

Rule 4001-4 Procedures on Motion for Continuation or Imposition of Automatic Stay.

- (a) Contents of Motion. A motion for continuation of the automatic stay pursuant to 11 U.S.C. § 362(c)(3)(B), or a request for the imposition of the automatic stay pursuant to 11 U.S.C. § 362(c)(4)(B), shall be a contested matter commenced by the filing and service of a motion in accordance with Fed. R. Bankr. P. 9014. The objection deadline and hearing date shall be fixed in accordance with Del. Bankr. L.R. 9006-1(c), except as otherwise provided by the chambers procedures of the judge assigned to preside over the debtor's bankruptcy case. The motion shall contain allegations of specific fact supporting the requested relief, verified by an affidavit or declaration under oath upon the declarant's personal knowledge. Any relief sought by the movant or requesting party other than the continuation or imposition of the automatic stay shall not be included in the motion but may be sought in a separate request for relief filed in accordance with Fed. R. Bankr. P. 9014 and/or Fed. R. Bankr. P. 7001, as applicable.
- (b) Notice. In addition to any requirements under applicable law and these local rules, including Local Rule 1007-2, with respect to a party against which the continuation or imposition of the automatic stay is sought, notice and copies of a motion made in accordance with subparagraph (a) of this rule shall be served upon (i) any attorney that represented such party in any bankruptcy case pending in connection with the debtor within one (1) year before the filing of the petition commencing the case, and (ii) any attorney that represented such party in any foreclosure, repossession, or other action to enforce a claim against property of the debtor within one (1) year before the filing of the petition commencing the case.