

§ 362 MOTION – RELIEF FROM STAY

Updated 12/1/2023

Description: This process shows the steps and screens required for an external user to complete a § 362 Motion on CM/ECF. **Please Note** that if any fee amounts appear on screenshots below, they were correct at the time of posting but may or may not be current now (check the most current fee on the court's website).

Note to Government Agencies: If you are filing a § 362 Motion on behalf of a government agency and a fee is not required, please contact the court or the CM/ECF Help Desk by visiting the help section of the Courts website at (<http://www.scb.uscourts.gov/Help.html>) for information on how to request a fee exempt login. Please note that this login should be made through pacer.gov and may only be used when representing governmental agencies.

STEP 1 – Click on the **Bankruptcy** hyperlink on the CM/ECF Main Menu Bar.

STEP 2 – The BANKRUPTCY EVENTS screen displays.

- Click on **Motions/Applications** hyperlink.
- For further information on each of these categories, click the **Help** button located on the CM/ECF menu bar.

STEP 3 – The CASE NUMBER screen displays.

- Enter the case number for the appropriate case.
- Click the **[Next]** button.

STEP 4 – The EVENTS screen displays.

- Scroll to select "**Relief from Stay**" from the list of events or start typing "Relief" in the text box to find the event.
- Click the **[Next]** button.

STEP 5 – The JOINT FILING screen displays.

- Click in the box if document is being filed with another attorney.
- Click the **[Next]** button.

STEP 6 – The SELECT PARTY screen displays.

- Select the party that the filing attorney is representing from the list.
- If the correct party does not appear in the drop-down box, click **Add/Create New Party** and complete the information.
- Click the **[Next]** button.

STEP 7 – The ASSOCIATION screen appears.

- Click box to associate filing attorney with the filing party.
- Click the **[Next]** button.
- **Notice!!** Screen.
- Click the **[Next]** button.
- Select the radio button – I certify that I read and meet the previously requirements.
- Click the **[Next]** button.

STEP 8 – The SELECT PDF screen displays.

- Select the .pdf file to associate with this event.
- Click the **[Next]** button.

STEP 9 – The PROPERTY DESCRIPTION/HEARING INFORMATION screen appears.

- Enter the **Property Description**, if any.
- Click the **Date Served: [Calendar]** button and select the date served.
- **Objections Due** date will automatically calculate and appear.
- Click the **Hearing Date: [Calendar]** button to select the date of hearing.
- Enter the **Hearing Time**, including AM or PM.
- Select a **Location** from the drop-down list.
- The Fee will automatically display.
- Click the **[Next]** button.

NOTE: Remember to select the correct Judge and the correct hearing date from calendars available on the web.

STEP 10 – The VERIFICATION screen with debtor name and case number appear.

- Verify this is the correct case.
- Click the **[Next]** button.

STEP 11 – The FINAL DOCKET TEXT screen displays.

- This is the last opportunity to verify the accuracy of the information. Submission of this screen is final.
- If the final docket text is incorrect, click the browser **[Back]** button to find the screen needed to modify.

NOTE: If the **[Back]** button is used and case information is altered, you must use the **[Next]** button and resubmit for each screen or the changes will not take effect. In other words, do not use the **[Forward]** button on the browser if you alter information on a previous screen.

- To abort or restart the transaction, click the Bankruptcy hypertext link on the Menu Bar.
- Click the **[Next]** button if correct.

Sample Docket Text: Final Text

Motion for Relief from Stay, Hearing Notice and Certificate of Service RE: 721 Russell Street, Columbia, SC. Filed by Bill Attorney on behalf of ABC Mortgage Company. Date Served 10/30/2023. Last day for objections is 11/13/2023. Hearing scheduled for 11/21/2023 at 09:00 AM at Columbia. (Attorney, Bill)

Attention!! Submitting this screen commits this transaction. You will have no further opportunity to modify this submission if you continue.

- ~~An electronic payment screen appears (if a fee is due). See section titled, “Fee Payment Via Internet” for additional instructions.~~

STEP 12 – The NOTICE OF ELECTRONIC FILING screen displays.

- The Notice of Electronic Filing is the verification that the filing has been sent electronically to the court’s database. It certifies that the document filed is now an official court document. It is recommended that you print this screen for your records because it also includes the date, time, case number and document number.