

FILED & ENTERED

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

SEP 29 1999

1
2 IN THE MATTER OF :

U.S. BANKRUPTCY COURT
SAN JUAN, PUERTO RICO

3
4 MOTIONS FOR RELIEF OF STAY :

GENERAL ORDER NO. 99-1

5 UNDER 11 USC § 362 BEFORE THE
6 HON. SARA E. DE JESUS :

7
8
9 **ORDER AND NOTICE TO PRACTITIONERS**

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

16 Consequently, you are hereby advised that Rule 4001 of the
17 Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rule 4001
18 must be strictly complied with. For the benefit of all parties in
19 interest a summary of L.B.R. 4001 has been included in the reverse
20 side of the Notice on Motion for Relief of Stay Under 11 U.S.C. § 362
21 (Notice) which is made part of this Order as Attachment 1.

22 Particular attention should be given to the following:

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

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

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

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

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

17 SO ORDERED.

18 San Juan, Puerto Rico, on September 29, 1999.

Sara de Jesús
SARA DE JESÚS
U.S. Bankruptcy Judge

cc *P.R. Bankruptcy Bar*
Chapter 11 Trustees
Assistant U.S. Trustee
U.S. District Attorney
P.R. Federal Bar
Supervisors and Managers Clear Office
Bulletin Board

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

IN THE MATTER OF

	:		
	:		
	:	CASE NO:	ESL
	:		
Debtor	:	CHAPTER	
	:		
	:	INDEX	
	:		
	:		
Movant(s)	:		
	:		
	:		
	:		
Respondent(s)	:		
<hr/>			

NOTICE ON MOTION FOR RELIEF OF STAY UNDER 11 USC § 362

To the above named respondent(s):

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

Service of the motion and notice shall be made within three (3) days after issuance of the notice. A certificate of service must be filed forthwith, but not later than five (5) days after 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 _____ at the United States Bankruptcy Court, Federico Degetau Federal Building, Chardon Street, Room 490, Hato Rey, Puerto Rico, is fixed as the time and place for the hearing on such motion.

CELESTINO MATTA-MENDEZ, CLERK
UNITED STATES BANKRUPTCY COURT

BY: _____

DATE OF ISSUANCE: _____

Local Bankruptcy Rules for the District of Puerto Rico effective July 1, 1988 has established the following procedure for Motions Requesting Lifting of the Automatic Stay.

It appearing that pursuant to the provisions of §362 of the Bankruptcy Code, the Court is required to conduct prompt hearing with respect to motion for relief from the automatic stay and it further appearing that it is necessary to enter certain order to permit the Court to conduct the aforesaid prompt hearings, the following procedures shall govern motion filed under 11 USC §362.

1. Service of the Motion and of a Notice to substantially conform with Local Form No. 8 shall be made within three (3) days after issuance of the notice.
2. The Respondent shall file an answer within eleven (11) days after the issuance of the notice.
3. The specific date for the preliminary hearing is set forth in the notice.
4. Pursuant to §362(e) of the Code the hearing date specified in the notice may be a preliminary hearing or may be consolidated with the final hearing, as shall be determined by the Court.
5. Together with any motion requesting relief from the automatic stay, movant shall file with the Court the following supporting exhibits and documents:
 - a. True copies of all notes, bonds, mortgages, security agreements, financing agreements, assignments and any other document upon which the movant will rely at the hearing.
 - b. A detailed report of any appraiser whose testimony is to be presented at the hearing. Said detail report shall include the qualifications of the appraiser, the factual basis for the appraisal, including comparable sales if utilized and the method of appraisal.
 - c. A statement of amount due including a breakdown of the following categories:
 1. Unpaid principal
 2. Accrued interest from a specific date to a specific date
 3. Late charges from a specific date to a specific date
 4. Attorney's fees
 5. Advances for taxes, insurance and the like
 6. Unearned interest
 7. Any other charges
 8. A per diem interest factor
6. Three (3) days prior to the preliminary hearing, the respondent shall file with the Court and deliver to movant or his attorney, if so represented, a detailed report of any appraiser whose testimony is to be presented at the hearing. Said detailed report shall include the qualifications of the appraiser, the factual basis for the appraisal, including comparable sales if utilized and the method of appraisal. In addition, he shall also file copy of any other document that he intends to use at the hearing.
7. If the motion is contested, the attorneys for the parties shall confer with respect to the issues raised by the motion in advance of hearing for the purpose of determining whether a consent order may be entered and/or the purpose of stipulating to relevant facts as the value of the property, and to the extent and validity of any security instrument.

.....
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)