

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

**IN RE:
ORDER AMENDING LOCAL RULE
4001-2**

**GENERAL ORDER NO.
2023-5**

For good cause shown, after proposal from the AAG subcommittee and publishing for comment, and pending revision of this Court's local rules, it is hereby ORDERED that Local Rule 4001-2 is amended to read:

Rule 4001-2 Automatic Stay - Extension or Imposition ...

B. Contents of Motion. A motion to extend or impose the automatic stay ~~filed pursuant to this rule shall include the following information: the number of previous cases under the Bankruptcy Code involving the debtor and pending within the one-year period preceding the filing of the current case; the jurisdiction and case number of each such case; the date and reason for dismissal of each such previous case; whether any presumption of lack of good faith arises pursuant to § 362(c)(3)(C) or § 362(c)(4)(D); and the facts upon which the movant relies to rebut any such presumption~~ **must be filed using the Local Form [See Local Forms – MOW 4001-2.] ...**

E. Order Entered Without Hearing. The Court may grant the motion in accordance with Fed. R. Civ. P. 43(c) and Fed. R. Bankr. P. 9017, without hearing, only if: (i) the movant files and serves, ~~along with the motion,~~ **the verified motion** in substantial compliance with the Local Form, or an Affidavit or other declaration or statement subscribed by the declarant in accordance with 28 U.S.C. §1746 containing the facts upon which the movant relies to rebut any presumption under § 362(c)(3)(C) or § 362(c)(4)(D); (ii) no objection to such motion is filed within 14 days subsequent to the service of the motion (or such shorter time as is ordered); and (iii) the Court determines that the motion complies with this rule and that the information contained **in the verified motion or** in the Affidavit is sufficient to rebut any presumption under § 362(c)(3)(C) or § 362(c)(4)(D). If no Order has been entered by 48 hours prior to the scheduled hearing, parties should assume the hearing will be held as scheduled, and failure to appear will result in the motion being denied.

This General Order is effective immediately and shall remain in effect until further order or notice of this Court. IT IS SO ORDERED.

Dated: 10/24/2023

/s/ Brian T. Fenimore
Chief Bankruptcy Judge

/s/ Dennis R. Dow
Bankruptcy Judge

/s/ Cynthia A. Norton
Bankruptcy Judge