

**PROCEDURES RE MOTIONS TO EXTEND/IMPOSE 11 USC §362 AUTOMATIC STAY
PURSUANT TO §362(c) or §362(n)**

1. Timing re Motions to Extend/Impose Automatic Stay Pursuant to §362(c) or §362(n):
 - a. Motion to Extend. A motion to extend the automatic stay pursuant to §362(c)(3) must be filed within seven (7) days after the order for relief.
 - b. Motion to Impose. A motion to impose the stay pursuant to §362(c)(4) or §362(n)(2) must be filed within thirty (30) days after the order for relief.
2. Content of Motion Filed Pursuant to §362(c). The motion shall include the following information: (a) the case number, date of filing, date of dismissal, and reason for dismissal of each of the debtor's bankruptcy cases that were dismissed within the year prior to the filing of the current case; (b) specific information as to why the moving party contends the current case was filed in good faith, (c) specific identification of the applicable presumption(s) that the case is not filed in good faith under §362(c)(3)(C) or §362(c)(4)(D); and (d) the basis for moving party's contention that the presumptions should be rebutted. The motion must be supported by an affidavit or declaration.
3. Content of Motion Filed Pursuant to §362(n)(2). The motion shall include the following information: (a) the case number, date of filing, date and reason for dismissal (if applicable) of any prior bankruptcy cases described in §362(n)(1)(A) - (D); (b) specific information as to why the moving party contends that the filing of the petition resulted from circumstances beyond the control of the debtor not foreseeable at the time the prior case was filed; and (c) specific information as to why the moving party contends that it is more likely than not that the Court will confirm a feasible plan, but not a liquidating plan, within a reasonable period of time. The motion must be supported by an affidavit or declaration.
4. Filing of Motion and Notice of Hearing. The moving party must timely file with the Clerk of the Bankruptcy Court, and contemporaneously serve, both (a) a written Motion complying with the requirements of ¶2 or ¶3 above, and (b) a fully completed Notice of Hearing using [Local Form \(LBF\) #721.5](#), including the date and time of the hearing obtained from, and following the instructions of, the Court's website (under the Hearings heading, see [Motion re: Imposing/Extending Sec. 362 Stay](#)).
 - A. Unless electronically filed, file the Motion/Notice of Hearing in the Portland Office (1001 SW 5th Ave. #700, Portland, OR 97204) if the 5-digit portion of the Case No. begins with "3" or "4", or the Eugene Office (405 E 8th Ave. #2600, Eugene, OR 97401) if it begins with "6" or "7".
 - B. If you mail your documents to the Court for filing, you must mail them at least three (3) days before any filing deadline, unless you use an overnight delivery service, so they will actually be received at the Court on time.
5. Required Attendance at Hearing. The moving party must be present at the hearing. The moving party may appear via telephone.