

Judge Reyes Bordeaux's Additional Requirements for Motions for Relief from Stay

Under Federal Rule of Bankruptcy Procedure 4001(a), motions for relief from stay shall be served on certain identified parties and “such other entities as the court may direct.” In addition to the requirements set forth under Federal Rule of Bankruptcy Procedure 4001(a) and the Local Bankruptcy Rules, below are the additional service requirements.

- (1) When a lienholder moves for relief from stay, any party holding a lien against or interest in the property is likely affected. Judge Reyes Bordeaux requires any motion for relief from stay – where the movant seeks authority to foreclose upon (or to validate a foreclosure sale conducted with regard to) **property** owned by the debtor or the estate – be served on all parties (other than the movant) identified in the debtor’s schedules or the public record as holding a lien against or interest in the property that is subject of the motion. **Property** includes real, personal, tangible, or intangible.

- (2) Any motion for relief from stay – where movant seeks authority to foreclose upon (or to validate a foreclosure sale conducted with regard to) **property** owned by the debtor or the estate – shall include a copy of the debtor’s Statement of Intention as an exhibit to the motion. **Property** includes real, personal, tangible, or intangible. If the debtor did not file a Statement of Intention, the movant should include this information in the declaration that it files in support of the motion.

- (3) Any motion for relief from stay where movant seeks relief under § 362(d)(4) shall be served on the original borrower.