

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

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In re:

**MODIFICATION OF  
Vt. LBR 4001-1(c) and  
Vt. LBR 9013-1(e)  
PROCEDURES FOR  
STIPULATED MOTIONS**

**Standing Order  
# 02-4**

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WHEREAS parties are often able to stipulate to relief being sought in this Court; and

WHEREAS it is the Court's preference to make practicing in this Court as convenient and efficient as possible within the parameters of the notice and hearing requirements set forth in the Bankruptcy Code and Rules; and

WHEREAS Vt. LBR 4001-1(c) allows for limiting notice, upon the granting of a separate motion, for stipulated motions for relief from stay; and

WHEREAS Vt. LBR 9013-1(e) currently requires each motion and request for relief to be accompanied by a notice of motion setting an objection deadline and hearing date without any waiver of this obligation in the event of a stipulation signed by all parties affected by the relief requested;

THE COURT HEREBY FINDS that it would be more efficient for the Clerk's Office and Court to process stipulated motions immediately and to waive the requirement that a hearing notice be prepared, filed and served where all parties in interest have stipulated to the relief sought.

THEREFORE, IT IS ORDERED that Vt. LBR 4001-1(c) is hereby amended to read as follows:

**4001-1(c) Stipulation.** A stipulation for relief from stay shall describe the property or interest involved, state its fair market value, the basis for valuation, and list any encumbrances against it. Notice required under Vt. LBR 9013-1 is waived for stipulated motions for relief from stay when 1) all parties entitled to notice have been served with the motion; and 2) all parties in interest stipulate to the motion. Additionally, no notice of a stipulation is required if the motion for relief from stay was previously noticed for hearing, and no party has objected or the Court has overruled any objection filed.

THEREFORE, IT IS ORDERED that Vt. LBR 9013-1(e) is hereby modified to relieve parties from filing a notice of motion when

- (1) all parties entitled to notice have been served with the motion or request for relief;
- (2) all parties in interest stipulate to the motion or request for relief; and

- (3) the Bankruptcy Code or Rules do not mandate that an actual hearing be held prior to the Court's ruling on the motion or request for relief.

The modifications of Vt. LBR 4001-1(c) and 9013-1(e) are effective immediately.

SO ORDERED.

Rutland, Vermont  
December 27, 2002

A handwritten signature in black ink, appearing to read "Colleen A. Brown". The signature is written in a cursive style with a horizontal line underneath it.

Colleen A. Brown  
U.S. Bankruptcy Judge