

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OKLAHOMA



IN RE:

AMENDMENT OF LOCAL
BANKRUPTCY RULE 4001-1(D).

No. 10-GO-01

ORDER AMENDING LOCAL BANKRUPTCY RULE 4001-1(D)

WHEREAS, Local Bankruptcy Rule 4001-1(D) currently requires that a motion for relief from the codebtor stay provided by 11 U.S.C. §§ 1201(c) or 1301(c) afford the parties served 23 days within which to object to the motion; and

WHEREAS, 11 U.S.C. §§ 1201(d) and 1301(d) each provide that the codebtor stay is terminated 20 days after the filing of a motion for relief from the codebtor stay under 11 U.S.C. §§ 1201(c)(2) or 1301(c)(2) unless the debtor or any individual that is liable on such debt with the debtor files an objection to the motion; and

WHEREAS, the Court has determined that a request for relief from the codebtor stay initiates a contested matter under Bankruptcy Rule 9014, and that Local Bankruptcy Rule 4001-1(D) should be amended to reduce the time in which objections must be filed from 23 days to 14 days.

IT IS THEREFORE ORDERED that Local Bankruptcy Rule 4001-1(D) (Relief from the Codebtor Stay) is amended to provide as follows:

D. Relief from the Codebtor Stay.

1. A motion for relief from the codebtor stay provided by 11 U.S.C. §§ 1201(a) or 1301(a) shall be designated as "Motion for Relief from Codebtor Stay." Failure to do so may be deemed a waiver of the benefit of

automatic termination of the stay upon the conditions stated in 11 U.S.C. §§ 1201(d) or 1301(d).

2. The motion shall be filed and served in compliance with Local Bankruptcy Rule 9013-1(B). A notice of opportunity for hearing shall provide for a response time of 14 days (which includes the 3 days for mailing as prescribed by Bankruptcy Rule 9006(f)) within which to object.

3. The motion shall be served upon the debtor, the debtor's counsel, trustee, any individual that is liable on the debt with the debtor (i.e., a codebtor), and all parties in interest who have requested notice in the case.

IT IS FURTHER ORDERED that this General Order shall take effect on March 1, 2010.

Dated this 18th day of February, 2010.


DANAL L. RASURE
UNITED STATES BANKRUPTCY JUDGE


TERRENCE L. MICHAEL
UNITED STATES BANKRUPTCY JUDGE