

Policy on Granting R. 4001(a)(3) Relief as Matter of Course
Revised December 10, 2002

This Court will no longer grant relief from the ten-day stay of execution on an Order Lifting Stay as is provided for in R. 4001(a)(3) as a matter of course. Many practitioners request this relief and incorporate it into their proposed stay relief orders without setting forth any basis for the relief requested. After careful consideration, this Court has concluded that granting this relief as a matter of routine, particularly in cases where stay relief has been unopposed and is being granted by default, risks working considerable hardship on debtors, and particularly consumers, by effectively mooting any post-order remedies or relief they might seek. The Rule provision grants the Court wide discretion in shortening or eliminating the ten-day stay upon proper request. The Court believes this discretion is rendered meaningless if the relief is routinely granted without stated basis.

Creditors seeking to shorten or eliminate the ten-day stay pursuant to R. 4001(a)(3) should include in *both* their *motion and proposed order* a concise statement of the basis for shortening or eliminating the stay. Examples of such reasons might be concerns regarding the maintenance, insurance, or integrity of the collateral. The Court will appreciate creditors' lawyers' cooperation in altering their forms accordingly.

December 10, 2002

/s/ Robert E. Nugent
Chief Bankruptcy Judge
U. S. Bankruptcy Court, District of Kansas

/s/ Janice Miller Karlin, Bankruptcy Judge
U.S. Bankruptcy Court, District of Kansas

