NOTICE

TO: Attorneys and other parties in interest

FROM: Jerry A. Funk
United States Bankruptcy Judge

DATE: August 1, 2003

RE: Procedure for relief from stay in Chapter 7 cases

The Court informs attorneys and other interested parties that effective August 18, 2003, motions for relief from stay in Chapter 7 cases are to be filed using the negative notice procedure. The motion will include the negative notice legend prominently displayed on the face of the first page of the paper and shall be in the form as follows:

> NOTICE OF OPPORTUNITY TO
> OBJECT AND FOR HEARING
>
> Pursuant to Local Rule 2002-4, the Court will consider this motion without further notice or hearing unless a party in interest files an objection within 15 days from the date of service of this paper. If you object to the relief requested in this paper, you must file your objection with the Clerk of the Court at 300 N. Hogan Street, Suite 3-350, Jacksonville, FL 32202-4267 and serve a copy on the movant's attorney (insert name and address).
>
> If you file and serve an appropriate objection within the time permitted, **and the objection reveals factual or legal issues requiring a hearing**, the Court will schedule a hearing and you will be notified. Otherwise, the Court will consider the motion and the responses on the papers without further notice or hearing. If you do not file an objection within the time permitted, the Court will consider that you do not oppose the granting of the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

IMPORTANT NOTES-

The negative notice legend must include the language noted in bold above "and the objection reveals factual or legal issues requiring a hearing" verbatim.

If the 15-day period set forth in the negative notice legend passes without an appropriate response being filed, the movant must submit to the Court a proposed order granting relief from the automatic stay based on a lack of response. A sample order is attached to this Notice.

If no appropriate response has been filed in opposition to the motion for the relief from stay in the time allowed, then the proposed order granting relief from stay will be signed without further notice or hearing. If an appropriate response has been filed, then a hearing will be scheduled and noticed.

A motion for relief from stay filed in a Chapter 7 case must be accompanied by affidavits or other qualified attachments setting forth facts relevant to the disposition of the motion, such as the indebtedness alleged and the asserted value of the collateral securing that indebtedness.

Motions not filed in accordance with these procedures will be abated by order of the Court until the movant has corrected the deficiencies noted in the order abating.

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

IN RE: **CASE NO: (3F7)**

Debtor(s) /

ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY

This Case is before the Court on the Motion for Relief from Stay filed by (Movant) on August 18, 2003. No appropriate response having been filed in accordance with Local Rule 2002-4, it is

ORDERED:

1. The Motion for Relief from the Automatic Stay is granted.

2. The Automatic Stay imposed by 11 U.S.C. §362 is lifted as to Movant, and it may proceed with the foreclosure of its lien on the following property:

[LEGAL DESCRIPTION]

3. This Order is entered for the sole purpose of allowing Movant to obtain an *in rem* judgment against the property described above. Movant shall not seek an *in personam* judgment against Debtor(s).

DATED August 1, 2003, at Jacksonville, Florida.

JERRY A. FUNK
United States Bankruptcy Judge

Copies to: