

UNITED STATES BANKRUPTCY COURT

DISTRICT OF HAWAII

In re:

PROCEDURES REGARDING
RELIEF FROM THE AUTOMATIC
STAY AND THE CODEBTOR STAY.

Administrative Order

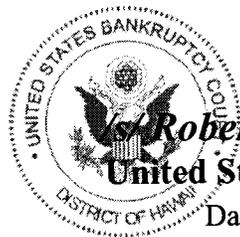
Dated: January 3, 2005

**ORDER REQUIRING FILING OF DECLARATION FOR ENTRY OF
ORDER GRANTING BY DEFAULT MOTION FOR RELIEF FROM STAY**

Pursuant to Rule 9029 of the Federal Rules of Bankruptcy Procedure and in furtherance of the provisions of the Servicemembers Civil Relief Act of 2003,

IT IS HEREBY ORDERED that a party requesting the entry of an order granting relief from the automatic stay or the codebtor stay pursuant to LBR 4001-1(a)(3)(B) shall file a declaration stating whether the respondent is or is not in military service or whether the moving party is unable to determine the respondent's military status. The declaration shall substantially conform to the court-issued form **Declaration for Entry of Order Granting by Default Motion for Relief from Stay (hib_4001-1dec)**, attached hereto as an exhibit. The filing of this declaration, which identifies the parties on whom the proposed order has been served, shall satisfy the requirement under LBR 4001-1(a)(3)(B) that the proposed order be accompanied by a certificate showing service of a copy of the proposed order on the same parties required to be served the underlying motion. The requirement to file the above-

described declaration is effective February 1, 2005.



Robert J. Faris

United States Bankruptcy Judge

Dated: January 03, 2005

Attorney or Party Name, Address, Phone, Fax, Email		[for court use only]	
		UNITED STATES BANKRUPTCY COURT DISTRICT OF HAWAII	
		Case No.	Chapter
In re [Debtor(s)]:		Scheduled Hearing: Date: Time:	
DECLARATION FOR ENTRY OF ORDER GRANTING BY DEFAULT MOTION FOR RELIEF FROM STAY			
Moving Party:			
Relief from Stay re: [identify subject matter]			
Related Docket No.:		Objection Deadline:	

The undersigned declares under penalty of perjury that the statements below are true and correct and requests that the court enter an order granting the motion for relief from stay filed by the above-named party.

1. I am or represent the above-named party and have personal knowledge of the facts stated in this declaration.
2. A motion seeking relief from stay under 11 U.S.C. § 362 and/or § 1301 was filed by the above-named party in accordance with Fed. R. Bankr. P. 4001, LBR 4001-1, and any other applicable rules.
3. Notice of the motion and a hearing date and time for its consideration was given promptly to the debtor(s) and/or all parties against whom relief is sought in accordance with Fed. R. Bankr. P. 4001, LBR 4001-1, and any other applicable rules, as evidenced by a certificate of service filed in this case.
4. Said notice advised the debtor(s) and/or all parties against whom relief is sought that the failure to file a response opposing the motion by the deadline noted above may result in the court entering an order granting the relief requested.
5. A copy of the proposed order granting the motion has been served on the parties identified below by first class mail postage prepaid, hand delivery (“HD”), or electronic transmission through the court’s facilities (“ECF”).

Date of Service of Proposed Order (*not less than 12 days after motion filed*):

[Attach additional pages if necessary.]

6. The court docket in this case indicates that no response in opposition to the motion has been filed (or that any response filed in opposition to the motion was subsequently withdrawn), nor have I received any opposition statement.
7. The Servicemembers Civil Relief Act of 2003 (“SCRA”) does not prohibit the entry of an order by default based on the following.
- The respondent is not an individual.
 - No individual against whom relief is sought is a servicemember in military service based on a review of the record in this case or based on the following information:
 - One or more individuals against whom relief is sought is a servicemember in military service but any such individual is represented by an attorney or SCRA protections do not apply for the reason(s) stated in an attached memorandum.
 - I am unable to determine whether or not an individual against whom relief is sought is a servicemember in military service and understand that the court may require the posting of a bond before entering an order granting the relief requested.

Dated: _____