

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF FLORIDA**

In re:

Motions to Extend or Impose  
the Automatic Stay Under  
11 U.S.C. § 362(c)(3) and § 362(c)(4).

Administrative Order  
No. 15-002

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**ADMINISTRATIVE ORDER ADOPTING INTERIM PROCEDURES FOR  
MOTIONS TO EXTEND OR IMPOSE THE AUTOMATIC STAY  
UNDER 11 U.S.C. § 362(c)(3) AND § 362(c)(4)**

Because of the difficulties inherent in scheduling evidentiary hearings on all motions to impose or extend the automatic stay in the four Divisions within this District, the Court deems it necessary and appropriate to implement new procedures for such motions. This Administrative Order supplements Local Rule 4001-3.

The following procedures are adopted effective as to all Motions to Extend or Impose the Automatic Stay Under 11 U.S.C. § 362(c)(3) and § 362(c)(4) (“Motion”) filed on and after October 1, 2015:

1. **DEADLINE TO FILE.** Except for good cause shown in the Motion, a Motion filed pursuant to 11 U.S.C. § 362(c)(3) or § 362(c)(4) shall be filed within five (5) days of the date of the filing of the petition.

2. **CONTENTS OF MOTION; AFFIDAVIT REQUIRED IF PRESUMPTION ARISES UNDER 11 U.S.C. § 362(c)(3)(C) OR § 362(c)(4)(D).**

a. **Contents of Motion.** A Motion to Extend or Impose the Automatic Stay filed pursuant to this Order shall include the following information:

- i. the number of previous cases under the Bankruptcy Code involving the debtor and pending within the one-year period preceding the filing of the current case;
- ii. the jurisdiction and case number of each such case;
- iii. the date and reason(s) for dismissal of each such previous case;
- iv. an express statement whether any presumption of lack of good faith arises pursuant to § 362(c)(3)(C) or § 362(c)(4)(D); and
- v. the facts upon which the movant relies to (i) rebut any presumption of bad faith and (ii) demonstrate that the filing of the latter case is in good faith as to any creditors to be stayed.

b. **Affidavit or Declaration Required if Presumption Arises Under § 362(c)(3)(C) or § 362(c)(4)(D).** The movant shall attach a notarized Affidavit signed under penalty of perjury containing the facts upon which the movant relies to rebut any

presumption under § 362(c)(3)(C) or § 362(c)(4)(D). In lieu of an Affidavit, the movant may file an Unsworn Declaration Under Penalty of Perjury pursuant to 28 U.S.C. § 1746.

3. **NOTICE OF HEARING.** Upon the filing of a Motion subject to this Order, the Court will set a hearing to occur no later than 30 days from the date the petition was filed.

4. **SERVICE OF THE MOTION AND NOTICE OF HEARING.**

- a. The movant shall promptly serve the Motion (and any Affidavit or Declaration) in the manner required by the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and this Court's Local Rules upon each party against whom the movant seeks to extend or impose the stay, and creditors and parties in interest as may be required by the applicable rules. The movant shall file a certificate of service with the Motion, or no later than three (3) days after filing the Motion. The movant shall not delay service of the Motion pending resolution of a motion for expedited hearing or a motion to shorten time to respond to the Motion.
- b. The movant shall serve the notice of hearing in the same manner as required for service of the Motion.

5. **OBJECTION TO MOTION.** Unless otherwise ordered, any objection to a Motion subject to this Order shall be filed within 14 days after service of the Motion.

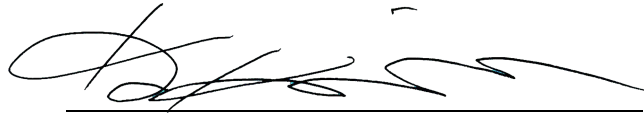
6. **ORDER ENTERED WITHOUT HEARING.** The Court may grant the Motion in accordance with Fed. R. Civ. P. 43(c) and Fed. R. Bankr. P. 9017 without hearing only if:

- a. the movant files and serves with the Motion the Affidavit or Declaration signed by the movant containing the facts upon which the movant relies to rebut any presumption under § 362(c)(3)(C) or § 362(c)(4)(D);
- b. no objection to the Motion is filed within 14 days subsequent to the service of the Motion (or such shorter time as is ordered); and
- c. the Court determines that the Motion complies with this Order and that the information contained in the Affidavit or Declaration is sufficient to rebut any presumption under § 362(c)(3)(C) or § 362(c)(4)(D).

7. **NO TRUSTEE APPROVAL.** If the Trustee has not objected to the Motion, the Trustee need not have approved the order granting the Motion prior to it being uploaded.

8. **HEARING IF NO ORDER ENTERED.** The Movant is responsible for submitting an order granting the Motion prior to the hearing if all other requirements of this Administrative Order are met. **The hearing will be held as scheduled unless an Order granting the Motion has been entered.** Movant's failure to appear at the hearing may result in the Motion being denied. If an objecting party fails to appear at any hearing, its objection will be deemed withdrawn.

DONE AND ORDERED on September 24, 2015.

A handwritten signature in black ink, appearing to read 'K. Specie', written over a horizontal line.

Karen K. Specie  
United States Bankruptcy Judge