# **Motion for Relief from Stay and Abandonment**

(Procedure for U.S. Bankruptcy Court, Eastern District of Wisconsin as of 11/9/2012)

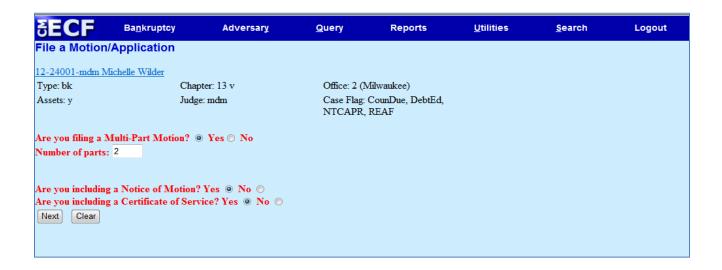
While under the Bankruptcy Menu, go to the Motions/Applications Submenu.



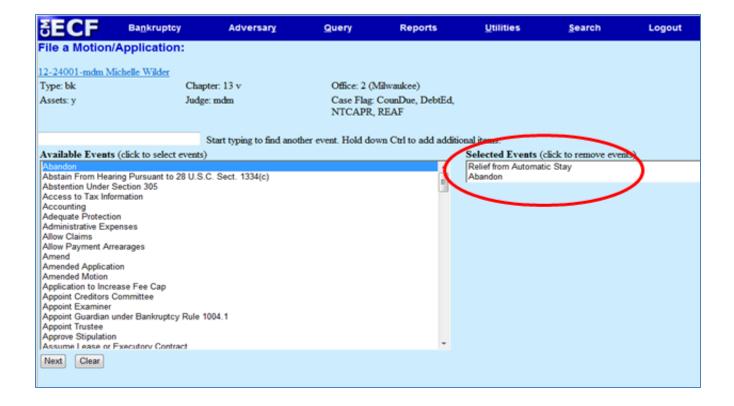
Enter the case number. Click Next.



For this specific motion, click the **Yes** radio button to confirm you are filing a multi-part motion. When presented with **Number of parts** option, enter the number **2**. Answer the questions as to whether you will include your Notice of Motion and Certificate of Service during this docket entry. The court's preference is for the Notice of Motion and Certificate of Service to be filed in the same docket entry as the Motion. Click **Next.** 



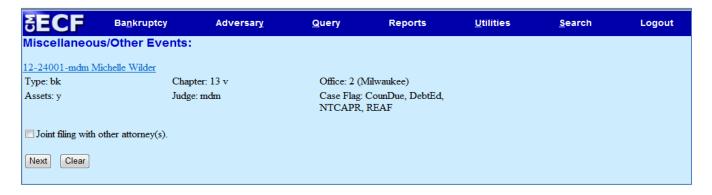
Choose **Relief from Automatic Stay**, <u>then</u> choose **Abandon** from the available events. The events must be selected in that order to avoid a risk of being overcharged for this motion. To select more than one event from the pick list, hold the Ctrl key down on your keyboard while selecting the events. Click **Next**.



This screen displays a warning message to remind users to select the **Relief from Stay** event before selecting the **Abandon** event from the Available Events list on the prior screen. Click **Next**.



Check whether you are filing jointly with another attorney. Click **Next**.



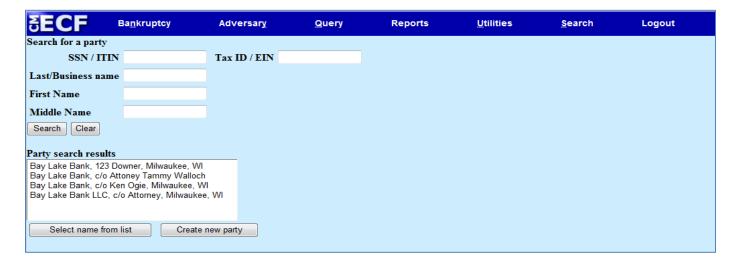
Highlight the party or parties you represent. If the party you represent is not listed, click **Add/Create New Party**.



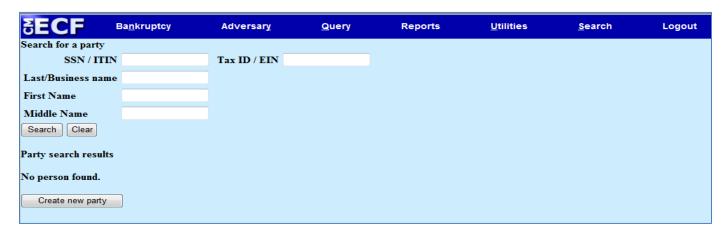
Search for the party (creditor) by typing the **exact** name of the party in the **Last/Business name** field. This function is searching our court's database to see whether the party already exists. Click **Search**.



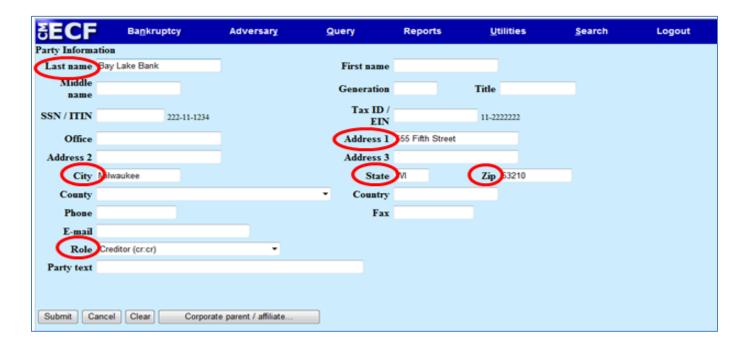
If the search yields a result, a list will appear. You may choose a party from the search results; however, please ensure the name **exactly** matches the way it appears on your documents. If you select a name from the list, no opportunity will ever be presented to modify the name of the party.



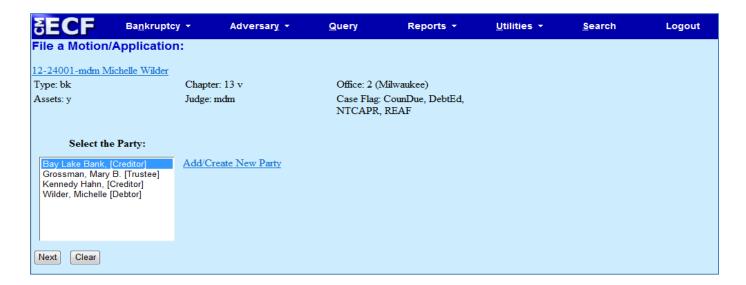
If the search yields no results, or the results do not match the name of your party exactly, click **Create new party**.



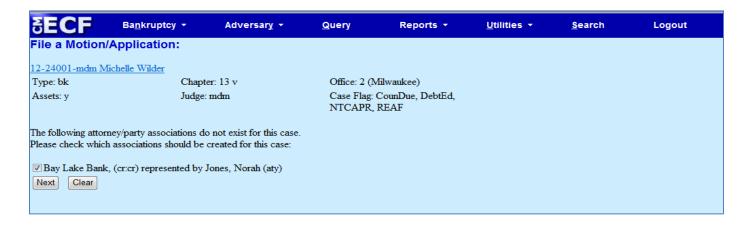
Complete the following fields: Last name (name of business), Address 1, Address 2 (if needed), City, State, Zip, and Role. Click Corporate parent/affiliate and enter the name (if applicable). Click **Submit**.



The party just entered should appear in the pick list. Highlight the party you represent. Click **Next**.



Check the box to make the attorney/party association. Click Next.

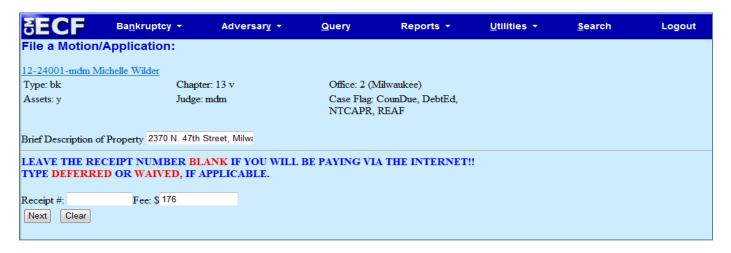


Browse and attach the PDF image of your Motion, Notice, and Certificate of Service. Click Next.



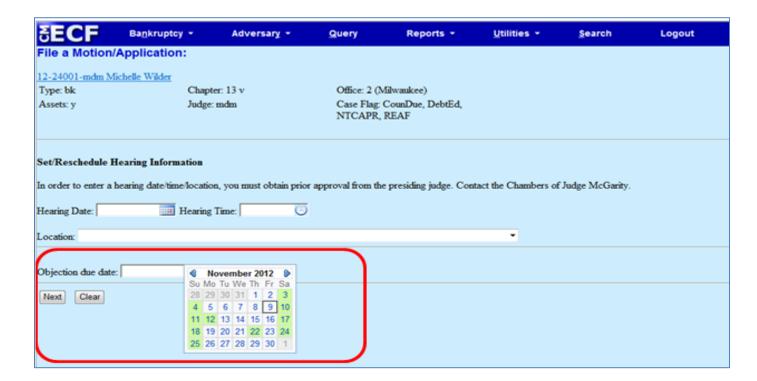
Enter a brief description of the property, e.g., street address.

Do not enter ANYTHING in the Receipt # box. Leave the default dollar amount at \$176. Click Next.

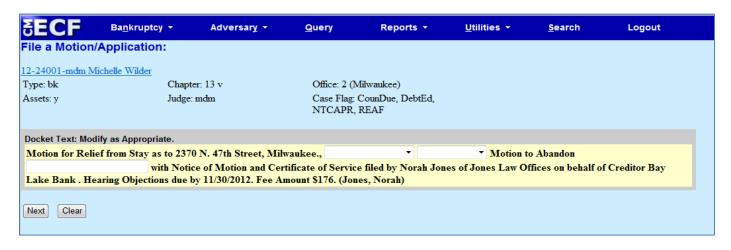


Enter Hearing Date, Hearing Time, and Location **ONLY** if you have received prior approval from the presiding Judge! **Warning: This will schedule a hearing on the presiding Judge's calendar.** 

Enter the **Objection** date from your Notice of Motion. Type the date into the open text box or click on the calendar icon to select a date from the pop up calendar. This date will populate the final docket text.



Review pre-docket text. Click **Next**.



Review final docket text. Click Next.



Review Notice of Electronic Filing and pay for the motion.



After the objection period has passed (assuming no objections were filed), see the following instructions to file your Affidavit/Certification of No Objection/Response/Answer and Proposed Order.

### Affidavit/Certification of No Objection/Response/Answer

While under the Bankruptcy Menu, go to the **Answer/Response** Submenu.



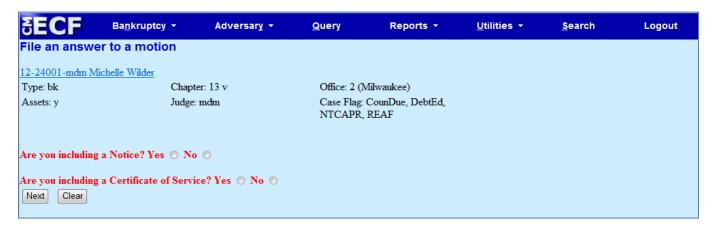
Select Reference an Existing motion/application.



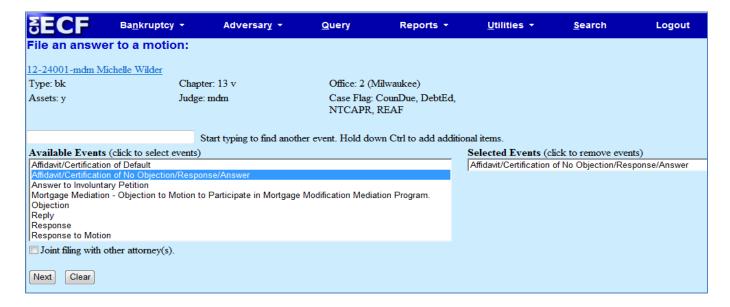
Enter the case number. Click Next.



Answer the following questions accordingly. Click Next.



Choose **Affidavit/Certification of No Objection/Response/Answer** from the available events. Check whether you are filing jointly with another attorney. Click **Next**.



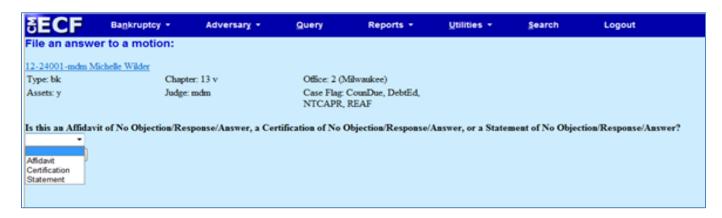
Highlight the party you represent. Click Next.



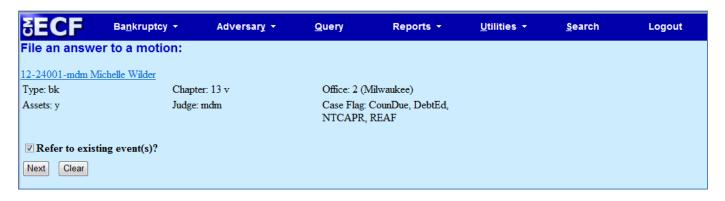
Browse and attach the PDF image of your Affidavit/Certification of No Objection/Response/Answer. Click **Next**.



Select whether you are filing an Affidavit, Certification, or Statement. Click Next.



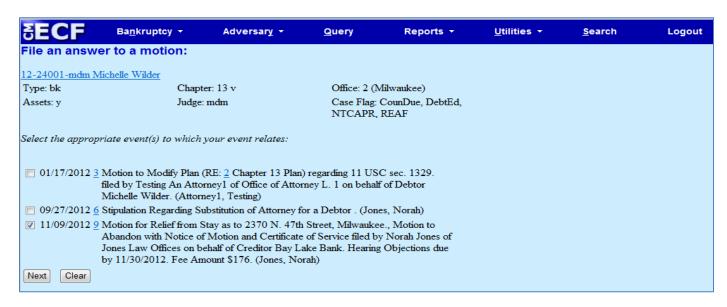
Check the box to **Refer to existing event(s).** Click **Next**.



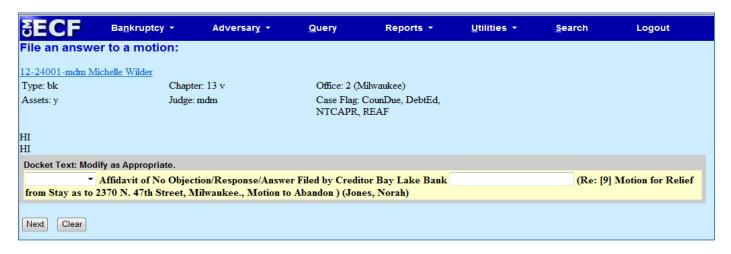
Select the category to which your event relates. **Hint: What was the original document filed?** Be sure to link your Affidavit/Certification/Statement to your original motion. Click **Next**.



Select the appropriate event(s) to which your event relates. Click **Next**.



Review pre-docket text. Click Next.



Review final docket text. Click Next.



# Review final Notice of Electronic Filing.



In conjunction with filing the Affidavit/Certification of No Objection/Response/Answer, don't forget to upload your proposed order.

#### **Proposed Order**

While under the Bankruptcy Menu, go to the **Order Upload** Submenu.



#### Select Single Order Upload.



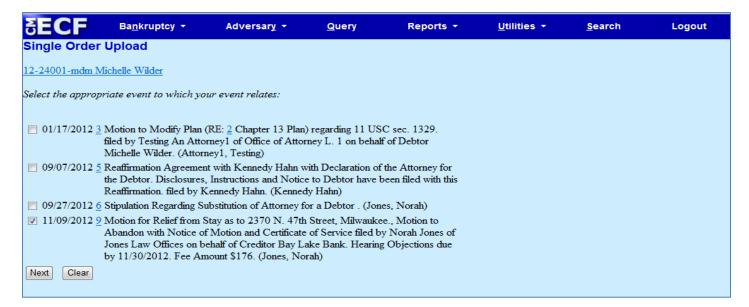
Enter the case number. Click Next.



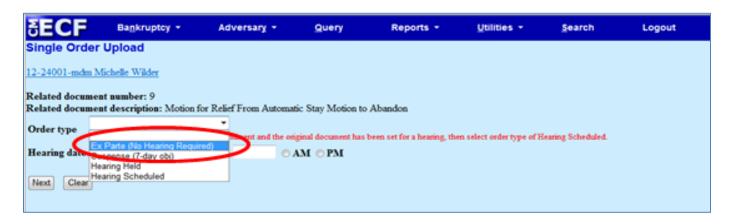
Enter the **Related document number**. **Hint:** Be sure to link the proposed order back to the original motion. Don't worry about remembering the docket number for your original motion, just click **Next** for a list.



Select the appropriate event(s) to which your event relates. Click **Next**.



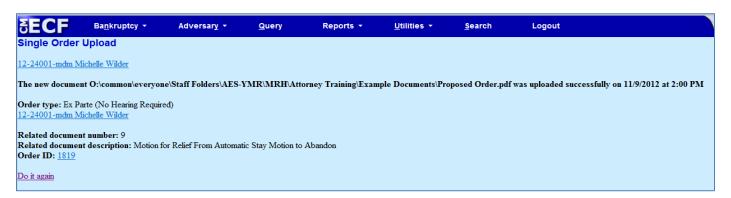
Select an **Order Type**. If an Affidavit/Certification/Statement of No Objection/Response/Answer was just filed, choose **Ex Parte (No Hearing Required)**. Click **Next**.



Browse and attach the PDF image of your Proposed Order. **Hint: Be sure your Proposed Order is formatted correctly.** See the CM/ECF Administrative Procedures for formatting requirements. Click **Next**.



Review the receipt for the Proposed Order.



Reminder, the Proposed Order is submitted directly to the presiding Judge's chambers. Once the order is signed and docketed, the Notice of Electronic Filing will be transmitted to all registered electronic users in the case with a copy of the signed order.