



U.S. Bankruptcy Court, District of Minnesota

Rule 4001-1. Motions for Relief From Stay

- (a) GOVERNING RULES. Motions for relief from the automatic stay are governed by Local Rule 9013-1 and 9013 -2.
- (b) REQUIRED INFORMATION. In all motions under 11 U.S.C. § 362 (d)(1) or (d)(2) in any chapter 7, 11, 12 or 13 case, the moving party seeking relief from stay with respect to an individual debtor's principal residence shall include a separate verification by a person with personal knowledge of the facts, which shall provide the following information:
- (1) Evidence of standing. Evidence that the moving party has standing to bring the motion, including, at a minimum, a) a copy of the note , b) a copy of the mortgage; c) evidence of perfection of the mortgage; and d) if the movant is not the original mortgagee, evidence that the movant has authority to make the motion.
 - (2) Description of property. The legal description and any street address, including zip code, of the property.
 - (3) Value. The current tax-assessed value of the property and the movant's estimated current market value.
 - (4) Loan History. If the motion alleges a default in making payments to the movant, a complete loan history, indicating all advances made to or charges of any kind made against the debtor beginning on the date of the default applicable to this motion, up to the date the motion is verified. The loan history shall be provided on Local Form 4001-1.
 - (5) Equity. If the amount of equity is at issue, the name of all other lien holders, the amounts due, as scheduled or as provided in any proofs of claim, and their priority with respect to the movant.
 - (6) Payments to Chapter 13 Trustee. If the motion alleges a default in making plan payments to the chapter 13 trustee, the month, amount, and current status of such payments.
- (c) If the proposed order provides for relief as to collateral, it shall substantially conform to Local Form 4001-2(a) (pre-discharge) or Local Form 4001-2(b) (post-discharge).

[Amended effective May 1, 2014; December 1, 2014.]