

Policy on Granting Rule 4001(a)(3) Relief as Matter of Course

This Court does not grant relief as a matter of course from the 14-day stay of execution on an Order Granting Relief from the Automatic Stay, provided for in Fed. R. Bankr. P. 4001(a)(3). Many practitioners request this relief and incorporate it into their proposed stay relief orders without setting forth any basis for the relief requested. 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 grants the Court wide discretion in shortening or eliminating the 14-day stay upon proper request. The Court believes this discretion is rendered meaningless if the relief is routinely granted without any stated basis.

Creditors with cause to seek to shorten or eliminate the 14-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 approve an order requesting that relief if all parties in interest have approved the order.

The Court appreciates creditors' lawyers' cooperation in altering their forms accordingly.

Dated this 7th day of October, 2011.

/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

/s/ Dale L. Somers, Bankruptcy Judge
U.S. Bankruptcy Court, District of Kansas

/s/ Robert D. Berger, Bankruptcy Judge
U.S. Bankruptcy Court, District of Kansas