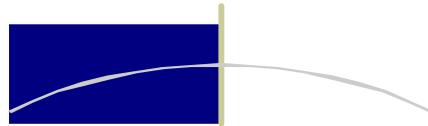


**United States Bankruptcy Court
Central District of California**



efile



**MOTION FOR
RELIEF FROM STAY
PROCEDURES**

May 2004

MOTION FOR RELIEF FROM STAY PROCEDURES

A. Overview

eFile, the electronic court document filing system for the United States Bankruptcy Court for the Central District of California, allows registered users to file Relief From Stay Motions with the Court from their computers. Submission of Relief From Stay Motions is a three-step process: (1) preparing and submitting the proposed motion on-line, (2) serving the approved proposed motion, and (3) uploading the executed Proof of Service to officially file the motion electronically.

B. Preparing the Proposed Motion

1. Prior to preparing your proposed motion, obtain calendar hearing dates and times via the Court's Self-Calendaring System. You can obtain self-calendaring information from the Court's web site.

NOTE: *eFile* Motions for Relief From Stay on shortened notice can only be submitted for those judges who do not require an Application and Order for Shortened Time. Please refer to the self-calendaring instructions.

- a. From your web browser, go to <www.cacb.uscourts.gov>.
 - b. Select ***Procedures/Rules/Forms → Self-Calendaring System***.
 - c. Select a judge from the list of judges and check for available dates and times. **Be sure to note the courtroom number and floor number as these two items are required for the proposed motion.**
 - d. At the present time, the following are the only Motions For Relief From Stay that may be electronically filed:
 - (i) F 4001-1M.PP - Personal Property
 - (ii) F 4001-1M.RP - Real Property
 - (iii) F 4001-1M.UD - Unlawful Detainer
2. After obtaining calendar information, go to the Court's home page. Select ***Electronic Services → eFile***, and log in using your ***username*** and ***password***.

- From the *eFile* Main Menu, select the desired motion type from the drop-down Filing Options menu. (See red circled area in Figure 1 below.)

The screenshot shows the eFile Main Menu interface. At the top, there is a navigation bar with the eFile logo and links for USBC Home, eFile Home, FAQs, and Procedures. Below this is the MAIN MENU section. On the left, there is a 'Filing Options' dropdown menu (circled in red) with 'Motion for Relief - Real Property' selected. Below it is a 'Division' dropdown menu (boxed in green) with 'Los Angeles' selected. The 'Case Type' is set to 'Bankruptcy'. The 'Case Number' field (boxed in red) contains '02-27866' with an example '(Example 00-12345)'. On the right side, there are several buttons: 'INCOMPLETE DOCUMENTS' (with a 'Motions' dropdown), 'PENDING PROOF OF SERVICE' (with a 'Motions' dropdown), 'UPDATE MY REGISTRATION!', 'CHANGE MY PASSWORD', and 'DOCUMENT HISTORY'. At the bottom, there are 'Create New Document' and 'Reset' buttons.

Figure 1

- From the drop-down Division Menu, select the *division* where the bankruptcy case in which you are filing your motion is pending. (See green box in Figure 1 above.)
- Enter the case number, following the example format. (See red box in Figure 1 above.) Click on **Create New Document** or press **<Enter>**. If an error was made when entering the case number, click on the **Reset** button to remove all information entered in the case number field. Re-enter the correct case number.
- Your selected motion form will appear on the screen.

NOTE: Certain form fields will be automatically populated with information from the Court's Case Management System.

- Enter the **hearing date** and **time** you obtained via the Court's Self-Scheduling System. (The time is defaulted to 8:00 a.m. Change as necessary.)
- Enter the **courtroom number** and **floor** of the judge who will be hearing the motion.
- Enter the **name of the Movant** in the field below the notice of motion caption. (See green box in Figure 2 on page 3.) Click on the **<Page>** tabs to move from page to page. (See blue box in Figure 2 on page 3.)

F4001-1M.RP | Page 2 | Page 3 | Page 4 | Page 5 | Page 6 | Page 7 | Page 8 | Page 9 | Page 10 | Save Draft Motion

Attorney or Party Name, Address, Telephone & FAX Numbers, and California State Bar Number Dana J Savoy Bar ID:123654 8888 Any Street Los Angeles CA 90012 Telephone # 213-894-7741 Fax # 213-894-2364	FOR COURT USE ONLY
<input type="checkbox"/> Individual appearing without counsel <input checked="" type="checkbox"/> Attorney for Movant	
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re: HUNT, MICHAEL W HUNT, DEBRA A ROBERT D PRYCE	CHAPTER: 7 CASE NO.: LA02-26782VZ DATE: <input type="text"/> TIME: 08:00 AM CTRM: <input type="text"/> FLOOR: <input type="text"/> Debtor(s): Trustee:
NOTICE OF MOTION AND MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 (with supporting declarations) (MOVANT:	
Alpha Omega Mortgage Bank, Successor in Interest to American Sigma Savings and Loan Bank (Real Property)	

Figure 2

10. Enter all necessary information as you would when manually filing a relief from stay motion.
 - a. Property Description
 - (1) **Personal Property** - Enter the *property description*. (See green box in Figure 3 below.)

F4001-1M.PP | Page 2 | Page 3 | Page 4 | Page 5 | Page 6 | Page 7 | Page 8 | Page 9 | Save Draft Motion

In re: SOMMERS, ANGELA L	CHAPTER:7 CASE NUMBER: LA02-25766AA
MOTION FOR RELIEF FROM STAY (MOVANT:	
Alpha Modifications	
1. The Property at Issue: Movant moves for relief from the automatic stay with respect to the following personal property (the "Property"):	
<input checked="" type="checkbox"/> Vehicle (describe year, manufacturer, type, and model): 2003 Nissan Sentra	
Vehicle Identification Number:	<input type="text" value="WX234X324328213X2343223E"/>
Location of vehicle (if known):	<input type="text"/>
<input type="checkbox"/> Equipment (describe manufacturer, type, and characteristics):	
<input type="text"/>	
Serial number(s):	<input type="text"/>

Figure 3

(2) **Real Property**

(a) Either:

- 1) Enter the **street address, apartment/suite number, and city, state, and zip code**, if applicable in section 1a. - "The Property at Issue." (See red box in Figure 4 below.) An example for vacant land would be:

Street address: Corner of Highway 39 at Route 12

City: Lancaster, California

or

- 2) In section 1b., enter the **legal description, Assessor's Parcel Number (APN) and/or Deed of Trust** document number. Indicate which item is referenced and include the county and state. (See green box in Figure 4 below.) The text limit in this field is 256 characters. If your entry exceeds this amount, a warning dialog box will appear. (See Figure 5 on page 5.) **DO NOT ENTER "See attached" in this field.**

Figure 4



Figure 5

- (b) **(Optional)** Check the box in section 1c. labeled “Legal description of subject property is page 1 of attached exhibit.” (See red box in Figure 6 below.)

NOTE: If you choose this option, the full legal description of the subject property **must** appear as page 1 of your Portable Document Format (PDF) file as shown in Figure 7 on page 6. See item 11 on page 7.

F 4001-1M.RP	Page 2	Page 3	Page 4	Page 5	Page 6	Page 7	Page 8	Page 9	Page 10	Save Draft Motion
In re: SOMMERS, ANGELA L					CHAPTER:7 CASE NUMBER: LA02-25766AA					
MOTION FOR RELIEF FROM THE AUTOMATIC STAY (MOVANT:)										
Movant Name on Real Property Motion for Relief from Automatic Stay										
1. The Property at Issue: Movant moves for relief from the automatic stay with respect to following real property (the "Property"):										
a.	Street Address:	2345 Test Street								
	Apartment/Suite No.:									
	City, State, Zip Code:	Anytown, CA 90001								
b.	Legal description, Assessor's Parcel Number (APN) and/or Deed of Trust document recording number for the Property. Indicate which item referenced and include County and State.									
	<div style="border: 1px solid gray; height: 40px;"></div>									
c.	<input checked="" type="checkbox"/> Legal description of the Property is page 1 of attached exhibit.									

Figure 6

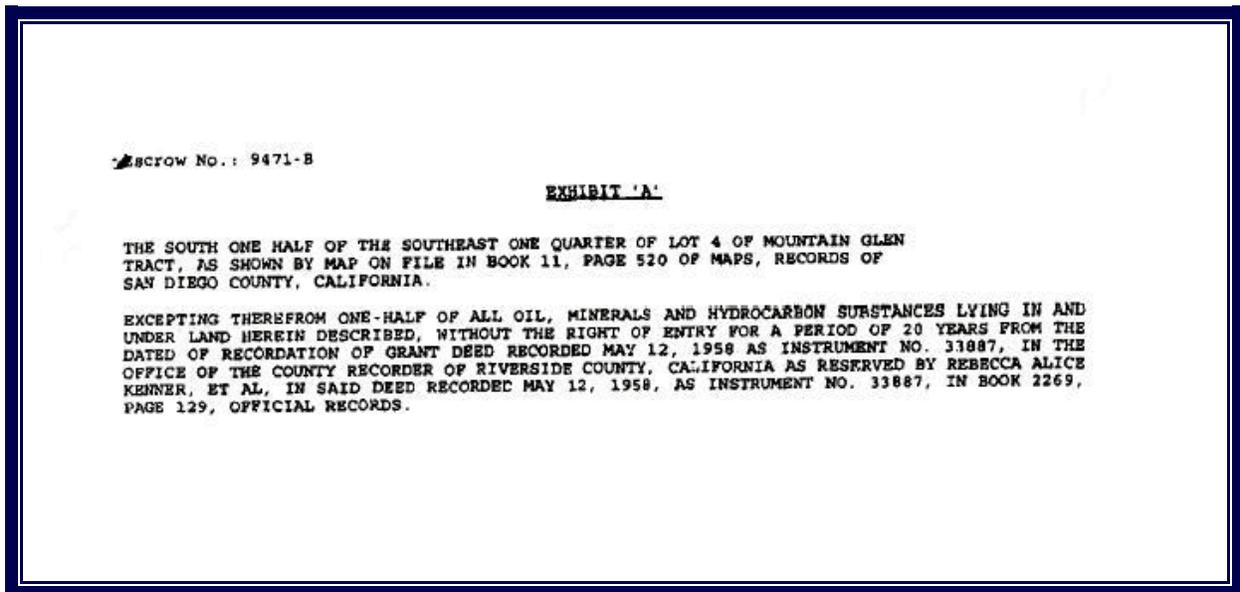


Figure 7

- (3) **Unlawful Detainer** - Enter the **street address, apartment/suite number** and **city, state, and zip code**. (See red box in Figure 4 on page 4.)

b. Other Grounds for Relief from Stay

Enter **other grounds for relief from stay** in the free-form text box. (See red box in Figure 8 below.) The text limit in this field is 256 characters. If your entry exceeds this amount, a warning dialog box will appear. (See Figure 5 on page 5.)

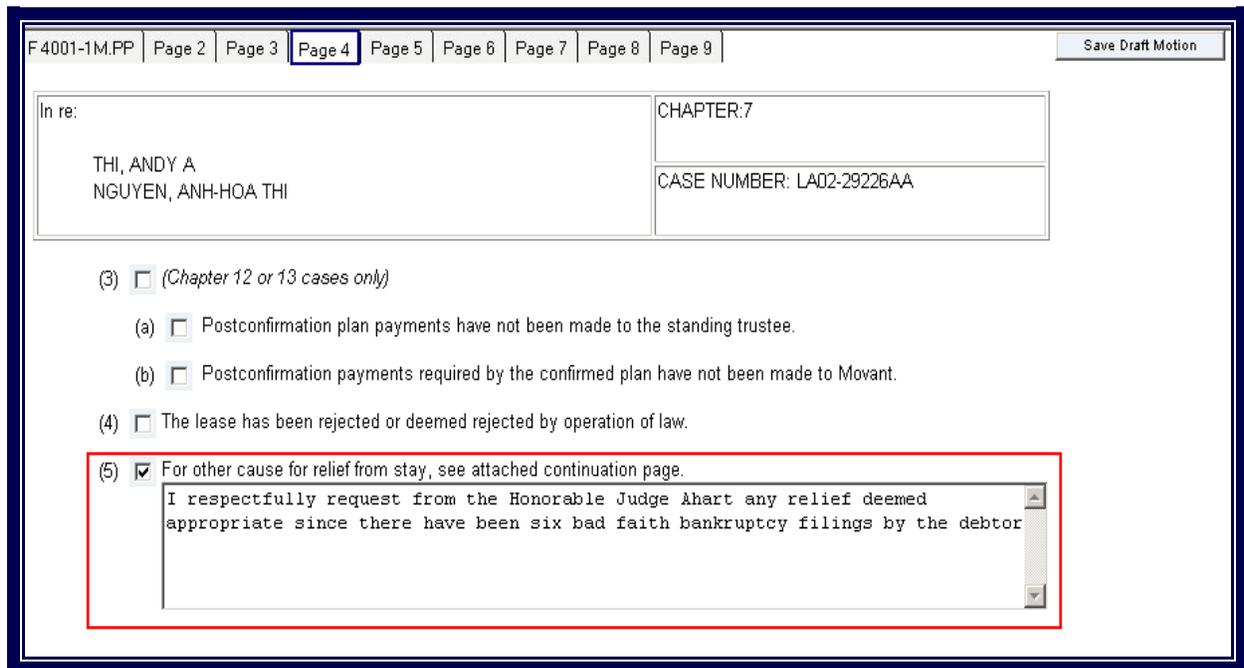


Figure 8

c. Declarant's Name

Enter the **Declarant's name** on the Declaration page. This entry will also appear on the last page of the motion in the **Print Declarant's Name** field. (See red box in Figure 9 below.)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this Declaration was executed on 04/30/2004 at Oxnard, CA (city, state).

Cyndee Johnson
Print Declarant's Name

Signature of Declarant

This form is mandatory by Order of the United States Bankruptcy Court for the Central District of California
Revised May 2004 F 4001-1M.PP

You have completed a proposed motion that will be temporarily stored by the Court to allow the eFile Administrator to verify the hearing information. Please review the accuracy of your proposed motion before you upload any attachment(s) and/or exhibit(s). You will have no further opportunity to modify the proposed motion if you continue.

Click on the **SUBMIT** button to format this proposed motion and for verification of the hearing information by the Court, or click on the **SAVE DRAFT MOTION** button to complete your draft motion in another session. After verification, the Court will send you an e-mail with a link to the PDF file of the proposed motion and any attachment(s) and/or exhibit(s) for service pursuant to Amended General Order 02-01.

NOTE: Submitting this proposed motion for verification with the Court does not represent an official filing.

Please attach/upload the PDF file of the Exhibit(s): C:\Documents and Set Browse...

Back Submit

Figure 9

11. Any exhibits attached to the proposed motion must be submitted in a PDF file. To convert word processing documents to PDF or to scan documents to PDF, you are required to have Adobe Acrobat Writer software (version 4.0 or 5.0 **only**) installed on your computer.

NOTE: All attachments must be contained in **one** PDF file.

12. After entering all the information, you may either Save Draft Motion (see red box in Figure 10 below) or submit the proposed motion for verification by clicking on the **Submit** button.

F4001-1M.RP Page 2 Page 3 Page 4 Page 5 Page 6 Page 7 Page 8 Page 9 Page 10		Save Draft Motion
Attorney or Party Name, Address, Telephone & FAX Numbers, and California State Bar Number Dana J Savoy Bar ID:123654 8888 Any Street Los Angeles CA 90012 Telephone #: 213-894-7741 Fax #: 213-894-2364 <input type="checkbox"/> Individual appearing without counsel <input checked="" type="checkbox"/> Attorney for Movant		FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA		
In re:		CHAPTER: 7
HUNT, MICHAEL W HUNT, DEBRA A ROBERT D PRYCE		CASE NO.: LA02-26782VZ
Debtor(s).		DATE: []
Trustee.		TIME: 08:00 AM
		CTRM: []
		FLOOR: []
NOTICE OF MOTION AND MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 (with supporting declarations) (MOVANT:		
Alpha Omega Mortgage Bank, Successor in Interest to American Sigma Savings and Loan Bank of		
(Real Property)		

Figure 10

13. It may take a few minutes to complete the process. A message confirming your submission will appear on your screen. Print and save the confirmation for future reference.

C. Serving the Proposed Motion

1. After the Court processes your proposed motion, you will receive an e-mail containing a link to your proposed motion. (See red box in Figure 11 on page 9.) Click on the link contained in this e-mail.

NOTE: The file name bears the Transaction ID number needed in step 3 of Section D (Filing the Proposed Motion). (See red box in Figure 13 on page 10.)

From : <Bruce_Lee/bkla-efiletest%BKLA-EFILETEST@circ9.dcn>
Sent : Monday, April 19, 2004 9:44 AM
To : dsavoy2004@yahoo.com
CC : Savoy2004@hotmail.com
Subject : Proposed Motion (Unlawful Detainer) Notification

Dear Dana Savoy:

Your Proposed Motion has been received by the Court.

You may not alter this document. If you need to make a correction or modification to the Proposed Motion, you must notify the eFile Administrator and prepare a new motion. To proceed with the next step of electronically filing of your document, click on the link below and download, print, and serve the approved eFile version of the Proposed Motion.

[http://156.131.158.47/e.nsf/f/000223/\\$FILE/20040419000223.pdf](http://156.131.158.47/e.nsf/f/000223/$FILE/20040419000223.pdf)

After you have served the unaltered copy of the Proposed Motion and are ready to complete the filing of the motion: 1) return to the eFile system;

Figure 11

In the event that the link is not operational or if you delete the e-mail by mistake, you may access your proposed motion by returning to the *eFile* Main Menu and clicking on **DOCUMENT HISTORY**. When the Status Transaction ID screen appears, click on **Proposed**. (See red box in Figure 12 below.)

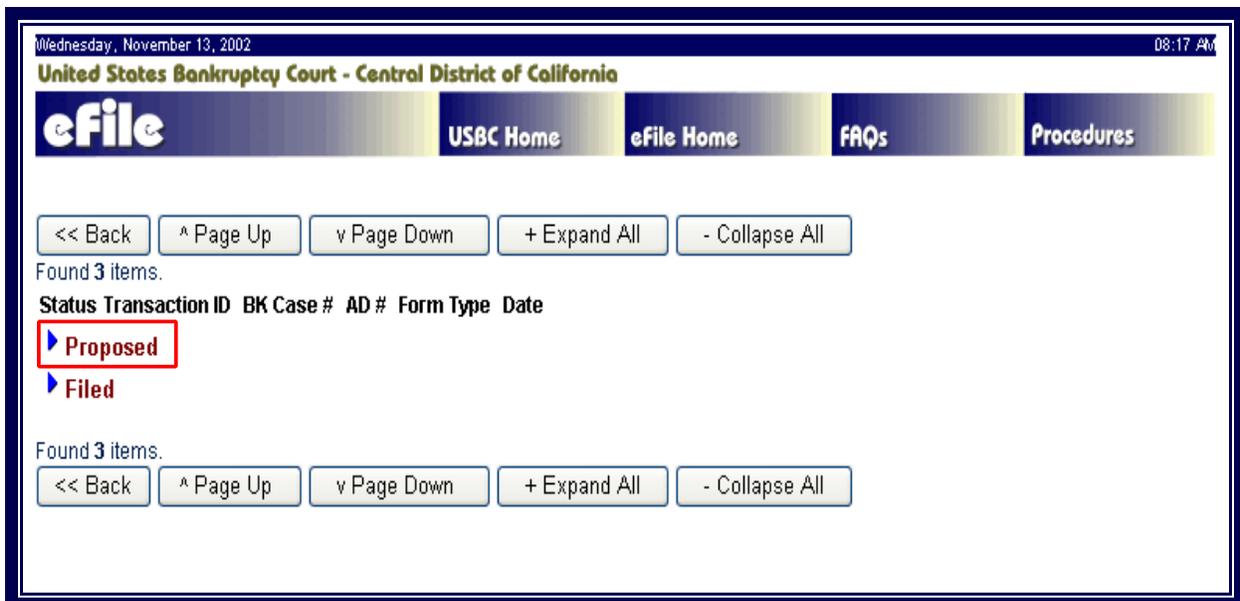


Figure 12

You will see a list of your proposed motions in order by Transaction ID number. (See Figure 13 below.)

Monday, April 19, 2004 09:55 AM
United States Bankruptcy Court - Central District of California

eFile USBC Home eFile Home FAQs Procedures

<< Back ^ Page Up v Page Down + Expand All - Collapse All

Found 13 items.

Status	Transaction ID	BK Case #	AD #	Document Type	Date
Proposed	20040419000223	LA02-10122AA		F 4001-1M.UD	04/19/2004
	20040406000145	LA02-25766AA		F 4001-1M.PP	04/19/2004
	20040409000161	LA02-10122AA		F 4001-1M.PP	04/19/2004

Filed

Found 13 items.

<< Back ^ Page Up v Page Down + Expand All - Collapse All

Figure 13

2. Download, print, and serve the proposed motion as required by Local Bankruptcy Rules 7004-1(b) and 9013-1(a)(6).

NOTE: The proposed motion you download and print from the e-mail becomes the Motion of Record. Therefore, you must serve this motion without modification. If you need to make a correction or modification to the proposed motion, you must notify the eFile Support Center at (213) 894-2365 and prepare a new motion. (See Section "B. Preparing the Proposed Motion" on page 1.)

D. Filing the Proposed Motion

Once you have served the proposed motion on the appropriate parties, submit your Proof of Service to complete the filing of the proposed motion. The Proof of Service must be scanned into a PDF file in order for the Court to accept the filing.

NOTE: If there is a signed Declaration on the original electronic motion, please include the signature page (page 9 - Personal Property, page 10 - Real Property, and page 7 - Unlawful Detainer) with your Proof of Service PDF file.

1. Go to the eFile home page and log in.

2. From the *eFile* Main Menu, click on **PENDING PROOF OF SERVICE**. (See Figure 1 on page 2.) A list of proposed motions will be shown in order by Transaction ID number. (See Figure 12 on page 9.) Double-click on the Transaction ID number that matches the number on the confirmation e-mail.
3. Click to the last page of the motion. Go to the bottom of the page and upload the Proof of Service PDF file (along with any signed Declaration as indicated in paragraph D. 1.).
4. Please read the Warning section on the last page of the motion for information regarding the filing of the motion.
5. Click on **Submit Motion**. Then click on **OK** to process the fee. Your credit card will be charged, and the filing will be complete.
6. You will receive a Filed Motion Notification e-mail within one business day. Click on the link contained in this e-mail to download and print your motion.

NOTE: If you are not already logged in to *eFile*, you will be prompted to enter your **username** and **password**.

This document is your conformed copy of the filed motion. The link will be available for the next five business days. After that time, you may locate the document on webPACER.

In the event that the link is not operational or if you delete the e-mail by mistake, you may access your filed document by returning to the *eFile* Main Menu and clicking on **DOCUMENT HISTORY**. When the Status Transaction ID screen appears, click on **Filed**. (See blue box in Figure 12 on page 9.)

Locate your Filed Motion by the Transaction ID number. (See Figure 13 on page 10.)

E. Post Relief From Stay Filing Information

1. Submission of courtesy copies to chambers is **not** required. Filing electronically fulfills your courtesy copy requirement as stated in Local Bankruptcy Rule 9013-1(a)(8).
2. Unless otherwise ordered by the presiding judge, you will **not** be required to submit a Proposed Form of Order and stamped addressed envelopes if your motion is granted at the court hearing.
3. If you do not receive a conformed copy of the entered order within five business days, contact the Courtroom Deputy for the presiding judge.