

**CERTIFICATION OF NO RESPONSE and
REQUEST FOR 362 DEFAULT ORDER**

10/10/2014

Description: In lieu of submitting a proposed order, as required by SC LBR 4001-1(a)(3) on uncontested motions for relief from the automatic stay, this participants guide shows the steps to expedite the consideration of such motions. Where no timely response has been filed to a motion for relief from stay, attorneys may use this event. The event requires the attorney to certify within the event that no objections are pending, service was made on appropriate parties in interest, 503(b) and 507(b) claims have been waived, and that surplus funds will be returned to the estate.

In Judge Waites and Judge Burris' cases, the movant can also indicate whether a waiver of 4001(a)(3) was requested.

The event does not require the submission of an image. Once completed, the event will create an order for relief that meets individual judge preferences allowing for expedited consideration.

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

STEP 2 – The BANKRUPTCY EVENTS screen displays.

- Select the **Other** hyperlink.
- Enter the case number for the appropriate case.
- Click the [**Next**] button.
- For further information on each of these categories, click the yellow help (?) icon in the upper right hand corner.

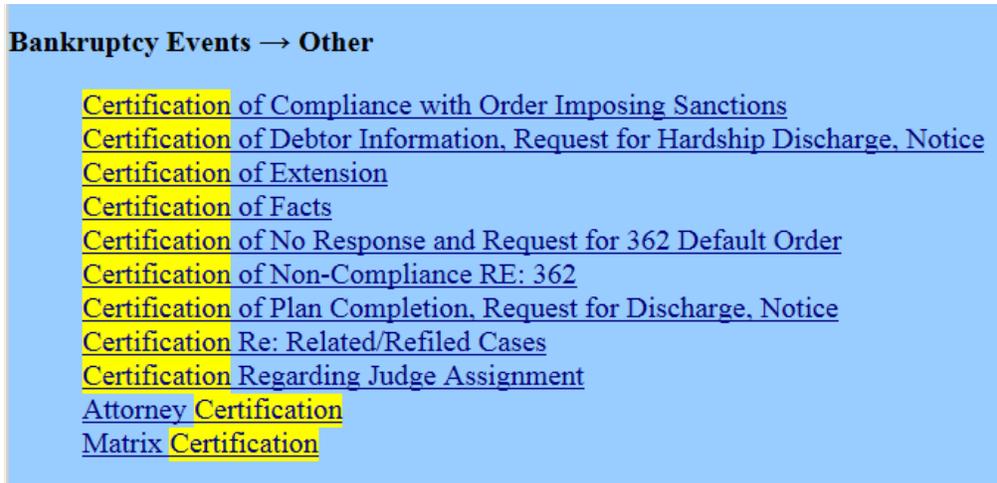
STEP 3 – The AVAILABLE EVENTS screen displays.

- Scroll to select **Certification of No Response and Request for 362 Default Order** from the events list or start typing “Certification” in the text box or click on the **Search** hyperlink on the CM/ECF Main Menu Bar to find the event.

NOTE: By using the Search feature, CM/ECF will indicate where the Bankruptcy Event can be found (i.e., Other) and a list of the events with the search word highlighted (i.e.,

Certification), along with a hyperlink.

Search results for “Certification”



- Once the event is selected, click the [Next] button.

STEP 4 – The JOINT FILING screen appears.

- Click in the box to associate filing attorney with the filing party.
- Click the [Next] button.
- Select any additional attorneys if applicable.
- Click the [Next] button.

STEP 5 – 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 twice.

STEP 6 – The CERTIFICATION OF SERVICE screen appears.

- Click inside the box certifying the following statement “**I certify that the trustee, debtor, debtor(s) counsel, and all other necessary parties, as appropriate, were properly served with the motion.**”
- Click the [Next] button.

REMINDER: RULE 9006(f) Service – Counsel for a moving party is reminded to consider Rule 9006(f) in computing the time before an affidavit of default, certification

of no response, or similar pleading is filed in a case or proceeding in Bankruptcy Court. For example, counsel should not request or propose an order for relief from stay when service was made by mail and no response is made until the 18th day at the earliest. CM/ECF computes the earliest “last day for response” and it is counsel’s responsibility, know how service was made, to wait the appropriate time before certifying the absence of a response.

STEP 7 – The CERTIFICATION OF COMPLIANCE screen appears.

- Click inside the box to certify that the following statements are true and correct:

You must read and certify the following statements before continuing this event:

-No response to the motion for relief from stay has been filed or all responses have been withdrawn.

-503(b) and 507(b) claims have been waived by movant.

-Movant has stipulated that any funds received as a result of the lawful disposition of the collateral in excess of all liens, costs, and expenses will be paid to the trustee or the estate.

- Click the [Next] button.

NOTE: If this is a Judge Burris or Judge Waites case, continue with STEP 8. If this is a Judge Duncan case, please skip to STEP 13.

STEP 8 – The PROPERTY DESCRIPTION screen displays.

- Insert a description of the property serving as collateral in the free hand text box.
- Click the [Next] button.

STEP 9 – The WAIVER screen appears.

- Check inside the box only if the Movant requested a waiver of the Rule 4001(a)(3) stay in the motion. **If this relief was not requested, do not check the box and select Next.**
- Click the [Next] button.

STEP 10 – The REFERENCE AN EXISTING EVENT screen displays.

- Click inside the box to create linkage to an existing pleading. In this instance, this entry should

be linked to the Motion for Relief from Stay.

- Click the **[Next]** button twice.

STEP 11 – The FINAL DOCKET TEXT screen appears.

- 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 docket text is correct.

SAMPLE DOCKET TEXT FOR CASES ASSIGNED TO JUDGE BURRIS AND JUDGE WAITES: Final Text

Certification of Default Regarding Motion for Relief from Automatic Stay and Request for Order Lifting the Automatic Stay. I, Bill Attorney, certify the following: the trustee, debtor, debtor(s) counsel, and all other necessary parties, as appropriate, were properly served with the motion; no response to the motion for relief from stay has been filed or all responses have been withdrawn and the time to object has passed; 503(b) and 507(b) claims have been waived by Movant; and Movant has stipulated that any funds received as a result of the lawful disposition of the collateral in excess of all liens, costs, and expenses will be paid to the trustee or the estate. The property serving as collateral is described as follows: 2006 Volkswagen Jetta, VIN 4VPTW48907. Rule 4001(a)(3) wavier was requested in the Motion. Filed by Bill Attorney on behalf of Joe Debtor. (related document(s)[11]. (Attorney, Bill)

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

STEP 12 – The NOTICE OF ELECTRONIC FILING screen appears.

- 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.

NOTE: For Judge Duncan's cases, proceed with STEP 13.

STEP 13 – The PROPERTY DESCRIPTION AND REFERENCE AN EXISTING EVENT screen displays.

- Insert a description of the property serving as collateral in the free hand text box.
- Click the **[Next]** button.
- Click inside the box to create linkage to an existing pleading. In this instance, this entry should be linked to the Motion for Relief from Stay.
- Click the **[Next]** button twice.

STEP 14 – The FINAL DOCKET TEXT screen appears.

- 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 docket text is correct.

SAMPLE DOCKET TEXT FOR CASES ASSIGNED TO JUDGE DUNCAN: Final Text

Certification of Default Regarding Motion for Relief from Automatic Stay and Request for Order Lifting the Automatic Stay. I, Bill Attorney, certify the following: the trustee, debtor, debtor(s) counsel, and all other necessary parties, as appropriate, were properly served with the motion; no response to the motion for relief from stay has been filed or all responses have been withdrawn and the time to object has passed; 503(b) and 507(b) claims have been waived by Movant; and Movant has stipulated that any funds received as a result of the lawful disposition of the collateral in excess of all liens, costs, and expenses will be paid to the trustee or the estate. The property serving as collateral is described as follows: 2006 Nissan Altima, VIN 7ALT74392056. Filed by Bill Attorney on behalf of Joe Debtor, Jane Debtor. (related document(s))[14]. (Attorney, Bill)

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

STEP 15 – The NOTICE OF ELECTRONIC FILING screen appears.

- 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.