

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI

U.S. BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI
FILED

SEP 20 2011

STANDING ORDER REGARDING MOTION TO
EXTEND OR IMPOSE THE AUTOMATIC STAY

DANNY L. MILLER, CLERK
BY DW DEPUTY CLERK

IT IS HEREBY ORDERED that the court may grant a motion to extend or impose the automatic stay pursuant to § 362(c)(3)(B) or (c)(4)(B) (“the Motion”) without conducting a hearing subject to the following procedures:

1. Pursuant to 28 U.S.C. § 1746, the debtor must file a *Declaration in Support of the Motion* (“the Declaration”) (forms attached hereto) as an attachment to the Motion.
2. The debtor must serve a copy of the Motion and Declaration on all parties against whom the debtor seeks to continue or impose the stay within 2 days of the filing of the Motion and Declaration and file a certificate of service with the clerk.
3. A motion to extend the automatic stay pursuant to § 362(c)(3)(B) must be filed within 4 days after the date of the filing of the petition.
4. For a motion to extend the automatic stay pursuant to § 362(c)(3)(B), the court shall set a hearing in accordance with Miss. Bankr. L. R. 4001-1(e)(2).
5. For a motion to impose the automatic stay pursuant to § 362(c)(4)(B), the court shall not set a hearing with less than 14 days notice except under extraordinary circumstances.
6. If a response or objection to the Motion is not timely filed, and the debtor has filed an appropriate Declaration in support of the Motion, the court may grant the Motion without conducting a hearing.
7. Nothing contained in this Standing Order shall change the provisions of Miss. Bankr. L. R. 4001-1(e).


SO ORDERED. Effective: September 20, 2011.



EDWARD ELLINGTON
UNITED STATES BANKRUPTCY JUDGE



NEIL P. OLACK
UNITED STATES BANKRUPTCY JUDGE



KATHARINE M. SAMSON
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI

In re:

Case No.:

Chapter

DECLARATION IN SUPPORT OF MOTION TO EXTEND
THE AUTOMATIC STAY PURSUANT TO 11 U.S.C. § 362(c)(3)

The debtor[s], in support of the Motion to Extend the Automatic Stay, state as follows:

1. [I/We] have personal knowledge of the facts listed in the foregoing situation.
2. [I/We] [am/are] over the age of 18, of sound mind, [am/are] capable of making this Declaration, and [am/are] fully competent to testify to the matters stated herein.
3. [I/We] filed this bankruptcy petition on [date].
4. [I/We] previously filed bankruptcy, [case number], under Chapter [#] on [date] and that case was dismissed on [date].
5. [I/We] have had no other pending bankruptcy cases in the preceding one-year period.
6. [I/We] have not had any prior case[s] dismissed in the past year for any of the following reasons:
 - failure to file or amend the petition or other required documents without substantial excuse;
 - failure to provide adequate protection as ordered by the Court; or
 - failure to perform the terms of a plan confirmed by the Court.
7. [I/We] have had a substantial change in [my/our] financial or personal affairs since the dismissal of the last case, and [I/we] believe that this case will:
 - [If a Chapter 7] be concluded with a discharge; or
 - [If a Chapter 11 or 13] result in a confirmed plan that will be fully performed.

8. Those changes are as follows:

[Describe in detail].

Check the appropriate box:

If executed within the United States, its territories, possessions or commonwealths:

[I/We] declare under penalty of perjury that the foregoing is true and correct.

If executed outside the United States:

[I/We] declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: _____
(date)

Debtor's Signature

Executed on: _____
(date)

Joint Debtor's Signature *(if applicable)*

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI

In re:

Case No.:

Chapter

DECLARATION IN SUPPORT OF MOTION TO IMPOSE
THE AUTOMATIC STAY PURSUANT TO 11 U.S.C. § 362(c)(4)

The debtor[s], in support of the Motion to Impose the Automatic Stay, state as follows:

1. [I/We] have personal knowledge of the facts listed in the foregoing situation.
2. [I/We] [am/are] over the age of 18, of sound mind, [am/are] capable of making this Declaration, and [am/are] fully competent to testify to the matters stated herein.
3. [I/We] filed this bankruptcy petition on [date].
4. [I/We] previously filed the following bankruptcy cases:
 - [case number], under Chapter [#] on [date] dismissed on [date].
 - [case number], under Chapter [#] on [date] dismissed on [date].
5. [I/We] have had no other pending bankruptcy cases in the preceding one-year period.
6. [I/We] have not had any prior case[s] dismissed in the past year for any of the following reasons:
 - failure to file or amend the petition or other required documents without substantial excuse;
 - failure to provide adequate protection as ordered by the Court; or
 - failure to perform the terms of a plan confirmed by the Court.
7. [I/We] have had a substantial change in [my/our] financial or personal affairs since the dismissal of the last case, and [I/we] believe that this case will:
 - [If a Chapter 7] be concluded with a discharge; or
 - [If a Chapter 11 or 13] result in a confirmed plan that will be fully performed.

8. Those changes are as follows:

[Describe in detail].

Check the appropriate box:

If executed within the United States, its territories, possessions or commonwealths:

[I/We] declare under penalty of perjury that the foregoing is true and correct.

If executed outside the United States:

[I/We] declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: _____
(date)

Debtor's Signature

Executed on: _____
(date)

Joint Debtor's Signature *(if applicable)*