

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

IN THE MATTER OF :
 :
MOTIONS FOR RELIEF OF STAY : STANDING ORDER NO. 05-13
UNDER 11 U.S.C. §362 BEFORE THE :
JUDGE SARA DE JESUS :
 :
 :

ORDER AND NOTICE TO PRACTITIONERS

Items No.2 and No.3 of our General Order No. 99-1 of September 29,1999, are hereby amended to read as follows:

“2. The motion must be answered within eleven (11) days after issuance of the notice. If a certificate of service is timely filed and the respondent has failed to file a timely answer, judgment by default may be entered granting the relief requested by the movant.”

“3. If a certificate of service is timely filed and the respondent has timely answered, a preliminary and/or final hearing will be held on the date set in the “Notice on Motion for Relief from Stay under 11 U.S.C. §362.”

The clerk shall post copy of this order on the court’s bulletin board and web page, shall forward copy to the Puerto Rico Bankruptcy Bar president and shall provide copy to each party filing a motion to lift stay.

SO ORDERED.

San Juan, Puerto Rico, on Decmeber 23rd, 2005.


SARA DE JESÚS
U.S. Bankruptcy Judge

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 U.S.C. §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 to be scheduled may be a preliminary hearing or may 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 agreemnts, financing agreements, assignments and any other document upon which the movant will rely athe 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 sate 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 a 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 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 _____
By: _____
(Date of service) (Describe Mode of Service)

Executed on _____
(Date)

SIGNATURE