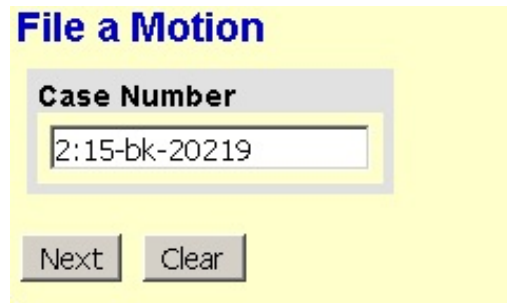


FILING A MOTION TO MODIFY STAY
LOCAL RULE 4001-1

The following instructions will guide you through the process of filing a Motion to Modify Stay (Relief from Stay)

STEP 1 Select **Bankruptcy** from the Main Menu, and then click on **Motion/Applications** hypertext link.

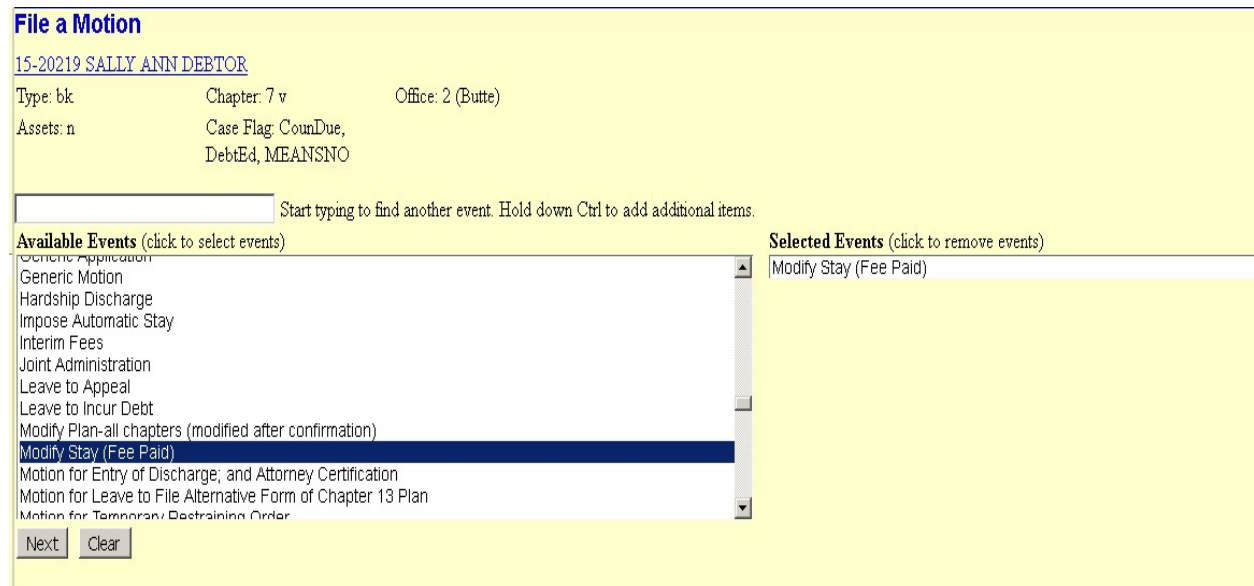
STEP 2 The **Case Number** entry screen appears.



The screenshot shows a yellow background with the title "File a Motion" in blue. Below the title is a grey box labeled "Case Number" containing a text input field with the value "2:15-bk-20219". At the bottom of the grey box are two buttons: "Next" and "Clear".

- . Enter a case number, and click on the **Next** button to continue.
- . If the computer prompts that you entered an invalid case number, click on **Back** hypertext link to re-enter.
- . Click on **Next**.

STEP 3 This screen allows you to select the type of pleading being filed.



The screenshot shows a yellow background with the title "File a Motion" in blue. Below the title is the case information: "15-20219 SALLY ANN DEBTOR". Underneath are fields for "Type: bk", "Chapter: 7 v", "Office: 2 (Butte)", "Assets: n", "Case Flag: CounDue, DebtEd, MEANSNO". Below this is a search bar with the text "Start typing to find another event. Hold down Ctrl to add additional items." There are two columns: "Available Events (click to select events)" and "Selected Events (click to remove events)". The "Available Events" list includes: "Generic Application", "Generic Motion", "Hardship Discharge", "Impose Automatic Stay", "Interim Fees", "Joint Administration", "Leave to Appeal", "Leave to Incur Debt", "Modify Plan-all chapters (modified after confirmation)", "Modify Stay (Fee Paid)", "Motion for Entry of Discharge, and Attorney Certification", "Motion for Leave to File Alternative Form of Chapter 13 Plan", and "Motion for Temporary Restraining Order". The "Selected Events" list contains "Modify Stay (Fee Paid)". At the bottom are "Next" and "Clear" buttons.

- . Using up and down arrows to right of box, scroll the options to highlight the type of document being filed.
- . Click on **Next** to proceed, or **Clear** to repeat selecting.

STEP 4 This screen allows you to select whether or not you are filing the motion/application with a joint attorney. This screen is used only if another attorney is joining in a filing. If you are the only trustee/attorney filing this application, skip this screen by clicking **[Next]** and proceed to **Step 6**.

File a Motion:

15-20219 SALLY ANN DEBTOR

| | | |
|-----------|--|-------------------|
| Type: bk | Chapter: 7 v | Office: 2 (Butte) |
| Assets: n | Case Flag: CounDue, DebtEd, MEANSNO | |

Joint filing with other attorney(s).

- . If this is a joint filing and the box is checked, a listing of attorneys presently on the case will be presented for selection.
- . Click **[Next]**

STEP 5 Select any additional attorney(s) screen appears.

File a Motion:

15-20219 SALLY ANN DEBTOR

| | | |
|-----------|--|-------------------|
| Type: bk | Chapter: 7 v | Office: 2 (Butte) |
| Assets: n | Case Flag: CounDue, DebtEd, MEANSNO | |

Select any additional attorney(s)

ATTORNEY, TRAIN E. [Creditor]

PALMER, LARRY [Creditor]

Click an attorney to see the party s/he represents
[type of party shown in brackets]

. Click on the additional attorney filing the joint pleading and Click [Next]

STEP 6 Select the Party screen appears

File a Motion:

15-20219 SALLY ANN DEBTOR

| | | |
|-----------|--|-------------------|
| Type: bk | Chapter: 7 v | Office: 2 (Butte) |
| Assets: n | Case Flag: CounDue, DebtEd, MEANSNO | |

Select the Party:

| | |
|---|--------------------------------------|
| <input type="text" value="DEBTOR, SALLY ANN [Debtor]"/> | Add/Create New Party |
| <input type="text" value="FIRST MORTGAGE CO, [Creditor]"/> | |
| <input type="text" value="OFFICE OF THE U.S. TRUSTEE, [U.S. Trustee]"/> | |
| <input type="text" value="WELLS FARGO BANK, [Creditor]"/> | |

. If the name of party/filer is listed, click on the name(s), click on **Next** and then proceed to **Step 9**. [If the selection box is full, use the scroll arrows to further search for the party name(s)]

To select more than one name from the list, hold down the Ctrl key and use your mouse to click on the names.

. If the name of party(s) is not listed, click on **Add/Create New Party**

The **Search for a party** screen appears.

Search for a party

| | | | |
|--------------------|----------------------|--------------|----------------------|
| SSN / ITIN | <input type="text"/> | Tax ID / EIN | <input type="text"/> |
| Last/Business name | <input type="text"/> | | |
| First Name | <input type="text"/> | | |
| Middle Name | <input type="text"/> | | |

- . Enter the party's last name or business name (using upper case characters).

Search for a party

SSN / ITIN Tax ID / EIN

Last/Business name

First Name

Middle Name

Click on **Search**

- . The **Search for a party (party results)** screen appears

Search for a party

SSN / ITIN Tax ID / EIN

Last/Business name

First Name

Middle Name

Party search results

WELLS BANK
WELLS FARGO
WELLS FARGO, PO BOX 5185, SIOUX FALLS, SD
WELLS FARGO
WELLS FARGO BANK
WELLS FARGO BANK CREDIT MANAGEMENT GROUP (LIM, A), LOSS RECOVERY UNIT, DIAMOND BAR, CA

- . If name(s) is not listed, click on **Create a New Party** proceed to **Step 7**.
 - . If the name(s) is listed, click on it. Click **Select name(s) from list**.
 - . Party's information appears for verification and modification, if necessary.
[This screen appears every time you select a party that exists or has been added to the system.] **PLEASE DO NOT ADD MAILING INFORMATION IF ADDING CREDITOR**
 - . Click on drop box, **Role**, to select appropriate party role, (i.e., Debtor, Creditor, etc.).
 - . Click on **Submit** to continue

- Proceed to **Step 8**.

STEP 7 The **Party Information** screen will appear:

| Party Information | | | | | |
|---|-------------------------------------|------------|---------------------------------|-------|----------------------|
| Last name | <input type="text"/> | First name | <input type="text"/> | | |
| Middle name | <input type="text"/> | Generation | <input type="text"/> | Title | <input type="text"/> |
| SSN/ITIN | <input type="text"/> 999-99-9999 | Tax Id/EIN | <input type="text"/> 12-1234567 | | |
| Office | <input type="text"/> | Address 1 | <input type="text"/> | | |
| Address 2 | <input type="text"/> | Address 3 | <input type="text"/> | | |
| City | <input type="text"/> | State | <input type="text"/> | Zip | <input type="text"/> |
| County | <input type="text"/> | Country | <input type="text"/> | | |
| Phone | <input type="text"/> | Fax | <input type="text"/> | | |
| E-mail | <input type="text"/> | | | | |
| Role | <input type="text"/> blank (blank:) | | | | |
| Party text | <input type="text"/> | | | | |
| <input type="button" value="Submit"/> <input type="button" value="Cancel"/> <input type="button" value="Clear"/> <input type="button" value="Corporate parent / affiliate..."/> | | | | | |

- Enter the party information in appropriate fields. Use the *Last Name* field for last name or full business name, then press the tab key to advance to the *First Name* field and enter first name. Proceed to the **Role** field by clicking on the arrow to the right of the box to select the new person's role, (i.e., Creditor (cr:cr)). **PLEASE DO NOT ADD ADDRESSES**
- Click on **Submit** to continue

STEP 8 The **Select the Party** screen appears with your party highlighted. Click on **Next**

| File a Motion: | | |
|---|--|-------------------|
| <u>15-20219 SALLY ANN DEBTOR</u> | | |
| Type: bk | Chapter: 7 v | Office: 2 (Butte) |
| Assets: n | Case Flag: CounDue, DebtEd, MEANSNO | |
| Select the Party: | | |
| <input type="text" value="DEBTOR, SALLY ANN [Debtor]"/> <input type="text" value="FIRST MORTGAGE CO, [Creditor]"/> <input type="text" value="OFFICE OF THE U.S. TRUSTEE, [U.S. Trustee]"/> <input type="text" value="WELLS FARGO BANK, [Creditor]"/> | Add/Create New Party | |
| <input type="button" value="Next"/> <input type="button" value="Clear"/> | | |

STEP 9 The attorney/party association screen appears.

File a Motion:

15-20219 SALLY ANN DEBTOR

| | | |
|-----------|--|-------------------|
| Type: bk | Chapter: 7 v | Office: 2 (Butte) |
| Assets: n | Case Flag: CounDue, DebtEd, MEANSNO | |

IMPORTANT: The following attorney/party association(s) will be created in this case. De-selecting a party association will result in the filing attorney NOT receiving Notices of Electronic Filing for that party. If this is a joint filing, review the list carefully to ensure that only parties represented by the filing attorney are selected.

FIRST MORTGAGE CO, (cror) represented by Vader, Darth (aty)

NOTE FOR ASSOCIATION: Click the box to associate the attorney with the party added/selected. Click NEXT to continue. [You will receive this message if an attorney has not previously been associated with the party].

STEP 10 Select the PDF Document screen appears.

Click on **Browse**, search and open your PDF document and attach correct PDF.

File a Motion:

15-20219 SALLY ANN DEBTOR

| | | |
|-----------|--|-------------------|
| Type: bk | Chapter: 7 v | Office: 2 (Butte) |
| Assets: n | Case Flag: CounDue, DebtEd, MEANSNO | |

Filename

04-20037 MOTION TO MODIFY STAY.pdf

Attachments to Document: No Yes

If there are attachments to document, e.g. exhibit, appendix, etc.

- . Click on the radio button next to **Yes**.
- . Click on **Next**.

STEP 11 Select one or more attachments screen appears. All exhibits must be attached at this screen:

File a Motion:

15-20219 SALLY ANN DEBTOR

Type: bk Chapter: 7 v Office: 2 (Butte)
Assets: n Case Flag: CounDue,
 DebtEd, MEANSNO

Select one or more attachments.

1) Select the PDF document that contains the attachment.

Filename

TestDoc-A.pdf

2) Fill in the fields below.

Category and/or **Description**

3) Add the filename to the list box below. If you have more attachments, go back to Step 1. When the list of filenames is complete, click on the Next button.

- . Select the filename of your attachment by using **Browse**.
 - . Click on the ▼ down arrow next to **CATEGORY** and click on type of attachment.
 - . Click in **Description** (not necessary if you chose category) box and type in any additional description.
 - . Click on **Add to List**.
 - . Continue to *Add Attachments* using the above steps as necessary.
 - . Once all attachments have been added, click on **Next**.

If there are no attachments to document:

- . Click on **Next** and the following screen appears.

File a Motion:

15-20219 SALLY ANN DEBTOR

Type: bk Chapter: 7 v Office: 2 (Butte)
Assets: n Case Flag: CounDue,
 DebtEd, MEANSNO

fourteen day objection due date: 12/22/2015

Fee: \$176

STEP 12 Docket Text: Modify as Appropriate screen appears.

File a Motion:

15-20219 SALLY ANN DEBTOR

Type: bk Chapter: 7 v Office: 2 (Butte)
Assets: n Case Flag: CounDue, DebtEd, MEANSNO

Docket Text: Modify as Appropriate.

Motion to Modify Stay Fee Amount \$176 Filed by Creditor FIRST MORTGAGE CO . Objection Due by 12/22/2015. (Attachments: # (1) Appendix) (Vader, DARTH)

Certain events in ECF are straight forward and DO NOT allow modification to the final docket text.

This event falls into that category.

- . Verify docket entry as it appears on screen.
- . If correct, click on **Next** to submit filing to court.
- . If docket entry is incorrect, press **Back** to make corrections, or start over by clicking on **Bankruptcy** on the main menu bar.

STEP 13 Docket Text: Final Text screen appears.

File a Motion:

15-20219 SALLY ANN DEBTOR

Type: bk Chapter: 7 v Office: 2 (Butte)
Assets: n Case Flag: CounDue, DebtEd, MEANSNO

Docket Text: Final Text

Motion to Modify Stay Fee Amount \$176 Filed by Creditor FIRST MORTGAGE CO . Objection Due by 12/22/2015. (Attachments: # (1) Appendix) (Vader, DARTH)

Attention!! Submitting this screen commits this transaction. You will have no further opportunity to modify this submission if you continue.

Have you redacted?

- . Verify docket entry as it appears on screen.
- . If correct, click on **Next** to submit filing to court.
- . If docket entry is incorrect, press **Back** to make corrections, or start over by clicking on **Bankruptcy** on the main menu bar.

Receipt of Filing

Once entry is submitted after final approval, the **Notice of Electronic Filing** screen appears. This screen gives confirmation that the system has received the entry, and the entry now is an

official court document. Scroll down to view entire receipt.

The **Notice of Electric Filing** appears each time you submit a filing to the court through the ECF System. Each notice will include the following:

- . Who filed the document:
- . Date and Time:
- . Case Name:
- . Case Number:
- . Document Number:
- . Original filename (*pdf*):
- . Electronic document Stamp:

File a Motion:

15-20219 SALLY ANN DEBTOR

Type: bk Chapter: 7 v Office: 2 (Butte)
Assets: n Case Flag: Com/Due,
 DebtEd, MEANSNO

U.S. Bankruptcy Court

U.S. Bankruptcy Court, District of Montana - Train

Notice of Electronic Filing

The following transaction was received from Darth Vader entered on 12/8/2015 at 1:02 PM MTN and filed on 12/8/2015

Case Name: SALLY ANN DEBTOR

Case Number: [15-20219](#)

Document Number: [2](#)

Doclet Text:

Motion to Modify Stay Fee Amount \$176 Filed by Creditor FIRST MORTGAGE CO. Objection Due by 12/22/2015. (Attachments: # (1) Appendix) (Vader, Darth)

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: 04-20037 MOTION TO MODIFY STAY.pdf

Electronic document Stamp:

[S TAMP bkedfStamp_ID=986323682 [Date=12/8/2015] [FileNumber=13874-0] [d1641025a5b9ca3d18e575e4b2c04bae50f58ccadadb4a9c700362b8a389c2b62d87c1b3603cd0f2885e70777675340f7603eed6a4d95c560657043530d2e7]]

Document description: Appendix

Original filename: TestDoc-A.pdf

Electronic document Stamp:

[S TAMP bkedfStamp_ID=986323682 [Date=12/8/2015] [FileNumber=13874-1] [9bf1394d7cec1bc2a220b5de836bf5829762d2534466d7ae9a5101b70e4de1d2bb371e ec2adceda238929e4efbbe023600745975614c4E530a7066be54d8c01]]

15-20219 Notice will be electronically mailed to:

Darth Vader on behalf of Creditor FIRST MORTGAGE CO
mary_palmer@mtb.uscourts.gov, cecil_chandler@mtd.uscourts.gov

Darth Vader on behalf of Debtor SALLY ANN DEBTOR
mary_palmer@mtb.uscourts.gov, cecil_chandler@mtd.uscourts.gov

15-20219 Notice will not be electronically mailed to:

TRAIN E. ATTORNEY on behalf of Creditor WELLS FARGO BANK
US Bankruptcy Clerk's Office, Dist
Room 303 Federal Building
400 North Main Street
PO Box 689
Butte, MT 59701

OFFICE OF THE U.S. TRUSTEE
U.S. TRUSTEE'S OFFICE
P.O. BOX 3509
GREAT FALLS, MT 59401

LARRY PALMER on behalf of Creditor FIRST MORTGAGE CO
PALMER & PALMER
PO BOX 1
BUTTE, MT 59701

Print receipt

- . Click on **File** at top of Internet Explorer screen and select **Print, or**
- . Click on the Printer Icon at the top of the page.

[Note: It is highly suggested that copies of receipts be maintained for your records]