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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

NORTHERN DISTRICT OF OHIO
YOUNGSTOWN

IN RE:	*	
	*	ADMINISTRATIVE ORDER 05-08
FORM MOTION FOR ORDER CONFIRMING	*	
INAPPLICABILITY OF THE AUTOMATIC	*	
STAY PURSUANT TO 11 U.S.C.	*	HONORABLE KAY WOODS
§ 362(c)(4)(A)(i)	*	

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 amended, *inter alia*, 11 U.S.C. § 362 by adding several new subsections governing when the automatic stay will not take effect in a newly filed bankruptcy case. These subsections became effective in cases filed on or after October 17, 2005.

Pursuant to § 362(c)(4)(A)(ii) of the Bankruptcy Code, as amended, a party in interest may request that the Court enter an Order confirming that the stay imposed by 11 U.S.C. § 362(a) is not in effect in a certain case. In an attempt to facilitate the efficient administration of such requests, the Court is requiring the use of the form motion attached hereto as Exhibit "A" and incorporated by this reference as if fully rewritten herein. From and after the date of entry of this Administrative Order, the use of this form motion will be required in the Youngstown Court location. Any deviation from the form motion shall be explained in bold-faced type within the body of that pleading.

IT IS SO ORDERED.



HONORABLE KAY WOODS
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT "A" to Administrative Order 05-08

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

IN RE:) CASE NO. ___ - _____
)
 [NAME],) CHAPTER ___
)
 DEBTOR(S)) HONORABLE KAY WOODS

**MOTION FOR ORDER CONFIRMING INAPPLICABILITY OF THE
AUTOMATIC STAY PURSUANT TO 11 U.S.C. § 362(c)(4)(A)(i)**

[Movant] (the "Movant") moves this Court, pursuant to § 362(c)(4)(A)(ii) of the Bankruptcy Reform Act of 1978, as amended (the "Bankruptcy Code") for an Order confirming that the stay imposed by § 362(a) of the Bankruptcy Code is not in effect in the Current Case (as defined below). In support of this motion, the Movant states:

1. That on _____, the individual(s) listed above (collectively, the "Debtor") filed this chapter ____ bankruptcy case (the "Current Case").
2. That within the preceding year, the following bankruptcy cases, which were filed by or against Debtor (individually, a "Prior Case"), were pending and were dismissed:

Case Number	Date of Dismissal	Basis for Dismissal*
___ - _____	___ / ___ / ___	_____
___ - _____	___ / ___ / ___	_____
___ - _____	___ / ___ / ___	_____

3. That the Current Case is not a Chapter 11, 12 or 13 that has been re-filed after dismissal of a Prior Case pursuant to § 707(b) of the Bankruptcy Code.

WHEREFORE, Movant prays for an Order from the Court confirming that, pursuant to § 362(c)(4)(A)(i) of the Bankruptcy Code, the stay imposed by § 362(a) of the Bankruptcy Code is not in effect in the Current Case.

 Attorney & Bar Number
 Law Firm
 Street Address
 City / State / Zip Code
 Telephone Number
 E-Mail Address

❖ A brief explanation of the basis on which the Prior Case was dismissed must be set forth including a reference to all applicable Bankruptcy Code sections such as "dismissal pursuant to § 707(b) for Debtor's failure to pass the means test" or "dismissal pursuant to § 521(i) for Debtor's failure to file the following documents (_____) as required by § 521(a)(1)" or "dismissal pursuant to § 1307(c) for Debtor's failure to timely make plan payments."