UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

186

In re Administrative Order Supplementing the Local Bankruptcy Rules for the Southern District of New York.

WHEREAS, the United States Bankruptcy Code (11 U.S.C. § 101 et seq.) (the "Code") and Federal Rules of Bankruptcy Procedure as supplemented by the Local Bankruptcy Rules authorize the entry of Orders on application after notice and an opportunity to be heard; and

WHEREAS, certain applications are frequently uncontested; and

WHEREAS, the Court desires to have a procedure whereby the following motions or applications can be made upon Notice of Motion on Presentment and Opportunity for a Hearing on a standard form prescribed by the Court:

a. Motions pursuant to 11 U.S.C. § 362 to terminate the stay in a proceeding filed under Chapter 13 of the Code.

b. Confirmation of the sale pursuant to Local Bankruptcy Rule 6004-1.

c. Motions to extend the time to assume or reject a lease pursuant to 11 U.S.C. § 365(d)(4).

d. Motions for a default in an adversary proceeding pursuant to Bankruptcy Rule 7055.

e. Motions to extend the time to object to discharge and/or dischargeability pursuant to Fed. R. Bankr. P. 4004 and 4007.

f. Applications to avoid a judicial lien insofar as it impairs exemptions pursuant to 11 U.S.C. § 522(f).

g. Applications for an examination pursuant to Fed. R. Bankr. P. 2004 to the extent that the same would not be granted ex parte.

h. Objections to the Debtor's claim of exemption pursuant to Fed. R. Bankr. P. 4003(b).

THEREFORE, it is

ORDERED, that the Local Bankruptcy Rules for the Southern District of New York be supplemented to provide that the motions or applications listed above may, but need not, be submitted by Notice of Motion on Presentment and an Opportunity for a Hearing using the standard form prescribed by the Court; and it is further

ORDERED, that any motion or application submitted pursuant to this Order must conform with the notice requirements under the applicable provisions of the Bankruptcy Code, Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules.

Dated: New York, New York
~~September~~ October 6, 1997

CHIEF UNITED STATES BANKRUPTCY JUDGE

STANDARD FORM

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Presentment Date:_____

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In re

Chapter____
Case No._____

Debtors(s)

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NOTICE OF PRESENTMENT
AND
OPPORTUNITY FOR HEARING

PLEASE TAKE NOTICE that upon the annexed application of [insert name of applicant], the undersigned will present the annexed proposed Order pursuant to [Code and/or Rule citation] to the Honorable _____United States Bankruptcy Judge, for signature on [insert any date conforming to the notice requirements under applicable rules for the particular type of motion].

PLEASE TAKE FURTHER NOTICE that unless written objections to the proposed Order with proof of service are filed with the Clerk of the Court and courtesy copies delivered to the Bankruptcy Judge's chambers at least three days before the date of presentment, there will not be a hearing and the Order may be signed on default.

PLEASE TAKE FURTHER NOTICE that if a written objection is timely filed, the Court will notify the moving and objecting parties of the date and time of the hearing. The moving and objecting parties are required to attend said hearing, and failure to attend in person or by counsel may result in relief being granted or denied on default.

Dated:_____

[NAME OF LAWYER OR LAW FIRM]

By_____
Attorneys for _____
[address and telephone no.]

TO:

[names and addresses of all parties
entitled under the Rules to receive notice]