

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA

IN RE)
)
LOCAL RULES OF PRACTICE)
)

ORDER AMENDING LOCAL BANKRUPTCY RULES

Notice of proposed amendments to the local rules of this court was given to the bar and the public on February 17, 2009. The last date for submitting comments concerning the proposed amendment was March 19, 2009, and the court received no comments. Effective immediately, the court adopts new local bankruptcy rule L.B.R. B-4001-1, which reads as follows:

B-4001-1
Relief from Stay in Chapter 13 Cases

(a) If a confirmed chapter 13 plan provides for the surrender of property in which a creditor has an interest, whether as a lienholder or as a lessor, the automatic stay is terminated upon confirmation, and without the need for a further order of the court, to allow the creditor to foreclose upon, repossess, or otherwise proceed *in rem* against that property. The surrendered property will, nonetheless, remain property of the estate until it has been disposed of pursuant to applicable non-bankruptcy law as a result of the creditor's proceedings unless the confirmed plan specifically provides for its abandonment or the court enters a separate order of abandonment, following an appropriate motion and notice to creditors.

(b) In a case under chapter 13, if the provisions of a plan provide for the surrender of property in which a creditor has an interest, the court will consider a motion for relief from stay and/or abandonment as to such property without holding a hearing, unless a party in interest files an objection to the relief requested, provided that:

(1) The motion is titled "Motion for Relief from Stay and/or Abandonment Because Plan Proposes to Surrender Property";

(2) Movant serves all creditors and parties in interest with a notice of the motion and the opportunity to object thereto, containing the information required by Local Bankruptcy Rule B-2002-2(c), and makes due proof thereof; and

(3) The deadline for filing objections to the motion is no less than fifteen (15) days after service of the notice and no sooner than seven (7) days after the first date set for the meeting of creditors held pursuant to section 341(a) of the United States Bankruptcy Code.

The failure to comply with the requirements of sub-paragraphs (b)(2) and (b)(3) will constitute a waiver of any time limits associated with ruling on the motion, including the time limits set forth in 11 U.S.C. § 362(e).

(c) A motion for relief from stay and/or abandonment, other than a motion because a plan proposes to surrender property, will be set for such proceedings as the court deems appropriate.

SO ORDERED.

Dated: May 11, 2009

/s/ Harry C. Dees, Jr.
Harry C. Dees, Jr., Chief Judge
United States Bankruptcy Court

/s/ Robert E. Grant
Robert E. Grant, Judge
United States Bankruptcy Court

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

/s/ Kent Lindquist
Kent Lindquist, Judge
United States Bankruptcy Court