

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

IN RE:

MOTIONS FOR RELIEF OF STAY
UNDER 11 USC §362 BEFORE THE
HON. ENRIQUE S. LAMOUTTE

FILED & ENTERED

JAN 9 1996

CLERK
U.S. BANKRUPTCY COURT
SAN JUAN, PUERTO RICO

96-01
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ORDER AND NOTICE TO PRACTITIONERS

The automatic stay is one of the fundamental protections which the Bankruptcy Code provides to debtors. On the other hand, there is a clear and unequivocal legislative intent which requires the expeditious resolution of a secured party's motion for relief of stay. The balancing of both interests mandates strict adherence to established procedures.

Consequently, you are hereby advised that Rule 4001 of the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rule 4001 must be strictly complied with. For the benefit of all parties in interest a summary of L.B.R. 4001 has been included in the reverse side of the Notice on Motion for Relief of Stay Under 11 USC §362 (Notice) which is made part of this Order as Attachment I.

Particular attention should be given to the following:

1. Service of both the motion for relief of stay and the notice shall be made within three (3) days after issuance of the notice. A certificate of service, as provided on the bottom of the reverse side of the Notice, must be filed forthwith, but not later than five (5) days after service is done. If the

1 certificate of service is not timely filed, the Court may deny the motion for
2 failure to give notice within three (3) from issuance and the matter will be
3 taken off the Court's calendar.

4 2. The motion must be answered within eleven (11) days after issuance
5 of the notice. If a certificate of service is timely filed and the respondent has
6 failed to time answer, judgment may be entered for the moving party and
7 matter will be taken off the Court's calendar.

8 3. If a certificate of service is timely filed and the respondent has timely
9 answered, a hearing will be held on the date indicated in the notice.

10 4. The Clerk shall post copy of this Order on the Court's Bulletin Board,
11 shall forward copy to the Puerto Rico Bankruptcy Bar President and shall
12 provide copy to each party filing a motion to lift stay.

13 SO ORDERED.

14 San Juan, Puerto Rico, this 8th day of January, 1996.

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20 ENRIQUE S. LAMOUTTE
21 Chief, U. S. Bankruptcy Judge

22 cc. President, P.R. Bankruptcy Bar
23 Counter
24 Bulletin Boards