

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In re:
Debtor(s)
Movant(s)
Respondent(s)
CASE NO. ()
Chapter
INDEX

NOTICE OF MOTION FOR RELIEF FROM STAY UNDER 11 U.S.C. § 362

To the above named respondent(s):

You are hereby notified that on _____ the above named movant(s) filed a Motion Seeking Relief from the Automatic Stay under 11 U.S.C. § 362.

Service of the motion and notice must be made within three (3) days after issuance of the motion. A certificate of service must be filed forthwith, but no later than five (5) days after the service is done. If the certificate of service is not timely filed, the Court may deny the motion for failure to give notice within three (3) days from issuance.

You must file an answer to the motion within eleven (11) days from the service of this notice, and serve such answer upon movant or his attorney _____ whose address is _____.

IF YOU FAIL TO TIMELY ANSWER AS SET FORTH HEREIN, AN ORDER MAY BE ENTERED AGAINST YOU GRANTING THE RELIEF REQUESTED BY THE MOVANT.

If a timely answer is filed, then _____ at _____ a.m./p.m. at the United States Bankruptcy Court, U.S. Post Office and Courthouse Bldg., 300 Recinto Sur St., _____ Floor, Courtroom ____, Old San Juan, PR, is fixed as the time and place for the preliminary and/or final hearing on such motion.

CELESTINO MATTA-MENDEZ, CLERK
United States Bankruptcy Court

By: _____

Date of Issuance: _____

following procedure for Motions Requesting Relief From Stay under 11 U.S.C. § 362:

1. Movant must serve both the motion for relief from stay and a notice that substantially conforms to P.R. LBF J within three (3) days of issuance of the notice.
2. Respondent must file an answer to the motion for relief from stay within eleven (11) days after issuance of the notice. If respondent does not file a timely answer, the Court may enter judgment for the movant and take the matter off the Court’s calendar.
3. The notice must set forth the specific date for the preliminary hearing on the motion for relief from stay.
4. Pursuant to 11 U.S.C. § 362(e), the hearing date specified in the notice may be a preliminary hearing, or may be consolidated with the final hearing, as will be determined by the Court.
5. If movant seeks relief with respect to a stay of an act against property under 11 U.S.C. § 362(d)(1) or (d)(2), the motion must be accompanied by the following supporting documents:
 - (a) true copies of all notes, bonds, mortgages, security agreements, financing statements, assignments, and any other document on which the movant will rely at the hearing;
 - (b) a report of any appraiser whose testimony is to be presented at the hearing;
 - (c) a statement of amount due, including a breakdown in the following categories:
 - (1) unpaid principal;
 - (2) accrued interest, from and to a specific date;
 - (3) late charges, from and to a specific date;
 - (4) attorney’s fees;
 - (5) advances for taxes, insurance, and like concepts;
 - (6) unearned interest;
 - (7) any other charges; and
 - (8) a per diem interest factor.
6. At least three (3) days prior to the hearing, respondent must file with the Court and serve upon movant – or his attorney if so represented – a report of any appraiser whose testimony is to be presented at the hearing, as well as a copy of any other document which it will use at the hearing.
7. If the motion for relief from stay is contested, counsel for the parties must confer with respect to the issues raised in the motion, in order to determine whether a consent order may be entered and/or to stipulate to relevant facts about the value of the property, and to the extent and validity of any security agreement.

CERTIFICATE OF SERVICE

I certify under penalty of perjury that I served a copy of the within Notice and Motion upon _____

on _____
(Date of Service)

By: _____
(Describe Mode of Service)

Executed on: _____
(Date)

SIGNATURE