

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA

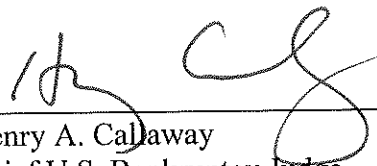
IN RE: )  
)  
Procedure for Unopposed ) Administrative Order No. 2019-5  
Motions for Relief from Stay )  
in Chapter 7 Cases )

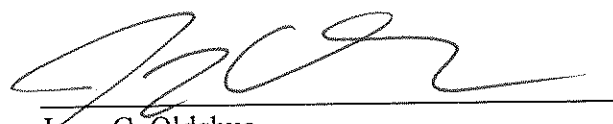
PROCEDURE FOR UNOPPOSED MOTIONS FOR RELIEF FROM STAY  
IN CHAPTER 7 CASES

In order to better comply with Bankruptcy Rule 4001, the court has modified the stay relief filing events in CM/ECF. Under the judicial council fee schedules, no filing fee is required for (1) a motion for relief from the co-debtor stay under Bankruptcy Code § 1301; (2) a motion for relief from stay by a domestic support obligation creditor or representative; or (3) motion for approval of an agreement as to relief from stay. This order addresses the third option.

The court has eliminated the “consent motion for relief from stay” ECF event and created an ECF event called “Joint Motion for Approval of Agreement to Lift Stay in a Chapter 7 Case” with wet or electronic signatures on behalf of the creditor, debtor, and Chapter 7 trustee. The event does not require a fee, and the parties are authorized to send a proposed order to chambers without a hearing, affidavit, or fact summary. There will not be a corresponding event in chapter 13’s, and all motions for relief from stay in chapter 13 cases except those to pursue a divorce or domestic support obligation will be set for hearing.

Dated: May 6, 2019

  
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Henry A. Callaway  
Chief U.S. Bankruptcy Judge

  
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Jerry C. Oldshue  
U.S. Bankruptcy Judge