating people about money authors Nathalie Martin and Stewart Paley can help you successfully navigate the world of bankruptcy and show you how to put yourself in a position where you ll never have to think about it again Filled with in depth insights and expert advice J K Lasser s *The New Bankruptcy Law and You* can help you make more informed financial decisions when dealing with complicated bankruptcy issues *Code of Federal Regulations* ,1991 Lloyd Segal,2007-02-01 Foreclosure is not the end of the world or even the end of your home necessarily First know that you re not alone Foreclosures affect all kinds of people and all kinds of properties Like many people faced with foreclosure you may feel helpless hopeless and resigned to giving up your house without trying to save it If so cheer up You actually have some good solid options to take control of the situation avoid foreclosure proceedings and even protect your credit Depending on which option you choose Stop Foreclosure Now will help you decide whether your property is really worth saving figure out how much time you have to respond negotiate with your lender use the courts to stop the foreclosure decide whether bankruptcy is a good option arrange to refinance your property sell your property quickly Includes all the necessary forms and step by step instructions [Bankruptcy Abuse Prevention and Consumer Protection Act of 2002](#) United States. Congress,2002 [9th Circuit Update](#) ,1987 [Official Reports of the Supreme Court](#) United States. Supreme Court,2010 *Merchant Marine Miscellaneous* United States. Congress. House. Committee on Merchant Marine and Fisheries. Subcommittee on Merchant Marine,1984 *United States Bankruptcy Court, Southern District of New York, Local Bankruptcy Rules* United States. Bankruptcy Court

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