

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA**

<b>In re:   enter Debtor name(s)</b>  <p style="text-align: center;"><b>DEBTOR(S)</b></p>	<b>CASE NO.   enter Case #</b>  <b>CHAPTER:   select Chapter</b>
<b>enter Movant(s)</b>  <p style="text-align: center;"><b>MOVANT(S)</b></p> <b>v.</b>  <b>enter Respondent(s)</b> <b>AND</b> <b>enter Trustee name</b>  <p style="text-align: center;"><b>RESPONDENT(S)</b></p>	

**PRE-HEARING ORDER**

A Motion for Relief from Stay pursuant to 11 U.S.C. Sec. 362 has been filed and it appearing that pursuant to the provisions of Sec. 362 of the Bankruptcy Code the Court is required to conduct prompt hearings with respect to motions for relief from the automatic stay; and it further appearing that it is necessary to enter certain orders to permit the Court to conduct the aforesaid hearings, and good cause appearing, it is

**ORDERED :**

1. Within seven (7) days from the date of this Pre-Hearing Order, the Movant shall file with the Court and serve on each Respondent a certification on the Movant=s certification form available on the Court=s website, and supporting exhibits, unless the particular information specified below is contained in the Motion for Relief from Stay. If all the below information is not contained in the Motion for Relief, the Movant must file the certification attaching exhibits as necessary for subsection (a) and containing the information in subsections (b) and (c):

- a. True copies of all notes, bonds, deeds of trust, security agreements, car titles, financing statements, assignments, and every other document upon which the Movant(s) will rely at the time of hearing. Attaching these documents as exhibits to the motion shall constitute compliance.
- b. A statement of amount due including a breakdown of the following categories:
  - (1) Unpaid principal
  - (2) Accrued interest and the beginning and ending dates for accrual thereof
  - (3) Late charges and the period covered by the late charges
  - (4) Attorney's fees
  - (5) Advances for taxes, insurance, and the like
  - (6) Unearned interest
  - (7) Any other charges
  - (8) A per diem interest factor
- c. A valuation of the property involved as well as the basis for such valuation.

2. If any Respondent opposes the relief sought in the Motion for Relief, such Respondent(s) shall file within fourteen (14) days from the date of this Pre-Hearing Order a pleading responsive to the allegations contained in the Motion, including as an exhibit the information required in the Respondent's Certification form available on the Court's website, if necessary. Notwithstanding the foregoing provision, if the Motion for Relief has been filed in a case under Chapter 7 before the date of the initial meeting of creditors pursuant to 11 U.S.C. ' 341(a), the Chapter 7 trustee Respondent, if any, shall file any pleading responsive to the allegations contained in the Motion within fourteen (14) days from the date of the initial meeting of creditors. In the event the Movant's Certification form is not timely filed, the Respondent(s) shall file a responsive certification within seven (7) days of the date of its tardy filing, but no later than the day prior to the scheduled hearing. As part of the responsive pleading, the Respondent(s) shall indicate whether controversy exists as to the authenticity of any documents involved in the motion and shall specify the disputed documents. Upon the filing of a responsive pleading, a "contested matter" shall exist.

**Failure to file a responsive pleading, by the applicable deadline set forth above, shall be deemed consent by the non-responding party to the relief requested by the Movant(s) and a waiver of any further notice or opportunity for hearing. Upon default, Movant(s) may prepare and file for entry a default order and there will be no necessity for appearance of counsel as long as the order is entered by the Court prior to the hearing date.**

3. In contested matters, at least five (5) days prior to the scheduled hearing, the Movant(s) shall file with the Court and serve upon each Respondent a detailed report of any appraiser whose testimony is to be presented at the hearing. Said detailed report shall include, without limitation, the qualifications of the appraiser and the factual basis for the appraisal, including comparable sales if utilized, and the method of appraisal. In the case of a motor vehicle, Blue Book or Black Book values may be submitted and counsel shall certify which Book is being used and which category of value is being used, e.g. with respect to Blue Book - wholesale, retail or loan value.

4. In contested matters, at least three (3) days prior to hearing, the Respondent(s) shall file with the Court and serve upon the Movant(s) a report of any appraiser it intends to utilize at the time of hearing, which report shall include the same detail as is specified in the preceding paragraph.

5. In contested matters, at least three (3) days prior to hearing, the Respondent(s) shall file with the Court and serve upon the Movant(s) a statement as to how the Movant(s) can be adequately protected if the stay is to be continued by the Court.

**6. The attorneys for the parties are directed to confer with respect to the issues raised by the Motion prior to the scheduled day of the hearing for the purpose of determining whether a consent order may be entered and/or for the purpose of stipulating to relevant facts, such as the value of the property, and the extent and validity of any security interest. They shall also confer prior to such hearing day concerning whether the hearing will be a preliminary or final hearing. In the event of their failure to confer or failure to agree and advise the Court prior to the day of the hearing that either party is requesting that the scheduled hearing be a final hearing, the Court, unless it finds good cause to do otherwise, will treat the scheduled hearing as a preliminary hearing as provided in 11 U.S.C. ' 362(e)(1).**

7. In contested matters, not later than the working day prior to hearing, counsel shall file with the court, via CM/ECF, one copy of all exhibits to be introduced at the hearing properly marked for identification and shall serve a copy of the exhibits on opposing counsel and any pro se party. On the day of hearing any party filing exhibits via CM/ECF shall bring to court 3 copies of all exhibits filed via CM/ECF for use at the hearing. Exhibits filed via CM/ECF shall be deemed the originals for purposes of the record and admissibility of the exhibits shall be determined on the record at the hearing. *Pro se* parties are required to file exhibits conventionally with the Clerk of this Court rather than via CM/ECF, but will be required to comply with all other provisions of this paragraph. Strict compliance is required to the exhibit instructions available on the Court's website.

8. All counsel and the parties shall comply with this Order and failure to do so will result in imposition of appropriate sanctions and/or dismissal of the proceeding.

Enter this date: [select date](#)

\_\_\_\_\_ [select Judge](#)

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF VIRGINIA  
EXHIBIT INSTRUCTIONS**

All exhibits must be filed electronically prior to the hearing in the electronic filing system (ECF).

The Exhibit list must be typewritten, double-spaced, and should briefly describe each exhibit to be introduced at trial. The Admitted@ and Amarked@ columns should be left blank.

Counsel should pre-mark exhibits near the bottom of the exhibit.

If a group of related items, such as checks or photographs, are to be introduced, each individual item must have page numbers.

Plaintiff=s exhibits are to be in numerical order.

Defendant=s exhibits are to be in alphabetical order.

Government exhibits should be marked AGovernment.@

Joint exhibits should be marked AJoint exhibits.@

If there is more than one Plaintiff or Defendant, the exhibit must identify the party on exhibit.

For exhibits that contain multiple pages, please identify the number of pages within each exhibit. (Example: Defendant Exhibit A - Page 1 of 10)

The marked exhibit shall contain the exhibit number (or letter), the case number [and adversary proceeding number, if applicable] and the date of the trial or hearing.

Example of exhibit format:

Plaintiff's Exhibit #1 07/01/92 Case #92-00001 APN 92-00017A Page 1 of 10
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**Counsel must bring to court three (3) separate sets of exhibits for court use during the Trial, one set for the Judge, one for the Law Clerk, and one for the use by witnesses) unless the litigant has obtained permission from the court in advance of the Trial to provide electronic exhibits at the Trial.**

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA**

<b>In re:</b>  <p style="text-align: center;"><b>DEBTOR(S)</b></p>	<b>CASE NO.</b>  <b>CHAPTER:</b>
<p style="text-align: center;"><b>MOVANTS NAME</b></p> <p style="text-align: center;"><b>MOVANT(S)</b></p> <p style="text-align: center;"><b>v.</b></p> <p style="text-align: center;"><b>RESPONDENTS NAME AND TRUSTEE</b></p> <p style="text-align: center;"><b>RESPONDENT(S)</b></p>	

**MOVANT'S CERTIFICATION REQUIRED WITH  
RESPECT TO MOTION FOR RELIEF FROM STAY**

1. Description of Property: \_\_\_\_\_
2. Copies of Security Instruments: Attached as Movant's Exhibit No. 1.
3. Statement of Amount Due:
  - (a) Unpaid Principal: \_\_\_\_\_
  - (b) Accrued Interest from a specific date to a specific date: \_\_\_\_\_
  - (c) Late Charges from a specific date to a specific date: \_\_\_\_\_
  - (d) Attorney's fees: \_\_\_\_\_
  - (e) Advances for Taxes, Insurance, and the Like: \_\_\_\_\_
  - (f) Unearned Interest: \_\_\_\_\_
  - (g) Any Other Charges: \_\_\_\_\_
  - (h) Dates of missed contractual payments as of date of Motion for Relief: \_\_\_\_\_
4. A Per Diem Interest Factor: \_\_\_\_\_
5. Movant's valuation of property: \$ \_\_\_\_\_  
 Basis of such valuation: \_\_\_\_\_  
 Appraisal or other documentation of such valuation, if attached, is identified as Movant's Exhibit No. 2.

I HEREBY CERTIFY, as a Member of the Bar of the Court, that I represent the above-named Movant(s) and that the information contained herein is true according to the best of my knowledge and belief.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Signature of Movant's Attorney

\*\*\* ALL BLANKS MUST BE COMPLETED  
IF THE ANSWER IS NONE OR NOT  
APPLICABLE, PLEASE SO STATE.

**UNITED STATES BANKRUPTCY COURT  
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<b>In re:</b>  <b>DEBTOR(S)</b>	<b>CASE NO.</b>  <b>CHAPTER:</b>
<b>MOVANTS NAME</b>  <b>MOVANT(S)</b> <b>v.</b> <b>RESPONDENTS NAME</b> <b>AND</b> <b>TRUSTEE</b>  <b>RESPONDENT(S)</b>	

**RESPONDENT'S CERTIFICATION REQUIRED WITH  
RESPECT TO MOTION FOR RELIEF FROM STAY**

1. If different from Movant's certification, description of property:

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2. Respondent's valuation of property: \$ \_\_\_\_\_

Basis for such valuation: \_\_\_\_\_

Appraisal or other documentation of such valuation, if attached, is identified as Respondent's Exhibit A.

I HEREBY CERTIFY, as a Member of the Bar of this Court, that I represent the above-named Respondent(s) and that the information contained herein is true according to the best of my knowledge and belief.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Signature of Respondent(s) Attorney

\*\*\*ALL BLANKS MUST BE COMPLETED.  
IF THE ANSWER IS NONE OR NOT  
APPLICABLE, PLEASE SO STATE.

\_\_\_\_\_  
\_\_\_\_\_  
TYPE Name & Address Above