

Procedures for Motions to Extend/Impose 11 U.S.C. § 362 Automatic Stay Pursuant to § 362(c) or § 362(n)

1. **Timing re Motions to Extend/Impose Automatic Stay Pursuant to § 362(c)**
 - a. **Motion to Extend.** A motion to extend the automatic stay pursuant to § 362(c)(3) must be filed no later than seven days after the order for relief, with a hearing to be held within 30 days from the petition date.
 - b. **Motion to Impose.** A motion to impose the stay pursuant to § 362(c)(4) must be filed no later than 30 days after the order for relief.
2. **Content of Motion Filed Pursuant to § 362(c).** The motion must be supported by an affidavit or declaration and include:
 - 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 presumptions 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.
3. **Content of Motion Filed Pursuant to § 362(n)(2).** The motion must be supported by an affidavit or declaration and include:
 - 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.
4. **Filing of Motion and Notice of Hearing.** The moving party must timely file with the clerk at 1050 SW 6th Ave. #700, Portland, OR 97204 or 405 E 8th Ave. #2600, Eugene, OR 97401, and contemporaneously serve, the following:

- a. a written motion complying with the requirements of paragraph 2 or paragraph 3 above; and
 - b. a fully completed notice of hearing using [Local Bankruptcy 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](#)).
5. **Required Attendance at Hearing.** The moving party must be present at the hearing. The moving party may appear via telephone.