

**INSTRUCTIONS FOR PREPARING:
MOTION TO REINSTATE AUTOMATIC STAY**

I. General Instructions

- a. The information in this document and the prompts contained in the attached motion package are not legal advice and are not a substitute for legal advice.
- b. A motion is a formal request for relief from the court. These instructions and the prompts contained in the documents will help you prepare the motion. A “motion package” typically consists of four documents: 1) a Notice of Motion; 2) a Certification in Support of the Motion, including any Exhibits; 3) a Statement as to Why no Brief is Necessary, 4) a Certification of Service; and 5) a proposed Order. (Some motions require the filing of a brief or memorandum of law where the litigant provides legal arguments setting forth why they believe they are entitled to the relief sought.). See Local Rule 9013-1 and 9013-3.
- c. When you submit your motion to the Clerk’s Office, you must provide 1 original set of documents and 1 copy.
 - i. If you file the motion in person at the clerk’s office, the copy will be given back to you marked “Filed.”
 - ii. If you mail the motion to the Clerk’s Office, you must include a self-addressed, stamped envelope for the return of your filed Motion.
- d. You do not have to appear in court on the hearing date unless someone objects or responds to your motion. If a party objects or files a response and you do not appear at the hearing your motion may be denied. See Local Rule 9013-3.
- e. Complete the blank forms in this package by following the prompts.
- f. Hearing date: Each judge’s hearing dates are available on the court’s web site: <http://www.njb.uscourts.gov/judges-info/hearing-dates>. The hearing date on this motion must be scheduled for at least 21 days after the date the motion is filed. See Local Rule 9013-2.
 - i. If you do not have internet access, you may contact the clerk’s office concerning hearing dates.
- g. Signatures: All documents must be signed and dated.
 - i. If your case is a joint case, both debtors must sign each document.
- h. After the hearing on your motion, you will receive a copy of the order the judge signed in the mail.

II. TERMS RELATED TO YOUR MOTION:

Motion: A formal request for relief filed with a court.

Notice of Motion: A “notice” to interested parties indicating that a request for relief has been filed. The Notice informs other litigants that if they object to the relief sought they must file an objection or response to the motion; it also includes the time within which the objection/response must be filed. The notice sets forth the hearing date, time and location.

Certification in Support of Motion: The Certification contains the facts that the filer believes the court needs to know to grant the motion. The Certification must be completed by someone with “personal knowledge” of the facts.

Service: The act of providing a copy of the filed stamped motion package to all parties who may have an interest in outcome of the motion. See Local Rule 9013-2.

Certification of Service: The filer must set forth in the Certification of Service the name and address of each party served, their relationship to the case, and the manner in which they were served. The Certification must be signed by the person who served the documents. See Local Rule 9013-2.

Proposed Order: The proposed order contains the relief the filer seeks. The judge will decide at the hearing whether to grant the filer’s request for relief. If the relief is granted, the judge will sign the proposed order. See Local Rule 9013-4.

Automatic Stay: An injunction that automatically stops lawsuits, foreclosures, garnishments, and most collection activities against the debtor the moment a bankruptcy petition is filed.

III. RESOURCES

Clerk's Office Locations and Contact Information:

U. S. Bankruptcy Court
Clerk's Office
U. S. Post Office and Courthouse
401 Market Street
Camden, NJ 08101
609-361-2300

U. S. Bankruptcy Court
Clerk's Office
Martin Luther King, Jr. Federal Building
50 Walnut Street
Newark, NJ 07102
973-645-4764

U. S. Bankruptcy Court
Clerk's Office
Clarkson S. Fisher U. S. Courthouse
402 East State Street
Trenton, NJ 08608
609-858-9333

United States Bankruptcy Court, District of New Jersey: www.njb.uscourts.gov

Local Rules for the U. S. Bankruptcy Court for the District of New Jersey:
www.njb.uscourts.gov/local-rules-and-orders

Pacer (To view documents in the court's electronic filing system): www.pacer.gov

Glossary of Legal Terms: <http://www.uscourts.gov/glossary>

Bankruptcy Basics: <http://www.uscourts.gov/services-forms/bankruptcy/bankruptcy-basics>

General Resources: <http://www.njb.uscourts.gov/understanding-bankruptcy/resources>

Register of Governmental Units: <http://www.njb.uscourts.gov/content/register-governmental-units>

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)
[Enter your name, address and telephone number]

In Re:
[Enter the debtor's name(s)]

Case No.: _____
[Enter the case number]

Chapter: _____
[Enter the chapter; example: 13]

Hearing Date: _____
[Enter the hearing date]

Judge: _____
[Enter the Judge's last name]

**NOTICE OF MOTION TO
REINSTATE THE AUTOMATIC STAY**

[Enter your name] _____ has filed papers with the court requesting to reinstate the automatic stay.

YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not want the court to grant this motion, or if you want the court to consider your views, you or your attorney must file with the clerk at the address listed below, a written response explaining your position no later than 7 days prior to the hearing date.

Hearing Date: _____
[Enter the date of the hearing]

Hearing Time: _____
[Enter the time of the hearing]

Hearing Location: _____
[Enter the location of the hearing]

Courtroom Number: _____
[Enter the courtroom number]

If you mail your response to the clerk for filing, you must mail it early enough so the court will receive it on or before 7 days prior to the hearing date.

You must also mail a copy of your response to:

[Enter the trustee's name and address]

[Enter the name and address of all other parties who will be affected by this motion]

If you, or your attorney, do not take the steps outlined above, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: _____
[Enter the date this document is signed]

Signature of the Debtor

Date: _____
[Enter the date this document is signed]

Signature of the Joint Debtor, if any

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In Re:
[Enter the debtor's name(s)]

Case No.: _____
[Enter the case number]

Chapter: _____
[Enter the chapter]

Hearing Date: _____
[Enter the hearing date]

Judge: _____
[Enter the judge's last name]

CERTIFICATION OF DEBTOR(S)

I, *[Enter your name(s)]* _____, debtor in this case, submit this Certification in support of my Motion to Reinstate the Automatic Stay.

1. I am fully familiar with the facts set forth below.

2. I filed for bankruptcy on *[Enter the date your petition was filed]*

_____.

3. On *[Enter the filed date of the Order Vacating the Automatic Stay]*

_____ the automatic stay was vacated because *[Enter the reason the stay was vacated]* _____

4. I request that the stay be reinstated because *[Enter a fact supporting your reasoning for the stay to be reinstated]* _____

5. *[Enter an additional fact, if any, supporting your reasoning for the stay to be reinstated]*

6. *[Enter an additional fact, if any, supporting your reasoning for the stay to be reinstated]*

I certify under penalty of perjury that the above is true.

Date: _____
[Enter the date this document is signed]

Signature of the Debtor

Date: _____
[Enter the date this document is signed]

Signature of the Joint Debtor, if any

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DISTRICT OF NEW JERSEY

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[Enter the chapter; example: 13]

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[Enter the Judge's last name]

STATEMENT AS TO WHY NO BRIEF IS NECESSARY

In accordance with D.N.J. LBR 9013-1(a)(3), it is respectfully submitted that no brief is necessary in the Court's consideration of this motion, as it does not involve complex issues of law.

Date: _____
[Enter date this document is signed]

Signature of the Debtor

Date: _____
[Enter the date this document is signed]

Signature of the Joint Debtor, if any

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)
[Enter your name, address and phone number]

In Re:
[Enter the debtor's name(s)]

Case No.: _____
[Enter the case number]

Chapter: _____
[Enter the chapter of the case]

Hearing Date: _____
[Enter the hearing date]

Judge: _____
[Enter the Judge's last name]

CERTIFICATION OF SERVICE

1. I, _____:

represent _____ in this matter.

am the secretary/paralegal for _____, who represents
_____ in this matter.

am the _____ in this case and am representing myself.

2. On *[Enter the date you served the documents]* _____, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below.

[Place a check next to each document you served]

Notice of Motion to Reinstate the Automatic Stay

Certification in Support of Motion to Reinstate the Automatic Stay

Statement as to Why No Brief is Necessary

Proposed Order Granting Motion to Reinstate the Automatic Stay

Other *[Enter title of document]* _____

3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Date: _____
[Enter the date you signed this document]

Signature _____
[Of the person who served the documents]

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
<i>[Enter the name and address of the party you served]</i>	<i>[Enter the party's relationship to the case]</i>	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/Return receipt requested <input type="checkbox"/> Other _____ (As authorized by the court or rule. Cite the rule if applicable.)
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[Enter your name, address and phone number]

In Re:
[Enter the debtor's name(s)]

Case No.: _____
[Enter the case number]

Chapter: _____
[Enter the case number]

Hearing Date: _____
[Enter the hearing date]

Judge: _____
[Enter the Judge's last name]

ORDER REINSTATING AUTOMATIC STAY

The relief set forth on the following page is hereby **ORDERED**.

[Leave the rest of this page blank]

This matter having been presented to the Court by _____ and the Court having reviewed the motion and any opposition filed, and for good cause shown it is

ORDERED that:

The automatic stay is reinstated as to all creditors served with the motion as of the date of this order, except those previously granted stay relief.

IT IS FURTHER ORDERED that within 3 days of the date of this Order, the debtor must serve all creditors and parties in interest with a copy of this Order and immediately thereafter file Local Form *Certification of Service*.