

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
OFFICE OF THE CLERK



August 27, 2010

CLERK'S NOTICE 10-05

**CORRECTIONS TO THE AMENDED LOCAL
BANKRUPTCY RULES POSTED ON AUGUST 25, 2010**

The following corrections in red have been made to the Amended Local Bankruptcy Rules.

L.B.R. 4001-1 Automatic Stay - Relief From.

(a) Motions; Service.

No summons is required. The movant shall file with the Bankruptcy Clerk a certificate of service attached to the motion, evidencing the mode of service and the names and addresses of the parties served, and a certificate of conference evidencing compliance with Local Bankruptcy Rule 9014-1~~(e)~~(d)(1). The motion shall contain a notice of the requirement of the filing of a response to the motion as set forth in subdivision (b) of this rule. A motion for relief from the automatic stay shall be served on the following parties:

- (1) The debtor, and, if the debtor is represented by an attorney, the attorney;
- (2) Any attorney for a committee appointed or elected in the case, or if no attorney has been employed to represent the committee, through service on its members; and if no committee has been appointed in a chapter 9 or 11 case, the creditors included on the list filed pursuant to Bankruptcy Rule 1007(d);
- (3) Any party scheduled in the case as holding a lien, with respect to a motion seeking relief from the stay of an act against property;
- (4) The United States Trustee;
- (5) Any trustee or examiner appointed in the case; and
- (6) All parties requesting notice pursuant to Local Bankruptcy Rule 2002-1(j).

(b) Response Required.

Any party opposing the motion for relief from stay shall file a response within 14 days from the date of service of the motion. Such response shall include a detailed and comprehensive statement as to how the movant can be “adequately protected” if the stay is to be continued. If no response is filed, the allegations in the motion may be deemed admitted, and an order granting the relief sought may be entered by default. The motion for relief shall contain a statement in substantially the following form:

PURSUANT TO LOCAL BANKRUPTCY RULE 4001-1(b), A RESPONSE IS REQUIRED TO THIS MOTION, OR THE ALLEGATIONS IN THE MOTION MAY BE DEEMED ADMITTED, AND AN ORDER GRANTING THE RELIEF SOUGHT MAY BE ENTERED BY DEFAULT.

ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT (ADDRESS OF CLERK'S OFFICE) BEFORE CLOSE OF BUSINESS ON (MONTH) (DAY), (YEAR), WHICH IS AT LEAST ~~17~~**14** DAYS FROM THE DATE OF SERVICE HEREOF. A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY AND ANY TRUSTEE OR EXAMINER APPOINTED IN THE CASE. ANY RESPONSE SHALL INCLUDE A DETAILED AND COMPREHENSIVE STATEMENT AS TO HOW THE MOVANT CAN BE “ADEQUATELY PROTECTED” IF THE STAY IS TO BE CONTINUED.

L.B.R. 9014-1 Contested Matters.

(b) Service and Conference.

The movant shall serve the motion electronically, or by mail, in the manner provided by Bankruptcy Rule 7004. No summons is required. Following service of the motion, pursuant to Bankruptcy Rule 7005, movant shall file with the Bankruptcy Clerk a certificate of service, attached to the motion, evidencing the date and mode of service and the names and addresses of the parties served, and where reasonably feasible, a certificate of conference evidencing compliance with Local Bankruptcy Rules 7007-1(a) and 9014-1(~~e~~)**(d)**(1). A certificate of conference will not be required when it is reasonably anticipated that the number of opposing parties may be too numerous to contact prior to the filing of the motion.

FOR THE COURT
Tawana C. Marshall
Clerk of Court